

NORTH WEST COMMUNITY COUNCIL

MINUTES

MAY 25, 2000

THOSE PRESENT: Councillor Harvey, Chair
Councillor Merrigan
Councillor Kelly (left at 8:20 p.m)

ALSO PRESENT: Thea Langille-Hanna, Planner
Sandra Shute, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. in the Lions Den, LeBrun Centre, 36 Holland Avenue, Bedford with an Invocation.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - April 27, 2000**

MOVED by Councillors Kelly and Merrigan to approve the Minutes of meeting held on April 27, 2000 as circulated. MOTION PUT AND PASSED.

2.2 **Special Council Session - May 9, 2000**

MOVED by Councillors Merrigan and Kelly to approve the Minutes of Special Council Session held on May 9, 2000 as circulated. MOTION PUT AND PASSED.

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

MOVED by Councillors Merrigan and Kelly to approve the Order of Business as presented. 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** - None

8. **PUBLIC HEARINGS**

8.1 **Case 00215 - Development Agreement for Kent Buidling Supplies, Lower Sackville**

A Staff Report dated April 25, 2000 along with a Memorandum dated May 4, 2000 from North West Planning Advisory Committee recommending approval was before Community

Council. Ms. Thea Langille-Hanna, Planner provided an overview of the application and advised that staff was recommending approval. During the course of her presentation, she advised that the proposal was to construct one storage building immediately with additional storage buildings in the future up to 10,000 sq.ft., locations of which would be pinpointed at a later date. The immediate storage building would be built along the northwest property line. The storage building would provide weather protection for some of the materials now being stored on site.

Councillor Kelly asked why the building was not located along the street side. In response, Ms. Langille-Hanna advised that residents on Bridlewood and Connolly would be looking onto a storage yard whereas with the location proposed, they would be looking at the back of the building to act as a buffer to the existing storage yard.

Councillor Kelly asked if litter will be addressed in the Development Agreement. In response, Ms. Langille-Hanna advised there was a Maintenance clause in the Development Agreement. If it is not adhered to and the community felt there was a problem, they can notify the Municipality who would act. It would be a violation of the existing Development Agreement.

Councillor Kelly pointed out that the clause does not say to what standard in terms of good repair.

Ms. Langille-Hanna advised that staff has made the point to Kent Building Supplies that it is in their best interests to keep their property tidy and deal with the clutter that was reported at the Public Information Meeting.

Mr. Rick Davis, Project Manager, Kent Building Supplies advised that after the Public Information Meeting, he viewed the property with the Manager. There was still slush and snow in February but there was not the degree of clutter he was led to believe was there, in his opinion. Kent has undertaken to patrol the area on a weekly basis and keep it clean.

The Chairman then called for speakers in favour of the application.

Mr. Len Goucher, Bedford and a member of the North West Planning Advisory Committee, advised he was in favour of the application but wanted to point out concerns raised by the Advisory Committee re fencing and noise. He suggested the Development Agreement should include a clause re hours of operation for loading/unloading of building materials. With regard to the chain link fence with opaque through it, for the sake of the residential neighbours, the Development Agreement should specify a wooden fence.

The Chair having called three times, there were no additional speakers in favour of the application.

Mr. Les Reid, 5 Bridlewood Lane stated he did not have any trust in Kent to fulfill its obligations to the community. At the Public Information Meeting, concerns re litter outside the fence were raised and there were still on-going problems. The piles of lumber were getting higher. He circulated two photographs of the 10' high fence which, even if it had opaque lattice work, would not obscure the visibility. He doubted the big piles of lumber would be going into the buildings; it would be for smaller items. The big piles of lumber were wrapped in paper and, when opened, paper blows all over.

Mrs. Reid, 5 Bridlewood Lane asked if all the present buildings on the lot were taken into consideration as there was a large structure and another structure behind that which are not mentioned.

Councillor Harvey asked the applicant if any of the lumber in the picture would be housed in the buildings. In response, Mr. Davis advised that the buildings were intended to house dry wall, vinyl siding to free up space in the warehouse. There would be cantilevered lumber racks installed which would allow lifts of lumber to be placed more neatly than presently outside. The intent is to clean up the yard and serve customers better.

