



**TABLE OF CONTENTS**

1.	CALL TO ORDER .....	3
2.	APPROVAL OF THE AGENDA .....	3
3.	CONTINUATION OF PUBLIC HEARING - Case #00066 - Application for Rezoning and Development Agreement, Governor's Brook Subdivision, Mainland South, Halifax .....	3
4.	PUBLIC PARTICIPATION .....	11
	14.2 Public Participation .....	11
5.	NEXT MEETING DATE .....	13
6.	ADJOURNMENT .....	13

**1. CALL TO ORDER**

The meeting was called to order at 7:15 pm in the cafeteria of the Halifax West High School. Later in the meeting, MLA Mary Ann McGrath, Halifax/Bedford Basin was recognized.

**2. APPROVAL OF THE AGENDA**

**MOVED by Councillor Walker, seconded by Councillor Whalen that the agenda be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.**

**3. CONTINUATION OF PUBLIC HEARING**

8.1 Case # 00066: Applications for Rezoning and Development Agreement, Governor's Brook, Mainland South

Councillor Mosher, Chair of Chebucto Community Council, reviewed the guidelines for public participation at Public Hearings and then opened the floor to the remaining fifteen (15) speakers.

PUBLIC SPEAKERS

Mr. Sid Hughes, 15 Shaw Crescent

- impressed by presenters
- area for development is a beautiful and natural setting
- politically sensitive issue - well presented
- well stated environmental issues
- long term, where are we going with quality of development? Are we building for long term or the moment?
- row upon row of birdhouses in Lakeside, 32' and 40' lots - downgrading
- we don't like proposed development.
- recognize need for low cost housing but could be better designed
- 4 single family units per acre not 2 families per 32'.
- 60 families per acre! Is this not breaking the rules?
- 2 or 3 slender towers with minimum of groundcover/topography disturbed
- leave most land as parkland etc. greenbelt etc. along natural water course
- minimum of excavation and land filling if you follow the natural course/landscape
- room for 10-12 modern estate style homes
- hope Developer and Staff will consider the questions we raised.
- development has a potential negative impact - should be evaluated carefully

Mr. Kermit Stick, 19 Kirk Road

- small business man
- wife is an Architect
- generally we are pro-development
- Halifax is growing and maturing and we need more development
- if someone owns the land, they have every right to develop as they chose
- should be pleasing to the senses - roots are formed here
- if not lively and dynamic then the community will not grow
- extreme environmental damage from "crappy" development
- appropriate density and scale, appropriate materials - do not want ugly, cheap houses
- governmental code - there is a rule structure to follow
- this project violates the mandate the city has with the land "the city shall" (policy 7.3)
- blasting etc. - possibility of damage
- City Planning, how did they pass this? Some land donated but it could still damage area.
- suggest City buy back land from Armoyan and use as a park for citizens
- land is a jewel that can radiate wealth and build community
- we could name the park Mr. Armoyan Park
- city planning department has let us down
- should we allow developer to dictate to us? NO! Not now, not 3 years ago, not ever. VOTE NO!

Theresa Snow, 19 Colpitt Lake Road

- in general not opposed to development but is opposed to this rezoning and development agreement
- Armdale Rotary - does not take into account other areas that use the rotary
- staff report - 4.3 (f) If traffic pattern remains "constant" ? what is constant?
- roads were built for local traffic. Some have sidewalks, some don't. Section 17 - "traffic to be spread out". How do you ensure this?
- Sewer. p. 19 (6) Roach's Pond - 2007 Sewage Treatment plant - what happens if the sewage treatment plant doesn't go through?
- Storm drainage - run -off. 26 (c) "approval agreement - plans must be submitted but this is after blasting and trees are gone
- 194 acres of park land - a gift only if development approved - not even serviceable land that is being donated - it is backing Colpitts Lake and Flat Lake
- trees/shrubs/roots/ will be destroyed by blasting
- no guarantee of quality and care of construction

Ann von Maltzahn, 15 Wenlock Grove

- no to rezoning
- no to approving development agreement

- Williams Lake residents - Petition signed by 1404 individuals
- 4 major concerns: Community Based Development? Most residents of Theakston Avenue were unaware of the development and this Public Hearing
- lack of public participation is another reason to not approve the plan
- Section 2 (12) public participation - our community has asked for a revised Planning Strategy before this development is approved or any development
- we should have been more involved in this process. Two public information meetings held but the plans were already made.
- 12 pages of minutes, can't find one positive reaction to them from the public
- this threatens to divide the community
- wildlands/backlands/ - we speak in their defence
- book by Heather Watts - (family) names of the area and still present there (in the community)
- Williams Lake - important in history but will it in be in future
- lakes and backlands - Williams Lake needs clean run-off from other waterways
- listen to the public - think to the future and vote NO!

