

NORTH WEST COMMUNITY COUNCIL

MINUTES

NOVEMBER 27, 1997

THOSE PRESENT: Councillor Barnet, Chair
Councillor Harvey
Councillor Kelly
Councillor Mitchell

ALSO PRESENT: Kurt Pyle, Planner
Jenifer Tsang, Planner
Andrew Whittemore, Planner
Julia Horncastle, Assistant Municipal Clerk

Regrets: Deputy Mayor Rankin

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. at Sunnyside Mall in Bedford.

2. **APPROVAL OF MINUTES - NOVEMBER 13, 1997**

MOVED by Councillors Kelly and Harvey to approve the Minutes of meeting held on November 13, 1997 as circulated. MOTION PUT AND PASSED.

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

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

4. **BUSINESS ARISING OUT OF THE MINUTES**

4.1 **Captain John Gorham Boulevard**

Councillor Kelly advised that a meeting had been held with staff who recommended that the whole part of the road, from Rocky Lake Road to Cobequid Road, be renamed as one road instead of having three road names going in the same direction.

MOVED by Councillors Kelly and Mitchell that the road from Rocky Lake Road to Cobequid Road be named Captain John Gorham Boulevard and that the civic numbering process start at Duke Street and work its way through to Cobequid Road with an effective date of April 6, 1998. MOTION PUT AND PASSED.

4.2 **Expression of Appreciation**

Councillor Mitchell advised he had been unable to attend the last meeting; however, he wanted to express appreciation to Councillor Harvey for having acted as the first Chairman of North West Community Council. He also congratulated Councillor Barnet as the new Chairman.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Street and Subdivision Concerns - Department of Transportation**

Councillor Mitchell advised that he had met with the MLAs representing his District about a year ago and it had been agreed that he could follow up on calls he receives regarding Department of Transportation issues in his District which he forwards personally to Department of Transportation.

MOVED by Councillors Mitchell and Kelly to request the Minister of Transportation and Public Works, by appointing a contact person, provide updates on a regular basis regarding problems in his District which have been referred by him. MOTION PUT AND PASSED.

8. **PUBLIC HEARING**

8.1 **File No. DA-BED-004-97-21-A-RCDD - Application by Redden Brothers Limited to amend the height provision of the Union Street RCDD Agreement (Agreement No. 95-05)**

A Memorandum dated November 7, 1997 from Planning Advisory Committee recommending approval of the staff recommendation was before Community Council along with the Staff Report dated October 29, 1997.

Andrew Whittemore, Planner provided an overview of the application. Jenifer Tsang, Planner was also in attendance.

Councillor Kelly pointed out that Lots 61-67 were pad ready to build upon and asked why they were included in the application. In reply, Ms. Tsang advised they had not been pad ready at the time of the application. She suggested asking the applicant if he still needed to include those lots.

Councillor Kelly asked for clarification that it would be based on environmental aspects, not as of right as this was not part of the recommendation. In reply, Ms. Tsang advised that it would have to be demonstrated that the slope is 15 degrees and that the lots have a non-site disturbance area in the rear. Those two conditions would have to exist on the site before the Development Officer has a right to change. Councillor Kelly asked for clarification further that approval was not a given; it would have to be approved in all cases. The Planner replied that was correct.

Speakers in Favour

Mr. Greg Redden, Redden Brothers Limited advised that on several lots it was very difficult to build a normal two-storey with a walk-out basement with the grades they were dealing with, especially the sloping street grade. The foundation had to be at least 1' above the street and the site disturbance line was very close to the back of the house. It was difficult to meet all the regulations.

Councillor Kelly asked if the lots he referred to were pad ready, why was there a need to change the height regulations. In reply, Mr. Redden advised that by the time the foundation goes in, at least 1' above the street, there would be about a 15% slope from the front yard to the back yard on a number of those lots. There were probably some that would not need it.

Councillor Kelly asked for clarification that if they did not meet the criteria, then they would not be considered. Staff confirmed this.

