

NORTH WEST COMMUNITY COUNCIL

MINUTES

SEPTEMBER 24, 1998

THOSE PRESENT: Councillor Barnet, Chair
Councillor Harvey
Councillor Kelly

ALSO PRESENT: Wayne Anstey, Municipal Solicitor
John Sheppard, Manager, Environment & Development
Donna Davis-Lohnes, General Manager, Planning Applications
Andrew Whittemore, Planner
Grace Ho, Planner
Maureen Ryan, Planner
Kurt Pyle, Planner
Jacqueline Hamilton, Planner
Sandra Shute, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:05 p.m. in Unit 202, Mezzanine Level, Sunnyside Mall, Bedford.

2. **APPROVAL OF MINUTES - AUGUST 27, 1998**

MOVED by Councillors Kelly and Harvey to approve the Minutes of meeting held on August 27, 1998 as circulated. MOTION PUT AND PASSED.

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

Added Items: Request for Staff Report on the Establishment of an Area Rate for Education - Councillor Barnet
 Information Item #3 re Snowplowing - Bedford Place Mall - Councillor Kelly
 Information Item #4 re Bedford Municipal Planning Strategy Review - Councillor Kelly
 Letters of Appreciation with respect to Saturn Playground in Beaver Bank/Kinsac - Councillor Barnet

Deletions: Bedford Waters Advisory Committee - Introduction of Members - Deferred to next meeting
 Potential Pilot Pet Parks - no report available. To be considered when a report is available

It was agreed to move item 10.4 - Residential Growth Management Policies, Plan Review for Planning Districts 15/18/19 to a point earlier in the meeting.

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

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

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Public Hearing - File No. DA-BED-006-97-21 - Application by Nancy Boyne to enter into a Development Agreement to create a flag shaped lot by subdividing her property at 116 Shore Drive, Bedford**

A decision on this Public Hearing was deferred from the meeting held on August 27, 1998.

MOVED by Councillors Kelly and Harvey that Community Council decline or not approve the application by Nancy Boyne to enter into a Development Agreement to create a flag shaped lot by subdividing her property at 116 Shore Drive, Bedford.

The Chair referred to the Memorandum before Community Council dated September 24, 1998 from staff which answered questions which arose during the Public Hearing. Jacqueline Hamilton, Planner subsequently outlined the report at the request of Community Council.

Councillor Kelly then went on to explain his reasons for his motion. During the MPS review process, there was an effort to ensure it was more a community/people document than a politician document which would represent the will of the majority of the community. He referred to Paragraph 4 which stated that the overall objective of the Strategy is to enhance the physical, social and economic well being of the residents of Bedford through the preservation, creation and maintenance of an interesting, liveable Town developed in an orderly fashion and at least at scale and density which will preserve and enhance the quality of life. There were other factors in the Introduction section that affect this particular application, the most prominent being community participation.

Under Objectives and Policies - Community Participation objective, Councillor Kelly said it was clear that effective communication with residents should be established and maintained through the provision of information on community and planning issues in order that residents may participate in a meaningful way and encourage and recognize participation as important and necessary as part of the social, economic and cultural development of the Town and make provisions for and facilitate public participation in all stages. There had been a lot of public participation with respect to this application during the process and correspondence received.

Councillor Kelly said the last time the former Town of Bedford dealt with a flag lot application was in 1994/95 and there were no abutters who opposed the application. In this particular case, however, this was not so; there has been an overwhelming response to go against the application and it was his responsibility to bring the residents' views forward.

With regard to the Policy under Residential Objective, Councillor Kelly said residents expressed concerns about maintaining neighbourhood stability. Policy R-8 explains how

it is the intention of Town Council to maintain neighbourhood stability with regard to rezoning and Development Agreement applications in established neighbourhoods. These established neighbourhoods are those currently developed with housing designated Residential or Residential Reserve on the Generalized Future Land Map, the site in question being one of those.

With respect to Policy R-8, in the time frame when the MPS change was brought forward from the old way of as-of-right flag lot to the new way, Councillor Kelly said there was a desire to ensure neighbourhood concurrence with the application and that was why it was understood it was the intent to support the neighbourhood in the form of any application.

