

NORTH WEST COMMUNITY COUNCIL

MINUTES

OCTOBER 9, 1997

THOSE PRESENT: Councillor Harvey, Chairman
Councillor Rankin
Councillor Mitchell
Councillor Kelly
Councillor Barnet

ALSO PRESENT: Barry Allen, Municipal Solicitor
Maureen Ryan, Planner
Paul Morgan, Planner
Julia Horncastle, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. with an Invocation and, as well, a Minute of Silence in memory of Ed Kirby of Lower Sackville. The meeting was held at Sunnyside Mall, Bedford.

2. **APPROVAL OF MINUTES**

There were no Minutes for approval at this time.

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

Deletions: 10.2.1 - Capital Projects (deadline moved to January, 1998)

Additions: Signage in Sackville - Councillor Harvey
Traffic Lights - Bedford - Councillor Kelly
Brigley Road - Councillor Mitchell

MOVED by Councillors Barnet and Mitchell to approve the Order of Business as amended. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES** - Not applicable

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **File No. ZA-FEN-07-95 - Request by Remo Pizzo to amend the R-1 (Single Unit Dwelling) Zone development standards for the Land Use By-law for Hammonds Plains, Upper Sackville, Beaver Bank (Planning Districts 15, 18 and 19) Plan Area**

Councillor Barnet advised that staff was hosting an information session in the Beaver Bank community on October 20, 1997 to deal with cost recovery for sewer and water which might have an impact on the community's acceptance or non-acceptance of the issue of 60' lots versus 75' lots. As well, if possible, he requested a change in location for the next meeting, if possible, to Sackville with the following meeting being held in Brookside.

MOVED by Councillors Barnet and Rankin that a decision be further deferred to the next meeting and that the location for the meeting be changed if possible. MOTION PUT AND PASSED.

8. **PUBLIC HEARING**

8.1 **FILE NO. DA-BED-006-96-21-A-CD - Substantial Amendment to the Parcel M-1 (Brookshire) Development Agreement (94-04) concerning Apartment Building No. 3**

A Staff Report dated August 27, 1997 together with a Supplementary Report dated September 16, 1997 was before Community Council. Planning Advisory Committee was recommending approval of the revised amending agreement presented as Attachment 1 to the Supplementary Report.

Maureen Ryan, Planner provided an overview of the application with the aid of overheads. Staff was of the opinion that the proposed development was reasonably consistent with the intent of the Planning Strategy. With the submission of evidence to verify that the proposed amendment would not adversely affect the adjacent Village Crescent in terms of vehicle headlights, staff was, therefore, recommending that the Development Agreement attached to the Supplementary Report dated September 16, 1997 be approved. Should Community Council decide not to approve the overall proposed amendments to the agreement, staff was recommending passing of a non-substantial amendment to the agreement to allow for the relocation of the northeast corner of the building from 3.3' to 6.6' from the property line since the present proposal does not comply with the limiting distance requirements under the National Building Code of Canada.

Councillor Kelly asked if staff's recommendation was approved to have the fencing issue left in the hands of the Development Officer's discretionary powers to be dealt with through a non-substantial amendment process, would it be non-appealable. In reply, Ms. Ryan advised there would not be an opportunity to appeal in the case of a non-substantial amendment. In the case of a substantial amendment, there would be opportunity for both the developer and the community to appeal to the Utility and Review Board.

Councillor Kelly pointed out that with the substantial amendment process, there was protection for both the developer and public should they feel that the original intent of the contract has changed. Further, he referred to the developer providing a \$10,000 allocation for a crosswalk and also \$10,000 for sidewalk construction on Bedford Hills Road - which the developer had done - but was also to give \$22,000 for additional sidewalk on Hammonds Plains Road. He asked if construction was found to be more costly than the estimate of \$22,000, then who would pick up the shortfall. In reply, Mr. Allen advised that the agreement provides that the developer's obligation is to install and the money being held allows that in the event of default for some reason. If there is a shortfall and the developer is in default, the Municipality could sue for the remainder.

