

**NORTH WEST COMMUNITY COUNCIL
MINUTES**

November 23, 2006

PRESENT: Councillor Brad Johns, Chair
Councillor Robert Harvey
Councillor Gary Martin

STAFF: Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Sackville Heights Community Centre.

2. APPROVAL OF MINUTES

MOVED by Councillor Martin, seconded by Councillor Harvey that the minutes of the joint meeting of September 18, 2006, and the minutes of the regular and joint meetings of October 26, 2006 be approved. MOTION PUT AND PASSED.

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

Additions:

- 11.1 Information Report - Community Council / Public Meeting Space
- 11.2 Appointments
- 11.3 Election of Chair

At the request of the Chair, Community Council agreed to move up item 10.1.1 on the agenda to be dealt with after item 8.2.1

MOVED by Councillor Harvey, seconded by Councillor Martin that the agenda, as amended be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS:

4.1.1 Pinehill Street Stormwater Drainage

No update was provided. This item is to remain on the Status Sheet.

4.1.2 Storm Drain Issue - Cavalier Drive

No update was provided. This item is to remain on the Status Sheet.

4.1.3 Shopping Cart Bylaw Report

No update was provided. This item is to remain on the Status Sheet.

4.1.4 Judy Avenue Pathway

No update was provided. This item is to remain on the Status Sheet.

4.1.5 Purchase of Land for Springfield Lake Rec Centre

The Chair noted that this property has been sold to a private residence. This item is to be

removed from the Status Sheet.

4.1.6 Union Street Flooding

Councillor Martin advised that he has new information which he will review with staff, and requested that this item remain on the Status Sheet.

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

No update was provided. This item is to remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS- NONE

8. HEARINGS

8.1 Public Hearings - None

8.2 Variance Hearings:

8.2.1 Variance Appeal - Application 13270, 7 Stokil Drive

A staff report dated November 15, 2006 was submitted.

The following correspondence was submitted:

- C A letter dated November 22, 2006 from Jean Martin in opposition to the appeal.
- C A letter dated November 23, 2006 from Steve Martin in opposition to the appeal.

Mr. Trevor Creaser, Development Officer outlined the reasons why staff refused a request for variance from the front and side yard setback requirements of the Land Use Bylaw for Sackville to permit construction of an attached garage to the left side of an existing single unit dwelling. In his presentation he advised that the application did not meet the R-1 minimum requirements of an 8' side yard and a 20' front yard setback. The proposal had a left side yard setback of 2 feet and a front yard setback of 17.5'.

The Chair then advised that the proponent and anyone who received a letter of notification could address Community Council at this time.

Mr. Dan Wright, the applicant, addressed Community Council and elaborated on the following four points regarding his request (a copy of which was submitted for the official file):

- C a 17.5' setback still allows ample room for a large car.
- C the distance between his proposed garage and the neighbour's property will be approximately twice of that of what is between most other houses in the area.
- C The objection to his request did not come from immediate neighbours but from neighbours on another street. They felt their property value would be reduced; this is not true because, even with the garage, the separation distance will still be approximately twice of what is between other homes in the neighbourhood.

Mr. Pat Comstock addressed Community Council and advised that he supported the variance request.

Ms. Michelle Wright indicated that she supported the variance request.

Councillor Johns turned the Chair over to Councillor Harvey.

MOVED by Councillor Johns, seconded by Councillor Martin that the decision of the Development Officer to refuse the variance be overturned and the variance request be granted. MOTION PUT AND PASSED.

Councillor Johns assumed the Chair.

Community Council dealt with item 10.1.1 at this time, as was approved during the Approval of the Order of Business.

10. REPORTS:

10.1 NORTH WEST PLANNING ADVISORY COMMITTEE:

10.1.1 Case 00753: Amendment to the Paper Mill Lake Development Agreement

A report dated November 3, 2006 from the North West Planning Advisory Committee was submitted.

A staff report dated October 17, 2006 was submitted.

Correspondence dated November 20, 2006 and November 21, 2006 from Nicolas Plourde of Heenan Blaikie was submitted.

Councillor Martin advised that this has been a very controversial, ongoing issue in Bedford. He added that he has had a conversation with a representative of the developer, and that one of the reasons which swayed his decision on this matter was that the developer thought that Community Council did something illegal, and then got legal council. Councillor Martin added that, with that in mind, he was in agreement with the staff recommendation to reject the proposal.