Councillor Kelly asked if the height of the piles would come down. In response, Mr. Darryl Stewart, Manager, Kent Building Supplies advised that the company policy was no more than five lifts high - less than 20'.

Mr. Davis added that with regard to fencing, Kent took the neighbours' concerns seriously and agreed that plastic stripping and chain link fence did not lead to a visual barrier, especially for the residents of Bridlewood Lane, because they were up quite high. Kent was prepared to build a wooden fence on a higher grade above the western property line but it would have to be worked out with the Municipality because their property only goes 5-10' beyond the fence line and Bridlewood Lane is at a higher grade.

Mr. Reid advised that noise complaints had to do with Sunday mornings with the amplification system cranked up. Mrs. Reid advised further that she complained to the RCMP at midnight when they were unloading with the volume turned up.

Ms. Langille-Hanna advised that staff asked, during negotiations of the Development Agreement, if Kent Building Supplies would be willing to remove the chain link fence and construct one of wood; however, there was some reluctance on their part. Staff, therefore, took the approach of including opaque strips in the chain link and placement of the building and landscaping up front. If, however, Kent was indicating an interest, based on the comments from Planning Advisory Committee and this evening, to changing the fencing, then it could be put into a motion coming forward from Community Council.

Councillor Harvey asked if there was a Development Agreement on the existing operation. In response, Ms. Langille-Hanna replied no.

Mr. Stewart advised that Kent was not suggesting changing the chain link fence to a wooden fence but, because the height on Bridlewood Lane is higher, there could be a 6' wooden fence at the end of Bridlewood Lane. Mr. Davis added that the fence would be from one corner to the other where there are houses as long as it was the right grade to mask the storage area. There would be a wooden fence parallel to the security fence which, because of grade, would be higher. He pointed out, however, that the property where the wooden fence was proposed, did not belong to Kent and some sort of arrangement would have to be worked out.

The Chair called three times for additional speakers in opposition. There were none.

MOVED by Councillors Kelly and Merrigan to close the Public Hearing. MOTION PUT AND PASSED.

Discussion then took place on whether or not it would be possible to phase in the buildings, up to 10,000 sq. ft., which would allow Kent to prove they are good neighbours - 4000 sq. ft., 4000 sq. ft. and 2000 sq. ft. There was the question of the two structures now on the property, the locations of the proposed buildings and whether or not they would create a barrier unto themselves from the residential property.

At the request of Community Council, Mr. Davis explained that the two structures in question were storage containers on a paved surface to store products from the weather, with a roof over. Subsequently, Ms. Langille-Hanna stated that she would have to check with Development Services as to their status. This would mean the difference between whether or not they were deducted from the 10,000 sq. ft. As to phasing in, if this was what Community Council wished to do, then further phases could come by Non-Substantial amendment.

MOVED by Councillor Kelly that the application be deferred back to staff until the status of the current structures are clarified, whether or not there could be phasing in and the issue of fencing.

The motion was lost because Councillor Merrigan was not prepared to second it. Councillor Merrigan indicated he did not agree because the fence might be on a power easement. He also questioned the definition of the structures already on the property. He did not see where extra buildings on the property would cause any more litter but there might be problems with noise if they work in the night. He felt the buildings would help organize the lumberyard a lot better. The view of the lumber piles is there now and he did not think the two buildings would create any more of a nuisance but may improve it.

Councillor Harvey asked if there was a deferral, then a somewhat amended document might come back to Community Council and, therefore, was there a need to readvertise because of the changed document. In response, Ms. Langille-Hanna stated that there could be a change in the intent and she would have to check with Legal Services because the ad for the Public Hearing stated storage buildings. As to the fencing, it would have to be on Kent's property and, therefore, Kent might have to move the chain link fencing back somewhat rather than encroach on someone else's property.

