

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, JULY 5, 2004

PRESENT: Councillor Linda Mosher, Chair
Councillor Russell Walker, Vice-Chair
Councillor Stephen D. Adams
Councillor Debbie Hum

STAFF PRESENT: Mr. Steven Higgins, Development Officer
Mr. Paul Sampson, Planner
Mr. Angus Schaffenburg, Planner
Ms. Chris Newson, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF THE MINUTES.	4
2.1	Minutes of regular meeting June 7, 2004 and special meeting of June 15, 2004	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	Status Sheet Items	4
4.1.1	Off-Leash for Districts 17 and 18	4
4.1.2	Tree Replacements - Time Line/Priorities	4
4.1.3	Traffic on Bedford Highway	4
4.1.4	Fish Gate at Belchers Marsh Park	5
4.1.5	Request for Crosswalk at Proposed Parking Lot on Parkland Drive	5
4.1.6	Naming of Playground on Down's Avenue - Edward Drillio Park ...	5
4.1.7	Unsightly HRM Property - Hillcrest Avenue/Melrose Avenue	5
4.1.8	Marked Crosswalk for Braemount Drive, Clayton Park	5
5.	MOTIONS OF RECONSIDERATION - None	5
6.	MOTIONS OF RESCISSION - None	5
7.	CONSIDERATION OF DEFERRED BUSINESS	5
7.1	Variance Appeal: 647 Bedford Highway	6
7.2	Case 00598: Amendment to Stage I Development Agreement - Parkland Drive, Glenbourne Subdivision, Halifax	6
8.	PUBLIC HEARINGS	6
8.1	<u>Variance Appeal: 21 Williams Lake Road</u>	6
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	7
10.	REPORTS	7

10.1	REPORTS FROM DISTRICT 16 - PLANNING ADVISORY COMMITTEE .	7
10.1.1	<u>Case 00626</u> : Amendments to Development Agreement - Bedford South Neighbourhoods A and C	7
11.	MOTIONS	8
12.	ADDED ITEMS	8
13.	NOTICES OF MOTION	9
14.	PUBLIC PARTICIPATION	9
15.	NEXT MEETING DATE	11
16.	ADJOURNMENT	11

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES

2.1 Regular Meeting June 7, 2004 and Special Meeting of June 15, 2004.

MOVED BY Councillor Adams, seconded by Councillor Walker that the minutes of regular meeting of June 7, 2004 and special meeting of June 15, 2004 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions:

- 12.1 Case 00633 - Application for Rezoning - Lot 3 Crown Drive, Halifax
- 12.2 Truck Route Fairmount Subdivision - Councillor Walker
- 12.3 Green Bin Pick-up, Herring Cove - Councillor Adams

MOVED BY Councillor Adams, seconded by Councillor Hum that the agenda be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Items

4.1.1 Off-Leash for Districts 17 and 18

Councillor Adams advised this issue will be dealt with at Regional Council at a future date.
Item to remain on the Status Sheet.

4.1.2 Tree Replacements - Time Line/Priorities

- An e-mail dated June 9, 2004 from Mr. Peter Bigelow was before Community Council.

Councillor Hum advised information was received. **To be removed from Status Sheet.**

4.1.3 Traffic on Bedford Highway

- An Information Report dated June 24, 2004 was before Community Council.

Councillor Hum advised the information requested has been received. **Item to be removed from the Status Sheet.**

4.1.4 Fish Gate at Belchers Marsh Park

Councillor Hum advised an Information Report is expected. She added members of the public will speak to this issue during Public Participation. (See page 9) Councillor Mosher added the item has become an urgent issue and requested it be dealt with immediately by HRM staff. **Item to remain on the Status Sheet.**

4.1.5 Request for a Marked Crosswalk at Proposed Parking Lot on Parkland Drive.

- An e-mail from Mr. Alan Taylor, dated June 30, 2004 was before Community Council.

