



NORTH WEST COMMUNITY COUNCIL
MINUTES
MAY 13, 2004

Fenerty Room, Acadia School
636 Sackville Drive
7:00p.m.

PRESENT: Councillor Len Goucher, Chair
Councillor Robert Harvey
Councillor Brad Johns

STAFF: Ms. Karen Brown, Senior Solicitor
Andrew Bone, Planner
Ms. Sheilagh Edmonds, Legislative Assistant

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Prior to calling the meeting to order, Councillor Harvey made a presentation on behalf of Community Council to Sandra Shute. He explained that Sandra is a Legislative Assistant in the Municipal Clerk's Office, and will be retiring at the end of this month. Councillor Harvey noted Sandra's service in municipal government and, in particular, her strong involvement with North West Community Council. He expressed sincere appreciation for her dedication and presented her with a framed certificate.

1. CALL TO ORDER

The Chair called the meeting to order at 7:10 p.m.

2. APPROVAL OF MINUTES - February 26, 2004 & April 20, 2004 (special)

MOVED by Councillor Johns, seconded by Councillor Harvey, the minutes of the regular meeting of February 26, 2004 and special meeting of April 20, 2004 be approved. THE MOTION WAS PUT AND PASSED.

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

There were no additions or deletions to the agenda.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Drainage from First Street

No information received. To remain on status sheet.

4.1.2 Sackville Drive Secondary Planning Strategy

No information received. To remain on status sheet.

4.1.3 Home Occupations, Bedford

No information received. To remain on status sheet. Councillor Goucher advised that the NWPAC is reviewing this matter.

4.1.4 Extension of Water and Sewer Boundary - Beaver Bank

No information received. To remain on status sheet.

4.1.5 Union Street Flooding

No information received. To remain on status sheet. Councillor Goucher advised that discussion is ongoing with this matter.

4.1.6 Glenmount/Millview Servicing Issue

No information received. To remain on status sheet. Councillor Goucher advised there is ongoing discussion relative to the extension of the Bedford Highway.

4.1.7 Sackville Waters Advisory Board

No information received. To remain on status sheet.

4.1.8 Repairs to Abutments of Lucasville Road Bridge

No information received. To remain on status sheet.

4.1.9 Formation of Halifax Association of County Cab Drivers - Cap on Roof Lights in the Bedford/Sackville area

No information received. To remain on status sheet.

4.1.10 Mobile Home Park Issues

No information received. To remain on status sheet. Councillor Harvey noted staff were focussing on this issue, and a meeting early in June has been set.

4.1.11 Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS

No information received. To remain on status sheet.

4.1.12 Fencing of Pathways

No information received. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS - None

8. PUBLIC HEARINGS:

8.1 Case No. 00535: Development Agreement - 2005/2009 No. 1 Highway (Sackville Drive) - Report from North West Planning Advisory Committee

- C A report dated April 8, 2004 from the North West Planning Advisory Committee with the attached staff report (March 24, 2004) on the above noted matter was before Community Council.
- C First Reading was given at a special meeting of North West Community Council on April 20, 2004.

Mr. Andrew Bone, Planner, addressed Council and, with the assistance of overheads, outlined the proposed development agreements to permit the addition of an outdoor display court at 2005 No. 1 Highway, and outdoor display court and auto repair outlet at 2009 No. 1 Highway, as contained in the submitted report.

Mr. Bone responded to questions from Council, and then the Chair called for those wishing to speak in favour or against the proposal.

Mr. Kevin Toale

Mr. Kevin Toale, 60 Springfield Lake Road addressed Council and noted several concerns as follows:

- < he gets his water from the lake, therefore, is concerned about possible runoff.
- < currently there are vehicles parked only a few feet from the Springfield Lake Road and should those vehicles be leaking any fluids, he suggested that the incline is steep enough the fluids would end up directly in the Lake.
- < will there be above or below ground storage tanks onsite.
- < the application doesn't permit derelict vehicles, however, he questioned if the back property, which seems to have some derelict vehicles, could be used to store additional derelict vehicles.

