

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, OCTOBER 7, 2002

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

ALSO PRESENT: Mr. Paul Sampson, Planner I
Mr. Barry Allen, Manager, Legal Services
Mr. Jim Donovan, Manager Planning Approvals
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. Later in the meeting, Councillor Adams recognized Mary Ann McGrath, MLA for Halifax/Bedford Basin.

2. APPROVAL OF MINUTES

2.1 Regular Meeting –September 9, 2002

Corrections:

Councillor Whalen: a) Added Item, 12.3 Bi-Hi Ramps, should be entitled Lacewood and 102 Interchange.
b) Status Sheet Item 4.1.3 to reflect that snow removal was the primary concern and that litter pick-up/clean-up were secondary issues.

Councillor Mosher: would like minutes to reflect that she voted against approval of the variance appeal for 24, 26, 28 Fenwood Road.

MOVED by Councillor Whalen, seconded by Councilor Walker, that the Minutes of the Regular Meeting held on September 9, 2002, be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

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

MOVE: Item 9. Presentations, 9.1 Chebucto West Community Health Board – Smoking By-Law, to immediately follow Approval of Order of Business.

MOVE: Item 4.1.2 Extension of Public Participation, to later in meeting.

ADDED ITEMS:

- 12.1 Kearney Lake Road and Capital Hill – Councillor Whalen
- 12.2 Williams Lake Road, Purcell's Cove Road, Parkdale Road - Councillor Mosher
- 12.3 Membership Selection Committee – Councillor Walker
- 12.4 Grants Committee – Councillor Walker
- 12.5 Midget Ball Field – Councillor Adams

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

9. CORRESPONDENCE, PETITIONS, DELEGATIONS

9.1 Presentation

9.1.1 Chebucto West Community Health Board – Smoking By-Law S200

Ms. Heather MacKay, representative of the Chebucto West Community Health Board, raised the following points regarding support for By-Law S200. A copy of the presentation is on file in the Municipal Clerk's Office:

- < making all indoor public places 100% smoke-free would protect the public from the significant health risk of second hand smoke
- < tobacco use in Nova Scotia is the third highest in the country
- < Nova Scotia currently has the highest rate of teen smokers
- < by making all indoor public places smoke free, it prevents youth from starting to smoke and increases the number of smokers who quit
- < there is strong public support for smoke free indoor public places
- < concerns about enforcement are overemphasized as experience has shown that 100% smoke free By-Laws minimize the need for enforcement

Chebucto Community Council thanked Ms. MacKay for her presentation and extended an invitation to the Chebucto West Community Health Board to participate in the Public Hearings on the Smoking By-Law.

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

Councillor Whalen requested that a reminder be sent to staff regarding this issue.

4.1.2 Extending Public Participation for Planning – District 1

Discussed later in meeting. See page 7.

4.1.3 Day Care Centres

- < A staff Information Report dated October 4, 2002 was circulated to the Committee. A copy is available in the Municipal Clerk's Office.

Mr. Paul Sampson, Planner I, presented the report.

Councillor Whalen explained that the issue of Day Care Centres came to Community Council in February of 2002 when there was an application for a 38 member Day Care Centre on Roxbury Crescent, a residential area. There was opposition from area residents and a staff report was requested.

MOVED by Councillor Whalen, seconded by Councillor Mosher that Chebucto Community Council recommend to Regional Council that the MPS policy for Halifax be amended to restrict the size of Day Care Centres in residential zones under Development Agreements to 14 children. Further, that the existing MPS for Halifax be amended to include only one Child Care Centre every 500' or one per cul de sac.

Mr. Sampson commented that staff would prepare a report for Regional Council including this recommendation. Councillor Whalen requested that staff begin the process to bring this matter before Regional Council.

Councillor Walker commented that there are now ten Day Care Centres in District 15 with possible plans for another. He expressed the community's concern with the number of Day Care Centres in this district.

MOTION PUT AND PASSED UNANIMOUSLY.

In consultation with Councillor Whalen on October 28, 2002, this item to be removed from the Status Sheet.

4.1.4 Sir Sandford Fleming Park Asset Statement

Councillor Mosher has requested a formal report from staff as part of the proposal to the National Sites and Historic Monuments Board. This item to remain on Status Sheet.