Councillor Kelly then referred to Policy Z-3 which stated that it shall be the policy of Town Council when considering zoning amendments and Development Agreements, excluding the waterfront development area, with the advice of Planning Department to have regard for all other relevant criteria as set out in the Planning policies as well as the following matters: 1) the proposal is in conformance with the intent of the Plan and with the requirements of all other Town by-laws and regulations where applicable and Policy R-16 is specifically met; 2) the proposal is compatible with adjacent uses, the existing development form and the neighbourhood terms of use, bulk and scale of proposal; 3) provisions are made for buffers and/or separations to reduce the impact of proposed development where incompatibilities with adjacent uses are anticipated and 4) a written analysis is provided by staff as to whether the proposal is premature or inappropriate by reason of the presence of significant natural features or historical buildings or sites and suitability. As well, Policy Z-3, subsection 6 indicates that where this Plan provides for Development Agreements to ensure compatibility or reduced potential conflicts with adjacent land uses, such agreements may relate to but are not limited to the compatibility of the structure in terms of external design and appearance with adjacent land uses.

It is for those reasons that Councillor Kelly said he had moved to decline or not approve the application before Community Council.

Councillor Harvey requested clarification that the overriding thing in accepting or rejecting a Development Agreement of this type was neighbourhood acceptance rather than whether the Development Agreement meets the terms of the MPS. Responding, Councillor Kelly stated the MPS is the presiding document but, when it was structured, it was made very clear by the public that they wanted their input to have some degree of influence on decisions. The application heard in this instance and the response from the community in terms of this application are not supportive for the majority. He acknowledged that when you turn down an application, you must have reasons and that was why he made it very clear the reasons for his motion to decline, which were Policy R-8 and Policy Z-3 with the particular sections of Policy Z-3 as outlined.

Councillor Harvey said he would be more comfortable if the MPS itself expressed what was heard at the Public Hearing from residents. What he heard was that in certain parts of Olde Bedford, flag lots should not be part of the MPS at all and not allowed.

Councillor Kelly referred to the request to staff to commence an MPS review process and this was one of the things that would be brought forward as the process continues. It came down to neighbourhood acceptance in the form of the document and it was meant to give some degree of support for the public points brought forth. The application before Community Council should be turned down based on the MPS and the two policies which give the grounds to turn it down. As to other applications in the future, they would be dealt with on their own merit.

Councillor Barnet asked for clarification from Mr. Anstey if this application was an appealable application to the Utility and Review Board in the event the applicant feels Community Council has erred in its judgement. Mr. Anstey responded that it was appealable.

Councillor Barnet referred to Councillor Kelly's comments that the MPS indicates there should be neighbourhood concurrence of the application and asked if there was specific wording to that effect in the document. In response, Councillor Kelly replied no, but it was the intent of the Council of the day to bring that point strongly forward in the document. It was understood that it would give neighbourhood input more significance than before but the Policy does not clearly state that. That was why Policy R-8 and Policy Z-3 stand on their own and he believed would hold true. He was asking, however, for a review of the MPS to make sure it is more responsive and more directly stated.

Councillor Barnet stated he would be supporting staff's recommendation based on the Planning Strategy before Community Council. He understood the thoughts and concerns of the people who appeared at the Public Hearing but the MPS clearly allows for this application and gives Community Council discretion to hear this sort of application.

Councillor Kelly, for further information, said that at the time of the approval process in 1993, when the document was first structured and slightly modified in 1996, there were several aspects that were left open for interpretation and it was that area that brought forth concern. Just because it was a staff interpretation did not mean there were no other interpretations or backup support for the motion before Community Council. The community and Community Council also has the right to their interpretation and that was why he was holding to the two Policies as stated.

Councillor Barnet said that one of the reasons he would not be supporting the motion was the comments of Len Goucher at the Public Hearing when Mr. Goucher indicated it was unfortunate that there was allowance for it to happen, it may not have been the intent and

that was why Community Council at the Public Hearing directed staff to look into this further to prevent it from happening in the future.

MOTION PUT AND PASSED 2-1. (*The application was not approved.*)

7.2 **Bedford Place Mall - Drainage Problems**

Mr. Wayne Anstey, Municipal Solicitor and Mr. John Sheppard, Manager, Environment Services were in attendance for this item. A Memorandum dated September 23, 1998 was before Community Council from Mr. Anstey in this regard.