In response to Mr. Toale, Mr. Andrew Bone made the following points:

- < he would send staff out the next day to investigate if vehicles may be parked on HRM's right-of-way; and if they are, they will be moved and if they are on the owner's property, and if Council approves this development agreement, then once the agreement comes into effect, staff will ensure it complies to the development agreement.
- < above or below ground storage tanks fall within Department of Environment jurisdiction and there was nothing, as such, proposed for this application - that any fuel tank would be typical of a residential style fuel tank.
- < associated with the auto repair business, there is storage for disused oil. This is regulated by provincial guidelines, and presently, there is a fuel, collection services that takes it off-site.
- < the property at the back which Mr. Toale indicates has derelict vehicles, has

been used as a trucking excavation business for some time and uses of the property predates the plan. It has never been fully established what the permitted uses are of the back property. The Eisenhauers have been gradually cleaning up the property. This particular piece of the property is not part of the application.

Mr. Walter Regan, Sackville Rivers Association

Mr. Walter Regan asked several questions which Mr. Bone responded. His questions pertained to:

- < are there oil and grit separators on both properties? Mr. Bone noted that both properties are not slated to be paved, but if in the future they are paved, there is a requirement to install oil and grit separators
- < if oil and grit separators are installed, could maintenance schedules be sent to HRM and the Watershed Advisory Board? Mr. Bone indicated that this could be done if Council wished.
- < is an HRM bylaw applicable regarding materials that are allowed to go in the sanitary sewer? Mr. Bone advised that this application has no exemption from any bylaws.
- < will the buildings be constructed to architectural standard to fit in with the streetscape? Mr. Bone indicated the buildings will be in keeping with the buildings onsite.
- < does the Development Agreement require the buffers be maintained. Mr. Bone concurred.
- < can the applicants come back at a later date and request rezoning of the other property. Mr. Bone advised that the request could be made, however, it would not be something he would support.

In concluding his remarks, Mr. Regan thanked HRM for this review noting the importance of Springfield Lake, particularly as it is used for drinking water.

Chris Taggart, Springfield Lake Watch

Mr. Chris Taggart addressed Council with several concerns as follows:

- < there will be 30-40% hardening-off the land.
- < unclear to him as to what happens to the run-off
- < potential for high sediment run-off and suggested consideration be given to sediment trapping
- < types of material going into the sewer

In response to Mr. Taggart's concerns, Mr. Bone addressed them as noted:

- < effluent from parking areas would go into the storm system, i.e. ditches and he suggested that having gravel driveways over paved are advantage as run-off would increase with paved driveways.

- < with regard to sediment runoff, he suggested that this would be something that HRM should address, and for the entire Springfield Lake area, because HRM owns the ditches the effluent is going into.
- < any effluent from the shop area, whether from the shop floor or a wash bay, would be treated by an oil water separator prior to being discharged.
- < HRM's Environmental Management Services has reviewed the application and is satisfied there won't be any substantial increase from the operation. He added that these operations are not intended to create any substantial amount of water.

Ed Grace

Mr. Grace indicated his concern was with the groundwater runoff from the gravelled lots, noting that it will eventually end up in the lake. He questioned whether a storm water system be installed which would channel all the water into a separator that would slow down the runoff and prevent material from getting in the lake.

Noting that there are private properties, Mr. Bone suggested it may be appropriate for HRM to take the initiative given the problems in the past with sedimentation. He pointed out that the grassed area buffer will act as a filter.

Bruce Chase

Mr. Bruce Chase noted the property will be used to repair vehicles, and he expressed concern that vehicles brought for repair, may be leaking oil or fluids, which will eventually end up in the lake. He advised that he hoped everything is in place to ensure that contaminants don't end up in the lake.

Sharon Eisenhauer

Ms. Sharon Eisenhauer addressed Council and advised that she was the proponent for the application pertaining to 2005 Highway No. 1. She explained that she and her family were long time residents of Springfield Lake and have left a greenbelt with regard to their property to keep contaminants from getting into the lake. In reference to an earlier concern about the back piece of property, Ms. Eisenhauer added that she and her husband have been working to clean up this property, however, their progress was slowed due to an injury her husband suffered. Ms. Eisenhauer noted the importance of the lake to her family and advised she and her husband intend to leave this property to their grandchildren and, therefore, they feel it incumbent to ensure everything possible is done to keep the lake pristine.

The Chair called three times for any additional speakers either in favour of or against the proposal. Hearing none, the following motion was placed.

MOVED by Councillor Johns, seconded by Councillor Harvey that the public hearing close. MOTION PUT AND PASSED.

