

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, SEPTEMBER 9, 2002

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Linda Mosher
Councillor Diana Whalen
Councillor Russell Walker

ALSO PRESENT: Mr. Peter Bigelow, Manager, Parks & Open Space
Mr. Paul Sampson, Planner I - Western
Mr. Steve Higgins, Development Officer - Western Planning &
Development
Mr. Barry Allen, Manager, Legal Services
Ms. Chris Newson, Assistant Municipal Clerk

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1. CALL TO ORDER

The meeting was called to order at 7:00 pm in the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES

2.1 Regular Meeting - July 8, 2002

MOVED by Councillor Walker, seconded by Councilor Whalen, that the Minutes of the Regular Meeting held on July 8, 2002, be approved as circulated. MOTION PUT AND PASSED.

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

ADDED ITEMS:

- 12.1 Appeal of Development Officer's Decision to Approve an Application for a Variance at 24, 26, 28 Fenwood Road, Halifax
- 12.2 Case # 00465: Application for Development Agreement, Lot Abutting Civic # 89 Purcell's Cove Road, Halifax
- 12.3 Lacewood and 102 Interchange

MOVE: Added items to be dealt with immediately following the Status Sheet Items.

MOVED by Councillor Mosher, seconded by Councillor Walker that the Agenda be adopted as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Case 00402 - Amendment to Royale Hemlocks Stage II Development Agreement

Awaiting report from staff.

4.1.2 Speed Limits Bayview Road

Councillor Whalen commented that this issue is now urgent. She requested a letter be written to the Province, on behalf of the Chebucto Community Council, asking for permission to lower speed limits on Bayview Road and Flamingo Drive in Clayton Park.

4.1.3 Winter Trail Maintenance

Mr. Peter Bigelow, Manager, Parks & Open Spaces, raised the following points during his oral report:

- HRM does not offer snow removal services for seasonal trails
- staff will perform litter pick-up/clean-up to the Sir Sanford Fleming Park, Frog Pond area and Hemlock Ravine Park. Mr. Bigelow commented that a general notice will go out to staff concerning this issue.
- ploughing/clearing of the trails along the power lines and Hemlock Ravine Park in Clayton Park West is not advisable as ice build-up could then become a problem on the gravel paths.
- possibility of snow and ice removal on stairs connecting the Frog Pond Trail and Fleming Drive will be reviewed by staff.

To be removed from Status Sheet.

4.1.4 Extending Public Participation for Planning on District 16

Terms of Reference have been requested for the establishment of a Planning Advisory Committee. Further information expected for October meeting.

4.1.5 Dogs Off Leash in Hemlock Ravine Park

Mr. Peter Bigelow, Manager, Parks & Open Spaces, raised the following points during his oral report:

- staff expressed concern with dogs off-leash in Hemlock Ravine Park due to the possibility of contamination to wells in the area
- three off-leash areas have been identified by staff and will be presented this fall as a Capital Budget item and at least one off-leash area will be in this vicinity

4.1.6 Day Care Centres

Report expected for October.

4.1.7 Sir Sanford Fleming Park Asset Statement

Mr. Peter Bigelow, Manager, Parks & Open Spaces gave an oral update on this matter.

- staff has met with the Sir Sanford Fleming Advisory Committee and are in the process of preparing the asset statement to forward to the Committee

4.1.8 26 Armshore Drive - Regatta Point

- An Information report prepared by staff and dated September 3, 2002 was before the Committee.

The Committee requested that the report be faxed to Mr. Lee Fenwick, President of the Regatta Point Landowners Association.

Item to be removed from Status Sheet.

12. ADDED ITEMS

See Section 12, page 7.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS- None

8. PUBLIC HEARINGS

8.1 Case # 00478 - Land Use By-law Amendments - Shipping Containers (report previously circulated)

- Mr. Paul Sampson, Planner, gave a brief report on this issue.
- Staff report dated May 24, 2002 was circulated and a copy is on file in the Municipal Clerk's Office.

Mr. Sampson reported that staff are now initiating amendments to the land use by-laws throughout the region in all urban areas. The following point was raised during discussion:

- < grandfathering of existing shipping containers used as accessory buildings may be possible if at time of placement on the property, all then-current regulations were adhered to.

Third and final call for speakers was given.

MOVED by Councillor Walker, seconded by Councillor Whalen to close the public

hearing. **MOTION PUT AND PASSED**

MOVED by Councillor Mosher, seconded by Councillor Walker that Chebucto Community Council approve the amendments to the Halifax Peninsula and Mainland Land Use By-laws as shown in Attachment 1 and 2 of the staff report dated May 24, 2002 regarding the use of Shipping Containers as accessory buildings. MOTION PUT AND PASSED

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

10. REPORTS

10.1 Case # 00497 - Townhouses

- Staff report dated, August 21, 2002, was circulated.