Regina Maass, 53 Albion Road

- used to swim in North West Arm - can't now
- we are losing our natural recreation facilities
- landfill dumped on property and homes were built there
- could it be that experts don't know everything?
- Punchbowl - now called Punchcup as it has been filled in. Closed for swimming due to high bacteria count
- Williams Lake - children use it
- let's protect our natural resources now
- HRM has not enough money to support the existing swimming pools. Natural recreation activities that lakes/rivers give us cannot be replaced and will be lost forever
- MacIntosh Run - runs into the lakes
- Suggestion: between Herring Cove Road and Purcell's Cove Road - City and Province get together and preserve the area

Councillor Mosher clarified that HRM did not sell the land in question to Mr. Armoyan, it was sold by Sobey's.

Helen Lofgren, 47 Albion Road

- gift - conservation land by developer to community? Land only given if the development is approved. How is it a gift when the land is not serviceable and therefore useless to the developer? Nice gift maybe, but it doesn't address the inherent problem.
- 3 roads will go through the donated land

- then no access to development except through neighbourhood streets
- Roads shown on development plans in 194 acres of Conservation Land. Conservation Land through which major roads are built and affect the Flat Lake Watershed. Development of Major subdivision through which no major roads were built (Stanley Park). Staff should clarify which option is best.
- No zoning available to accommodate conservation to the proposed deeded property
- Conservation Zone - Amend MPS to include conservation - could affect holding on Park/Industrial "marked" land
- gift (of 194 acres) only because it is of no immediate use

Kris Allinson, 21 Colpitt Lake Road

- p.7 of report - other land that could be developed first!
- Regatta Point, Melville Ridge, Stanley Park, etc. have resulted in approximately 2000 dwelling units - population level remains constant -2001 census - Keyworth Lane- Stanley Park etc. were not completed therefore there are erroneous statistics
- vote no to rezoning due to erroneous statistics
- Moved to Nova Scotia in 1985 and looked for a home with privacy and nearby wilderness. If development is approved, see no reason to remain in Spryfield.

Christa Cook, 14 Colpitt Lake Road

- opposed
- trees gone - what will residents be breathing?
- cover fire/emergency service?
- increase traffic on roads
- bogs/marshes/wetlands should be protected
- where are your community morals?
- don't poison our air and lakes
- if business can't sustain in our area, how will we sustain new residents (50 per year)
- Reuse, Recycle, Reduce
- vote no

Eileen Pelham, 49 Parkhill Road

- Feb. 2/03 a letter sent to Province (Minister Chisholm)
- issue - Public Information meeting held April 24/02; Mr. Rob MacPherson commented there would be 500 units, now it is 870 units - future development? Mr. MacPherson commented that two associations were consulted of plan, the MacIntosh Run Association - member of that group was in audience and refuted Mr. MacPherson's

statement. Also, Herring Cove Rate Payers Association - was struck off registry in 2002 - what association has Mr. MacPherson consulted with? One rejected his comment and one is defunct.

- people of Herring Cove have been very vocal regarding sewage
- Councillor Adams was against rezoning due to sewer
- Councillor Adams said he would not continue to dump raw sewage into Herring Cove.
- Environment Act - to protect environment - Storm Drainage - "water courses have historically been considered..." (Div. 3/Section 2 (b) and section 6.b

Councillor Mosher clarified issue of MacIntosh Run Association - they did not have a position for or against the matter in question. This will be confirmed.

Paul Helpern, 251 Purcell's Cove Road

- resident of area close to Williams Lake and Colpitts Lake, lived here 5.5 years
- many generations before me - thank you for preserving this area
- What type of community do we want to be?
- valuable - sense of community and treasure the Ponds
- Treasured physical features, Colpitts Lake, Backlands - more subtle - the community resides in people's hearts
- oppose this development vehemently as when you destroy (blasting) a piece of a community's physical heritage, you also destroy a piece of that community's heart

Connie Berman, 319 Purcell's Cove Road

- \$50 gift donated per unit offered by the developer - why would HRM staff agree to this money? Is this normally done? Tax Free donation to environmental group. Is MacIntosh Run Watershed Association accepting this?
- phasing has been mentioned. 50 units per year over 24 years. Slow phasing system - not much impact on sewer/traffic on rotary.
- 2.11 - was not in 1<sup>st</sup> agreement - "substantial" may be amended by Community Council - as it is now not substantial
- changes in phasing - section (b) - where two or more phases are undertaken simultaneously - this should be considered one phase.
- If environmental problem occurs - \$20,000 security deposit will be paid by developer to ensure all environment protection measures are covered
- collapsing the phases were EXPECTED to happen and developer would put up less money
- these changes could be made by Community Council with no public input
- the public will have to attend the first Monday of every month - over years - to keep an eye on this development
- high-rise buildings could be built

Councillor Mosher commented that minutes could be mailed out to all those interested in receiving them.