4.1.5 Basement Flooding in area of Fenwood Road

Councillor Mosher requested information from staff on the issue of flooding to homes on Fenwood Road.

Councillor Mosher referred to a letter from staff regarding the issue of a snowfence as a barrier around a construction site. She commented that the owner of the property on Fenwood Road was given a permit to start construction on the condition that proper protection be constructed around the site. If the owner does not construct the proper protection, such as a hoarding fence, or plywood barricade, staff will do so.

4.1.6 Lacewood and Highway 102 Interchange

Councillor Whalen commented that an Information Report dated October 1, 2002 was received from staff. The staff report confirmed that the matter of the sidewalk construction was scheduled for tender at Regional Council on Tuesday, October 8, 2002 and the work will be completed this fall. The widening of the lanes and addition of lanes will be done in the spring of 2003. A copy of a letter from the Provincial Transportation and Public Works Department, indicating their agreement to cost sharing of this project, was included with the staff Information Report.

In consultation with Councillor Whalen on October 28, 2002, this item to be removed from Status Sheet.

4.1.7 Speed Limits on Bayview Road

Councillor Whalen, assisted by Councillor Walker, will draft a letter to the Provincial Department of Transportation regarding reducing the speed limits in this area.

The following Status Sheet Item was presented upon arrival of staff person.

4.1.2 Extending Public Participation for Planning – District 16

< Mr. Jim Donovan, Supervisor, Permits and Inspections, gave an oral presentation on the staff Information Report dated October 1, 2002. Copies of the staff report were circulated to the Committee and a copy is on file in the Municipal Clerk's office.

Mr. Donovan commented that there are various forms of citizen participation in planning matters. Two methods of engaging public participation for District 16 planning matters would be the establishment of a Planning Advisory Committee (PAC) or an Area Advisory Committee (AAC). Mr. Donovan added that examples of a Terms of Reference for these Committees were included in the staff Information Report which was before the Committee.

Councillor Whalen requested a draft Terms of Reference for a proposed Planning Advisory Committee that would be formed on a trial basis for District 16. She further requested that the Terms of Reference reflect a composite Planning Advisory Committee and Area Advisory Committee. Councillor Whalen suggested there be at least six members on this Committee which would include the Councillor for District 16.

MOVED by Councillor Whalen, seconded by Councillor Walker that staff prepare a draft Terms of Reference for a Planning Advisory Committee for District 16. Further, that the Terms of Reference reflect a composite Planning Advisory Committee and Area Advisory Committee consisting of approximately six members, including the Councillor for District 16, and that this Committee be formed on a trial basis.

Councillor Mosher expressed concern with a Planning Advisory Committee of only 3 to 6 members portraying the views/opinions of the entire Community. She asked if it were possible to direct Planning Advisory Committees to, for example, distribute surveys to have a broader community consensus. Councillor Mosher also asked if an "ad hoc" Advisory Committee could be formed for issue specific concerns or projects and if such a Committee would have assistance from staff. Mr. Donovan responded that if such a Committee were formed by Community Council, staff assistance would be available. He further commented that the mandate for such a Committee should be well defined by the Community Council and that diversity of the Committee members be considered.

MOTION PUT AND PASSED UNANIMOUSLY

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. PUBLIC HEARINGS

8.1 Case # 00497 - Townhouses

< A staff report dated August 21, 2002 was before the Committee. A copy is on file in the Municipal Clerk's Office.

Mr. Paul Sampson, Planner I, presented a brief report on the Housekeeping Amendment issue of Townhouses. He explained that the R2 zone on the Peninsula and the R2-P zone on the Mainland allow buildings containing up to four apartment units. Currently, the definition of an apartment house does not exclude townhouses from qualifying as a four unit apartment building. Therefore, the staff report includes a recommendation to clarify the definitions in the Halifax Peninsula Land Use By-law and the Halifax Mainland Land Use By-law.