Ms. Ryan provided further information on the developer's letter of credit in this regard.

Councillor Kelly asked the time frame for the sidewalk construction. In reply, Ms. Ryan advised that the reason the sidewalk was not constructed in 1995 was because there was a study undertaken of future road widening up Hammonds Plains Road and it was uncertain at that time of the geometric design of the road and the effect it would have on the sidewalk. This was still under consideration at this time. She hoped that the sidewalk would proceed as soon as possible.

Councillor Kelly asked before occupancy was permitted, would that portion of the sidewalk have to be completed. In reply, Mr. Allen advised there would have to be a reasonable time and the time would have to be agreed upon. In the absence of a specified time, it would not be unreasonable to require that the sidewalk be installed at the time the occupancy permit goes in, unless it is winter.

Councillor Kelly pointed out there were already two apartment buildings, a commercial complex built and 29 townhouses constructed and he felt it was time for additional safety precautions. He wanted to have the sidewalks constructed prior to occupancy being granted. In reply, Ms. Ryan advised that staff would have the authority under the agreement to enforce the construction of the sidewalk but should also take time to consider the effects that the overall Hammonds Plains Road improvements might have on the sidewalk and what additional costs might be incurred by the Municipality in the event that there would have to be sidewalks reconstructed. If it is found that there will not be any effect, then staff would proceed immediately with the implementation of the sidewalk requirements as per the terms and conditions of the agreement.

Councillor Kelly pointed out that if the road is to be widened to three lanes - one for turning - then the curb and sidewalk could be put in beyond that point so it does not infringe upon or require change further down the road. He expressed concern that there should be a specific time frame set so that the public would know when the sidewalk would be constructed.

Speakers in Favour

Mr. Paul Skerry, Architect, speaking on behalf of the developer, referred to the fence issue and advised that the developer was not interested in a substantial amendment procedure for fencing. They intended to go ahead and build a fence. He provided information on the initial proposal and then advised what would be built to screen the parking lot from the adjacent residences. If the public decided they wanted the fence along the boundary line, they would do it because the fence was not an issue.

Councillor Kelly stated the challenge was to let the public know there were mechanisms in the agreement to protect their interests, as well as those of the developer.

Mr. Skerry said the developer was quite happy to meet with the residents but wanted to see a due process procedure that was a little less time consuming.

Mr. Marvin Silver, Village Crescent, even though he was speaking in favour, expressed concern regarding the impact on Village Crescent residences particularly with regard to privacy, access for emergency vehicles, filtration walkway berms and good housekeeping during construction. He explained his concerns with regard to each matter.

In reply to Mr. Silver's concerns, Ms. Ryan advised that the driveway width was 20' which was sufficient to meet requirements to accommodate emergency vehicles. As well, with regard to screening emergency vehicles, especially during the winter, from the adjacent residences, she advised that the fencing required would be 6' along the northeast property line and with the relocation of the fencing to the end of the parking lot, it would still be 6' from grade given that the rock retaining wall is 2' from the curb and the proposed fencing would be 4'. With regard to the berms, Ms. Ryan advised that Regional Operations would oversee the specifications of the walkway berms to be constructed by the developer.

With regard to good housekeeping concerns, Councillor Kelly advised he expected that the Building Inspector and the By-law Enforcement Officer would be inspecting the development through the construction process.

Speakers in Opposition - None

Rebuttal by Applicant

Mr. Skerry advised that quite a number of the trees, as they mature, die off making the bottom of the forest floor empty and, as part of their landscape plan, they wanted to go into the non-disturbance zone and plant small pine trees. He acknowledged the site was difficult; however, the building was fully sprinkled and the National Building Code requirement gave a relaxation from the desire to drive completely around the building for fire vehicles. The building would also have full elevator service. The Building Code requires a 20' wide driveway minimum for fire access vehicles and does not require a turn around facility if you are within 90 metres of a major street. He was satisfied with how the building would look on the site, by way of the improvements undertaken. He believed there was support for the project from the community.