MOVED by Councillor Martin, seconded by Councillor Harvey that North West Community Council reject the proposal by Olympic International Realty Limited to

amend the Paper Mill Lake Development Agreement as set out in Attachment "B" of the October 17, 2006 staff report. **MOTION PUT AND PASSED UNANIMOUSLY.**

2. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

9.1.1 Letter dated October 31, 2006 from Second Lake Regional Park Association re: proposal for development and construction of a parking lot and entrance-way.

Correspondence dated October 31, 2006 from Shane F. O'Neil, Second Lake Regional Park Association was submitted.

Mr. Shane O'Neil, representing the Second Lake Regional Association addressed Community Council and gave a brief presentation on the recent work in construction of trails at Second Lake Park, and requested HRM's financial support to construct a parking Lot and entrance-way in 2007.

Mr. O'Neil responded to questions of Community Council.

MOVED by Councillor Harvey, seconded by Councillor Martin that North West Community Council recommend the request by the Second Lake Regional Park Association for funding for development and construction of the parking and entrance area for the Park be included in the upcoming capital budget process. MOTION PUT AND PASSED.

9.2 Petitions - None

9.3 Presentations:

9.3.1 Extension of Sewer and Water Services to Sackville Drive - Lively Subdivision

The Chair advised that he asked staff from the Halifax Regional Water Commission as well as staff from HRM to give a presentation at this evening's meeting on the current status of the project pertaining to the extension of sewer and water service to Sackville Drive and the Lively Subdivision. He explained that in place of the public participation session of Community Council's meeting, members of the public would be able to ask questions following the presentation by staff.

The following staff were introduced:

- C Mr. Jamie Hannam, Halifax Regional Water Commission
- C Mr. Tom Gorman, Halifax Regional Water Commission
- C Mr. Gordon Roussel, Halifax Regional Municipality
- C Mr. John Sheppard, Halifax Regional Municipality
- C Mr. David Ellis, Halifax Regional Municipality

Mr. Hannam provided the presentation explaining that their purpose this evening was to

provide the community with an introduction to the proposed sewer and water servicing project in the Sackville Drive and Lively subdivision area; to discuss the preliminary issues relating to the planning, technical and financial components of the project and to get feedback from the community.

A copy of Mr. Hannam's presentation was submitted for the official file.

Highlights of his presentation are as follows:

- C Extension of municipal sewer & water to the Lively Subdivision allows complete decommissioning of a small wastewater and water treatment facilities.
- C Aligning the sewer and water lines along Sackville Drive would provide sewer and water to residents along Sackville Drive; this could then extend to adjacent communities and the result is that the unit cost to the residents would end up being lower.
- C Ultimately, Regional Council has the final decision.
- C Cost estimate for the entire project is \$6,250,000; staff are proposing to get a more accurate cost estimate by going to public tender ahead of council approval process; staff will then get input from community on the numbers before going to Council.
- C In November 2005 Regional Council applied for funding under the Municipal Rural Infrastructure Fund and was awarded \$2.8 million for the project.
- C By combining the servicing of Sackville Drive and provision of services of adjacent lands with Lively connection project, it has reduced the cost for all the areas.
- C Owners of adjacent lands that may, in the future, have the extension of water and /or sewer mains from the new Sackville Drive mains, will pay a Capital Cost Contribution at the time of future development to pay their share of the current project cost; the estimated Capital Cost Contribution for benefiting adjacent lands is in the range of \$1900 per acre of development.
- C Sackville Drive lot owners with direct access to services would pay a Local Improvement Charge as their share of the project cost, estimated in the range of \$145 per linear foot of frontage.

The Chair advised that the meeting was now open to anyone wanting to ask questions or provide comments in regard to the staff presentation.

The following persons spoke:

Bill MacDonald. Responding to several questions of Mr. MacDonald, Mr. Hannam advised of the following:

- S the focus of the project is the water quality in the Lively Subdivision; and to get water and sewer out to Sackville.
- S there will be one pumping station and a booster pump will have to be installed.
- S with regard to LIC, \$150 or higher is now the norm; the Beaverbank project received 2/3's funding, however, that funding project no longer exists; in addition, Beaverbank has an area rate.