Councillor Johns noted the concerns raised and asked Mr. Bone to respond to his questions

regarding: how close to the road are the vehicles are parked; if the site in question is serviced by well, and the impact of this application on the wells; sediment runoff and whether a swale at the back of the property would help.

Mr. Bone advised the cars would be parked close to the road, however staff will be going out in the near future to verify where the vehicles are and if they are HRM right-of-way, they will have to be moved; if they are causing a problem and not on the right-of-way, staff will ask them to move. Mr. Bone added that the site is on a well system, and that both parties have indicated they don't intend to wash vehicles onsite. Mr. Bone advised that in his opinion, putting a swale in at the back of the property would not help in regard to sediment run-off, as the area is already very wet and a swale would increase water over the site.

In response to a question by Councillor Goucher, Mr. Bone advised that any environmental issues that would arise with regard to this application would fall under Provincial regulations, and the Province would require the situation to be rectified immediately. Any other possible issues that could arise, are clearly laid out in the development agreement.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council:

- 1. Approve the proposed development agreements, attached as Attachment #4 and Attachment #5 of the March 24,2004 staff report, to permit the addition of an outdoor display court at 2005 No. 1 Highway and an outdoor display court and auto repair outlet at 2009 No. 1 Highway.**
- 2. Approve the proposed development agreement for 2005 No. 1 Highway, as attached in Attachment #4.**
- 3. Approve the proposed development agreement for 2009 No. 1 Highway, as attached in Attachment #5, conditional upon the approval of the subdivision of the lands as indicated in Schedule "D" of Attachment #5.**
- 4. Require that the agreements be signed within 240 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

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

9.2 Petitions - None

9.3 Presentations:

**9.3.1 First and Second Lakes Regional Park Planning Committee - RE:
regional community interest in the provincially owned land
adjacent Second Lake Provincial Park**

Mr. Shane O'Neil and Mr. Gordon Kyle, representing the Committee Executive of the First and Second Lakes Regional Park Planning Committee addressed Council and gave a presentation with regard to an update on the First and Second Lakes Regional Park Planning Opportunities. A copy of their presentation was submitted.

Mr. Shane O'Neil advised that the presentation was an overview of a 40 page report the Committee completed, noting that the report has been submitted to HRM staff, the Mayor, and NWCC.

An overview of the presentation is highlighted as follows:

- S Purpose of the presentation was to update Community Council on the Second Lake Regional Park planning process; to revisit the presentations made to NWCC in May 2000 and July 2002 when NWCC directed staff to seek an approach to acquire the 60 acres of land; to reaffirm the community's request that land be set aside for recreation planning over the next decade.
- S Provided background information of First and Second Lakes Regional Park Planning Committee; the Second Lake Regional Park;
- S Reviewed the Committee's wellness, recreation and earth-education goals
- S Elaborated on the Second Lake Provincial Park and Second Lake Provincial Park trail plan
- S Brief review of the May 2000 and 2002 HRM Council Presentations
- S Elaborated on the 60 acres of land in question; and reviewed activity since May 2000
- S June 2002 workshop - participants, process, highlights
- S Recreation and wellness concept plan
- S Community input and summary of the report; Recommendations

The Chair thanked the representatives for their presentation.

Councillor Bob Harvey spoke in support of the presentation advising that he was very pleased with the work done by the group, and was prepared to move a motion in support of their work. **MOVED by Councillor Bob Harvey, seconded by Councillor Brad Johns that** North West Community Council reaffirm its support for the dedication of the 60 acres of land on First Lake Drive in the First Lake Watershed, currently under the jurisdiction of the Department of Community Services, to recreation open space uses, including an access to Second Lake Regional Park. Further, a copy of the motion be forwarded to Halifax Regional Council; Mayor Peter Kelly; Honourable David Morse, Minister of Community Services; Honourable

Richard Hurlbert, Minister of Natural Resources; Honourable Barry Barnet, Minister of Service Nova Scotia and Municipal Relations; and Honourable Peter Christie, Minister of Finance, seeking their offices' support in achieving the purpose of this motion. **THE MOTION WAS PUT AND PASSED.**

10. REPORTS

10.1 Members of Council:

10.1.1 Councillor Johns - Landfill Funds Allocation

Councillor Brad Johns submitted a document entitled, Sackville Landfill Funds District 19/20 Allocations, and advised that a number of groups in Districts 19 and 20 have come forward to request funding.