Councillor Kelly agreed that the proponent has done a good job with the architectural rendering and felt that the finished project would speak for itself. With respect to the fencing, however, he did not want to force the proponent to put in fencing but wanted to work with the six-month time frame to have it worked into the agreement to come back to Community Council upon start of construction but retain the substantial rather than non-substantial.

Ms. Ryan referred to the municipal solicitor as to whether or not there could be an amendment to the agreement at this point in time to require any exemption for fencing to be treated as a substantial amendment to the agreement. The advertisement was for Community Council to consider amendments to the required fencing but the particular amendments were not specified. The agreement, however, specifically allows the Development Officer to consider the exemption of fencing with the requirement of notification and meeting with the developer and community on site. If the developer agreed and the solicitor so authorized the procedure, the whole Section 2 and 3 from the agreement as now proposed could be struck. This would require the developer, in terms of seeking any amendment to the agreement, to apply for a substantial amendment and would require due process.

Councillor Kelly asked, therefore, if there was a requirement for the issue to come back to Community Council. In reply, Ms. Ryan said presently it was not a requirement of the agreement to come before Community Council; the Development Officer would have the discretionary authority to consider the exemption of fencing with notification to the affected property owners as specified in the agreement and with the specification that no such request for an exemption be considered until six months after commencement of construction.

Councillor Kelly said what he had in mind was maintaining the non-substantial but come to Community Council, not the Development Officer. He asked if the developer and the solicitor would concur to this.

Mr. Allen replied that was reasonably constructive. Mr. Skerry said he did not see where it would be substantially different.

MOVED by Councillors Kelly and Barnet that the revised amending agreement presented as Attachment 1 to the Supplementary Report dated September 16, 1997 be approved with an amendment that the granting of an exemption to the required fencing under Subsection 1(d) will be determined by Community Council, not the Development Officer. Further, that the applicant be given one hundred and twenty (120) days to sign the amending agreement from the date of approval by Community Council, or the date of any other approvals required to sign the agreement as the case may be, unless an extension thereof is granted by the Community Council at the request of the applicant, failing which this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED UNANIMOUSLY.

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

10. **REPORTS**

10.1 **Approval of Area Advisory Committee Member**

MOVED by Councillors Barnet and Kelly to defer this item for two weeks. MOTION PUT AND PASSED.

10.2 Heritage Park - Sackville

The Chair provided information on the Award presented for Sackville Heritage Park from an international body. He advised that credit should go to existing HRM staff, those who carried over from the former Halifax County and designed the park to begin with and to the community who partnered in the project, particularly the Royal Canadian Legion, Sackville Branch, whose Cenotaph project was really the impetus for the park in the first place. The Award will be presented in Houston, Texas in November.

It was agreed to send letters of congratulations to Jan Skora, who designed the Park, staff of Regional Operations - Maureen Cullen and Stephen King - and the Legion indicating Community Council's acknowledgement and appreciation for the hard work in designing and maintaining the Park.

10.3 Ratification of Expenditure - Sackville Landfill Fund

Councillor Barnet advised he would be moving a motion reluctantly to ratify because, unlike the community of Sackville, other communities who have had similar events have had insurance supplied by the Municipality. He hoped that future events held in Sackville would not require obtaining additional resources to cover the cost of insurance.

Councillor Kelly pointed out that to cover the event under HRM's blanket policy, costs would be nil and he did not understand why it was necessary to pay the \$500 to support the community. He requested that a report be prepared by staff as to why it was necessary to pay.

Councillor Harvey explained that there were a number of events that took place and some were deemed to be HRM events which were covered under the blanket policy. Other events, though sponsored by a volunteer non-profit community group, were not covered.

Councillor Kelly said community involvement should be encouraged and fostered and to put up such roadblocks he could not understand. It was a community event and should be under the auspices of HRM and more should be encouraged. He asked that direction be given to staff to do so.

Councillor Harvey said it was necessary to pay this time but it would be the last.

