

NORTH WEST COMMUNITY COUNCIL

MINUTES

AUGUST 28, 2003

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

ALSO PRESENT: Thea Langille-Hanna, Planner
Andrew Bone, Planner
Sandra Shute, Legislative Assistant

TABLE OF CONTENTS

1.	Call to Order	4
2.	Approval of Minutes	4
3.	Approval of the Order of Business and Approval of Additions and Deletions	4
4.	Business Arising Out of the Minutes	
4.1	Status Sheet Items	
4.1.1	Amendments to 15/18/19 Plan to allow subdivision of two-unit dwellings	4
4.1.2	Bernie's Auto, Dartmouth Road	4
4.1.3	Repairs to Abutments of Lucasville Road Bridge	5
4.1.4	Cap on Taxi Roof Lights in the Bedford/Sackville area	5
4.1.5	Sidewalk on Sackville Drive - Middle and Upper Sackville	5
4.1.6	Exposed Manholes - Springfield Lake Road	5
4.1.7	Mobile Home Park Issues	5
4.1.8	Redevelopment of Former Sackville Heights Elementary School	5
4.1.9	Drainage and Sediment - Springfield Lake	5
4.1.10	Outdoor Display Courts	5
4.1.11	Setback for Accessory Buildings on R-0 Lots in Sackville	5
4.1.12	Fencing of Pathways	5
5.	Motions of Reconsideration - None	5
6.	Motions of Rescission - None	5
7.	Consideration of Deferred Business - None	5
8.	Public Hearings - None	5
9.	Correspondence, Petitions and Delegations - None	5

10.	Reports	
10.1	Case 00414 - Amendments to the Bedford MPS and LUB Respecting the Mainstreet Commercial (CMC) Zone	6
10.2	Appointment to Bedford Watershed Advisory Board	6
10.3	Little Sackville River - Planning Issues	6
10.4	Sackville Drive Pedestrian Safety	7
11.	Motions - None	7
12.	Added Items	
12.1	Tucker Lake Road	7
12.2	Sackville Waters Advisory Committee	8
12.3	Tree Advisory Committee for District 21	8
12.4	Residential Building Lots - Baha Court	9
13.	Notices of Motion - None	9
14.	Public Participation	
14.1	Little Sackville River - Planning Issues	9
14.2	Other	11
15.	Next Meeting Date	12
16.	Adjournment	12

1. **CALL TO ORDER**

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

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - July 10, 2003**

MOVED by Councillor Johns, seconded by Councillor Harvey to approve the Minutes of meeting held on July 10, 2003 as circulated. MOTION PUT AND PASSED.

2.2 **Special Council Session - July 30, 2003**

MOVED by Councillor Johns, seconded by Councillor Harvey to approve the Minutes of Special Council Session held on July 30, 2003 as circulated. MOTION PUT AND PASSED.

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

Added Items: Tucker Lake Road
Sackville Waters Advisory Committee
Tree Advisory Committee for District 21
Residential Building Lots - Baha Court

MOVED by Councillor Johns, seconded by Councillor Harvey 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 **Amendments to 15/18/19 Plan to Allow Subdivision of a Two-Unit Dwelling**

As requested by Community Council, this has now become an official Planning case and a Public Information Meeting has been held. This can come off the Status Sheet.

4.1.2 **Bernie's Auto, Dartmouth Road**

Thea Langille-Hanna, Planner agreed to find out the status of this request.

4.1.3 Repairs to Abutments of Lucasville Road Bridge - No information.

4.1.4 Cap on Taxi Roof Lights in the Bedford/Sackville area - No information.

4.1.5 Sidewalk on Sackville Drive - Middle and Upper Sackville - No information.

4.1.6 Exposed Manholes - Springfield Lake Road

These have been fixed. To come off Status Sheet.

4.1.7 Mobile Home Park Issues - No information.

4.1.8 Redevelopment of Former Sackville Heights Elementary School

This can come off the Status Sheet as the development is in hand.

4.1.9 Drainage and Sediment - Springfield Lake - No information.

4.1.10 Outdoor Display Courts

This has become a Planning case and will go forward in the Fall. To come off Status Sheet.

