

NORTH WEST COMMUNITY COUNCIL

MINUTES

SEPTEMBER 25, 2003

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

ALSO PRESENT: Thea Langille-Hanna, Planner
Kevin Warner, Development Officer
Sandra Shute, Legislative Assistant

Regrets: Councillor Brad Johns

TABLE OF CONTENTS

1.	Call to Order	4
2.	Approval of Minutes - August 28, 2003	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	Residential Building Lots - Baha Court	4
4.1.2	Proposed Sackville Waters Advisory Board	4
4.1.3	Bernie's Auto, Dartmouth Road	4
4.1.4	Repairs to abutments of Lucasville Road Bridge	5
4.1.5	Cap on Taxi Roof Lights in the Bedford/Sackville area	5
4.1.6	Sidewalk on Sackville Drive - Middle and Upper Sackville	5
4.1.7	Little Sackville River - Planning Issues	5
4.1.8	Mobile Home Park Issues	5
4.1.9	Drainage and Sediment - Springfield Lake	5
4.1.10	Setback for Accessory Buildings on R-0 Lots in Sackville	5
4.1.11	Policy P-71, Beaver Bank, Hammonds Plains, Upper Sackville MPS	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	
8.1	Variance Hearing - Appeal of Approval of a Variance - 148 Roy Crescent, Bedford	6
9.	Correspondence, Petitions and Delegations	
9.1	Correspondence - None	8
9.2	Petitions	8
9.3	Presentation - Introduction to Regional Planning Workbooks	8

10.	Reports	
10.1	Case 00612 - Non-Substantial Amendment to the Monarch Estates and the Rivendale Subdivision Development Agreement - Beaver Bank	8
10.2	Report from Bedford Watershed Advisory Board re Baha Court, Bedford - Development of Remaining Lots	9
10.3	Tim Hortons, Beaver Bank	9
10.4	Extension of Water Service Boundary - Beaver Bank	9
10.5	Stop Sign Request - Nictaux Drive and Newcombe Drive	9
10.6	Membership - North West Transit Advisory Committee	9
11.	Motions - None	9
12.	Added Items	
12.1	Union Street Flooding	10
12.2	Dartmouth Road/Brentwood Area Flooding	10
12.3	Glenmount/Millview Servicing Issue	10
12.4	Bedford Watershed Advisory Board Realignment of Jurisdiction	10
13.	Notices of Motion - None	10
14.	Public Participation	10
15.	Next Meeting Date	11
16.	Adjournment	11

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.

2. **APPROVAL OF MINUTES - AUGUST 28, 2003**

MOVED by Councillor Harvey, seconded by Councillor Goucher to approve the Minutes of meeting held on August 28, 2003 as circulated. MOTION PUT AND PASSED.

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

Added Items: Requests for Status Reports - Union Street Flooding, Dartmouth Road/Brentwood area flooding, Glenmount/Millview Servicing Issue

Deferred Items: Item 10.2 - Report from Bedford Watershed Advisory Board re Baha Court, Bedford - Development of Remaining Lots
Item 10.3 - Tim Hortons, Beaver Bank
Item 10.4 - Extension of Water Service Boundary - Beaver Bank

MOVED by Councillor Harvey, seconded by Councillor Goucher 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 **Residential Building Lots - Baha Court**

Deferred. See Item 10.2 below.

4.1.2 **Proposed Sackville Waters Advisory Board** - No report.

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

Kevin Warner, Development Officer provided information on the provisions of the Development Agreement with Bernie's Auto and advised that it was not possible to have the Development Agreement revoked on the basis of the property being vacant for a certain period of time. He also provided information on charges laid with regard to use of the parking

lot at the rear and the requirement for a fence in the back. He advised that it had just recently come to his attention that tractor trailers are parking on the property and he would check this out.

This can now come off the Status Sheet.

4.1.4 Repairs to Abutments of Lucasville Road Bridge

At the request of Community Council, Mr. Walter Regan, Sackville Rivers Association advised that this matter has been referred to Blair Blakeney, Real Estate. Mr. Blakeney indicated to Mr. Regan that the issue would be added to their list. Mr. Regan suggested a follow up. Community Council subsequently agreed that a follow up would be sent.

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

4.1.6 Sidewalk on Sackville Drive - Middle and Upper Sackville - No report.

4.1.7 Little Sackville River - Planning Issues - No report.

4.1.8 Mobile Home Park Issues

This has now become an issue for Regional Council as far as a proposed Committee is concerned. To remain on Status Sheet as the request from Community Council concerned snow removal issues.