Councillor Hum advised information has been received. **Item to be removed from the Status Sheet.**

4.1.6 Naming of Playground on Downs Avenue - Edward Drillio Park.

Councillor Walker advised additional information has been received and is to be forwarded to staff. A staff report is requested. **Item to remain on the Status Sheet.**

4.1.7 Unsightly HRM Property - Hillcrest Avenue/Melrose Avenue

Councillor Walker advised this issue is being addressed and work should be completed within two weeks. **Item to be removed from the Status Sheet.**

4.1.8 Marked Crosswalk for Braemount Drive, Clayton Park

- An Information Report dated June 22, 2004 was before Community Council.

Councillor Hum advised the information requested has been received. **Item to be removed from the Status Sheet.**

5. **MOTIONS OF RECONSIDERATION - None**

6. **MOTIONS OF RESCISSION - None**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 Variance Appeal - 647 Bedford Highway

- A staff report dated April 26, 2004 was before Community Council.

Mr. Steven Higgins, Development Officer, advised he has met with both appellants. All concerns were raised during the public hearing with no new information coming forward.

MOVED BY Councillor Hum, seconded by Councillor Adams that Chebucto Community Council uphold the Development Officer's decision to approve the variance at 647 Bedford Highway as presented in the staff report dated April 26, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

7.2 Case 00598: Amendment to Stage I Development Agreement - Parkland Drive, Glenbourne Subdivision, Halifax.

- A staff report dated May 25, 2004 was before Community Council.

Mr. Paul Sampson, Planner, provided a brief update. He explained a revised proposal was recently put forward by the applicant to have an unlit crosswalk at this location which would involve a concrete medium in the middle of Parkland Drive similar to one further down the street. Staff reviewed the request and indicated a pedestrian crossing is not recommended for this location.

Councillor Hum advised she and Councillor Walker have met with HRM's Traffic Authority and representatives of HRM's Planning Services to address the safety concerns raised.

MOVED BY Councillor Hum, seconded by Councillor Adams that Chebucto Community Council hold a public hearing on Monday, September 13, 2004 to discuss the proposed stand-alone parking lot on land between Parkland Drive and the Bicentennial Highway, Halifax. Mr. Paul Sampson provided clarification advising a public hearing would be required if Community Council is considering approval of the application.
MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Walker explained during the staff meeting it was considered acceptable for the parking lot to be further down the hill on the same side as the proposed location. Mr. Sampson added the applicant was advised of this option as well as other options but did not bring them forward for consideration.

8. PUBLIC HEARINGS

8.1 Variance Appeal: 21 Williams Lake Road

- A staff report dated June 11, 2004 was before Community Council. Mr. Steven Higgins, Development Officer, presented the report.

Councillor Mosher reviewed the guidelines for public hearings on variance appeals then opened the public hearing calling for any speakers for or against the applications.

PUBLIC SPEAKERS:

Mr. Mark Bilodeau, 21 Williams Lake Road,

- Applied for a variance a few months ago and was rejected.
- Concern with carport rather than patio as without variance to sideyard setback (to one foot from four feet), there would not be room to put his van under cover.
- Have had no objections from either neighbours.

Mr. Steven Higgins, Development Officer, advised there have not been any similar variances approved over the last 30 years and added there may be non-conforming lots in the area.

Councillor Mosher gave third and final call for any speakers for or against this application. Hearing none it was **MOVED BY Councillor Adams, seconded by Councillor Walker that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED BY Councillor Adams, seconded by Councillor Walker that Chebucto Community Council overturn the Development Officer's decision and approve the variance as requested. MOTION PUT AND PASSED UNANIMOUSLY.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None

10. **REPORTS**

10.1 **REPORTS FROM DISTRICT 16 - PLANNING ADVISORY COMMITTEE**

10.1.1 Case 00626: Amendment to Development Agreement - Bedford South Neighbourhoods A and C

- A staff report dated June 18, 2004 was before Community Council.

Mr. Angus Schaffenburg, Planner, presented the report.

MOVED BY Councillor Hum, seconded by Councillor Walker that Chebucto Community Council give notice of motion to consider an application by Halifax Regional Municipality to amend the development agreement for Bedford South - Neighbourhoods A and C, and schedule a public hearing for September 13, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Case 00633: Application for Rezoning - Lot 3 Crown Drive, Halifax

- A staff report dated June 28, 2004 was before Community Council.