Speakers in Opposition

Mr. Eric Fraser, 64 Union Street referred to the staff presentation and asked who would plant the trees on the property as there were none now and the sites had been infilled with nothing but rock. Mr. Whittemore replied he was referring to the non-site disturbance area.

Ms. Tsang was asked by Councillor Kelly to point out the non-site disturbance area behind Mr. Fraser's house. Ms. Tsang advised that the lots behind Mr. Fraser's house were not affected. She pointed out the non-site disturbance area in the area of Mr. Fraser's house. On a question from Councillor Kelly as to whether or not the trees had been retained, Ms. Tsang advised that on one or two lots, they were not and that was so for the lot behind Mr. Fraser's house.

Councillor Kelly asked if this situation was going to be addressed. Ms. Tsang advised this was outside the amendment in that the lots were originally part of the application but had been withdrawn. Staff could facilitate discussion between the applicant and Mr. Fraser but it was not something that could be dealt with as part of this amendment.

Rebuttal by Applicant - None

Decision by Council

MOVED by Councillors Kelly and Mitchell that, based on past practice in the Bedford community to hear from the public during the Public Hearing process and defer to the next meeting for a decision based on the application, that a decision be deferred to the next meeting. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Delegations

9.1.1 Blasting Concerns - Hammonds Plains - Vernon Kynock

Mr. Paul Miller, Miller & Associates referred to his attendance at Community Council on August 28, 1997 and the concerns he raised at that time re blasting in the Hammonds Plains area and his concern with regard to a potential blast that actually did occur the day after his presentation. He provided a history of blasting in the area since 1991, what happened with the blast on August 29, 1997 and potential violations, what he had done following this incident with regard to contacting staff of HRM and other agencies, the definition of pits and quarries, the requirement for pre-blast surveys and other information of concern. He provided information on the response received from staff with regard to his concerns. Further, he provided copies of pertinent information he referred to during the course of his presentation. In his opinion, one of the best things the Municipality could do for its staff at Christmas was to buy them each a plaque indicating "the buck stops here".

Councillor Kelly said that staff were in the process of amending all four current blasting by-laws and to standardize them. He understood that part of the problem in this process has been interpretation of a quarry. He asked where the definition that Mr. Miller read came from. Mr. Miller responded the Pits and Quarries Guidelines, which was the only definition the province uses to define a quarry.

Councillor Kelly said he understood that the current MPS that guides Hammonds Plains has another definition of a quarry which includes the breaking of, not only the blasting of, and asked if that was true. Mr. Miller said he would have to look at the MPS but he had never heard it defined as a crushing operation, it was usually the extraction of rock by blasting.

Councillor Kelly said that staff's interpretation was that a quarry was to blast, take the rock out and break it further before it leaves the property and not just blasting and taking the rock off the property. Mr. Miller said he had heard that before but he could only say he disagreed with it because there were quarries that blast rock that never crush it.

Councillor Kelly asked the status of charges, if any, being laid by Department of Environment. Mr. Miller replied it was going to court March or April. He explained what Department of Environment was focusing on in relation to the charges. Tonight, however, he had focused on the Municipality's jurisdiction in compliance with by-laws and permits.

With regard to the pre-blast survey, Councillor Kelly said it again comes down to interpretation and part of the confusion is that there are four different by-laws, with nothing standardized. In mid-January there will be a consolidated by-law to address all the points brought forward that would require staff to have the DOE permit in hand before they give approval and would require a pre-blast survey. Mr. Miller explained the authority of the Minister of Environment with regard to environmental approval and the fact that a lot of specific permit conditions could be put on the permits that are not specifically included in the regulations. In his opinion, the same could hold true for the Municipality and its by-law and the municipal solicitor would be the one to tell whether or not this could be done.

MOVED by Councillors Kelly and Harvey to forward the presentation of Mr. Miller both to the Legal Department and Mr. Sheppard as to whether or not 1) they violated the process or breached any by-laws or laws and 2) if so, why they were not prosecuted. MOTION PUT AND PASSED.