John Kaiser. In response to a question by Mr. Kaiser regarding timelines, Mr. Hannam advised that if the project is approved in May, the project may be able to proceed for the 2007 construction season. The project is approximately an eight-month project.

Walter Regan. In response to questions by Mr. Regan, staff advised of the following:

- S a holding tank is not part of the proposal as storage would be expensive, with marginal benefit - - staff have had a contractor looking at trunk sewers and the maintenance requirements as it will probably reduce overstressing on that system.
- S staff have met with the regulators and they have concurred with staff's proposal. Staff is recommending to move the wastewater into the Sackville system; work done on the system over the past several years has reduced the stress on the system.
- S this does not meet the criteria for an environmental review, however, staff will check into this and if it has to be done, then they will do it.

Mr. Michael White requested clarification on the funding aspects, to which staff responded.

Ms. Theresa Scratch advised of the following concerns:

- S hope that the effluent is treated and will continue to be treated
- S the project seems to be connected to a large mass of undeveloped land

Councillor Johns noted that the approval of the Regional Plan had changed the serviceable boundary in this area. He added that residents have expressed the view to him that those who currently have problems should be dealt with, rather than with new development.

Mr. Kevin Spears questioned if there was still a moratorium on building within the serviceable area. In response, Councillor Johns advised that the Regional Plan has been completed, and identified this as a growth area. The moratorium on the area has been removed.

Mr. Wilf Phippen questioned if the piping for Lively Subdivision will be able to handle the pressure. In response, Mr. Hannam advised that the piping will match the current pressure. He further added that the status quo will not change at the end of this project. The next planning phase would look at the extension in Lively.

Mr. Ed Grace questioned how many homes could be planned and serviced in the area in question.

Mr. Sheppard responded that staff do not have that a number at this time, but could bring this information to the next meeting.

Councillor Johns advised that staff have addressed all issues which may potentially come up to and including Springfield Estates, Springfield Lake, and everything in between.

Mr. Grace added that the residents of Springfield Lake would like to be fast tracked to hook up to this system.

In response, Councillor Johns advised that anything can be 'fast tracked' if the residents are prepared to pay. He added that the Municipality tries to obtain funding to help offset the costs, but without the funding, the numbers go up for the residents.

Further to this Mr. Sheppard commented that there are many challenges before Springfield can connect, noting that improvements to the Sackville system - trunk sewer - has to be done downstream before Springfield can connect.

Mr. Allen White expressed concern that the people along Sackville Drive are paying for most of the system, but the residents of Lively will not be charged.

Mr. Hannam noted that the MRIF funds are directed to that area.

Mr. White questioned if those residents who live along Sackville Drive that have their own sewer and water, will be required have to hook up to the new system.

Mr. Hannam advised that if Council approves the project for water and sewer along Sackville Drive and a Local Improvement Charge has been set, every property is subject to the Local Improvement Charge. He added that the residents do not have to hook up to the service and incur the additional cost to bring it to the house.

Mr. Sheppard also pointed out that if a property owner had an onsite system that was not functioning properly, then the Province can tell HRM that the property owner must connect to the system.

Mr. David Borden, referring to the map that staff were using, questioned when the large tract of land became part of the serviceable boundary.

In response, Councillor Johns advised that this came into effect with the Regional Plan was approved in August.

Mr. Borden requested clarification on the frontage charges the developer would pay.

Mr. Hannam advised that if the developer had frontage on Sackville Drive, they would pay a local improvement charge, and for land off of Sackville Drive they would be subject to the \$1,900 charge at the point at which they would benefit from it (i.e. whenever they extend water and sewer to that area).

Councillor Johns advised that this evening, staff are here to present some rough numbers and at the next meeting, a couple of different options will be provided for feedback.

Mr. Hannam noted that staff's scheduled would see the next meeting in the spring, probably April.

Mr. Matt Whynaught questioned if there is a concrete plan in regard to traffic during construction.

Mr. Hannam advised that the contractor would have to come up with a reasonable traffic plan.

Ms. Debbie Ward advised that she lived on the Old Sackville Road extension, and that she was getting runoff from Lively Road subdivision. This has resulted in contaminated wells, and she questioned why they are not included in the project.

Mr. Hannam responded that, currently, the area is outside of the planning boundary for water and sewer extension.