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

MOVED BY Councillor Walker, seconded by Councillor Hum that Chebucto Community Council:

1. **Give first reading to the proposed rezoning of Lot 3 Crown Drive (PID#00299636), Halifax from R-2P (General Residential) zone to R-3 (General Residential/Low Rise Apartment) zone and schedule a public hearing for Monday, September 13, 2004.**
2. **Request a meeting with area residents regarding traffic be held before the public hearing.**

MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Truck Route, Fairmount Subdivision

MOVED BY Councillor Walker, seconded by Councillor Hum that Chebucto Community Council request a staff report on truck routes for Fairmount Subdivision. Councillor Mosher advised she will discuss details of this request with staff. MOTION PUT AND PASSED UNANIMOUSLY.

12.3 Green Bins, Herring Cove

Councillor Adams advised Herring Cove is paying an urban tax rate but are not receiving weekly green bin pick-up as is provided for other areas of HRM who pay the urban rate. Fresh water is at a premium in this area as there is no municipal water and sewer service which leads to an inability to clean the green bins on a regular basis. The community of

Herring Cove has RCMP patrol and a volunteer fire service yet they are paying an urban tax rate. A resident of Herring Cove received an explanation from HRM's Director of Solid Waste regarding the lack of weekly green bin pick-up in which Herring Cove was repeatedly referred to as a rural area. Councillor Adams clarified Herring Cove would not have an issue with bi-weekly green bin pick-up if they were paying the rural tax rate.

MOVED BY Councillor Adams, seconded by Councillor Walker that HRM Staff include the community of Herring Cove for weekly green bin pick-up. Further, that this issue be addressed immediately and that staff provide an immediate response including the estimated cost for this service. Councillor Mosher advised she is a member of the Solid Waste Advisory Committee and there is a Grant that could be considered for use as a contribution for weekly green bin pick-up for Herring Cove. **MOTION PUT AND PASSED UNANIMOUSLY.**

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Christine Anne Smith, 26 Remington Court, Clayton Park

- Submitted pictures of Belchers Marsh showing original water level when structure was put in and the water level today.
- Currently an unnatural outflow, original outflow was smaller and more shallow.
- Indication of blasting due to jagged rocks in area. It should not look like this as it was a natural marshy environment. The lake is draining.
- Aquatic life is dying - bulrushes are dying. Area is too dry.
- Odours released due to rapid biodegradation. Lake is becoming eutrophic.
- Inflow is blocked. Now a breeding ground for things like the West Nile Virus
- This area is a lake, it is not a pond or marsh, decisions were made about this water body before the status was officially determined.
- Why is there no fish gate on the other side as well. There are fish that are inherent to the lake - lake trout/bass/some aquatic amphibians/a family of Blue Heron.
- As an Environmental Scientist, I have watched this water body for the last 4 years and the natural water level should be re-established.

Councillor Mosher suggested a meeting be held as soon as possible with HRM Staff and all parties involved. Councillor Hum advised Mr. Larry Drew, Manager of HRM's Technical and Underground Services, is looking into the issue of the water level. She requested a meeting be held with Ms. Smith, HRM Staff and Ms. Wendy MacDonald from the trails group as soon as possible.

Mr. Robert Knockwood, 26 Remington Court, Clayton Park

- Drastic change in water level at Belchers Marsh over the last two years.

- In winter, water is blocked so people can skate, in summer the blocks are removed so water can be drained mechanically. Evaporation also takes water away. No sense to block it in winter but drain it in summer so it will smell, breed mosquitoes and kill fish.
- Saw a small pond with 7 or 8 small fish swimming around and appears the water was flowing so fast it took the fish with it. Blue Heron family living there are at risk.
- More planning should have been involved.
- Submitted a blank petition (no signatures) requesting prevention of lake being drained completely and that the water level be raised by 25 cm immediately.
- Chart submitted to show what lakes could be affected if Belchers Marsh is allowed to be stagnant (Kearney Lake etc. will be affected).

Councillor Mosher advised the petition could not be circulated until there are signatures. Once there are signatures, the petition will be forwarded to Regional Council and to the Department of Environment and the Department of Fisheries and Oceans.