Mr. Anstey reviewed his Legal Opinion regarding the question of responsibility for the maintenance and upkeep of the drainage ditch behind Bedford Place Mall and the law with respect to watercourses. It is the legal obligation of the owner of the property over which the watercourse runs who has the responsibility for maintaining the watercourse - Bedford Place Mall in this case.

With respect to Mr. Anstey's report, Councillor Kelly asked if there had been any flow patterns done before and after the new development to see if there was any effect. Mr. Sheppard, in reply, said he was not aware of any flow monitoring being done but he understood from the Development Agreement that it was on the premise that there would be no increase in flow into the ditch area behind the Mall. The largest part of the project drains through the storm sewer that comes into the driveway at the back of the Mall and is, therefore, piped below the ditch and then in a southerly direction into the Sackville River. In terms of the section of the system in question, he understood there was no significant increase in flow.

Councillor Kelly referred to the drainage having to be reasonable and not exceeding the capacity of the watercourse and asked what would happen during a 1:100 flood and who would be responsible if it backs up into homes, as in the past. In response, Mr. Anstey advised the issue evolves around what would happen under normal circumstances. There was no question it was a low area. If normal flows have not been altered to any extent, then certainly the Municipality would not be liable. There might be liability on the part of the Mall if the capacity of the watercourse is reduced.

In terms of dumping snow or overgrowth, Councillor Kelly asked for confirmation it was the responsibility of the Mall not to do that and they must maintain the system. Responding, Mr. Anstey said the watercourse was on their property so the Mall would have control.

Councillor Kelly asked, therefore, if a letter could be written to the Mall advising them that it was clearly the Mall's responsibility. Mr. Anstey agreed this could be done.

MOVED by Councillors Kelly and Harvey that a letter be written to Bedford Place Mall advising of the Mall's liability and that the abutting residents be advised as well. MOTION PUT AND PASSED.

On a question from the Chair as to whether or not a copy of the report submitted should be sent as well, Mr. Anstey replied that he would include it with the letter.

8. **PUBLIC HEARINGS** - None

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

10. **REPORTS**

10.1 **Residential Growth Management Policies, Plan Review for Planning Districts 15/18/19 (Hammonds Plains, Beaver Bank and Upper Sackville)**

Maureen Ryan and Grace Ho, Planners were in attendance with regard to the Staff Report dated September 16, 1998 which was before Community Council.

The Chair pointed out this was not the Public Hearing on this particular issue but an opportunity for Community Council to consider it in a preliminary way and refer on to Regional Council who will hold a Public Hearing which will be duly advertised.

With regard to the Staff Report, Ms. Ho described the Plan Review process including public participation, followed by Ms. Ryan with information on growth and development implications, historical figures, current trends and the impacts of residential subdivision development in the Plan area. During the course of Ms. Ryan's presentation, it was acknowledged that the impact on schools and roads was of great concern as a result of growth in the area. In conclusion, Ms. Ho provided information on proposed Policy changes and future actions which were forthcoming as recommendations from the Area Advisory Committee, the development industry and staff in order to manage the rate of residential growth in the area.

Councillor Barnet advised that he anticipated holding, in the near future, two round table discussions in Beaver Bank and Upper Sackville for the residents of those particular areas to provide input in a less formal setting than the Public Hearing.

MOVED by Councillors Harvey and Kelly to recommend that Regional Council adopt the proposed amendments to the Hammonds Plains, Beaver Bank and Upper Sackville Municipal Planning Strategy and Land Use By-law and former Halifax County Subdivision By-law to manage the rate of future residential development in

this Plan Area as set out in Appendices A, B and C of the Staff Report dated September 16, 1998.

Councillor Harvey acknowledged, on behalf of Community Council, the high degree of commitment by residents, Area Advisory Committee members and staff in bringing this document forward.

Councillor Kelly referred to District 18 of the Plan and asked if there would be an opportunity for the residents of the former District 18 to bring forth points or concerns as Councillor Barnet was doing for his area. Responding to Councillor Kelly's question, Ms. Davis-Lohnes, General Manager, Planning Applications advised that Deputy Mayor Rankin has received the Staff Report, indicated he was very positive about the progress to date and wanted to see the results of the meeting this evening before making a decision as to whether or not to hold a separate consultation workshop in his community.

