

NORTH WEST PLANNING ADVISORY COMMITTEE

MINUTES

JUNE 4, 2003

THOSE PRESENT: Ann Merritt, Chair

George Murphy

Delphis Roy

Karen Stadnyk

Jan Gerrow

Gloria Lowther

Tony Edwards

Councillor Goucher

Councillor Johns (7:35 p.m.)

ALSO PRESENT:

Thea Langille-Hanna, Planner

Andrew Bone, Planner

Gail Harnish, Admin/PAC Coordinator

Sandra Shute, Legislative Assistant

Regrets:

Roddy Macdonald

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1. **CALL TO ORDER**

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

2. **ELECTION OF CHAIR AND VICE CHAIR**

2.1 **Election of Chair**

Delphis Roy asked the Clerk to take the chair in order to hold the election of Chair for North West Planning Advisory Committee.

The Clerk called for nominations for Chair.

MOVED by Karen Stadnyk, seconded by Gloria Lowther to nominate Ann Merritt as Chair.

The Clerk called three times for further nominations.

MOVED by Councillor Goucher, seconded by Jan Gerrow that the nominations cease.

The Clerk declared Ann Merritt as the Chair and relinquished the Chair to her.

Councillor Goucher expressed appreciation to Delphis Roy for the leadership he provided the Committee as Chair since February, 2001. He thanked Mr. Roy on behalf of the Committee members and the Municipality for his efforts.

Delphis Roy replied that it has been an honor and a privilege to act as Chair.

MOVED by Councillor Goucher, seconded by Jan Gerrow that the Committee recommend that North West Community Council officially recognize and thank Delphis Roy for acting as Chair of North West Planning Advisory Committee. MOTION PUT AND PASSED UNANIMOUSLY.

2.2 **Election of Vice Chair**

MOVED by Gloria Lowther, seconded by Councillor Goucher to nominate Tony Edwards as Vice Chair.

MOVED by Delphis Roy to nominate Jan Gerrow as Vice Chair.

Jan Gerrow declined the nomination. There were no further nominations.

Tony Edwards was appointed Vice Chair of North West Planning Advisory Committee.

3. **APPROVAL OF AGENDA**

Added Item: Case 00587 - Amendment to the 25 Dartmouth Road Development Agreement

The Agenda was adopted as amended.

4. **APPROVAL OF MINUTES - MAY 7, 2003**

MOVED by Delphis Roy, seconded by Gloria Lowther to approve the Minutes of meeting held on May 7, 2003 as circulated. MOTION PUT AND PASSED.

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

6. **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 the Committee. Andrew Bone, Planner provided an overview of the application. As the Beaver Bank, Hammonds Plains and Upper Sackville Plan straddles two electoral districts, both affected Community Councils must consider the amendments. Western Region Community Council agreed to consider the amendments as proposed by North West Community Council. A Joint Public Hearing would have to be held at some time in the future. Staff included amendments to the Sackville Land Use By-law as well with this application.

Karen Stadnyk asked if it would be possible to build an accessory building with an apartment above it because of the additional height. In response, Mr. Bone advised that accessory buildings are not allowed to have habitable space.

Tony Edwards referred to the third point on page 2 regarding a change in height from 15' to 20-25' and asked who would decide whether it was 20' or 25' or somewhere in between. In response, Mr. Bone advised the maximum would be 25' in the Beaver Bank, Hammonds Plains, Upper Sackville Plan and 22' in the Sackville Plan area. This is based on the calculated dimensions felt to be the maximum anyone would require.

Tony Edwards then referred to a barn style design which could achieve a higher height. In response, Mr. Bone advised that people who want to have a second story use the 15' now by

constructing a barn style roof. Most people do not like the barn style design and want a roof pitch compatible with the house.

Gloria Lowther referred to page 4 regarding front yards. She recognized that some houses are set back quite a ways and there could be an accessory building in front of the house on large lots. There could be a number of them along a street. In response, Mr. Bone advised that staff's position was to go with 20' minimum. Some policies in other jurisdictions do require that the accessory structure not be any closer to the street than the house. This was a valid point.

Thea Langille-Hanna provided further information on staff's position in that for more rural areas of Hammonds Plains, Beaver Bank and Upper Sackville, there could be 2-3 acre lots. If someone wanted to put an accessory building close to the front when you could not see the house, that became a problem. The present regulation is in place now and it does not seem to be the norm. By increasing the height, you could see the odd one, however, but there has been no trend.

Mr. Bone indicated that the origin of the request was from specific landowners who made the request to the Councillor. In the case of one specific landowner, his garage was on the side of the house, a couple feet forward from the house but he was set back at least 90' from the road. This tends to be the norm for large lots.

