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1. **INVOCATION**

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

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - November 23, 2000**

**MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Minutes of meeting held on November 23, 2000 as circulated. MOTION PUT AND PASSED.**

2.2 **Special Council Session - January 9, 2001**

**MOVED by Councillor Goucher, seconded by Councillor Harvey to approve the Minutes of Special Council Session held on January 9, 2001 as circulated. MOTION PUT AND PASSED.**

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

Report 7.1ii) should appear under 8.2 as 8.2i) on the Agenda. Revised copy of report provided.

Added Item: Recreation Area Rate Policy

Added Information Item: Report dated January 9, 2001 re Skateboard Park, Bedford

**MOVED by Councillor Goucher, seconded by Councillor Johns to approve the Agenda as amended. MOTION PUT AND PASSED.**

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

4.1 **Case 00256 - Application for Rezoning and Development Agreement to permit a Mixed Use Project (Residential/Commercial/Park and Ride) at 85-91 Sackville Drive, Sackville**

The Public Hearing and approval of the rezoning took place at the November 23, 2000 meeting. The appeal period for the rezoning has now lapsed.

**MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Development Agreement (Attachment 1 of the Staff Report dated November 1, 2000) to permit a transit oriented mixed use development at 85-91 Sackville Drive;**

**Include an additional clause in the agreement to require staff to negotiate a “right of refusal” or an “option” on the piece of land now being illegally used by commuters for park and ride (the lot shown as “new commercial” fronting on Cobequid Road on Map 4) in order to control the site for a possible future expansion of the Park and Ride facility;**

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

**MOTION PUT AND PASSED.**

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Case 00278 - Application to Amend the Tolson Estate Development Agreement to Allow an 8-unit Townhouse Building rather than an 8-unit Apartment Building, John Gorham Lane, Bedford**

The Public Hearing was held on November 23, 2000; however, a decision was deferred pending the receipt of additional information from staff. A Supplementary Report dated January 17, 2001 was before Community Council as requested.

Councillor Goucher referred to an amendment to the concept plan which changes the roof design slightly, which was circulated recently. He asked if this has been reviewed and agreed to by all parties.

In response, Ms. Langille-Hanna, Planner advised that staff, after review, feels that it is sympathetic to the Manor House as detailed in the Development Agreement under architectural guidelines.

Councillor Goucher referred to the clause regarding access driveway and parking and asked if staff felt it was tight enough to ensure that chip sealing is done prior to any occupancy permit.

In response, Ms. Langille-Hanna advised that the clause provides two levels of comfort. It requires the developer and/or the owner to complete the chip sealing and, if it is not done prior to the occupancy permit, then the security bond of 110% would be issued to the Municipality to complete the work. The work would then be done immediately.

In response to Councillor Goucher's question as to whether or not the wiring would be underground servicing, the proponent advised it would be.

Councillor Goucher asked if it would be possible to hear from the public because of the co-operation by Planning Department, the proponent and the residents.

Councillor Harvey explained that the Public Hearing has been held and the issue could not be opened up again. He agreed to entertain one or two questions/comments.

Mr. Phillip Macaulay, 9 John Gorham Lane referred to the diagram, Schedule B, which indicates asphalt paving. He understood it was supposed to be chip sealing.

Ms. Langille-Hanna advised this was incorrect; it was supposed to be chip sealing.

**MOVED by Councillor Goucher, seconded by Councillor Johns to approve the revised amending agreement as requested by Community Council, attached as Attachment A to the Supplementary Report dated January 17, 2001 to permit an 8-unit townhouse building at 19 John Gorham Lane; and**

**Require the revised amending 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.**

8. **PUBLIC HEARINGS**

8.1 **Case 00285 - Application for a Substantial Amendment to Development Agreement #86-05 - Lot 1F-1 to Change the Permitted Use from Hotel to Multiple Residential Condominium, Nelsons Landing Boulevard, Bedford**

A Staff Report dated December 6, 2000 was before Community Council along with a Memorandum dated January 4, 2001 from North West Planning Advisory Committee recommending approval of the amendment to the Development Agreement.