10 **REPORTS**

10.1 **Tender No. 97-357 - Street Resurfacing, Central District Concrete Curb and Gutter Installation, Oakmount Drive**

A Staff Report dated November 12, 1997 was before Community Council.

MOVED by Councillors Kelly and Mitchell to approve local improvement costs in the amount not to exceed \$10,335 as an area rate for District 21 relating to new concrete curb and gutter installation on Oakmount Drive, as outlined in the Staff Report dated November 12, 1997. MOTION PUT AND PASSED.

10.2 **Outstanding Reports for Community Council**

Councillor Kelly stated there were a number of reports outstanding. He requested that staff be requested to provide a status report, specifically to include when the report with regard to Planning Advisory Committees would be available and the report re costs re pool subsidies.

Jenifer Tsang, Planner advised that staff hoped to hold an informal meeting with Councillors in the near future prior to the report being finalized regarding PACs.

MOVED by Councillors Kelly and Mitchell to request a status update on the report from Recreation Department re pool subsidies. MOTION PUT AND PASSED.

Councillor Kelly asked, as well, for an update with regard to the Staff Report on Small Lots. Ms. Tsang advised she thought a report should be going to Regional Council very soon.

11. **MOTIONS** - None

12. **ADDED ITEMS** - None

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Eric Fraser, 64 Union Street, Bedford advised that in July he had referred to concerns with the stormwater system running onto the Bedford Place Mall property. Whenever he approached staff for assistance, he was told that HRM did not own the property and could not do anything without permission from the Mall. Lately, the Mall, since the parking lot was extended, was dumping the snow in the ditch but HRM could not do anything about it. He expressed concern that there was more water coming from the Redden development into the stormwater system. He requested that Community Council look into taking over the ditch to make sure the water keeps flowing. In reply, Councillor Kelly said he is awaiting a report from staff. Right now the matter was in the hands of the Commissioner to determine who owns the property and who is responsible because HRM has spent the money to divert the water into that area. Once the report is received, he intended to bring it to Community Council and Regional Council depending on the contents of the report.

MOVED by Councillors Kelly and Mitchell to request the report at the earliest possible date, hopefully within two weeks. MOTION PUT AND PASSED.

Mr. Wayne MacPhee raised the following points:

- C He asked why HRM has not set a standard for recovery rates for recreational facilities which, in his opinion, could control expenditures more effectively. The Chair advised he did not know the answer but, in the Operating Budget for 1997/98, there was a requirement for major facilities to recover all of their expenses. Sackville Sports Stadium, however, was not able to do that. He offered to forward Mr. MacPhee's question on to the Commissioner of Community Services.
- C He expressed concern, once again, regarding hidden costs, such as telephone to be shown so that there would be a true picture of the recovery rate for each facility. It was agreed to forward this concern on as well.
- C He asked why \$186,000 had been taken from the Operating Budget of the Sackville Sports Stadium. It was agreed to check.
- C He asked why HRM would allow Range Park to be destroyed and who was responsible. The Chair advised he had been talking to Denis Huck, particularly with regard to signage to see if there were resources available to sign the properties and to contact the soccer and football community to see if facilities such as Range Park can be policed as the Municipality cannot afford to continue to rebuild the fields on a yearly or twice-yearly basis. Councillor Kelly added that this was the first time he heard of the incident. Mr. MacPhee suggested that HRM should stop threatening and do something - put up a sign and make them pay up front. Councillor Kelly requested that staff advise the District Councillor when situations such as this

happen so that he could respond and follow up. He requested that a staff report be provided in this regard as to when the damage occurred and to what extent.

15. **NEXT MEETING** - Thursday, December 11, 1997
Firefighters Hall
2041 Hammonds Plains Road

16. **ADJOURNMENT**

On a motion from Councillor Harvey, the meeting adjourned at 8:00 p.m.

Julia Horncastle
Assistant Municipal Clerk