MOVED by Councillor Kelly to approve the application subject to there being three phases - 4,000 sq. ft., 4,000 sq. ft. and 2,000 sq. ft, further clarification from Development Services to determine whether or not the existing structures on site are considered to be storage structures and, if so, they come out of the first phase and with regard to fencing, explore the opportunity to place opaque or wooden fencing to increase buffering of the homes.

Mr. Davis advised that Kent was fully prepared to put a better fence on the higher grade if possible. He did not know who owned the property, however.

Councillor Harvey suggested that a Letter of Intent might be the answer, attached to the Development Agreement.

Referring to the structures already on the property, Mr. Davis asked for clarification as it appeared that if the structures were considered to be buildings, then they would have to come out of the first 4,000 sq. ft. and Kent intended to build the first building about that size. If this was so, Kent might be back for the second phase for the first storage building. The objective of building the storage buildings is to make the yard more orderly. Kent would not increase hours of operation or bring in any more traffic in the yard. Kent wanted to be a good neighbour. The existing structures were never intended to be buildings and if it was found they were, it should not be taken off the first 4,000 sq.ft.

Councillor Merrigan stated he would approve the first building, subject to a phase in after that. If the other buildings were a problem, that would have to be dealt with by Development Services. Community Council was dealing with a request for a storage building approximately 30' x 105'. If the existing structures are found to be buildings, then the square footage should come off the 10,000 sq. ft. He would agree to a phasing in after the first request.

The second motion was lost due to lack of a seconder.

Ms. Langille-Hanna suggested that the motion be worded in such a way that Phase 1 is a 4,000 sq. ft. building to be built immediately. In the meantime, staff could look at the

status of the other two buildings and when and if they come back to build Phase 2, those structures could come off the total at that time.

Councillor Merrigan agreed he would second a motion as suggested by Ms. Langille-Hanna.

MOVED by Councillors Kelly and Merrigan to approve a Development Agreement attached as Attachment A of the Staff Report dated April 25, 2000 to permit the construction of storage buildings and associated uses such as loading platform, ramp and lumber rack within the lumber yard of Kent Building Supplies located at 882 Sackville Drive subject to:

1. **A phasing in of the construction of the buildings. Phase I will be a 4,000 sq. ft. building that Kent Building Supplies can proceed to build immediately. In the meantime, staff will look at the status of other structures on the site. Should those other structures be found to be buildings, they will become part of the square footage of the second phase.**
2. **Clarification to be sought by staff from Development Services regarding fencing along the back portion of Bridlewood Lane abutting the Kent property. There would either have to be a clause written into the Development Agreement or a Letter of Intent attached to the Development Agreement. Staff to determine the best way to incorporate the fencing issue.**

Further, require the Development Agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later including applicable appeal periods. Otherwise, this approval shall be void and any obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

Councillor Harvey noted that with this Development Agreement approved, there was a better vehicle to allow control and it may be a substantial improvement.

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

10. **REPORTS**

10.1 **Bedford Waters Advisory Committee**

10.1.1 Testing Results - Paper Mill Lake

A report dated May 15, 2000 was before Community Council from Bedford Waters Advisory Committee.

MOVED by Councillors Kelly and Merrigan to accept the report and move it on to staff. MOTION PUT AND PASSED.

Councillor Kelly advised that he has had discussions with staff to commence the testing process and staff has agreed to work with Department of Environment.

10.1.2 Air Quality Testing - Vicinity of Sewage Treatment Plant

A report dated May 15, 2000 was before Community Council from Bedford Waters Advisory Committee.

MOVED by Councillors Kelly and Merrigan to accept the report and move it on to staff. MOTION PUT AND PASSED.

Councillor Kelly advised that this year's Capital Budget included an upgrade in scrubbers for air emissions. Staff has addressed the problem and will continue to address it.

10.2 Paper Mill Lake Advisory Committee - Terms of Reference

A report dated May 23, 2000 was before Community Council containing recommendations regarding the Terms of Reference and appointments to the Committee.