MOVED by Councillor Adams, seconded by Councillor Mosher that Chebucto Community Council give first reading to the proposed amendments to the Halifax Peninsula and Mainland Land Use Bylaws as contained in Appendix A and to schedule the public hearing for October 7, 2002. MOTION PUT AND PASSED

11. MOTIONS- None

12. ADDED ITEMS

12.1 Appeal of the Development Officer's Decision to Approve an Application for a Variance - 24, 26, 28 Fenwood Road.

- Mr. Steven Higgins, Development Officer, presented the staff report dated, August 30, 2002.

Mr. Higgins reviewed the criteria staff followed in considering the variance application and referred to information outlined in the circulated report.

Mr. Wayne Harvey, Property Owner, indicated that his Architect, Mr. Doug Miller, would speak to this issue on his behalf.

Mr. Miller commented that the 5' reduction in setback would allow them to construct the house closer to street level which would be good for the market value as well as design value. A Geo-technical Engineering firm was hired to review the condition of the slope. Mr. Miller commented that a very careful site drainage plan was submitted and no erosion condition was

left unconsidered. Without the 5' reduction, construction would necessitate a 16 x 16 square structural peg driven into the hardpan which would be the bearing point and stability for three-storey structure at the back. Mr. Miller confirmed that the master lot grading and drainage plan, approved by HRM, shows an interlinking retaining wall between the properties.

Mr. Harvey, Property Owner, commented that the 15' setback would save some mature pine trees on the property.

PUBLIC SPEAKERS

Ms. Vera Dutin, 33 Fenwood Road, commented that she has resided at this address for 41 years and for 33 years there has been a problem with water in the basement due to the many rivers running underneath. She further commented that the properties are moving and the land is sinking. Ms. Dutin expressed her concern with the reduction in the setback causing more problem with land stability. She also expressed concern that the only protection around the construction site was a snowfence. She further commented that Fenwood Road has not been paved since 1963.

Third and final call was given for public speakers. Hearing no further speakers, the public hearing was closed.

Councillor Mosher requested a report from staff regarding the protection of construction sites and the use of snowfences as a means of protection. She also responded to Ms. Dutin's concern regarding paving on Fenwood Road and stated that it is in the budget and the road will be resurfaced next year.

Councillor Adams commented that staff would investigate the issue of flooding in Ms. Dutin's area.

Councillor Mosher suggested deferring the matter for one month in order for Engineering to assess the situation regarding flooding. Mr. Harvey, Property Owner, expressed economic hardship with a further delay as he has waited two months for this Public Hearing.

Placing the motion on the floor for discussion, it was **MOVED by Councillor Mosher, seconded by Councillor Walker that Chebucto Community Council uphold the Development Officer's decision from staff report dated August 30, 2002 to approve the variance for 24, 26, 28 Fenwood Road. MOTION PUT AND PASSED** with Councillor Mosher voting against.

12.2 CASE # 00465 - Application for Development Agreement, Lot abutting Civic # 89 Purcell's Cove Road, Halifax

- Staff report dated September 4, 2002 was circulated.

MOVED by Councillor Mosher, seconded by Councillor Walker that Chebucto Community Council give notion of motion to consider an application by George Sotiropoulos for a development agreement on his property abutting 89 Purcell's Cove Road, Halifax and to schedule a public hearing for October 7, 2002. MOTION PUT AND PASSED

Councillor Mosher requested that Planning address all concerns in the letter from Mr. Tweel before the Public Hearing and that the response be in writing to Mr. Tweel.

12.3 Lacewood and 102 Interchange

MOVED by Councillor Whalen, seconded by Councillor Walker that Chebucto Community Council urge HRM staff to pursue the agreement with the Province to cost share expansion to eight lanes on the Lacewood and 102 Interchange, and that HRM staff construct the sidewalks, as per agreement, by fall of 2002. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Walker requested a follow-up report from staff for the October 7, 2002 meeting.

13. NOTICES OF MOTION- None

14. PUBLIC PARTICIPATION

Mr. Hiram Tiller, Clayton Park West, commented that he was pleased to see traffic lights on Parkland and Lacewood. He also commented on the Parkview expansion and congratulated Chebucto Community Council for moving this issue forward. He expressed concern with the traffic flow in HRM and mentioned various problem areas in HRM such as Parkland Drive, Northwest Arm Drive, Lacewood Drive, Langbrae, Bayers Road and Regency Drive.

15. NEXT MEETING DATE

Monday, October 7, 2002 at 7:00 pm in the Keshen Goodman Library.

16. ADJOURNMENT

MOVED by Councillor Walker, seconded by Councillor Whalen that the meeting be adjourned. MOTION PUT AND PASSED

Chris Newson
Assistant Municipal Clerk