MOVED by Councillor Brad Johns, seconded by Councillor Bob Harvey that the Landfill Funds be allocated as follows:

Gloria Avenue Playground - Upgrades	\$15,000.00
Berry Hill Parkland Association - New Park	\$5,000.00
Springfield Lake Rec Centre - New Playground Structure	\$5,000.00
Millwood High School - Computer Lab	\$25,000.00
Sackville Heights Community Centre - Various Items	\$5,000.00
Sackville High School - Portable Staging & PE Program	\$20,000.00
Sackville Heights Elementary Home and School Association - New Playground Structure	\$5,000.00
Sackville Community Band - Band Equipment	\$5,000.00
Second Lake Regional Park Assoc. - Trail Development	\$25,000.00
Caudle Park Home and School Assoc. - School/Grounds Upgrades	<u>\$10,000.00</u>
TOTAL	<u>\$120,000.00</u>

Councillor Harvey noted that, with this final allocation, the funds from the Landfill account will be fully disbursed.

THE MOTION WAS PUT AND PASSED.

10.1.2 Councillor Goucher - Establishment of Tree Committee

Councillor Goucher indicated that some time ago he had raised the matter of establishing a tree committee and had submitted proposed terms of reference to staff. He added that there were some changes to the terms of reference, however, this was the last he heard of the issue. The Councillor advised he would like staff report back on the document so Community Council can formalize and finalize the formation of the Tree Committee. Noting that he initially

considered a Tree Committee for District 21 only, he questioned if there should be an individual tree committee for each district or one overall committee.

Councillor Johns pointed out that this matter was brought forward around the same time Community Council brought forward the idea of a Sackville Waters Advisory Committee, and, to date, staff have not reported back on either. With regard to Councillor Goucher's question, Councillor Johns suggested that it may expedite the staff report if it pertains to all three districts of North West Community Council rather than only District 21; with the suggestion of focusing first on District 21. Councillor Johns requested this item be added to the status sheet.

MOVED by Councillor Harvey, seconded by Councillor Johns that staff report back with a formalized document to establish a Tree Committee as a subcommittee of North West Community Council. THE MOTION WAS PUT AND PASSED.

10.2 Report from North West Planning Advisory Committee:

10.2.1 Case 00622 - Development Agreement - Corner of Beaverbank Road and Stokil Drive (Give First Reading and set Public Hearing Date)

- C A report from the North West Planning Advisory Committee, with the attached staff report dated April 28, 2003 regarding Case 00622 - Development Agreement - Corner of Beaverbank Road and Stokil Drive was submitted.

MOVED by Councillor Brad Johns, seconded by Councillor Bob Harvey that North West Community Council give First Reading to consider the development agreement to permit a townhouse development at the corner of Beaverbank Road and Stokil Drive, and schedule a public hearing for June 24, 2004. THE MOTION WAS PUT AND PASSED.

11. MOTIONS

12. ADDED ITEMS

13. NOTICES OF MOTION

14. PUBLIC PARTICIPATION

Theresa Scratch

Ms. Theresa Scratch, Cavalier Drive, thanked the North West Community Council for their support with regard to the 60 acre parcel. She submitted a letter noting that it has been copied to the Mayor, appropriate Provincial Ministers, HRM staff and Provincial Housing and Natural Resources staff that participated in discussions the joint group had. She added that

it pertains to a joint report they were asked to participate in, but determined they were unable to participate in the report in any meaningful way. Ms. Scratch noted the letter states their position and she added that she hoped things can be resolved.

Shane O'Neil

Referring to an earlier agenda item, Mr. Shane O'Neil asked for clarification on the Tree Committee.

In response, Councillor Goucher advised that prior to amalgamation, the Town of Bedford had a Tree Committee. It was comprised of residents with the objective to promote the protection of greenery and trees. In addition the Committee gave away something in the order of 4,000 trees annually to be planted.

Chris Taggart

Mr. Chris Taggart referred to the public hearing held earlier and indicated he believed efforts behind the proposal were positive.

He noted that the Springfield Lake Watch group he is involved with is attempting to gain a piece of land and could use guidance in this regard.

In response, Councillor Johns noted that Community Council is working with staff and have made staff aware of the priority to acquire those areas and as well, they are working with developer in this regard. The Councillor suggested to Mr. Taggart that it would be worthwhile for his group to have a representative approach someone on the Watershed Advisory Board, so they become aware of these issues before they come to Community Council. Councillor Johns then pointed out the benefit of getting a North West Community Council Waters Advisory Board established, noting that it would provide opportunities for similar groups to come together and share information.