MOTION PUT AND PASSED.

10.2 Appointment of Liaison Councillors to North West Planning Advisory Committee

MOVED by Councillors Harvey and Kelly that Councillors Kelly and Harvey serve on a rotating basis on North West Planning Advisory Committee. MOTION PUT AND PASSED.

10.3 Traffic Signal Study - Five Intersections

A Report dated September 15, 1998 from Regional Operations was before Community Council with respect to the following intersections:

Dartmouth Road at Ridgevale Drive
Dartmouth Road at Wardour/North
Hammonds Plains Road at Basinview Drive
Rocky Lake Drive at Duke Street
Sackville Drive at Beaverbank Crossroad

MOVED by Councillors Kelly and Harvey to request that staff continue to monitor these particular intersections and ensure that this is done during school hours to obtain a true and accurate calculation. MOTION PUT AND PASSED.

Councillor Barnet referred to the fact that after 60 points, the intersections are carefully monitored. He understood that traffic accidents actually elevate the number of points and he would like to know what kind of detailed study Traffic Division carried out in this respect.

There have been a number of accidents at Sackville Drive and Beaverbank Crossroad this summer.

Councillor Kelly stated he had the same understanding with regard to Hammonds Plains Road at Basinview Drive.

It was agreed to refer this question back to staff for comment.

10.4 **Case No. 00034 - Proposed Cellular Antenna and Accessory Shelter on Kearney Lake Road in Bedford**

A Staff Report dated September 16, 1998 was before Community Council regarding the above application. Kurt Pyle, Planner provided an overview of the report with the aid of overheads. The jurisdiction over cellular towers rests with Industry Canada of the Federal Government. The Municipality's involvement in the process is through consultation before permits are issued for cellular towers. The role of Community Council is to make a recommendation as to whether the site is acceptable and pass the recommendation on to Industry Canada. A Public Information Meeting has been held in Bedford. Staff was recommending that Community Council support the request.

At the request of Councillor Kelly, Mr. Pyle reviewed the process with respect to involving the community and the options available to Community Council. There appeared to be no opposition to the application.

MOVED by Councillors Kelly and Harvey to support the proposal by Rogers Cantel Inc. to locate cellular antennas and support shelter on Kearney Lake Road in Bedford as illustrated on Map 1, page 5 of the Staff Report dated September 16, 1998. MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Request for Staff Report on the Establishment of an Area Rate for Education**

Councillor Barnet asked that a Staff Report be requested on the process and feasibility of establishing an area rate on a school catchment basis for the purchase of technological equipment that is not being provided by the School Board. Included in the report should be information on what the factor would be to factor the assessment to achieve a specific amount of money on a per-school basis.

Councillor Kelly asked for clarification as to whether or not Councillor Barnett was asking for information by District or just his District. In response, Councillor Barnett advised he was particularly interested in following through on a request from Millwood High School to enhance their computer lab. He had a Newsletter going out in a week or so with a survey asking the community how they feel about an area rate but he needed to know the process to be followed as well as advice from the Supplementary Education Funding committee and staff. If staff wanted to include other Districts, that was fine with him.

MOVED by Councillors Kelly and Harvey to request a report in this regard from Finance and Legal Departments. Further, that this request be referred to the Committee on Supplementary Education Funding for input and advice. MOTION PUT AND PASSED.

12.2 Information Item #3 - Snowplowing - Bedford Place Mall

A Memorandum dated September 14, 1998 from Angela Jones, Solicitor was before Community Council with regard to the above.

On a question from Councillor Kelly as to enforcement of the By-law, Mr. Anstey advised that tickets and fines imposed would be handed out to the operator, rather than the owner of the Mall.

Therefore, Councillor Kelly asked that a letter be written to Bedford Place Mall advising that HRM would be enforcing the By-law and Bedford Place Mall should follow the time frames as indicated in the By-law and any violations will be prosecuted.

MOVED by Councillors Kelly and Harvey that a letter be written to Bedford Place Mall in this regard. MOTION PUT AND PASSED.

12.3 Information Item #4 - Bedford Municipal Planning Strategy Review and Sackville Drive Secondary Planning Strategy

An Information Report dated September 17, 1998 from Angus Shaffenburg, Planner was before Community Council.