4.1.11 Setback for Accessory Buildings on R-0 Lots in Sackville

A report is expected by the end of September.

4.1.12 Policy P-71, Beaver Bank, Hammonds Plains, Upper Sackville MPS

No information.

4.1.13 Fencing of Pathways - No information.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS** - None

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None

10. **REPORTS**

10.1 **Case 00414 - Amendments to the Bedford MPS and LUB Respecting the Mainstreet Commercial (CMC) Zone**

A Memorandum dated August 6, 2003 was before Community Council. The Joint Public Hearing with Regional Council was held on July 8, 2003. Subsequently, amendments to the Bedford Municipal Planning Strategy and Land Use By-law were reviewed by the provincial government and became effective on August 16, 2003. The Development Agreement was before Community Council at this time for consideration.

MOVED by Councillor Harvey, seconded by Councillor Johns to:

1. **Approve the Development Agreement, attached as Attachment "B" to the Memorandum dated August 6, 2003 to enable residential dwelling units to exceed 50% of the gross floor area of a commercial/residential mix use building at 1091-1095 Bedford Highway; and**
2. **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 UNANIMOUSLY.

10.2 **Appointment to Bedford Watershed Advisory Board**

MOVED by Councillor Goucher, seconded by Councillor Johns that Kate Hadden be appointed to Bedford Watershed Advisory Board for a period to end November, 2006.

MOTION PUT AND PASSED UNANIMOUSLY.

10.3 **Little Sackville River - Planning Issues**

An Information Report dated August 14, 2003 was before Community Council. Andrew Bone, Planner reviewed the report in detail by providing an explanation for each of the sections outlined in the report. The report also contained a chronology of events that have taken place since 1978 with regard to the Little Sackville River. The most important documentation has been attached to the report which are amendments ordered by the Minister in 1994 to the Sackville Municipal Planning Strategy and Land Use By-law with regard to floodplain issues in the Sackville Plan.

Following Mr. Bone's review, Community Council agreed to hear from members of the public with regard to this issue. The concerns raised have been incorporated under Public Participation (Item 14.1) as discussion arose at this particular time in the meeting as well as during Public Participation.

10.4 **Sackville Drive Pedestrian Safety**

Councillor Harvey explained that residents have expressed concern that pedestrian are not being given the right of way on the sidewalk by cars coming out of commercial establishments along Sackville Drive because of the intensity of traffic.

MOVED by Councillor Harvey, seconded by Councillor Johns to advise the RCMP of the concerns re pedestrian safety on Sackville Drive and ask the RCMP Community Policing Officer to investigate reinforcement of pedestrian rights on sidewalks in this area. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Tucker Lake Road**

Councillor Johns advised that residents of Tucker Lake Road expressed concern at the Public Information Meeting held on August 25, 2003 regarding proposed amendments to the 15/18/19 Plan which would allow semis in certain locations of Beaver Bank in the R-6 and C-2 zone. Now that sewer services have been extended into Beaver Bank, the minimum lot size has shrunk. There was a possibility for higher density and the residents of Tucker Lake Road did not want semis along their street.

Ms. Langille-Hanna, Planner referred to Community Council's original request to look at an amendment that would allow semis to be divided down the common wall which have municipal water and sewer in the Beaver Bank area. Consideration is now being given to removing duplexes off Tucker Lake Road based on comments made at the Public Information Meeting. She asked if Community Council had any concerns with one amendment proceeding before the other because one could have implications on the other.

After discussion, the following motion was made:

MOVED by Councillor Johns, seconded by Councillor Harvey to request staff to initiate the process of limiting semis on Tucker Lake Road, which may run parallel and in conjunction with the previous request for an amendment as per the motion put

forward at the Special Council Session held on July 30, 2003. MOTION PUT AND PASSED.

As part of the discussion, Councillor Harvey pointed out that provision of sewer in Beaver Bank was to deal with public health issues, not to encourage development.

12.2 Sackville Waters Advisory Board

Councillor Johns outlined a proposal for a Sackville Waters Advisory Board similar to the Bedford Watershed Advisory Board. Discussion took place on the proposal recognizing the fact that there is a Halifax Watershed Advisory Board in place which serves the former County area other than served by the Bedford and Dartmouth groups that now exist. There are now a number of community waters groups in the area as well.