MOVED by Councillors Barnet and Mitchell to ratify the expenditure of \$500 for Special Events Insurance for Patriot Days from the unallocated interest on the landfill funds. MOTION PUT AND PASSED.

MOVED by Councillors Barnet and Mitchell to request a Staff Report as to what category of events can be covered under HRM's blanket insurance policy. MOTION PUT AND PASSED UNANIMOUSLY.

10.4 **Case 7559 - Application by Dale Forgeron to Rezone the Property at 2649 Prospect Road in Whites Lake from RA-3 (Residential A-3) to RB-2 (Residential B-2) Zone**

A Staff Report dated September 25, 1997 was before Community Council along with a Memorandum dated October 2, 1997 on behalf of Planning Advisory Committee. The recommendation from Planning Advisory Committee was to proceed with the third alternative and request Regional Council to initiate a Plan Amendment to accommodate the request to allow a tanning business at 2649 Prospect Road in Whites Lake.

Councillor Mitchell provided information on the application and why he was in support. Subsequently, Paul Morgan, Planner provided information on the alternatives in the report.

Councillor Barnet suggested going through the Public Hearing process to see if there is any public opposition. Councillor Mitchell responded that he would prefer to go with the Plan Amendment even though it might take a little longer.

MOVED by Councillors Mitchell and Rankin to recommend that Regional Council proceed with the third alternative of the Staff Report dated October 1, 1997 and initiate a Plan Amendment to accommodate the request to allow a tanning business at 2649 Prospect Road in Whites Lake. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Traffic Lights - Bedford**

Councillor Kelly advised that traffic counts have recently been carried out at the intersection of Hammonds Plains Road and Basinview Drive, Hammonds Plains Road and Bedford Hills Road/Lake Drive and Dartmouth Road and Ridgevale Drive. Those counts having been completed, he was requesting a Staff Report advising which intersections qualified for traffic lights and, if so, when they would be installed.

MOVED by Councillors Kelly and Barnet to request a Staff Report in this regard. MOTION PUT AND PASSED.

12.2 **Brigley Road**

Councillor Mitchell provided information on his attempts to have Brigley Road graded and requested that correspondence be sent to Doug Quinn, Regional Operations re payment for 1997/98 grading for the road in the amount of \$89 from his discretionary funds. Brigley Road was linked with an extension to the road called Cleveland Road.

**MOVED by Councillors Mitchell and Kelly that correspondence be sent in this regard.
MOTION PUT AND PASSED.**

12.3 Signage on Sackville Drive

Councillor Harvey referred to portable and freestanding signs along the commercial area from Cobequid Road up to Lucasville Road where there appears to be a proliferation of signs. He requested that Planning Department be requested to assess the signs in that area to ascertain which are legal and take steps to have illegal signs removed or conform. Secondly, he requested that the signage part of the MPS document be referred to Planning Advisory Committee for review and possible recommendations for changes.

Councillor Barnet pointed out that at Regional Council the new Street By-law for all of HRM has a component dealing with these types of signs. It might be easier to achieve this way.

Councillor Kelly suggested that staff be requested to review the Bedford By-law in regard to signage restrictions as it has worked very well.

Councillor Harvey said he would still like the matter referred to PAC with the new Street By-law as well to see if they think the MPS covers it or whether changes still need to be made.

**MOVED by Councillors Barnet and Kelly to request that staff carry out an assessment of signage in the area and that the matter also be referred to PAC.
MOTION PUT AND PASSED.**

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Tony Edwards raised the following points:

- C He suggested that with regard to signage, HRM should lead by example and get rid of the Glo sign at the old Fire Station welcoming new recruits to the training program. Councillor Kelly added the sign was also there without permit.
- C He asked for clarification regarding a property on Dartmouth Road to be sold to an abutting resident at a Regional Council meeting. Councillor Kelly advised the location of the property and the fact that it had been expropriated from the abutter

25 years ago and was now surplus. The abutter now wishes to purchase the property back and it will go to Public Hearing shortly.