Mr. Andrew Whittemore, Planner provided an overview of the application with the aid of overheads. During the course of his presentation, he advised that North West Community Council approved a set of detailed plans for the construction of a suites hotel in February, 1999. Subsequently, a building permit was issued. The developer, however, in the interim has decided that a hotel is not a viable use and has come forward with an application to amend the agreement to a condominium use. With regard to parking, the agreement limits parking to one parking space per unit. There are 80 underground spaces and parking for 25 cars on the surface for spillover. A portion of HRM parkland on Amin Street will be cleared for recreation space; the developer will provide \$5,000 towards play equipment on the site. Staff feels that the hotel use no longer reflects the intent of the Plan Policy and, therefore, a multiple dwelling use is considered appropriate. Staff is recommending approval of the amended agreement.

Councillor Goucher noted that parking spaces were 18 below what the normal parking designation requires. In response, Mr. Whittemore advised that minimizing surface parking would create a more pleasant appearance to the building.

The Chair called for speakers in favour and against the application.

Mr. Bob Kerr, 332 Moirs Mill Road asked if the proposed parkland would be flat. In response, Mr. Whittemore advised it was flat and the developer is required to prepare the site to HRM standards.

Ms. Marie Carrigan, 61 Nelsons Landing Boulevard noted that down on Nelsons Landing Boulevard below the land in question, there are two large pipes sticking out of the ground. She asked what they are used for and would they stay like that. She suggested that if the pipes have to stay, there should be something there to hide them.

Mr. Whittemore agreed to verify the use.

Ms. Betty Tucker, 6 Arthur Lismer referred to parking and asked what would happen if anyone owns a second car. In response, Mr. Whittemore advised that they would have to use one of the 25 spillover spaces.

Mr. Ken Chan, 61 Nelsons Landing Boulevard with regard to parking provisions stated that people below on Peruz Court are parking on the road already. Most people own two cars. He asked if the building could be moved back so it does not affect the views at 61 Nelsons Landing. If the people in 61 Nelsons Landing lose their views, there will be no reduction in

assessment or taxes but there would be a 35% reduction in value and the condos at 61 Nelsons Landing would be harder to sell.

In response, Mr. Whittemore advised that the building was pretty much back as far as it could possibly go in terms of maintaining separation buffer.

Mr. Chan continued that as you go up Nelsons Landing right now, the snow is out 3-4' on either side, allowing barely enough room for one vehicle. People are parking along Amin Drive as Amin Drive driveways were built for one vehicle.

In response, Mr. Whittemore advised that if Community Council feels that parking spaces should be increased, then Community Council could go forward with a motion to this effect.

Mr. Douglas Murray, Moirs Mill Road asked how access and egress off the Bedford Highway would be handled with the potential addition of another 100 cars. He also asked if there would be a traffic light at Bedford Highway and Nelsons Landing.

In response, Mr. Whittemore advised that staff looked at what the traffic would be in terms of the hotel compared to the condo proposal. Traffic would be a lot less than what there would be for the hotel. It was felt by Engineering Department that the proposed design was adequate in terms of satisfying all engineering requirements. As to signalization, this was not looked at in terms of the Development Agreement.

Ms. Louise Baldwin, 61 Nelsons Landing Boulevard asked if the building could be turned around so that the long part is against the wooded area as it would not block as much of the view.

In response, Mr. Whittemore advised this was a difficult site in terms of topography. He did not know if it could be done as far as engineering was concerned. In terms of the view, the building will impact two or three levels of Nelsons Landing.

Ms. Elaine Chan, 61 Nelsons Landing Boulevard asked if the developer would be able to stipulate that people can only have one car. In response, Mr. Whittemore advised the developer cannot be forced to do this but, through the agreement, the number of parking spaces could be increased.

