

**HALIFAX REGIONAL MUNICIPALITY**

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MARINE DRIVE, VALLEY AND CANAL  
COMMUNITY COUNCIL

January 16, 2008

**Minutes**

**PRESENT:** Councillors: Steve Streach  
Krista Snow  
David Hendsbee

**STAFF:** Mr. Randolph Kingshorn, Municipal Solicitor  
Ms. Julia Horncastle, Acting Municipal Clerk  
Ms. Barbara Coleman, Legislative Assistant

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1. **CALL TO ORDER**

The meeting was called to order at 7.10 p.m. in the Oldfield School, Enfield NS

2. **APPROVAL OF THE MINUTES - December 6, 2007 and December 11, 2007**

**MOVED BY Councillor Snow, seconded by Councillor Streach that the minutes of December 6, 2007 and December 11, 2007, be approved. MOTION PUT AND PASSED.**

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

12.1 Re-Appointment of Wayne Stobo as member of Halifax Watershed Advisory Board

12.2 Staff to initiate a planning process

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **CONSIDERATION OF DEFERRED BUSINESS** - None

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS** - None

9. **PUBLIC HEARINGS**

8.1 **Case 00976 - Development Agreement - Open Space Design Development, Oakfield**

Andre Bone, Planner, gave a presentation on Case 00976 - Development Agreement - Open Space Design Development, Oakfield. Highlights of the presentation were as follows;

C This 88-hectare property is located off Hwy 2 with access off Frenchmen's Road in Oakfield,

C Individual well and septic - 1 unit per hectare

C Open space in this case is privately owned land where 80% of the land is being maintained in a natural state and 20% can be used for housing and yard.

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- C Eighty-eight residential lots will allow 88 homes with a bike park and parks
  - C Some areas that need to be protected are two waterways that are in the area and two existing trails. The flyway for the Halifax Robert L. Stanfield International Airport go over the proposed area; so therefore, developers need to be cognizant of the noise.
  - C This proposal is the first open space development to go to Council under the new Regional Plan
  - C Two hundred and eighteen units were proposed at the last meeting but have been scaled back. Other plans have been deleted as well
  - C Extensive water tests have been done.
  - C Because the number of wells that needed to be drilled was not done there is further testing to be done in the agreement

At the end of the presentation, questions were asked by Councillors: Their concerns and queries were as noted:

- C The developers are going to construct the trails and bike park at the time of the development.
- C The only development that can be in the 80% is the well and septic tank. Everything else must be within the 20%.
- C The developed parkland will be a little less than the 10% of the required amount but they do have a credit from the last subdivision that was built. When finished however, the parkland will satisfy the 10% requirement.
- C Parkland will become the property of HRM once control of the roads has been established by HRM.
- C Once the 88 units have been established, no further subdivision can be done. Council cannot extend this subdivision under current policy.
- C The Province would not approve access off Hwy 2 due to site problems.
- C Crossing requirements of the CN are extremely strict, therefore, making the chance of getting further crossings virtually impossible.
- C This development does not make the problem of the land locked properties to the east and west any better or worse.

Councillor Hendsbee called for those wishing to speak either in favour of or in opposition to the proposal.

Mr. Turple, adjacent landowner had concerns about the bike park:

- C The existing landowner asked if the bike park could be put in a different area of the subdivision.
- C The bike park would increase the problem of children and youth being in his back yard.

A resident of the area noted the following:

- C Concerns were raised as to how the 20-80 would be monitored.
- C The damage to the existing roads during the construction and who would be responsible for the repairs.

Mr. Horne, a landowner to the north of the new proposed subdivision

- C is asking for the right of easement should he require it to subdivide his land at a future date.
- C is willing to buy the required land if necessary

A concerned resident noted the following:

- C busing the children to schools out of the area was not acceptable.
- C class sizes were already stretched to the limit.

Councillor Hendsbee called three times for any additional speakers. Hearing none, the following motion was placed.

**MOVED BY Councillor Snow, seconded by Councillor Streach that the public hearing be closed. MOTION PUT AND PASSED**

Further discussion was held on the problem of the bike park and the request for the right of easement.

Developers agreed to work with the landowner to see how the problem of the bike park in his backyard could be solved.

It was felt that it would not be economically feasible for the landowner to be able to build a road due to the cost of the railway crossing even if CN were to allow it.

The Roadway is controlled by the agreement however, Mr. Horne, landowner, could apply for an Amendment to that agreement. Mr. Horne would need to provide a confirmation from CN that the crossing of the railway tracks is permitted, and that the extension of the street meets the required standards. Mr. Horne would need to buy the two lots of land as opposed to the smaller lot to satisfy the issue of road frontage.

**MOVED BY Councillor Snow , seconded by Councillor Streach that Marine Drive, Valley and Canal Community Council:**

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1. **Approve the proposed development agreement as provided in Attachment “A”; and,**
  2. **Require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreements by Council and any other bodies as necessary, whichever is later including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

**For the record**, Councillor Hendsbee wanted it noted that he hoped that the issue with the Bike park could be mutually solved with Mr. Burns, developer and Mr. Turple. He also hoped that Mr. Horne is able to deal with Mr. Burns, to be able to acquire the land and would have a “faint hope clause” to be able to obtain the right of easement for his land, should the need arise.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 CORRESPONDENCE - None**

**9.2 PETITIONS - None**

**9.3 DELEGATIONS - None**

**10. REPORTS - None**

**11. MOTIONS - None**

**12. ADDED ITEMS**

**12.1 RE-APPOINTMENT OF WAYNE STOBO AS MEMBER OF HALIFAX WATERSHED ADVISORY BOARD**

**Moved by Councillor Streach, seconded by Councillor Snow recommend that Marine Drive, Valley, Canal Community Council appoint Dr. Wayne Stobo to the Halifax Watershed Advisory Board. MOTION PUT AND PASSED**

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## **12.2 STAFF TO INITIATE A PLANNING PROCESS**

**Moved by Councillor Snow, seconded by Councillor Streach that staff initiate a planning process to allow Lions Club and other non profit fraternal centers to operate in the planning area - Beaverbank, Hammonds Plains, Sackville and to have staff look at the region and determine if this process should include the entire region.**

**For the record**, Councillor Hendsbee raised the reservation that VLT's not be allowed. He asked that staff include this in the report.

## **MOTION PUT AND PASSED**

**13. NOTICES OF MOTIONS - None**

**14. PUBLIC PARTICIPATION -**

As of this date, growth in schools in this area is decreasing and the need, as seen by the Province, for a new school is not there. This development will help drive a need for a new school; the development will change the demographics. When the projections are underway for the rural schools, citizens are encouraged to speak out for their area.

Councillor Hendsbee encouraged the public to advise the School Advisory Board to be very cognizant of when HRM starts the projections for the rural schools and to work hand in hand with the Province.

There is an area of land available in the locality that would do well for a new school for the area.

Percy Paris, MLA, Waverley-Fall River-Beaver Bank told the group that the problem of overcrowding is a real problem in Nova Scotia. Most of the schools in the province need to be renovated or replaced with larger schools. Most of our schools are aging. He also told the group that Waverley does not have the capacity to take the students from this area.

**15. NEXT MEETING**

The next meeting date is February 27, 2008 and will be called at the discretion of the Chair.

**16. ADJOURNMENT**

The meeting was adjourned at 9:10 p.m.

Barbara Coleman  
Legislative Assistant