4.1.9 Drainage and Sediment - Springfield Lake - 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.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS**

8.1 **Variance Hearing - Appeal of Approval of a Variance - 148 Roy Crescent, Bedford**

A Staff Report dated September 18, 2003 was before Community Council recommending that Community Council uphold the decision of the Development Officer to approve the variance.

Mr. Kevin Warner, Development Officer provided an overview of the report and a photo of the property. During the course of his presentation, he included the following points:

- The required rear yard was 20' and they wish to go within 19'. The stairwell and stairs are no longer proposed at the end but at the side of the sunroom.
- All property owners within 100' of the property were notified. Two letters of appeal came in, one from the property owner at the rear and the other from Anne Gallagher. The applicant was able to come to an agreement with the property owner at the rear so that the stairwell would be relocated and subsequently his appeal was withdrawn.
- The appeal, therefore, was from the property owner at 146 Roy Crescent.
- All other structures on the street sit perpendicular to the street but, for whatever reason, the structure in question was turned slightly. This causes the rear yard to come closer than other properties on the same side of the street.

Mr. Warner then provided the following additional information as a result of questions from Councillors:

- The issue is 19' as opposed to 20' to the rear line. The proposed sunroom can be as close as it needs to be to the dividing line between the two semis provided it meets the requirements of the National Building Code.
- As to whether or not consideration was given to changing the proposed sunroom to a 9' x 12', this was not within the purview of the Development Officer. If the applicant wishes to, it can be changed but they also have the right to apply for a variance. The 9' x 12' was not discussed.
- The present deck is larger than the proposed sunroom.
- The side wall will be a solid wall with no windows.
- 146 Roy Crescent has a deck that would be adjacent to or abutting the proposed sunroom.
- With regard to runoff concerns, if the property is currently tied into the storm sewer, then any addition would have to be as well.

The Chair then called for speakers in favour of the variance.

Mr. George Dickey, Creative Sunrooms, on behalf of the applicant provided the following information:

- An updated site plan showing the stairs at one end.
- The common wall between the two properties would be solid in accordance with National Building Codes.
- The property line comes out at a funny angle as opposed to being straight because the house is twisted on the site.
- The shared deck was an area of concern for 146 Roy Crescent. The two decks would be separated and a new floor built for the sunroom. There is a 8' high deck divider running straight out from the middle of the building now.
- Reflective glass will not affect the house next door. It is low argon glass.
- The sunroom floor will be supported by a row of concrete posts at the outer edge and the back will be attached to the house.
- The design load of the sunroom floor is not much more than the existing deck.
- The sunroom will have a rain gutter to collect water runoff at the lower edge and it will be intercepted to the far corner. There would be no problem hooking the sunroom runoff into the storm sewer.
- The owners could build a 9' x 12' sunroom if they wished to do so.

Mr. Caner Tosuner, the property owner of 148 Roy Crescent, circulated current photos of the property and provided the following information:

- The property line goes through his part of the deck. He offered to purchase a triangle of land from the neighbour but this did not work out.
- The proposed sunroom will be entirely on his property.

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

Mr. Warner then advised that a lawyer had called him on behalf of Ms. Gallagher and he had sent the lawyer a copy of the report. The lawyer and Ms. Gallagher both were aware of the hearing.

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

Councillor Harvey stated he understood that the deck divider issue will be settled by the sunroom proposal. The issue before Community Council is the variance at the back of the property, not to the side.

MOVED by Councillor Harvey, seconded by Councillor Goucher to uphold the decision of the Development Officer to approve the variance. MOTION PUT AND PASSED.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Correspondence** - None

9.2 **Petitions**

A Petition was received regarding the upgrading of Beaumont Drive in Sackville under Public Participation. See Item 14 below.

9.3 **Presentation - Introduction to Regional Planning Workbooks**

Councillor Harvey explained the process and the request from Regional Planning staff for input from the public on regional planning issues. Regional Planning Workbooks were available for members of the public to complete.

10. **REPORTS**

10.1 **Case 00612 - Non-Substantial Amendment to the Monarch Estates and the Rivendale Subdivision Development Agreement - Beaver Bank**

A Staff Report dated August 11, 2003 was before Community Council along with a recommendation from North West Planning Advisory Committee dated September 4, 2003.

Ms. Thea Langille-Hanna, Planner provided an overview of the application.