The Chair called three times for persons wishing to speak in favour of or against the proposal. Hearing none, it was **MOVED by Councillor Walker, seconded by Councillor Whalen that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Mosher, seconded by Councillor Whalen that Chebucto Community Council approve the proposed amendments to the Halifax Peninsula and Mainland Land Use By-laws as contained in Attachment A & B of staff report dated August 21, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case # 00465: Application for Development Agreement, Lot abutting Civic #89 Purcell's Cove Road, Halifax

< A staff report dated September 4, 2002 was before the Committee. A copy is available from the Municipal Clerk's Office

Mr. Paul Sampson, Planner I, presented the staff report dated September 4, 2002 to the Committee. He explained that there had been a request to enter into a development agreement to allow for a single unit dwelling on a lot which does not have public street frontage. Mr. Sampson also commented that there was no recent survey plan included with the application.

Councillor Mosher asked what it would cost to have a survey plan prepared. Mr. Sampson responded that it could cost between \$2,000 - \$3,000.

PUBLIC SPEAKERS

Ms. Nora Perry, 87 Purcell's Cove Road

Ms. Perry requested a survey be done on the area in question to clarify the exact location of the right of way. Ms. Perry referred to a copy of her property's plot plan which shows the right of way passing through the corner of her house. She expressed concern with losing the corner of her lot and the stonewall running along the right of way. Ms. Perry added that there is a telephone pole situated in the middle of the right of way, in front of 87½ Purcell's Cove Road.

Mr. Peter LeClaire, Architect, 7 Bakers Drive

Mr. LeClaire informed the group that the stonewall would be rebuilt and realigned to the exact survey. He also commented that the drawing shown of the property in question was only a certificate and the dimensions were not accurate.

Mr. Fred Pelley, 87½ Purcells' Cove Road

Mr. Pelley commented that the survey information shown is over 20 years old and there are no survey markers between 89 and 87½ Purcell's Cove Road. Mr. Pelley added that for the owners of 87½ and 85½ Purcell's Cove Road to travel down the right of way and onto Purcell's Cove Road, it is at times necessary to drive over Mr. Perry's lot. He further commented that vehicles are parked on and around Mr. Perry's property due to the Fish 'n Chip shop and it has often been necessary to go into the Fish 'n Chip shop to ask someone to move their car. Mr. Pelley is in favour of the house being built with the suggested 11' setback. He added that the old stonewalls between 85½ and 87½ Purcell's Cove Road were built in the early 1900's to separate the boundary lines and they should

remain. The telephone pole provides a buffer to the Perry's property and he would like to see it remain. Mr. Pelley suggested a 20' access on the right of way to Purcell's Cove Road with NO PARKING signs placed along the retaining wall.

Mr. Stephen Jones, 85½ Purcell's Cove Road

Mr. Jones commented that the owner of #89 Purcell's Cove Road has a retaining wall along the front of the property near the street and patrons of the Fish 'n Chip shop park along this wall. He further commented that he has had to go in and ask customers to move their cars. Mr. Jones is not in agreement with cars parking along this wall and blocking the way for the residents.

Mr. Sam Sotiropoulos, Dartmouth

Mr. Sotiropoulos stated that he and his father have owned #89 Purcell's Cove Road and the lot in question for over 30 years. He commented that it was impossible for # 89 Purcell's Cove Road to be four feet over the property line. Mr. Sotiropoulos added that his father built the retaining wall at his own expense so he could park there. He added that he plans to move into the home built on the lot in question. Mr. Sotiropoulos stated that MT&T installed the telephone pole in the right of way and MT&T should be contacted in regards to its removal/relocation. He stated that the retaining wall will be rebuilt and also added that there have been three surveys done on the lot in question.

Mr. William Phillips, 9 Crestview Drive

Mr. Phillips asked if there would be future development on the opposite side of the right of way and whether this possibility had been taken into consideration. He also commented that some of the lots on the plan are landlocked, such as #20 and #22 and asked if it would be possible for homes to be developed on these lots.

Mr. Sampson, responded that the MPS for this area states that any lot that does not have frontage on a street, a development agreement application may be made but, they would have to meet a list of criteria such as adequate service to sewer and water.

Unnamed Speaker, long-time resident of Armdale

The property in question has been left fallow for many years and this is a good sensible development.