William Phillips, 9 Crestview Drive

- have been a regular attendee of Chebucto Community Council and there was an outstanding attendance at the Public Hearing on Feb. 3/03. So many citizens had opportunity to express their reason why Community Council should reject this proposal.
- well documented and factual points presented to vote NO!
- Dr. Robinson spoke on role of our ancestors - i.e: Point Pleasant Park
- imagine how much poorer we would all be if our ancestors had not protected Point Pleasant Park - Hemlock Ravine
- now you Councillors, you have an opportunity to make your indelible mark on this area to preserve this area and commence a public information on the planning of this area of HRM

Kathleen Hall, Hall's Road

- circulated documents to the Community Council including documents not included in staff report - document and map (she circulated to the Community Council)
- she could not understand the staff report until she saw Map 1 included in her package
- Bottom part of map is clearly shaded and says DEVELOPMENT NOT PERMITTED at "least until" allow rezoning in Holding Zone - policies to be repealed
- if it was intended that restriction to develop in Mainland South were lifted - then the shaded area would have been lifted
- remain a holding Zone until Municipal Services are available - staff says these lands can be serviced - sewer/water/transit/schools/fire/police. Services must not only be serviceable but adequate
- concern with Sewage overflow into MacIntosh Run. Main reason proposal rejected in 1998 was due to Councilor Adams saying NO to more sewage in Herring Cove

Mr. Robert MacPherson spoke on behalf of Kimberley Lloyd Developments.

Mr. MacPherson commented that the concerns expressed by the public are shared by Kimberley Lloyd Developments Ltd. One of the key concerns is the protection of the adjacent water bodies, including MacIntosh Run, Colpitts Lake and Flat Lake, which are community assets and one of the greatest features of this development. The preservation and enhancement of these water bodies are of critical importance to Kimberley-Lloyd Developments Ltd. as damage to these assets would also be detrimental to this development. This community is about lifestyle and will offer a range of housing and recreation to the first

time home buyer. To meet recreation needs, there will be full public access for recreational purposes to the adjacent lakes as well as the MacIntosh Run. This will be protected by a dedication of almost two-thirds (2/3) of the lands as Conservation/Parkland.

Upon approval by Community Council, we will enter into the detailed design phase of this project, during which a number of qualified professionals will be hired to prepare detailed storm water management plans as well as working in the community to ensure the protection of these lakes. The plans will be reviewed by HRM and the Nova Scotia Department of Environment and their approval is required prior to any work commencing on this development.

The water courses will also be protected from the adverse affects of sewage from this development with the completion of the Harbour Solutions Project. If the Harbour Solutions Project is delayed, or developing commences prior to completion of the Harbour Solutions Project, required upgrades and treatment to the Roaches Pond Station will be done at our expense to ensure sewage from this development does not have a negative impact on MacIntosh Run. As with the storm waters management plan, the required upgrades and treatment will be reviewed and require approval by HRM and the Nova Scotia Department of Environment.

Traffic generated from this site is also a concern. Although our development has not created this problem we do recognize that we will have an impact on the roads. Therefore, this development will be restricted to only 50 units per year which will allow HRM to work toward a regional solution for traffic congestion.

This plan will also provide a social and economic benefit to the Spryfield area by generating much needed growth to maintain the business and service in this community. We believe our plan does meet the existing Municipal Planning Strategy as supported by objective review and positive recommendation by qualified HRM Staff. This project has seen much community participation; the rezoning for residential development district and the resulting development agreement, require public input. There have been four public information meetings, as well as numerous other smaller working meetings with representatives from local community groups.

We would like to give Council and the community our commitment to continue to work with the local community groups during the construction phase to ensure this development proceeds in a responsible manner. We encourage you to support HRM Staff's recommendation and approve this rezoning and development agreement.

Mr. Morris Givner and Mr. Arthur Kidston were noted on the speakers list but were not in attendance.

Councillor Mosher asked if members of Community Council had any questions at this time. Hearing no questions the following motion was made:

**MOVED by Councillor Walker, seconded by Councillor Whalen that the public hearing on Case # 00066: Rezoning and Development Agreement , Governor's Brook - Mainland South be closed. MOTION PUT AND PASSED UNANIMOUSLY**

The meeting was recessed at 8:27 p.m and reconvened at 8:37 p.m.