MOVED by Councillor Harvey, seconded by Councillor Goucher to:

1. **Approve the non-substantial amendment to the Monarch Estates and the Rivendale Subdivision Development Agreement to enable the relocation of Park-3 to the opposite side of Road "C" as detailed in Attachment A of the Staff Report dated August 11, 2003.**
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.

10.2 **Report from Bedford Watershed Advisory Board re Baha Court, Bedford - Development of Remaining Lots**

A Staff Report dated September 18, 2003 was before Community Council.

MOVED by Councillor Goucher, seconded by Councillor Harvey to defer this matter to the next meeting of Community Council as there has been a request from the residents of Baha Court to appeal to the Bedford Watershed Advisory Board. MOTION PUT AND PASSED.

10.3 **Tim Hortons, Beaver Bank**

Deferred to the next meeting as Councillor Johns was not in attendance.

10.4 **Extension of Water Service Boundary - Beaver Bank**

Deferred to the next meeting as Councillor Johns was not in attendance.

10.5 **Stop Sign Request - Nictaux Drive and Newcombe Drive**

Councillor Harvey outlined concerns with regard to volume and speed of traffic on Nictaux Drive.

MOVED by Councillor Harvey, seconded by Councillor Goucher to recommend to Traffic Authority that a three-way stop be placed at Newcombe and Nictaux Drives in the interests of public safety. MOTION PUT AND PASSED.

10.6 **Membership - North West Transit Advisory Committee**

At the request of the Chair, the Clerk explained that Alastair Lawrie has moved from District 21 Bedford to District 19 Upper Sackville/Beaver Bank but Mr. Lawrie was still interested in continuing to serve on North West Transit Advisory Committee if that was possible.

MOVED by Councillor Goucher, seconded by Councillor Harvey to endorse the continuation of Alastair Lawrie as a member of North West Transit Advisory Committee representing District 21 Bedford even though his address has changed. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Union Street Flooding**

MOVED by Councillor Harvey, seconded by Councillor Goucher to request a Staff Report and update on the Union Street Flooding issue. MOTION PUT AND PASSED.

12.2 Dartmouth Road/Brentwood Area Flooding

MOVED by Councillor Harvey, seconded by Councillor Goucher to request a Staff Report and update on Dartmouth Road/Brentwood Area Flooding. MOTION PUT AND PASSED.

12.3 Glenmount/Millview Servicing Issue

MOVED by Councillor Harvey, seconded by Councillor Goucher to request a Staff Report and update on the Glenmount/Millview Servicing Issue. MOTION PUT AND PASSED.

12.4 Bedford Watershed Advisory Board Realignment of Jurisdiction

Councillor Goucher explained that with the realignment approved by Regional Council, a small section at Rocky Lake was inadvertently left out as the responsibility of Bedford Watershed Advisory Board.

MOVED by Councillor Harvey, seconded by Councillor Goucher to recommend that the boundary for Bedford Watershed Advisory Board be readjusted to re-include Rocky Lake. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Dave Nelson, Beaumont Drive submitted a Petition on behalf of the residents of Beaumont Drive in Lower Sackville requesting that consideration be given, at the earliest possible date, to the upgrading and repaving of Beaumont Drive. He provided information on the condition of Beaumont Drive in support of the Petition.

MOVED by Councillor Harvey, seconded by Councillor Goucher to forward the Petition to Regional Council recommending that Beaumont Drive be given serious consideration for earlier placement on the Capital Budget. MOTION PUT AND PASSED.

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

- He asked the status of the 60 acres at Second Lake. In response, Councillor Harvey advised that community groups who have been involved are still committed to the 60 acres. The trail development through Second Lake began this week.
- There appeared to be illegal construction dumping in the Bedford Industrial Park in the vicinity of Mann Street. This will be sent to Kevin Warner, Development Officer.

Mr. Ed Grace, Beaumont Drive raised the following points:

- He asked for a copy of the request sent forward to Rick Paynter, Director, Public Works and Transportation from the last meeting regarding drainage for Springfield Lake. The Clerk was asked to provide same.
- He asked for information on a concept plan for areas around Springfield Lake, Lisle Lake and Fenerty Lake. Since Mr. Warner was still in attendance, Mr. Warner agreed to provide Mr. Grace with further information if Mr. Grace would contact him.

Mr. David Grace asked the status of the report on the process re planning issues for the Little Sackville River. He was told that an Information Report was expected to be ready for the next meeting.

15. **NEXT MEETING DATE** - Thursday, October 30, 2003

16. **ADJOURNMENT**

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

Sandra M. Shute
Legislative Assistant