

**CHEBUCTO COMMUNITY COUNCIL**

**MINUTES**

**DECEMBER 7, 1998**

THOSE PRESENT: Councillor Bill Stone, Chair  
Councillor Russell Walker  
Councillor Stephen Adams

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Roger Wells, Regional Coordinator, Planning Services  
Grace Ho, Planner  
Stephen Feist, Planner  
Gary Porter, Planner

Regrets: Councillor Hanson

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1. **CALL TO ORDER**

The meeting was called to order at 7:10 p.m. with an Invocation at 2750 Dutch Village Road, Halifax.

2. **APPROVAL OF MINUTES**

2.1 **Annual Meeting - November 2, 1998**

**MOVED by Councillors Adams and Walker to approve the Minutes of Annual Meeting held on November 2, 1998 as circulated. MOTION PUT AND PASSED.**

2.2 **Special Council Session - November 19, 1998**

Councillor Stone explained that the purpose of the Special Council Session was to hear the Fence Permit Application for Civic Nos. 202, 206, 209 and 210 Abrams Way, Halifax - Polling District 18. The fence application had been approved.

**MOVED by Councillors Walker and Adams to approve the Minutes of Special Meeting held on November 19, 1998 as circulated. MOTION PUT AND PASSED.**

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

Added Items: Councillor Adams: Legal Matter at 823 Herring Cove Road  
Staff Report for 4 Melville Avenue

**MOVED by Councillors Adams and Walker 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 Snow Removal from Sidewalks - No report.

4.1.2 Dumping - Harrietsfield and Williamswood and Possibility of Gate - No report.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Case No. 00035 - Rezoning of Lands at the End of Forward Avenue**

Gary Porter, Planner advised that since the last meeting of Community Council, the residents filed an application for rezoning. Staff held a Public Information Meeting on November 25, 1998 and the Staff Report was being prepared at this time. It was likely that there will be something before Community Council at its February meeting; in the meantime, the process continues.

7.2 **Feasibility of Community Transit and Area Rate - Sambro Harrietsfield**

Councillor Adams had indicated at an earlier meeting that he would be requesting to know what the process was to apply an area rate to either the former District 5, to all of District 18 or all of the Community Council catchment area.

Since Mr. Roel Vis, Metro Transit was in attendance, the question was directed to him. Mr. Vis replied that Bruce Fisher from Finance Department would have to respond. Community Transit could be put in the area provided funding was available through an area rate.

Councillor Walker suggested waiting for information on new assessments in order to determine accurate figures to apply an area rate.

It was agreed to defer to the February meeting when assessments would be available.

8. **PUBLIC HEARINGS**

8.1 **Case 00017 - Development Agreement to Permit an 80-bed Residential Care and Retirement Facility on Lot 4, Ramsgate Lane in the Melville Ridge Senior Citizens Retirement Community**

A Staff Report dated November 17, 1998 was before Community Council along with a Memorandum from Gary Porter, Planner providing a Petition with respect to blasting vs. hydraulic rock breaking in connection with the project.

Mr. Porter provided an overview of the application, during which time he pointed out that the Petition ended up in a tie with 11 being for blasting and 11 for hydraulic rock breaking. The developer agreed to install a wall line along Melville Avenue with laterals installed to each of the properties now on wells, subject to them wanting public water. The developer will pay for connecting the lateral to the house plumbing to a maximum of \$700 based on a quote from a plumbing contractor and for restoring the lot back to the way it was after the

lateral is put in. The Agreement has a three year time limit for completion although it was expected it would be built within the next year. Staff was recommending approval of the application.

Councillor Walker referred to the Petition being a tie vote and asked if there would be included in the Development Agreement, whether it would be chipping or blasting. In reply, Mr. Porter advised there was no condition one way or the other in the present Development Agreement.

Councillor Walker asked, therefore, that some consensus be reached tonight. Mr. Porter stated in reply that Community Council could add it as a condition one way or the other.

On a question from Councillor Stone as to whether or not there would be new planting of trees, Mr. Porter advised that there would be a natural area which would not require additional trees. The area where the water line has to go in would be restored.

On a question from Councillor Stone as to whether or not the \$700 would pay the cost of connecting to the house, Mr. Porter advised this was not the cost of the lateral but for the plumber to come in and connect the lateral after another contractor brings it in to the building. Water will be the first thing to happen; the Development Agreement was actually worded that way.