MOVED by Councillor Johns, seconded by Councillor Harvey to request a Staff Report on the feasibility of a Sackville Waters Advisory Board, which would be a sub-committee of Community Council, using Bedford Watershed Advisory Board as a model.

At a later point in the meeting, during Public Participation, Mr. Walter Regan expressed support for the proposal for a Sackville Waters Advisory Board but indicated that it should be considered by watershed boundaries, not political boundaries. It was agreed that this should be considered as part of the Staff Report.

MOTION PUT AND PASSED.

12.3 Tree Advisory Committee - District 21 Bedford

Councillor Goucher provided draft Terms of Reference and outlined a proposal for a Tree Advisory Committee for District 21 Bedford. There was discussion on whether or not the proposed Tree Advisory Committee should cover not only Bedford but the other two Districts under Community Council.

Councillor Goucher recognized that the proposed committee would require staff support from Urban Forestry but would not require support from the Clerks Office. He also indicated that he understood that an overall advertisement by HRM for expressions of interest would be published in the newspaper shortly and the proposed committee could be included.

MOVED by Councillor Goucher, seconded by Councillor Johns to set up a Tree Advisory Committee for District 21 Bedford as a sub-committee of Community Council with the proviso that in September, 2004 consideration would be given to

expansion of the Committee to the other Districts of Community Council, that an advertisement be placed in the newspaper requesting expressions of interest to serve on the committee and that proposed Terms of Reference come back to Community Council for approval. MOTION PUT AND PASSED.

12.4 Residential Building Lots - Baha Court, Bedford

Councillor Goucher advised that residents of Baha Court are asking that Community Council reconsider the development of the seven remaining lots on Baha Court and that he has received a Petition from residents in this respect.

MOVED by Councillor Goucher, seconded by Councillor Johns that the request be forwarded to Bedford Watershed Advisory Board for comment with a response to come back to Community Council. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

14.1 Little Sackville River - Planning Issues

Mr. David Grace, in response to Councillor John's question as to whether or not Mr. Grace felt that answers have been provided to the questions he asked at the April 14, 2003 meeting of Community Council, advised that for the most part, his questions have been answered; however, there were still unanswered questions about:

- C Where does the public process begin and end. When the Public Information Meeting was held in March, 2002, one plan was presented; however, when it came into law in June, it had changed. There was a change in the floodplain, there was a 100' setback compared to 25' at the Public Information Meeting. There was a change made in late February, yet the meeting was in March where there was no mention made.
- C The last time the river issue was dealt with by the public was on June 29, 1994 and nothing again until the new law in June, 2002. There was over nine years without a public meeting on anything to do with the river. He asked for an investigation into whether or not the process was followed.
- C He would like to see HRM put out a proposed trails map. Any extension to any trail should have a public participation session.
- C Having spoken with people at Municipal Affairs, they thought there are questions as to legitimacy and Mr. Grace was provided a list of three lawyers dealing with municipal issues. Municipal Affairs indicated that any change has to be clearly identified but

- nothing went out to the public. He cited notification received regarding redevelopment of the Sackville Heights Elementary School in contrast.
- C Under the Canada/Nova Scotia floodplain, there are things allowed but the plan is more restrictive.
- C There was a lot of public participation in the early 90's leading up to the floodplain report. After over nine years, the secondary plan was approved with no discussion on the river and no flags went up and people were not aware of it.
- C He would like to have someone from Municipal Affairs look into the changes to see if they are legal, from what was presented at the Public Participation Meeting and what actually came into law.
- C Recognizing there was a floodplain, the residents disputed being allowed to use their property within a reasonable distance from the river. 100' was a long way and a big portion of land.
- C HRM just built a playground in the floodplain yet no one else is allowed to develop anything.

Mr. Phillip Smith, 43 Bruce Drive raised the following points:

- C Would the residents adjacent to the river be able to put up No Trespassing signs in the floodplain in their back yard and if they were put up, what rights were there for enforcement. After discussion, Community Council members suggested that Mr. Smith contact the RCMP relative to wording of a sign to be put up.
- C When he purchased his property, there was no mention of floodplain. He asked if there was could be changed in future.