Ms. Chan went on to say there was a problem with visitor parking for her building. If the developer assumes that overflow parking will park on the street, then from day one there will be major problems.

Ms. Chan asked how many stories the building would have. When responding with the number of five stories, Mr. Whittemore advised that the 75' height in Bedford is measured from the lowest finished grade to the highest point on a roof.

Mr. Walter Regan, Sackville Rivers Association asked if storm sewer would go into Bedford Basin or Moirs Brook. In response, Mr. Whittemore advised there was a piped storm sewer.

Mr. Regan asked if there would be stormceptors installed. In response, Mr. Whittemore advised there would be lot grading plan, stormwater management plan and erosion control.

Mr. Regan asked that an oil separator be installed.

Mr. Ron Colpitts, 61 Nelsons Landing Boulevard referred to page 2 of the Staff Report regarding the three-phase development. He asked where the recreation facilities are. In response, Mr. Whittemore advised there was dedicated parkland plus the church could be included as well.

Mr. Colpitts then referred to views as being important. He asked for consideration of the first level of the new building being at the lower level facing the Basin. This would mean digging a little deeper for underground parking. He referred to compatibility of the proposed building as being compatible with others. He saw this statement as saying they are all the same group and adds to the concept of a ghetto. He would rather see single family homes but would like to have the hotel go in because the building can be either an apartment building or condominium. A condominium would be preferable to an apartment building because people can come and go and have no responsibility with an apartment.

Mr. Whittemore advised that there is the ability through the Development Agreement that it be a condominium.

Ms. Virginia Bonn, Kimberley Lloyd Developments stated that at one time there was approval for 23 single unit dwellings but they were not feasible because of construction costs. Her company does not build, but prepares the land. The next proposal was for an all suites hotel. Right now there is a building permit issued on the site. As far as trips per day are concerned, a condominium would be much more in keeping with a residential area than a hotel. In terms of recreation, her company has already provided \$5,000 for the area and they are prepared to do the recreation site preparation when the building is constructed. There have been many complaints about the site and, until it is developed, they will continue. If a hotel is constructed, the view will still be affected.

Councillor Goucher provided background information with regard to this particular piece of property and the surrounding area. He did not think the land in question was conducive to R-1 housing. He was hearing tonight that there are concerns with regard to parking and view

plane and maybe some changes can be made. With regard to parkland, the whole developed area is short of parkland and the parkland in question is flat. Now there is an opportunity to develop the parkland.

Mr. Robert Marsh, 61 Nelsons Landing Boulevard asked about provisions for garbage removal. In response, Mr. Whittemore advised that garbage receptacles would be located inside the parking lot in an attempt to shield them from public view.

Councillor Goucher asked Ms. Bonn if there were any modifications that could be made to adjust the view plane.

Ms. Bonn, in response, advised that the developer owns the land, not the building. In her opinion, the builder should have the same latitude as the building permit issued now.

Mr. Whittemore said view plane was a big issue in Bedford. In terms of negotiating the agreement, staff has to refer to Plan Policy. Bedford's Municipal Planning Strategy refers to the viewplanes along the waterfront and corridors but is not explicit in terms of protection of viewplanes from property to property. The Policy does not give staff the ability to legally ask but it was something that could be negotiated.

Ms. Jeannine Theriault, 61 Nelsons Landing Boulevard referred to a public information meeting held five or six years ago when Barry Zwicker indicated that the view plane would be protected as much as possible. She acknowledged that something would be going on the property. A major issue will be parking. There should be condos, not apartments.

Another lady from 61 Nelsons Landing Boulevard stated that people are concerned about their view. She had to pay an extra \$10,000 to get her view.