Mr. Marvin Silver, Bedford Waters Advisory Board referred to a development by Annapolis Basin Pulp and Power around Paper Mill Lake about 15 years ago and the agreement that a sampling program would continue until the development is complete. The Paper Mill Lake area was sold recently to Greater Homes who did not keep on sampling the lake. The Development Officer requested recently that Greater Homes reinstate the sampling. He asked the status of the sampling program. In reply, Councillor Kelly advised that a Staff Report has just recently gone to Regional Council, the developer has been instructed to resume sampling and has agreed to do so. The issue at hand is that when the data is collected, who would the information go to. Staff has been asked to ascertain this and a further report should be received by Regional Council within the next few weeks. He expected that Bedford Waters Advisory Board would be kept informed.

Mr. Bryce Reid, Millwood referred to Millwood Elementary School soccer field to be upgraded in the next capital budget and needed a fence. He asked that HRM map out a walkway around the perimeter of Feely Lake. With regard to Millwood High School, he stated that the soccer field was the worst high school field in the area. These were capital projects for Millwood for next year. With regard to the Millwood Commons project, he requested at the last meeting that the designer be requested to meet with the people. He explained the problems being encountered.

Councillor Barnet, in reply, advised that a number of public meetings have been held in the community, one as recently as last Monday. The direction that went to the designer was the direction of the community committee who decided that the designer should move forward with the park area in front of the soccer field as the first priority to bring the existing soccer field up to level; however, resources dictated what could be done. It was hoped that there would be monies left over after the project is tendered and the work is done. If the community committee agrees, there would then be an opportunity but he did not want to overrule the consensus of the group at the present time. He had provided the group with the plans and with the cost of the components of the project they asked for. He thought it was a good, open two-way process all along. Hopefully, by late spring next year, the phase could be completed, which was long overdue in the community.

With regard to capital projects in Millwood, Councillor Barnet advised he met with Mr. Huck a number of weeks ago and felt that the field at Millwood Elementary might have some merit under the criteria placed with regard to safety. With regard to other capital projects in Millwood, there have been substantial capital improvements carried out, including street repaving and sidewalk renewals. As it relates to mapping and developing the lands around Feely Lake, that particular land does not belong to the Municipality but to the province. There would have to be an understanding from the province first. He hoped there might

be something from the province in the near future in order to develop some kind of nature trail system around the lake.

Mr. Walter Regan, Sackville Rivers Association raised the following points:

- C He expressed appreciation that the bridge was being built across the Sackville River at the Ponderosa.
- C He expressed appreciation that the floodplain study was being let, which was long overdue and would have a significant impact on the community.
- C He asked for an update on Second Lake provincial park. In reply, Councillor Harvey advised there were no new developments.
- C He asked the status of the Topsoil By-law Enforcement Officer. There were no new developments.
- C He asked for an update on the tree cutting By-law. In reply, Councillor Barnet said he expected an update shortly.

Mr. Wayne MacPhee, Sackville United Soccer provided information on the number of soccer players and games played on the Millwood Elementary and Millwood High fields with no accidents reported. Those two fields were critical to the under 7-9 age group from the whole community of Sackville.

Mr. Wayne MacPhee raised the following points:

- C He referred to subsidies for pools and especially for Needham pool. Councillor Kelly provided statistics on a number of pools.
- C He asked the status of the Auditor General for HRM. In reply, Councillor Rankin advised that service review was being carried out and the Auditor General has been put aside for now, at least. He appreciated Mr. MacPhee's interest but Councillors have been very conscious of the scrutiny that should be applied to services and have now committed funds to the service review.
- C He asked for clarification regarding the possible expenditure of \$5-10 million to replace the Municipality's accounting system. In reply, Councillor Kelly advised he understood there would be further information coming with the capital budget.

15. **NEXT MEETING** - Thursday, October 23, 1997

16. **ADJOURNMENT**

On a motion from Councillor Rankin, the meeting adjourned at approximately 9:00 p.m.

Julia Horncastle
Assistant Municipal Clerk