Councillor Kelly advised that with respect to starting the MPS Review process for Bedford, staff indicated that a report would be going to Regional Council addressing priorities. He wanted to make it clear that the Bedford community wants to undergo the process and, if staff do not have the time to follow through the overall process, then there were a number of individuals in the community who were prepared to undergo the review process, prepare a report and provide it to staff for a final reporting process.

With regard to the Secondary Planning Strategy for Sackville Drive, Councillor Harvey said that there were a number of things not addressed by the Planning document and there was still a good deal of vacant space on Sackville Drive that could be developed in the future. There was a long-standing desire on the part of the community to have a Secondary Planning Strategy in place.

12.4 Letters of Appreciation - Saturn Playground - Beaver Bank/Kinsac

Councillor Barnet outlined how the community had come together to match funding obtained by him in the amount of \$10,000 and had actually raised \$53,000 in total with the assistance of local companies who generously donated product and/or money for Beaverbank Kinsac Elementary School to upgrade its playground. He requested that letters of appreciation be sent from Community Council to Dartmouth Ready Mix, Barrett Lumber, Payzant Building Supplies and Forbes Auto Group Saturn Dealership as well as the PTA for Beaverbank Kinsac Elementary School.

MOVED by Councillors Kelly and Harvey to send the letters of appreciation as requested. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

14.1 **Elimination of Train Whistle and Possible Street Closure - Isleview Lane, Bedford**

At the request of Community Council, Mr. Anstey explained the approach to be taken and the reason for input from the community prior to a Public Hearing process to close Isleview Lane and what would have to transpire before CN would agree to the process.

Mr. Anstey included in his overview the location of the street, fact that Isleview Lane was a street about 100' long running off the Bedford Highway, which was unique in that if one obeys the signs, you cannot use it because from both directions because signs say No Entry. The street was intended for the use of emergency vehicles and goes over the railroad tracks. Transport Canada's Regulations require that trains begin blowing their whistles a fair distance before the railway crossing. In 1995 the Town of Bedford looked at taking steps to have Transport Canada order the cessation of whistling at the crossing and went through the process of having it inspected by Transport Canada. Subsequently, Transport Canada recommended the installation of the signals there now. There was, however, a requirement, in addition to the upgrading of the crossing, that Bedford Town Council actually pass a formal request that whistling be ordered stopped at the site. Reading the Minutes of Bedford Town Council, he said it was hard to tell what the

collective view of Council was at the time but from some of the comments made, safety was cited as a reason as well as liability and Town Council declined to seek the final order.

Recently, as a result of a question to Regional Council by Councillor Kelly, Mr. Anstey advised he contacted Transport Canada who sent officials to view the crossing again and, unfortunately, while they were there, they noticed several vehicles using the street illegally. As a result, they indicated some reluctance to issue the order, notwithstanding the fact that the necessary improvements have been made. In fact, Transport Canada indicated their first choice was to have a breakable barrier put up - some sort of gate - that would actually close the street but which emergency vehicles could strike and break apart to get through. He outlined Fire Services' views on this proposal and the breakable gate.

As far as the reason for closing the street was concerned, Mr. Anstey said that because public access was blocked even at this time, it seemed logical to lift the street status altogether and turn it into a private laneway for the use of emergency vehicles. In terms of liability coverage, HRM's insurance adjuster indicated that HRM would be covered and there would not be any increase in premiums as a result. Cost of fencing would be approximately \$3,000.

Councillor Kelly asked if it was possible to have a total outright ban or because of access to Lions Park there may be some daytime continuance. In reply, Mr. Anstey said the train whistle ban would be absolute.

With respect to the continuance with the current bell/clang caution system, Councillor Kelly asked if that would continue. Mr. Anstey replied that depended on what the community wants.

With regard to access into Lions Park from the upper portion of the community, Councillor Kelly asked if there was any thought to putting in an overhead pedway. In reply, Mr. Anstey advised that it has not been explored but obviously cost would be much more substantial than blocking off the roadway.

Councillor Kelly asked if there was any responsibility on the part of CN to fence off its property. Replying, Mr. Anstey said there was no obligation or law that says they have to fence their property. They would have to judge from their own point of view as to whether or not the failure to fence would expose them to potential liability.