Ed Grace

Mr. Ed Grace questioned the status of Beaumont Drive.

In response, Councillor Harvey noted that the budget does not include Beaumont Drive. He added that he has dealt with public works in regard to the 2005 list and have discussed Beaumont Drive in this regard. Councillor Harvey added that the only street in District 20 being renewed this year is Ridge Avenue.

Mr. Grace also questioned the status of the North West Advisory Watershed Advisory Board.

Councillor Johns indicated that the matter had been forward to staff, but no response has yet been received.

MOVED by Councillor Johns, seconded by Councillor Harvey that staff provide an

update regarding the status of the North West Community Council Watershed Advisory Board. THE MOTION WAS PUT AND PASSED.

Mr. Grace expressed his appreciation to Councillor Johns for his work in relation to Fenerty Road.

Walter Regan, Sackville Rivers Association

Mr. Walter Regan addressed Council and had several comments/questions:

- S expressed his appreciation to Council members for their continued support on Second Lake, and the 60 acre parcel.
- S Mr. Regan noted he was receiving many e-mail message concerning Evangeline Court and silt getting into the Sackville River. Councillor Harvey advised that staff are responding to the matter, adding that the characteristics of the land create problems, and the weather conditions have exacerbated the situation.
- S Mr. Regan made reference to a report from Jacques Whitford, dated April 2004 pertaining to an investigation of a spill several years ago in the Sackville River. He read several paragraphs from the report which, he suggested, says the river is for the most part, back to normal. Mr. Regan noted that HRM staff has a copy of the report and he asked Council for staff to comment, and perhaps they could then work together to address the problems.

Dave Grace, Old Sackville Road

Mr. Dave Grace submitted excerpts of the Municipal Government Act, as it pertains to Planning and Development, with a copy of letter attached, dated May 13, 2004 to him, from Angus Schaffenburg, HRM Planner II. Mr. Grace indicated his concern was with regard to the secondary plan for Sackville Drive and the lack of public participation in regard to changes made in the river. In reference to the submitted excerpts of the MGA, he suggested that planning staff did not follow the proper process and was acting contrary to the MGA.

A discussion ensued with the Councillors requesting clarification from Mr. Grace on his issue of concern.

Councillor Goucher questioned if he was requesting a copy of the letter of the permits that were issued for that particular day from the letter of November 21, 2003, to which Mr. Grace concurred. As well, he pointed out that homeowners are not permitted to do any thing within 100ft. of the river, but this work is continuing.

Councillor Goucher advised it was his understanding that, as long as there are provincial permits and work is being done to try and improve the structure of the river, there would be no problem. He advised that he will get staff to check on it.

Councillor Harvey noted that in regard to the matter dealing with the service road, he recalled the e-mail of November 21 and talked to Mr. Morash of the Department of Environment and was told that a) there was no need for municipal permits because they would be superceded by the Province and Federal Government and b) all letters of approval and permits were in place.

Councillor Goucher referred to the submitted letter and stated that planning staff will begin the public planning process in early June with open houses to consider the issue related to the flood plain including setbacks and pointed out to Mr. Grace that this would give him a fair opportunity to express his concerns.

Walter Regan

Mr. Walter Regan addressed Council again with several more points:

- < an important planning meeting was scheduled for this Saturday at Mount Saint Vincent University and he encouraged everyone to attend.
- < thanked Councillor Goucher and Councillor Harvey for attending the cleanup by the Sackville River.
- < June 5 - Bedford clean up.
- < thanked Council for their support of the trail construction.
- < thanked all the members of the Sackville Rivers Association, noting that Sackville Rivers has been awarded a restoration and conservation award by Canadian Geographic.
- < Sackville Rivers is having their AGM June 3; September 10 - Sackville Rivers first Turkey Dinner to raise funds for the Sackville River, and he extended and invitation to the public to attend.

15. NEXT MEETING DATE - Thursday, June 24, 2004

16. ADJOURNMENT

There being no further business, on a motion **MOVED by Councillor Harvey, seconded by Councillor Johns**, the meeting adjourned at 9:20 p.m.

Sheilagh Edmonds
Legislative Assistant