The Chair then called for members of the public wishing to speak either in favour of or against the application.

Mr. Richard Kassner, Architect, on behalf of the applicant, advised that there has been no change in the building since the Plan Amendment. In his opinion, blasting was the preferred choice. He offered to answer questions.

Ms. Donna Hogan, 30 Melville Avenue referred to the \$700 for plumbing hookup and asked for clarification of what it covered. In response, Councillor Stone said he understood it was for connection from the street to the house. Ms. Hogan then asked if there was any need to worry about property damage or would it be back to its original form.

Ms. Hogan then referred to the Public Hearing held on June 30, 1998 at which time Councillor Kelly had obtained the information from the lawyer representing Melville Ridge that there was to be no cost whatsoever to the residents of Melville Avenue. She asked for confirmation.

Mr. Walter O. White, 34 Melville Avenue circulated pictures taken on December 2, 1998 of the swamp in his yard. He also circulated a copy of a letter dated October 7, 1998 from Melville Ridge Holdings Limited to himself re submission of costs due to problem Melville

Ridge. During the course of his presentation, he expressed concern with problems with his well, pyritic slate, his pipes and water running over his property.

Mr. Kassner advised that as far as reconstruction of the site was concerned, \$700 was for the pipe work only. The site will be restored to whatever condition is there. As far as Mr. White was concerned, it is not part of the scope of the project. Mr. White was dealing with issues that have nothing to do with Lot 4.

Councillor Walker asked when construction takes place on Lot 4, does the water come through that lot at all. Mr. Kassner advised that the watercourse was on Lot 5. He indicated the watercourse on the overhead and advised the intention was to extend the existing perk through the road retention wall, collect it in a culvert and run it out to the end as shown on the drawing. The outfall would be extended 50' or whatever is necessary. The intention was not to interrupt any flow of water coming through the hill now.

Councillor Adams referred to Mr. White's comments and Mr. Kassner's statement that this had nothing to do with Lot 4. He felt Mr. White was concerned that something like this could happen again. In response, Mr. Kassner advised that the drainage is contained and nothing else would come off the property and, in fact, there could be less.

Councillor Adams requested, however, that Mr. White's concerns be forwarded to Department of Environment to see what the situation is and why it has arisen. It appears that if watercourses have been altered, then it is against Department of Environment regulations.

Mr. Porter advised that he has contacted Department of Environment a number of times with regard to Mr. White's flooding problem. It is quite possible it is coming from the wetland on the opposite side of Ramsgate Lane that was filled at one point. In order to find out where the water is coming from, would require a dye test but everyone has a well on Melville Avenue. Once the water line comes in a dye test can be done on the wet area to see if it is going down to Mr. White's yard and then Department of Environment could do something. He understood the area was filled without getting proper approvals.

It was agreed that a letter would be sent to Department of Environment as requested.

The Chair called three times for any additional speakers. Hearing none, the following motion was placed before Community Council.

**MOVED by Councillors Adams and Walker to close the Public Hearing. MOTION PUT AND PASSED.**

Councillor Walker referred to the Petition which was tied at 11:11. No one during the Public Hearing stated a preference although he understood the developer wants to blast. He asked if, then, the choice was blasting.

Councillor Stone said he interpreted it as being a non-issue as long as the water is supplied. It is left to the best method.

Mr. Porter confirmed the same interpretation as there was no clear majority one way or the other.

**MOVED by Councillors Walker and Adams to approve a Development Agreement to permit an 80 bed residential care and retirement facility on Lot 4 in the Melville Ridge senior citizens retirement community, attached as Appendix "A" to the Staff Report dated November 17, 1998. Further, Council requires that the amending Development Agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by 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.**

Councillor Walker asked if the \$700 for the hookup was included in the Development Agreement. Mr. Porter confirmed it was one of the clauses in the agreement.

Councillor Walker requested that the Development Agreement contain the agreement that the lots were to be put back to their original form. Mr. Porter agreed to do so although he actually had a letter from the developer to this effect.

**MOTION PUT AND PASSED UNANIMOUSLY.**

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Update on Lacewood Drive/Highway 102 Interchange Study**

Councillor Stone referred to the Information Item re the above which was dated October 29, 1998 but the study was to be completed November 30, 1998. There was no update available after the completion date. He requested that this be obtained for the next meeting.