Hiram Tiller, 4 Thackeray Close

- Four piles of brush left near apartment building on Clayton Park Drive/Lacewood Drive near old Clayton Park shopping centre. Concern with fire hazard. City is giving warnings to residents to clean up but they are not doing it themselves.

Councillor Walker clarified the brush was cleared and placed there on June 12 by the Air Cadets. He added the brush is on the list of 700 areas to be cleared and HRM Staff will get to it as soon as possible. Councillor Mosher added now that Point Pleasant Park and the Public Gardens are open, perhaps more staff will be available to assist in the clean-up.

- Recent article in the *Parkland News* indicated Parkland Drive at Kearney Lake Road will open up after lights were flashing for a week subject to a traffic review. Will it open or not?

Councillor Hum advised Parkland Drive will open pending all legal requirements are met by the developer. Traffic services will then turn the lights on for seven days to make public aware the intersection will soon open. HRM Planning Services staff advised today there are still legal issues to be addressed. It is hoped the issues will be detailed by Wednesday.

Ms. Mary Ann McGrath, 33 Hamshaw Drive

- Attended public meetings for years regarding development of Glenbourne Subdivision/Clayton Park West at which it was stated the water level at the ponds (Belchers Marsh) should be preserved as they were peat based and if the water level were too low the peat would die and start to smell.

Ms. Wendy MacDonald, Warwick Lane

- Picked up copy of newly released HRM Map by Recreation/Tourism and Culture and discovered some inaccuracies: Thomas Raddall Drive is absent from the map as well

as extension of Parkland Drive to Kearney Lake Road. Visitors will never find their way with this map. The new high school is not on the map either.

Councillor Mosher advised this information will be forwarded to civic addressing.

Mr. David Copp, 12 Armshore Drive

- Staff report, dated April 4, 2004, on infilling at 26 Armshore Drive was disappointing. Expected to see a certificate indicating the owner owned the land or perhaps an opinion from the lawyer that lead to the decision that the two lots were consolidated. There is no indication the owner of 26 Armshore Drive owns the land he is building on. Low tide did not extend out to where structure is built.
- 1999 survey, upon which property was purchased, showed 50 - 70% of structure overhung low tide margin. No survey that indicates where water lot was located.
- Friday, June 18th, HRM Planning and Development Services indicated they were in a position to release the stop work order. There was no explanation.
- Request inquiry into HRM's Development Services and ask for a report explaining why the conclusion and findings reported in April 2004 have been disregarded in the action of releasing the work order.
- Very contentious issue in our neighbourhood.

Councillor Adams requested the issue be referred to HRM's Legal Department. Councillor Walker requested HRM's Development Officer provide an explanation for the release of the stop work order. Councillor Mosher advised the Municipal Solicitor has indicated the issue is not a Community Council issue. All appropriate information has been forwarded to Minister Geoff Reagan's office and to Ms. Faith Scattolon, Regional Director, Oceans & Habitats Branch, Department of Fisheries & Oceans, and to the Department of Environment. Community Council has done everything within HRM mandate and has no jurisdiction regarding the Development Officer. Suggest that all lawyers, residents, owner of 26 Armshore Drive, HRM's Development Officer and the CAO meet to finalize this matter. Councillor Mosher further indicated the issue of infilling has been added to the Regional Plan and Community Council can do no more.

- Concern is not the legal issue but the process being engaged by the Planning Department. They changed their decision, how was this decision made? We expect Municipal Government to stand up for the residents. The overall supervision of staff is the responsibility of the Municipality and Community Council. The conclusion of the report was the property was overhanging and should not have been approved.

MOVED BY Councillor Walker, seconded by Councillor Adams that a report be requested from Legal Services on this issue and that a meeting take place as soon as possible with the Municipal Solicitor, the CAO, HRM's Development Officer, the lawyer for the owners of 26 Armshore Drive and the owner of 26 Armshore Drive and all residents in the area. MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Raine, Armshore Drive

- Request work be done with Community Council on opposite side of North West Arm to put regulations in place to stop infilling on North West Arm in order to protect it and the tax payers.

15. **NEXT MEETING DATE** - Monday, September 13, 2004

16. **ADJOURNMENT** - The meeting adjourned at 8:35 pm.

Chris Newson
Legislative Assistant