Mr. Anstey clarified that in order to actually legally close the street, Regional Council would have to hold a Public Hearing, which would allow another opportunity for members of the public to have input. This was a requirement of the HRM Act for a road closure.

The Chair then called for input from the public.

Ms. Serena Graham Dwyer, 13 Shipyard Lane suggested that for people who walk along the railroad tracks, the brush should be cut and have mulch to put in a path so there would be a safe place for people to walk.

Mr. Brian Lugar, 20 North Street, reading from prepared text, outlined concerns with the violation of quiet enjoyment for that area, noise levels established by the former Town of Bedford, potential increase in train traffic, operators blowing the whistle excessively in the evening. Since the crossing is now closed to vehicular traffic, except for emergency vehicles and still protected by audible warning lights and gates, the train whistle appears redundant. He suggested a community education program for pedestrians and additional warning signs and/or lights and fencing to control unauthorized pedestrian crossing. CN indicated they were prepared to cease blowing the whistle provided HRM assumes liability and closes the road. He made some suggestions on reasonable measures to protect the safety of pedestrians which could be implemented at nominal cost. He requested that the quiet enjoyment of the neighbourhood be protected.

Mr. Jack Gale, 85 Shore Drive asked if there was a locked gate, would it permit pedestrian use. Mr. Anstey, in reply, said that one of the concerns expressed by Transport Canada was with pedestrians, not just walking across on the roadway but there was a lot of trespassing taking place as well. Transport Canada wants to do everything they can to make sure a pedestrian accident does not occur. If they were prepared to remove the whistling protection, then they want HRM to do whatever it can to prevent use by vehicles and pedestrians.

Mr. Bill Grace, 23 Panorama Lane stated that four people were killed on that stretch of tracks over the last 25 years. Children were not going to stop walking on the tracks. Consideration should be given to cessation of night blowing but he did not think it should be done away with in the daytime.

Mr. Marvin Silver provided information on Town Council's decision since he had been a member of Town Council at the time. As well, Bedford Fire Department would not use Isleview except under very extreme circumstances such as a blockage of Bedford Highway or Shore Drive. He suggested HRM revisit this and block off Isleview and have it cease to be a traffic artery. No entry signs do not stop cars and there needed to be a barrier that would stop cars but not pedestrians. Whistle blowing was for safety and safety should take precedence over convenience. The only alternative was to stop all traffic across Isleview and install an elevated pedway across the track. He requested consideration of the pedway.

Mr. Syd Pilkington, 16 AY Jackson Court suggested closing off Isleview Lane and extend Waterfront Drive across the boatyard to Shore Drive.

Mr. Bruce MacCulloch, 67 Shore Drive, having lived on Shore Drive his whole life, was never bothered by train whistles until the last couple years. It was not whistle blowing or safety but obsessive whistle blowing that was his concern and this had not always happened. CN was blowing the whistle more in the night than during the day.

Ms. Shirley Connolly, 59 Shore Drive, who lived right at the crossing, said she has seen trains go through without blowing. She asked if some could go through without blowing, why not all. She referenced Truro with tracks right through the Town and next to an Elementary School and there was no blowing.

Mr. Tom Tucker, 6 Arthur Lismer Court stated that blowing is excessive and increasing. He pointed out that if the proposed container terminal comes about, then it would get worse. The crossing in question was not a public crossing and already has barriers that come down.

Mr. Tony Edwards, Sullivans Hill said he understood that CN was required to blow five times before crossing a crossing. He suggested, before a final decision is made, people should report to CN any excessive blowing.

Ms. Shirley Twohig, 71 Union Street sympathized with the people in the Isleview Lane area since she had noise problems with Bedford Place Mall. She did not have a problem with Isleview Lane being closed off with a gated crossing but felt it should not be closed off to pedestrian traffic.

Mr. Peter Dwyer, 13 Shipyard Lane asked Councillor Kelly what type of recommendation he would be putting to Regional Council. In reply, Councillor Kelly said it was the intent to hold a Public Hearing with respect to closing the street. As to when the Public Hearing would be held, it depended on the time frames for notification to the public. It might not be until November 10. Further, Mr. Anstey provided clarification that a Public Hearing would have to be held because the authority to close the street rests with Regional Council and legislation requires that before a street is closed, there be a Public Hearing. Advertising was required for the Public Hearing. A resolution to request CN to stop whistling and directing staff to make whatever physical improvements are necessary to prevent vehicles from using the area illegally, does not require a Public Hearing but Regional Council could deal with it the same evening.