Mr. John Dobbs, Architect, 71 Shore Drive advised that the scheme presented prefers landscaping over parking; however, there are areas where they could add additional parking with very little detriment to the overall plan. The proposed orientation of the building on the site is the only appropriate way. Views will be lost; however, the original building was for a 188-unit suites hotel with a permit. Anything that can be built as of right will interfere with the views as much or more than the proposed project does. The proposed building has a smaller footprint and is orientated to take advantage of the view. If the building is moved on the lot, it would stare at the apartments next door and at Nelsons Landing. Garbage will be all contained within the parking lot area. There will be an oil separator interceptor in the parking garage. The design of the proposed building will be a lot better than the suites hotel.

Mr. Vince MacDonald, United Gulf Developments advised that the exterior of the building would be brick.

A gentleman from 39 Peruz Court asked who would be the builder. In response, Mr. Dobbs advised that the builder is Summer Cove Condominium Corporation. The principals are primarily represented by Greater Homes.

The gentleman continued that he had heard that certain builders take shortcuts. He asked how HRM can protect the homeowners. In response, Councillor Harvey advised that what was being dealt with at present is a Development Agreement, the terms of which the Municipality would have to enforce if it is approved.

Mr. Dobbs indicated that his company has worked with Greater Homes for a number of years on a variety of projects. The proposal is a cut above what you would normally see in condo construction.

After the Chair called three times, there were no further speakers for or against the application. There was no correspondence received for or against the application.

**MOVED by Councillor Goucher, seconded by Councillor Johns to close the Public Hearing. MOTION PUT AND PASSED.**

**MOVED by Councillor Johns, seconded by Councillor Goucher to defer a decision on this application until February 22, 2001 in order to obtain further information from staff on the number of parking spaces, view plane and clarification on the pipes on or adjacent to the site. MOTION PUT AND PASSED.**

**8.2 Case 00266 - Application for a Substantial Amendment to the Paper Mill Lake Development Agreement, Bedford to Allow Seven Additional Dwelling Units**

The following reports were before Community Council:

- Staff Report dated November 27, 2000.
- North West Planning Advisory Committee Memorandum dated January 3, 2001 recommending rejection.
- Revised Bedford Waters Advisory Committee Report dated January 15, 2001 recommending rejection.

Ms. Thea Langille-Hanna, Planner provided an overview of the application with the aid of overheads. During the course of her presentation, she advised that the approved Development Agreement has been in place since 1995 which allows 995 residential units. The Development Agreement specifies that the developer will be allowed to create no more than 100 units prior to the construction of the collector road to run from Moirs Mill Road to Hammonds Plains Road. The 100 units have been constructed or approved. The request is

to construct seven additional lots on Baha Court prior to beginning the construction of the collector road. This would complete the development of Baha Court and bring the total unit count to 107.

Ms. Langille-Hanna advised that both Bedford Waters Advisory Committee and North West Planning Advisory Committee have put forward negative recommendations.

With regard to Policies within the Bedford Municipal Planning Strategy, Ms. Langille-Hanna advised that Policy R-10 allows consideration for renegotiation of phasing of the development. There were two main issues that have surfaced during the review of this application: 1) traffic and 2) water services.

With respect to concerns re an increase in traffic, Ms. Langille-Hanna advised that a traffic update study was provided to staff. Traffic Services felt that the information provided in the report was sufficient and it was expected that the proposed seven lots would generate approximately 49 vehicle trips per day and the expected volume would not negatively impact on the capacity for Moirs Mill Road. The projections from the first study done in 1995 are less than what the existing situation is now. There is now another access off Oceanview which was not considered in 1995.

With respect to water services, Ms. Langille-Hanna advised that the proposal was reviewed in detail by the Halifax Regional Water Commission. When water services were constructed for Baha Court, it was for all 39 lots and designed to meet all the requirements. Based on some of the concerns raised at the public information meeting, pressure testing was carried out along Baha Court to determine water pressure for both domestic and fire hydrants. All tests met the minimum requirements of 40 psi and exceeded all requirements for fire flow. There have been individual property problems relative to water servicing such as improperly set booster pumps. These booster pumps have been installed on homes until the area is brought up to a higher level when looping is completed through Hammonds Plains Road. There might be damaged water meters or restrictions in the domestic pumping within the home causing lower pressures. Staff contacted the people who raised concerns and provided contacts to the Water Commission. The Water Commission has agreed to assist.