10. **REPORTS**

10.1 **Adoption of Meeting Schedule 1999**

A proposed meeting schedule was before Community Council for 1999.

**MOVED by Councillors Walker and Adams to adopt the meeting schedule for 1999 except to change the meeting date for June from June 7 to June 14, 1999. MOTION PUT AND PASSED.**

#### 10.2 Grants Committee Appointment

**MOVED by Councillors Adams and Walker that Councillor Walker continue to represent Chebucto Community Council on the Grants Committee. MOTION PUT AND PASSED.**

#### 10.3 Case 00029 - Clayton Park West, Phase 4C

Ms. Grace Ho, Planner provided an overview of the Staff Report dated November 10, 1998. During the course of her presentation, she provided information on cost sharing requested for the oversizing of Parkland Drive and storm sewer which was contingent on the availability of funds and approval by Regional Council. Staff was exploring alternative methods of financing infrastructure costs, because there were no funds available which may include but not be limited to transfer of development rights elsewhere in Clayton Park West or the provision of land for development purposes in other parts of HRM.

Given that the site is suitable for multi-unit residential development and meets design guidelines, Ms. Ho advised that staff was recommending approval of the Stage II Development Agreement and that any further changes to the original Stage I plan be subject to a review of the original Stage I Development Agreement.

Councillor Stone said it was important that the oversizing of Parkland Drive and the storm sewer be carried out so the request for cost sharing of oversizing was legitimate. It would not hinder or slow the development if it were passed tonight but would be a consideration at some future date. He supported the application.

**MOVED by Councillors Adams and Walker to approve the Stage II Development Agreement for Clayton Park West - Phase 4C as attached in Appendix A of the Staff Report dated November 10, 1998. Further that Council require the agreement to be signed within 120 days or any extension thereof granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.**

10.4 **Case 00015 - Clayton Park West - Phase 3D**

Stephen Feist, Planner provided an overview of the Staff Report dated November 30, 1998. Included in his presentation was reference to the issue of cost sharing for oversizing of roads and sewers and information on the alternative means that staff and Clayton Developments are considering to ameliorate oversizing costs for Phases 3C and 3D. Staff was recommending approval of Phase 3D.

Councillor Walker referred to the area being considered for a school and asked if it did not go there, where would it go since land was getting scarce and the land has not been purchased. Mr. Feist advised this was the last site chosen and the last large site in the centre of the residential area. In the last discussions with the School Board, it was still considered an important site. There should be a decision made within the next year.

Mr. Miller, Clayton Developments advised that Clayton Developments has altered development plans over the last ten years to accommodate a school site and has finally settled on the school site in question based on the School Board's desire to have a P-9 school and they were working with the residents in the area.

**MOVED by Councillors Walker and Adams that a letter be sent to the School Board and Department of Education indicating that Community Council feels it is the ideal site and with the completion of this Development Agreement, the site will be selected and purchased as the school site for the area. MOTION PUT AND PASSED.**

**MOVED by Councillors Adams and Walker that the Stage II Development Agreement for Phase 3D, Clayton Park West, presented as Attachment I to the Staff Report dated November 30, 1998 be approved. Further, that the applicant be given one hundred and twenty (120) days to sign the Development Agreement from the date of approval by the Community Council, or the date of any other approvals required to sign the agreement as the case may be, unless the extension thereof is granted by Community Council at the request of the applicant; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.**

In terms of the whole cost sharing issue, Mr. Roger Wells, Regional Coordinator, Planning Services advised that a report will be going forward to Regional Council early in the New Year.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Legal Matter - 823 Herring Cove Road**

Councillor Adams outlined a situation at the above address dealing with a legal matter. He requested that Legal Department be asked to provide a Staff Report in this regard.

12.2 **4 Melville Avenue**

Councillor Adams outlined a situation having to do with an obstruction at the above address and requested that a Staff Report be provided to determine the status and the rationale for defining what is and what is not an obstruction and what can be done to solve the problem.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Ms. Hazel Robar, J. L. Ilsley High School provided an update on the installation of the school sign and invited all Councillors to attend the Annual Christmas Dinner on December 10, 1998.

Mr. Hiram Tiller, 4 Thackeray Close referred to the Information Report dated October 29, 1998 re Lacewood Drive and Highway 102 Interchange Study and advised what was being done in New Glasgow for a similar situation. He expressed concern that staff had indicated they were looking at connectors to Timberlea, Lakeside Drive, etc. without correcting the problem.