Ms. Susan O'Boyle, Landsburg Road suggested finding out information as to what happens in Truro since she found it difficult to understand why it was allowed there and not in Bedford. In reply, Mr. Anstey said that Transport Canada was the authority and what was being considered was what Transport Canada was requesting be done.

Mr. Brent Newsome, 86A Shore Drive said that CN already has fencing along the property but it is in disrepair. If HRM was going to the expense of blocking off the road, then CN should be requested to upgrade their fencing. He pointed out that the old railway station just had a Do Not Trespass sign and there was nothing else to prevent someone from walking across the property and onto the tracks. He pointed out it appeared that CN was not going out of their way to police their own property.

Mr. Bob O'Boyle, Landsburg Road said he thought there was a double standard because there were other areas in Halifax where people and cars cross. He suggested obtaining information as to why Bedford was unique when CN was not blowing in other areas.

Mr. McCulloch asked for clarification that if CN was told to stop blowing because it was not a crossing, they would do it but the street would have to be blocked off first. In response, Mr. Anstey said that the two were not connected in 1995 but now Transport Canada has linked them. The reason for the lifting of the street status is that you cannot have a street that cannot be used.

Mr. Lugar asked if all the information was available for the Public Hearing and if, in the interim, would CN be asked to adhere to the rules and regulations regarding train whistles. In response, Councillor Kelly said all the information would be available now that this public information meeting has been held and he did not see any reason why there could not be correspondence with regard to following the official guidelines of Transport Canada.

Mr. Ralph Scott, 78A Shore Drive suggested an alternative to gating would be landscaping in terms of berm and trees.

Mr. Edwards said he understood that trespassing on CN property was a federal offence but that CN has discontinued CN Police in the area. He suggested installing a bus bay on the Bedford Highway and put a sidewalk and curbing across the entrance to Isleview Lane.

14.2 Other

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

- He expressed appreciation for the financial support to Community Council re Sackville River projects and to Councillor Harvey re silt and erosion problems at Sackville Crossroad which have been corrected.
- With regard to separation of combined sewers during major reconstruction, he expressed disappointment with the answer from staff received as an Information item previously. The Chair advised that subsequent to the report, the Clerk was advised that staff will be considering a project in the upcoming capital budget to develop policies.

- He referred to a report re trails and asked the status. The Chair advised that it will be part of capital budget considerations.
- He asked for an update on Second Lake and was told that some information could be available in October.

Mr. Eric Fraser, 64 Union Street raised the following points:

- With regard to snowplowing for Bedford Place Mall, they did use a large front end loader.
- With regard to the watercourse on Bedford Place Mall, he understood it was the Mall's responsibility but expressed concern that it did not take the former Town very long to go in and clean up the ditch during the summer and he did not understand why so much time and effort was spent on this when such a simple chore could be done by staff. In response, Mr. Anstey advised that Mr. Fraser was right, the watercourse was not a problem but throughout HRM there were a lot of watercourses. If HRM were to undertake responsibility for all of these, the financial costs would be horrendous.
- He asked if the watercourse in question was still on the stormwatch list as staff indicated they were not going near the waterway on Bedford Place Mall property. In reply, Councillor Kelly advised that if there was stormwater pipe going in the direction of that ditch, HRM was responsible for making sure the pipes are clear. Councillor Kelly agreed to check with staff re stormwatch.

Mr. David Arsenault, Millwood High School Council asked when information would be available from staff regarding clarification of the area rate process for education. In response, Councillor Barnet advised he hoped to have a response from staff for the next meeting.

Ms. Shirley Twohig asked who to contact to get the ditch cleaned up on her own if Bedford Place Mall does not clean it out at the request of HRM. In response, Councillor Kelly advised there were other avenues to pursue such as Dangerous and Unsightly.

15. **NEXT MEETING** - October 8, 1998 - Sackville Library, Lower Sackville

16. **ADJOURNMENT**

On a motion from Councillor Kelly, the meeting adjourned at 10:00 p.m.

Sandra M. Shute
Assistant Municipal Clerk