MOVED by Councillors Kelly and Merrigan to approve the Terms of Reference as per Attachment A of the Staff Report dated May 23, 2000 and appoint the six individuals listed on Attachment B as the Paper Mill Lake Advisory Committee. MOTION PUT AND PASSED.

Those six individuals are:

Kevin Dean
Robert Kerr
Douglas Murray
Sharon Foster
Jan Gerrow
Len Goucher

10.3 Upper Sackville Artificial Turf Soccer Field - Contingency Fund

A Staff Report dated May 18, 2000 was before Community Council. Councillor Harvey explained the Contingency Fund was part of the Upper Sackville Sports Field development and the recommendation from staff resulted because all the Contingency Fund has not been spent.

MOVED by Councillors Merrigan and Harvey to ratify the transfer of funds from the Sackville Landfill Compensation Fund (Upper Sackville Artificial Turf Soccer Field - Contingency Fund) up to \$80,000 from the contingency allocation for the building of the Upper Sackville Soccer Field to a fund to pave the parking lot (\$57,000), purchase bleachers and players benches (\$6,500) and to purchase grass cutting and grooming equipment (\$15,000). MOTION PUT AND PASSED.

11. **MOTIONS** - None
12. **ADDED ITEMS** - None
13. **NOTICES OF MOTION** - None
14. **PUBLIC PARTICIPATION**

Mr. Len Goucher, Bedford referred to the Information Item dated May 16, 2000 re Project No. 00086 - Prince's Lodge Master Plan. He expressed concern re the direction of regional planning and Community Council's motion, at a previous meeting, to support the Bedford MPS with regard to the development of the area north of Hemlock Park. As well, he expressed concern that regional planning appears to be driven to assimilate communities and remove boundaries. The Information report was a response to Community Council's motion but he saw this as a move driven by landowners, by an MPS being written by their consultant and the public being left out of the picture. In his opinion, regional planning should deal with the Plans now in place, not rip areas out of these Plans. He believed that regional planning would destroy the emphasis that people put on their communities and he did not want to see the boundaries removed.

Councillor Harvey pointed out that the Information Report indicates that any recommendation to Regional Council would be premature at this time. He added that staff knows the position of Community Council and this would have to be reflected when a recommendation comes forward.

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

- Sackville Rivers Association will hold its Annual General Meeting on June 1. There will be a Round Table discussion on silt problems in the Little Sackville River and all government departments will be represented.

- He asked the status of the environmental study to be done of the watershed which went forward from Community Council at the March 30, 2000 meeting. The Clerk agreed to follow up.
- He asked if there was going to be an Official Opening of the Millwood Commons. Councillor Merrigan agreed to follow up.
- He understood the sewage pumping station at Fish Hatchery Park has been overflowing. If so, he asked for information. Len Goucher, a member of Bedford Waters Advisory Committee advised that pumps are working and there has been no bypassing for a long time, but it was for a while when the pumps were down after the fire last fall.
- He understood there was an engineering report prepared for the owners of the dams at Paper Mill Lake, Kearney Lake and Ashe Lake and asked if it would be possible to obtain a copy. Len Goucher, Bedford Waters Advisory Committee, advised that Annapolis Basin, the owners, indicated they would provide a copy for BWAC but it had not been released. He understood there would be some superficial work done on the Paper Mill Lake dam. Annapolis Basin has approached the Municipality to take over Paper Mill Lake dam. He believed there were significant problems with the Paper Mill Lake dam.

Mr. Regan asked that Community Council get involved because of the public safety aspect and there might be an environmental issue as well because gaspereaux were piling up against the dam.

It was agreed that this question would be sent to Engineering Department as well as Dangerous and Unsightly on the issue of public safety for the three dams, particularly Paper Mill Lake Dam, and if an attempt has been made to acquire a copy of the engineering study and if not, to do so.

15. **NEXT MEETING DATE** - Thursday, July 6, 2000.
Charles Fenerty Room, Sackville Library, Sackville

16. **ADJOURNMENT**

Meeting adjourned at 8:40 p.m.

Sandra M. Shute
Assistant Municipal Clerk