Ann Merritt referred to page 3 where staff was referred to "lots in excess of 40,000 sq. ft." yet elsewhere in the report a minimum lot area of 40,000 sq. ft. was referred to. In response, Mr. Bone advised it should be 40,000 sq. ft. or greater. 40,000 sq. ft. was the standard set by the province for the lot area for on-site septic. "In excess" could be taken out and replaced with the proper wording.

With regard to the Sackville Plan area, Ann Merritt asked where the 40,000 sq. ft. lots were. In response, Mr. Bone advised they would be in the Stonemount area, Old Sackville Road and outside the serviced area. Berry Hill was the last subdivision within the Sackville Plan area and that was the origin of one of the requests. There could be an odd lot in the urban area.

Ann Merritt asked if there was any difference with regard to the Sackville Plan. In response, Mr. Bone advised that the Sackville Plan has a lower maximum height being recommended because there is a smaller accessory building requirement.

MOVED by Jan Gerrow, seconded by Delphis Roy to recommend that North West Community Council:

- (1) Give First Reading to the proposed 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 and schedule a Joint Public Hearing with Western Region Community Council;
- (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;
 - (3) Give First Reading to the proposed amendments to the Land Use By-law for Sackville, as shown in Attachment 3 of the Staff Report dated May 1, 2003 and schedule a Joint Public Hearing with Western Region Community Council;
 - (4) Approve the proposed amendments to the Land Use By-law for Sackville, as shown in Attachment 3 of the Staff Report dated May 1, 2003.

MOTION PUT AND PASSED UNANIMOUSLY.

7. CASE 00398 - AMENDMENTS TO THE BEAVER BANK, HAMMONDS PLAINS AND UPPER SACKVILLE MPS AND LUB - BEAVER BANK VILLA SITE

A Staff Report dated May 20, 2003 was before the Committee. Thea Langille-Hanna, Planner provided an overview of the application with the aid of overheads. Staff was of the opinion it was appropriate to consider amending the Municipal Planning Strategy as it relates to the Beaver Bank Villa complex. The Mobile Home Park By-law is an appropriate tool to regulate future development in the area and staff does not feel a Development Agreement is necessary or warranted at this time. Staff was, therefore, recommending adding a Preamble for the Beaver Bank Villa section of the Municipal Planning Strategy - Policy 32 - and rewrite to accurately reflect existing conditions, the status of the Beaver Bank Villa and enable a mobile home park to be permitted as a housing option because housing did exist at one time. The new policy in the document would allow an expansion of a mobile home park or permit an innovative form of housing or design to be considered by Development Agreement.

Mr. Stephen Pace, representing Stevens Group and Mr. Kent Morash, KBM Consultants were in attendance for this application.

Tony Edwards asked if the proposal was for traditional mobile homes or mini homes. In response, Ms. Langille-Hanna advised that the Land Use By-law defines a mobile home as being a standard format mobile home or manufactured housing that comes in two parts. The developer will first determine the market but is actively exploring the possibility of double wides but will be ensuring all new mobile homes.

Tony Edwards then asked if the lots would be redrawn. In response, Ms. Langille-Hanna indicated on an overhead what was being contemplated at this point. They would like to use the existing road pattern and use the existing infrastructure re water distribution and sanitary collection. If the policy is approved, the developer could come in and apply under the Mobile

Home Park By-law for two phases. If they wanted to do a third phase, it would have to be by Development Agreement.

George Murphy asked if there was additional land available if they wanted to allow for commercial development. In response, Ms. Langille-Hanna advised there were no recommendations for changes in the zoning placed on the property. The only ability would be what is permitted under the R-8 zone and the area around which is zoned MU-1. MU-1 does have some commercial options.

Councillor Johns asked for clarification on the lot size. In response, Ms. Langille-Hanna advised the average lot would be about 5,000 sq. ft. which could contain a double wide.

Councillor Johns asked if the application is approved, could Stevens Group pass it off to a different developer. In response, Ms. Langille-Hanna advised this could happen if they met all requirements under the Mobile Home Park By-law.

Mr. Stephen Pace indicated that Stevens Group intended to develop the property. One of the things with the property is that it cannot be divided because of the central services.

Karen Stadnyk asked what would be the standard frontage of the lots. In response, Mr. Pace advised it was 40' minimum in the By-law but they were proposing 50'.

Karen Stadnyk asked if there was any requirement for planting trees. In response, Ms. Langille-Hanna advised that there are no trees now. There was not necessarily a requirement through the Mobile Home Park By-law but she anticipated the developer would be looking at landscaping. It was not something that could be guaranteed. Future phases would be by Development Agreement and there would be an ability at that time to look at retaining existing vegetation.