Mr. George Sotiropoulos, 89 Purcell's Cove Road

Mr. Sotiropoulos stated that he has lived at this address for almost 50 years. He further commented that he has a survey that was done by a Mr. Thompson. He presented the survey to Councillor Walker for his perusal.

Mr. Scott Perry, 87 Purcell's Cove Road

Mr. Perry stated that his main concern was with the traffic and the right of way passing so close to the corner of his property. He also asked which wall would be replaced.

Mr. LeClaire commented that the retaining wall will be replaced and moved back when the sewer and water line is adjusted.

Mr. Perry asked if the right of way could be made a street.

Councillor Adams requested that appropriate staff be informed of Mr. Perry's request as soon as possible.

Further discussion ensued by the Committee with the following points being raised/clarified:

- < two owners share the right of way, 85½ and 87½ Purcell's Cove Road
- < a right of way is the right given to people who own property to travel over an abutting piece of land. One of the conditions under the Municipal Planning Strategy to obtain a Development Agreement is that the lot must have access to a street via a right of way if it does not have access to a street.

Councillor Adams clarified the following:

- < that the lot in question, which is that lot abutting # 89 Purcell's Cove Road, does have access to a street through the right of way.
- < there is some discrepancy regarding the accuracy and function of the right of way.
- < access to the right of way onto Purcell's Cove Road is sometimes blocked with vehicles from the Fish 'n Chip shop.

Mr. Paul Sampson responded that the deed to this property does include the right of way and there is reasonable passage to motor vehicles.

The Chair called for speakers for the third time, hearing no further speakers it was **MOVED by Councillor Whalen, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY**

During discussion, Councillor Mosher suggested that the Developer obtain a proper survey of the right of way, have a meeting with the property owners and then return to Community Council in November.

Mr. Paul Sampson reminded the Committee that all criteria have been met for this application and that the accuracy and location of the right of way is irrelevant to this application.

Councillor Adams asked if it were possible to approve the recommendation and address the accuracy and access of the right of way to give the property owners assurance that these issues would be remedied. Mr. Sampson responded that the onus was not on the owner for the present application before Community Council.

Mr. Sam Sotiropoulos commented that 35 years ago the lot in question was owned by Mr. Kidney and he owned the right of way. There was a survey done by a Mr. Thompson and there were survey stakes (tags) on the property that are no longer there.

Councillor Mosher offered a meeting room at Chocolate Lake for the Applicant and neighbours to discuss this issue further.

MOVED by Councillor Mosher, seconded by Councillor Walker that Chebucto Community Council defer Case # 00465: Application for Development Agreement, Lot abutting Civic # 89 Purcell's Cove Road, Halifax, until the next regularly scheduled meeting of the Chebucto Community Council to allow the residents an opportunity to discuss their concerns. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Adams encouraged those concerned to meet and discuss their concerns. He also commented that the Police Department would be asked to perform some selective enforcement of the parking area around Phil's Fish 'n Chip shop.

Councillor Mosher added that the Fish 'n Chip issue has been a long standing issue as there have been odor complaints and parking complaints. By-Law is trying to develop a solution. She will provide an update on the progress at the next meeting.

MOVED by Councillor Mosher, seconded by Councillor Walker that staff prepare an update on the issue of odor complaints and parking around the Fish 'n Chip shop on Purcell's Cove Road for the November meeting of the Chebucto Community Council. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Presentations

9.1.1 Dealt with earlier on agenda immediately following Item 4. See page 5.

10. REPORTS- None

11. MOTIONS- None

12. ADDED ITEMS

12.1 Kearney Lake Road and Castlehill Road

Councillor Whalen reported that half signal lights, that are pedestrian activated, have been installed on Kearney Lake Road at Castlehill and Broadholme Drive.

12.2 Williams Lake Road/Purcell's Cove Road/Parkdale Road Intersection

Councillor Mosher reported that all way stops, with flashing lights in advance, will be installed on the Purcell's Cove Road. Concrete curbing, to be installed in the spring of 2003, and an overhead flashing crosswalk sign will be added to better define the intersection. In the interim, Councillor Mosher has requested a Crossing Guard.