Councillor Johns noted that staff recognize there are lots currently outside of the serviceable boundary and the hope is that after the Lively subdivision gets water and sewer, and as we move on to other issues, one of those will be to consider the extension of the water and sewer boundary to include adjacent areas outside the boundary, which currently have issues.

Ms. Ward noted that her area should be given due consideration because the contamination is a result from the runoff of Lively Road.

Mr. Stanley Havill addressed Community Council and advised that he was the owner of Springfield Mobile Home Court. Mr. Havill noted that the effluent from the sewage system is running into fresh water. He suggested that it is very important to consider extending water and sewer to Springfield Lake, as this area is getting to be a large community and it would help clean up the Sackville River and Lakes in the area.

The Chair advised that there is no funding at this time to extend beyond Lively, but the intention is, because of issues further upstream, to continue as funding becomes available.

Mr. Ron McCullough, Sackville Drive, questioned when his area became part of the serviced area.

Councillor Johns advised that Regional Council made the decision to include those lands during the Regional Planning debate. Councillor Johns added that he was not supportive of this.

Mr. Gordon Gibbon, a resident Sackville Drive questioned if both sides of the road will be serviced with regard to sewer. Mr. Hannam advised that both sides would be serviced.

Councillor Johns then asked staff, for clarification purposes, if there is a plan to move the pipes off of Sackville Drive or will they run along Sackville Drive, i.e. is there an intention of moving the main pipes into undeveloped land or is the intention to run the main sewer line up Sackville Drive.

Mr. Hannan advised that the plan is to have the water and sewer pipes in the Sackville Drive right-of-way.

A resident of Springfield Lake asked if sidewalks will also be put up Sackville Drive, and in response Councillor Johns advised that the project does not include sidewalks.

At this time, Councillor Johns recognized Honourable Barry Barnet, MLA who was in attendance this evening.

The resident expressed concern that this project will result in his property values increasing, therefore he will be paying more taxes.

Mr. Anthony Goss asked if there would be any assistance to help alleviate the costs for those homes that are far back off of Sackville Drive.

Mr. Hannam clarified how the Local Improvement Charge and Capital Contribution Cost charge work in relation to a new home vs. an existing home, and noted that staff do not have the exact numbers but will work this out and have the answer for the next meeting.

Mr. Shane O'Neil questioned if an additional hearing process would be required if someone wanted to subdivide their lot and hook up all the lots.

Councillor Johns advised that no additional hearing would be required. He explained that the design of the sewer is to accommodate that happening; the cost to run the sewer to the new homes is that individual's cost and he then pays \$1,900/acre once they choose to do so.

In response to a further question from Mr. O'Neil, Councillor Johns indicated that this is a public information meeting, which typically is not held in conjunction with Community Council. By doing it in conjunction with this meeting, there will be minutes available as well as copies of the presentation.

There being no further questions, Councillor Johns thanked everyone for coming out this evening and providing their feedback.

Community Council then continued with its regular agenda as follows:

11. ADDED ITEMS:

11.1 Information Report - Community Council/Public Meeting Space

An information report dated November 15, 2006 regarding Community Council/Public Meeting Space was submitted.

MOVED by Councillor Harvey, seconded by Councillor Martin that the report be accepted as information. MOTION PUT AND PASSED.

11.2 Appointments to North West Transit Advisory Committee and Bedford Waters Advisory Board

The following items were addressed at an earlier In Camera session and were now before Community Council for ratification:

MOVED by Councillor Martin, seconded by Councillor Harvey that Ms. Angela Miller be appointed to the North West Transit Advisory Committee. MOTION PUT AND PASSED.

MOVED by Councillor Martin, seconded by Councillor Harvey that Ms. Kate Hadden

be re-appointed to the Bedford Watershed Advisory Board for a term to expire November 2008.

11.3 Election of Chair for North West Community Council - 2007

MOVED by Councillor Harvey, seconded by Councillor Martin that Councillor Johns be appointed Chair for 2007. MOTION PUT AND PASSED.

12. NOTICES OF MOTION - None

13. PUBLIC PARTICIPATION - Not held.

14. NEXT REGULAR MEETING DATE - January 25, 2007

15. ADJOURNMENT

The meeting adjourned at 9:30 p.m.

Sheilagh Edmonds
Legislative Assistant