Delphis Roy asked if the mobile homes would be rented or owned and if there was any guarantee. He expressed concern that if you relax the standards, it could downgrade very quickly. In response, Mr. Pace stated they would not allow someone to buy a number of mobile homes and rent them out; his company has been in the landlord business and did not want to do it again. Also, Ms. Langille-Hanna stated that under the Charter of Rights, the Municipality does not have the ability to dictate or control from the land use perspective.

Delphis Roy asked what would be the impact on traffic on Beaverbank Road. In response, Ms. Langille-Hanna advised that comments have been received from Department of Transportation and Traffic Services. Because of the way staff's recommendation has come forward, it would be a replacement of the existing housing stock there and would actually be less than there was before from five years ago. Department of Transportation feels there is

no problem with respect to capacity but future phases would have to be by Development Agreement in order to analyze the situation at that time.

Councillor Goucher asked if there were any problems with the solar aquatic treatment plant. In response, Ms. Langille-Hanna advised it is not operating where it could be as there is not a lot of effluent going in as there is only the 45 bed nursing home when it was designed for 120 housing units, 165 bed residential care facility and the nursing home.

Gloria Lowther asked if there were any other R-8 zones in the Plan. In response, Ms. Langille-Hanna advised that the R-8 has been designed specifically for Beaver Bank Villa.

Ann Merritt asked why there was no Development Agreement at this time. In response, Ms. Langille-Hanna advised there is an adequate planning tool to deal with the first two phases, recognizing that a future phase would be dealt with by Development Agreement.

MOVED by Delphis Roy, seconded by Councillor Goucher to recommend that North West Community Council:

- (1) Recommend that Regional Council give First Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and the Land Use By-law as contained in Attachments "B" and "C" of the Staff Report dated May 20, 2003 and schedule a Public Hearing.**
- (2) Recommend that Regional Council approve the amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as contained in Attachments "B" and "C" of the Staff Report dated May 20, 2003.**

MOTION PUT AND PASSED.

Councillor Johns took the opportunity at this time to thank the Stevens Group for allowing the Beaver Bank Fire Hall to be located on their site for about the last 20 years at \$1 a year rent. Stevens Group has been a great contributor to the community.

8. CASE 00587 - AMENDMENT TO THE 25 DARTMOUTH ROAD DEVELOPMENT AGREEMENT

A Staff Report dated May 30, 2003 was before the Committee. Thea Langille-Hanna, Planner provided information on how the request had arisen. During the course of her presentation, she advised that the abutting property owners were advised that the Municipality would consider amending the Development Agreement provided that every property owner who abuts and is affected by the chain link fence in question would sign a Petition clearly indicating

they did not have an interest in having the fence there and were prepared to support having the clause removed from the Development Agreement. A Petition was, therefore, prepared and has been submitted to the Municipality from everyone affected by the fence asking that the clause be removed. Staff's recommendation, therefore, was that Clause 2.7.2 of the Development Agreement be removed and that a small revision be made to Policy 2.7.4 to remove the words "a fence".

Councillor Goucher stated that the only concern he had with the request was what would happen when the first person sells their home, new people move in and ask why there is no fence. He asked if there would be reference in the Development Agreement saying "on the unanimous consent of a Petition circulated to the residents" so that at some time in the future, there would be something on record to indicate this was what the people on the street wanted.

Jan Gerrow stated that, in her opinion, if the residents choose not to have a fence, then it would be up to them later on to put up a fence.

Responding to Councillor Goucher, Ms. Langille-Hanna stated she did not think it would be ideal to put something of this nature in the Development Agreement because it would be explanation to a clause. The Petition would be in the Case File as well as staff's notes and it could be easily tracked as to why it happened.

Councillor Goucher agreed that if someone came forward at a later date, then they would have to build a fence themselves.

Gloria Lowther asked why the residents wanted a fence in the first place and now have changed their minds. In response, Ms. Langille-Hanna stated she understood that several of the residents were not aware of where the rear property line was in relation to their yard.

MOVED by Jan Gerrow, seconded by Gloria Lowther to recommend that North West Community Council:

- (1) Give Notice of Motion to consider an application by residents of Brook Street to amend the Development Agreement for 25, 27 and 35 Dartmouth Road and schedule a Public Hearing;**
- (2) Approve the amended 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 word "a fence" from Section 2.7.4;**
- (3) 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. **STATUS UPDATES**

9.1 **Monthly Status Sheet**

Provided for information purposes.

9.2 **Decisions of Community/Regional Council**

Provided for information purposes.

10. **NEW BUSINESS** - None

11. **NEXT REGULAR MEETING DATE**

It was agreed that meetings would be held during the summer months if required. Next regular meeting would, therefore, be September 3, 2003.

12. **ADJOURNMENT**

The meeting adjourned at 8:30 p.m.

Sandra M. Shute
Legislative Assistant