Councillor Stone advised he had contacted Mr. McCusker, Traffic Authority earlier today for an update but Mr. McCusker had not returned his call before the meeting. He agreed to let Mr. Tiller know personally when he was provided with further information. He agreed with Mr. Tiller's concerns re connections when all he wanted was a simple answer to fixing the interchange - put in the sidewalk and get the traffic on and off safely.

Ms. Debbie Hum, 169 Cresthaven Drive raised the following points:

C She asked how Councillor Stone's Newsletter was distributed as Cresthaven had not gotten copies. In reply, Councillor Stone advised that Canada Post distributed it. This was an item of frustration on his part as his Newsletter had been circulated to other Districts whereas some of his District 16 did not get it. He agreed to check on distribution for Cresthaven.

C With regard to snow removal, she asked if a list has been finalized particularly as she was concerned with the area of Grosvenor Wentworth School and Julies Walk

where the school bus turns as it was not on the list. Another area was Kearney Lake Road and Saskatoon where the school bus also turns. In reply, Councillor Stone advised that he had looked at the map for schools and it did not appear that Julies Walk was included at this time. He agreed to bring it to the attention of the appropriate staff. He suggested Ms. Hum call him re Saskatoon and he would look at the map.

- C With regard to the lack of sidewalks in her area and the new policy for the delay in plowing to 24 hours after a storm, she expressed concern that children would have no sidewalks to walk on in her area which provided no safe way to get to school, particularly in a hilly area. Councillor Stone advised that hill streets were considered to be priority streets. When Ms. Hum called him, he could also confirm whether or not the street in question was a priority.
- C A Mainland North Traffic and Safety Committee was formed in the fall with a number of representatives from various schools in the area meeting to address traffic concerns. She provided further information regarding meetings that have taken place. Since Councillor Stone had not received a notice of meetings, Ms. Hum agreed to ensure that he was advised of the next meeting date.
- C She expressed concern re P-3 school siting selections and construction. She expressed appreciation that Community Council was writing a letter re school siting in Clayton Park West.

Mr. William Phillips, 9 Crestview Drive raised the following points:

- C He referred to the fact that Halifax Peninsula Community Council had been disbanded, expressed disappointment that Councillor Downey did not wish to belong to a Community Council and that there appeared to be a wish for some of those Councillors to look to Chebucto Community Council instead. He urged Councillors to reject increasing the number on Chebucto Community Council as, in his opinion, the people in the Chebucto Community Council area would suffer greatly because there would be an expanded scope.
- C He referred to the meeting re Traffic Calming for the area of Quinpool Road from Armview Drive to and including Bloomingdale Terrace to Connaught Avenue and from Quinpool to Jubilee. In his opinion, the proposal seemed to be making a private enclave for the people who live in the area. He urged Councillors representing the western area of HRM to consider costs associated with a six-month trial installation and further costs if the trial was not acceptable. The people who live further up between Connaught Avenue and Oxford Street and Jubilee

Road to Quinpool Road as a result of the traffic calming plan will be overcome at peak hours, a time when school children are present.

- C He requested that Councillor Walker pass on Compliments of the Season to Councillor Hanson on behalf of his residents.

Ms. Debbie Hum brought the following issues forward on behalf of Mary McGrath, 33 Hamshaw Drive and Gretchen Phinney, Wedgewood Avenue:

- C With regard to Councillor Stone's Newsletter and the new major recreation facility under discussion, Ms. McGrath was proposing considering business donations/public and corporate support to build it.
- C How much does each Councillor receive for his/her Discretionary Fund and is there a public accounting available as to how it is spent.
- C Mary McGrath does not agree with an overall area rate for District 16 for sidewalk snow clearing as many areas do not have sidewalks and some abut commercial or municipal properties.
- C How much will the Millennium celebrations cost.
- C Gretchen Phinney asked for an update re traffic calming study for Bayview.

These issues brought forward were taken under advisement.

15. **NEXT MEETING** - January 4, 1999

16. **ADJOURNMENT**

On a motion from Councillor Adams, the meeting adjourned at 9:10 p.m. with Best Wishes for the Holiday Season.

Sandra M. Shute  
Assistant Municipal Clerk