12.3 Membership Selection Committee

MOVED by Councillor Mosher, seconded by Councillor Whalen that Councillor Russell Walker represent the Chebucto Community Council on the Membership Selection Committee. MOTION PUT AND PASSED UNANIMOUSLY

12.4 Grants Committee

MOVED by Councillor Mosher, seconded by Councillor Whalen that Councillor Russell Walker represent Chebucto Community Council on the Grants Committee. MOTION PUT AND PASSED UNANIMOUSLY.

12.5 Midget Ball Field

MOVED by Councillor Walker, seconded by Councillor Whalen that consideration be given during upcoming budget deliberations for a midget ball field site in the Mainland South area or an upgrade of existing facilities such as Rockingstone Heights School. MOTION PUT AND PASSED UNANIMOUSLY

12.6 Bedford West Project Open House

Councillor Whalen requested that Chebucto Community Council remain apprized of the proceedings with this development due to possible traffic issues on Kearney Lake Road with the increase of up to 20,000 new residents in Bedford West.

13. NOTICES OF MOTION- None

14. PUBLIC PARTICIPATION

Ms. Mary Ann McGrath, MLA Halifax/Bedford Basin

Ms. McGrath thanked Chebucto Community Council for their efforts to have the lights installed at Castlehill and Broadholme. She asked if it would be possible to have a pressure switch installed on the side streets for pedestrians and vehicles to alleviate back up on these streets onto Kearney Lake Road. She further commented that she continues to communicate with the Provincial Minister regarding speed limits on side (small) streets. She requested that there be a realignment of the Kearney Lake Road between Kearney Lake and the Bi-centennial Highway to help slow down the vehicles traveling along this road. There will be lights installed at the north side of the Bi-centennial highway which are intended to control back-up traffic on the ramp.

Mr. Bob Zinck, Doull Avenue, Fairmount Subdivision

Mr. Zinck read a letter he sent to the newspapers regarding traffic concerns in Halifax. He also raised the following points:

- < massive housing projects in Clayton Park West but no plan for additional buses
- < sparse transit service - wait time for transfers too long
- < of the 12 Park and Rides, only 1 is outside city center. It is necessary to navigate traffic to get to a Park and Ride.
- < staff should review "peak times" as some days it starts as early as 2:30 pm.
- < reminder: Quinpool Road is not a merchant parking lot but a street.
- < News reports from the US note that road construction is done at midnight, not during peak hours, perhaps road construction could be done at midnight here as well

Mr. Hiram Tiller, 4 Thackery Close

- < winter parking ban - he suggested that updates be included on the 24 hour 97.9 station (tourist information) regarding whether the parking ban was on or off as there are updated weather reports on a ten minute cycle.
- < commented that the new Superstore in Tantallon had traffic lights installed, as did the Wal-mart in Truro, during construction phase and asked where the problem was with HRM that it cannot provide lights as quickly where needed. Councillor Walker commented that Superstore paid for the lights in Tantallon to which Mr. Tiller responded that others should be forced to pay for the lights to ensure safe access.

Mr. Lloyd McLellan, 2814 Old Sambro Road, Williams Wood

Mr. McLellan commented that he owns property at 1001 Prospect Road and is having problems with obtaining a zoning permit. He has had some contact with HRM staff and

is still waiting for a reply. Councillor Adams commented that HRM staff would be asked to contact Mr. McLellan immediately.

Mr. William Phillips, 9 Crestview

Mr. Phillips commented that he has been a member of the Executive of the Northwest Arm Heritage Association since its conception. Mr. Phillips expressed some concern with the application for Sir Sandford Fleming Park declaring the entire park a national Historic Site. He further commented that only a portion of the park has all the qualifications to become a National Historic Site.

Councillor Mosher commented that the application for Sir Sanford Fleming Park has gone to the National Historic Sites and Monuments Board and may not necessarily be for the entire 95 acres of the park. The application is for the Sir Sanford Fleming Memorial Tower. Councillor Mosher will give Dr. Cuthbertson, Mr. Phillip's phone number for further discussion.

Hearing no further speakers, the public participation session was closed.

15. NEXT MEETING DATE Monday, November 4, 2002

16. ADJOURNMENT

On a motion by Councillor Whalen the meeting was adjourned at 9:10 pm.

Chris Newson
Assistant Municipal Clerk