Ms. Ruth Baxter asked for clarification re the change for outdoor display courts. In response, Ms. Langille-Hanna advised that the recommendation that came from the Area Advisory Committee was to remove the ability to have outdoor display for modular homes. The document for First Reading would have had the definition with that exclusion. Ms. Baxter also asked if the floodplain could be reduced to 25'.

During the course of the discussion regarding the issues, Andrew Bone, Planner provided the following additional information:

- C He consulted with both Environmental Services, who would be in charge of construction of the road and right of way, and Parkland Planning. Parkland Planning indicated that if there was a trail on HRM property, there would be consultation with the public. He did not know the level of consultation, however.
- C The provincial government does not get involved in many planning issues. There are select areas where they can interject which are clearly identified in the Municipal Government Act: Statement of Provincial Interest, one being the floodplain.

- C He agreed to provide Mr. Smith with a map showing the sewer easement in the Sackville area, particularly Mr. Smith's area.
- C At the request of Ms. Ruth Baxter, he provided information on the changes which will be proposed for the Sackville MPS and LUB and the Sackville Drive Secondary Plan and Land Use By-law as outlined on page 4 of the Information Report.
- C With regard to the 100' setback from watercourses, before the Public Hearing the setback was left at 25' which was the standard in place at least since 1994. Prior to the Public Hearing and based on comments from the Area Advisory Committee set up to provide feedback to staff re changes to the MPS and LUB, at one of their last meetings they made recommendations which included the 100' setback from the river and was included in the final document that went for Public Hearing. His interpretation of the legal requirement is that the final document for Public Hearing has to be identified and given First Reading prior to Public Hearing. In this case, it was implemented under the regulations of the Municipal Government Act. He believed it met the legal requirements of the Municipal Government Act. There were no changes made at the Public Hearing regarding watercourses.
- C He offered to provide a report on the specific process that took place resulting in the Public Hearing held on May 7, 2002.
- C He would provide information re the change for outdoor display courts in his report as well.
- C He could not see the floodplain policy completely disappearing.
- C Both the Sackville MPS and LUB and the Sackville Drive Secondary Plan and Land Use By-law policies will be reviewed. He intended on holding an Open House for property owners and intended to meet with them individually as well if all questions are not answered at the Open House.

14.2 **Other**

Mr. Walter Regan, Sackville Rivers Association expressed support for the Tree Advisory Committee and for the Sackville Waters Advisory Board. With regard to the proposed Sackville Waters Advisory Board, he suggested that the Board should be set up by watershed boundaries, not political boundaries. He also suggested it was time to look at a study of the Beaver Bank River to get a floodplain in place before there are planning issues there.

Mr. Ed Grace, Springfield Lake asked for an update on drainage for Springfield Lake. In response, Councillor Johns provided same for the piece that runs down Fenerty Road, crosses between Fenerty and Springfield and then runs adjacent to Mr. Grace's property. The Councillor subsequently advised that Rick Paynter, Director, Public Works and Transportation advised that the original scope of work was going to be \$30,000 but because there was an increase in the scope of work requiring \$100,000, it would not be done until spring.

MOVED by Councillor Johns, seconded by Councillor Harvey that Mr. Paynter be asked to provide clarification on the work being done in the area and the time frame and that the information be provided to Mr. Ed Grace. MOTION PUT AND PASSED.

Mr. Ed Grace also asked about temporary measures on Fenerty Road for the winter in the area if work will not be done until spring. In this case, Councillor Johns indicated he would find out the information himself and let Mr. Grace know.

Mr. Ed Grace also asked the status of paving for Beaumont Drive. In response, Councillor Harvey advised Beaumont Drive would not be paved this year. He agreed to check and advise Mr. Grace of the status.

15. **NEXT MEETING DATE** - Wednesday, September 24, 2003.

16. **ADJOURNMENT**

On a motion from Councillor Johns, the meeting adjourned at 8:50 p.m.

Sandra M. Shute
Legislative Assistant