**MOVED by Councillor Whalen, seconded by Councillor Walker that a staff report be prepared for the March 3, 2003 meeting answering the questions and concerns expressed during the public hearing on Case #00066. The staff report is to include clarification on the following:**

- information such as sediment control/storm drainage in detail similar to a staff report approved in December 2001 by Chebucto Community Council for Clayton Developments. A comparison as to the depth the issues were dealt with in these two reports was requested as the report regarding Bedford South/Wentworth Estates was more detailed.
- include a clarification of policy 7.3 in regards to the word "shall".
- up to date report from the traffic authority and their decision on this proposal.
- clarification regarding status of recreational areas/land and public care of this land and what the owner can do as of right compared to this development application.
- information on topsoil, harbour solutions sludge issue.
- the question on the MPS being outdated as it is mandated to be reviewed every five years
- Regional Plan and question concerning how development can proceed without revised MPS.
- phasing options mentioned in regards to height
- the question of the \$50.00 per dwelling unit donated to MacIntosh Run Association.
- a response from Legal Services on water act.
- Capital Contribution Cost and Developer responsibility for additional services.
- Provincial Issues, Storm water/Drainage. Indicate which issues are provincial and attach a copy of the provincial policies.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Walker, seconded by Councillor Whalen that the decision on Case #00066 be deferred to March 3, 2003 to allow for a more detailed staff report. MOTION PUT AND PASSED UNANIMOUSLY.**

## 14. PUBLIC PARTICIPATION

### 14.2 Public Participation

Councillor Mosher opened the Public Participation section and asked those members of the public wishing to speak on any issue of concern, other than the rezoning and development agreement application discussed during the Public Hearing, to come forward at this time.

#### Mr. Graham Read, 19 Lawnwood Avenue

Mr. Read asked if the public would have an opportunity to respond to the staff report requested for March 3, 2003 regarding Case # 00066. Councillor Mosher responded that the report coming to Chebucto Community Council on March 3, 2003 is for supplementary information for the Councillor's to aid in their decision making. She further commented that the public will not be responding to this report as the Public Hearing has been closed. Mr. Read commented that the staff report could be biased and the public should be able to respond to it. Councillor Mosher responded that she took exception to the comment that HRM Staff may be biased and that there should be respect for the process and staff.

Councillor Mosher further commented that anyone wishing a copy of the staff report could sign a mailing list and the report would be mailed to them.

#### Unnamed speaker

A member of the public asked where the March 3, 2003 meeting would be held and whether the staff report would be available to the public for review before the March 3, 2003 meeting. Councillor Mosher responded that the meeting would be held in the Keshen Goodman Library at 7:00 pm. Councillor Mosher added that the Public Hearing is closed and the Councillor's cannot accept any e-mails, phone calls or any information on this issue and there will be no debate. Mr. Jim Donovan, Manager, Planning Applications, explained that the staff report would be available the day of March 3, 2003 as the Councillor's must receive a copy of the report first and their packages are sent out the Friday before the meeting. He further commented that there would be copies available at the meeting on March 3, 2003 and also at the West End Mall Planning Office.

#### Alan Ruffman, 202 Ferguson's Cove Road

Mr. Ruffman commented that Chebucto Community Council should consider changing the name of North West Arm Drive to Dunbrack Street as there is an assumption that North West Arm Drive will reach to the Catamaran Ponds and then to the North West Arm. He suggested that this name change be done before there are addresses on this road. Community Council requested that a staff report be prepared for the March 3, 2003 meeting on the renaming of

North West Arm Drive.

Mario DeMello, 24 Birchview Drive

Could the report be e-mailed to us? Mr. Donovan responded that reports are not sent electronically as they require a signature on them and the reports are not then scanned to be electronically transferred later as technically they could be altered.

Kathleen Hall, Hall's Road

Is it not possible that staff could not only answer all the many questions but reverse their opinion as to whether or not this development should be approved? Councillor Mosher commented that the public hearing is closed and no further comments will be heard on this matter. She further commented that the supplemental report would be to clarify the issues/concerns raised at the Public Hearing and staff will not be changing their minds they will be providing the additional information requested.

Regina Maass, 53 Albion Road

Streetlights are on all night and if the city of Halifax pays for the lights is it necessary to have the lights on all night at the Frog Pond? She commented that the lights are on after midnight and this is not necessary.

Alanna Kirk, building home at 48 Joyce Avenue, currently at 7111 Quinpool Road

She commented that about one week ago the road up to the Rockingstone Heights School was very icy. The school office told her that there was some controversy over whether it was the City's jurisdiction or the school board's jurisdiction. She added that the hill is very, very steep and cars are fishtailing going up the hill. Councillor Walker commented that HRM does not do school board property. Ms. Kirk added that the city and school board should get together and straighten this out. Councillor Mosher added that she will have HRM staff and School board get together to resolve the issue.

Helen Lofgren, 47 Albion Road

Ms. Lofgren commented that snow ploughs are going much too fast on the residential roads. She added that this did not happen when there were smaller trucks.

15. **NEXT MEETING DATE** - Monday, March 3, 2003

16. **ADJOURNMENT**

On a motion by Councillor Walker, the meeting was adjourned at 9:03 pm.

Chris Newson  
Legislative Assistant