Ms. Langille-Hanna advised that it was the opinion of staff that the proposal to create 107 lots rather than 100 lots prior to the construction of the collector road does comply with all Policies in the Municipal Planning Strategy and that the construction of these seven lots does not adversely affect traffic flow nor does it adversely affect water services with respect to domestic water on Baha Court. Staff was, therefore, recommending approval of the application.

The Chair called for speakers for or against the application.

Mr. Kevin Dean, 48 French Masts Lane, on behalf of Bedford Waters Advisory Committee referred to page 6, item 4 of the Staff Report re traffic. He asked how there could be such a large variance from one report to the other, taking into consideration the additional traffic volume created by the hundreds of new home units, apartments, condos and the new school, with the only additional exit being Nelsons Landing Boulevard.

In response, Ms. Langille-Hanna advised that the staff person who reviewed the update was actually the individual who conducted the study in 1994 and was very informed with the analysis and results. She did not have an answer to the question of why there was such a variance. Traffic Services felt that the numbers and data were accurate and that the seven lots would not adversely affect traffic flow on Moirs Mill Road.

Mr. Dean asked if Traffic Services commented on the causes of the variance. In response, Ms. Langille-Hanna advised they were asked the question directly but they did not provide any indication.

Mr. Dean then referred to water pressure service in the intermediate zone, page 7 of the Staff Report and Attachment E - letter from Halifax Regional Water Commission. He asked, besides Baha Court, what other areas of Paper Mill Lake/Crestview were serviced in this zone. In response, Ms. Langille-Hanna advised that portion of Richardson, some portions of Moirs Mill. She understood the intermediate area was not very large. The interim measure is the booster pumps.

Mr. Dean then asked what does the intermediate zone mean relative to fire hydrants. In response, Ms. Langille-Hanna advised there is more than sufficient fire flow but the problem is with domestic water and getting the pressure from the hydrants to the house.

Mr. Dean referred to page 9 of the Staff Report and stated this was an area where Bedford Waters Advisory Committee does not feel the report is correct. He quoted from the first paragraph not in bold - second sentence to the end of the second last sentence. He stated the issue was that when you turn to the Bedford Waters Advisory Committee recommendation of either August or January, it outlines the three reasons for the recommendation for rejection. He subsequently reviewed those three reasons.

Mr. Dean stated that there is substantial concern for the potential impact on the watercourses because the clauses in the current Development Agreement are not being adhered to and the watercourses have been impacted by failure to follow the agreement. Since there is a potential for the impact on an environmentally sensitive waterway, this would be a good reason to reject the proposal.

Mr. Dean then referred to the remainder of the January report from Bedford Waters Advisory Committee and read same. He stated there should be some kind of policy, if there is none, that those who break rules in an agreement would not get new contracts.

Lastly, Mr. Dean referred to Clause 14.2 of the current Development Agreement which states “the developer shall be allowed to create no more than 100 residential units prior to completion of the collector road”. The words “no more” were right in the contract. That was the deal. The developer should be required to live up to the deal.

Ms. Langille-Hanna responded to Mr. Dean’s statements by saying that staff did take the three recommendations from Bedford Waters Advisory Committee into consideration when evaluating the proposal. The motion she had to work with was the August recommendation. The information just presented recently occurred after the writing of the Staff Report. The first two recommendations have been addressed appropriately in the relevant clauses of the Staff Report. With regard to the third recommendation regarding violations, she agreed there have been violations of the Development Agreement, particularly along Paper Mill Lake. Staff are dealing with those violations under all legal tools available under the Municipal Government Act and through the existing Development Agreement approved in 1995. Those violations have occurred by a variety of different owners - individual property owners and by the developer themselves. It is staff’s opinion, through legal advice, that they do not have the ability to deal with these types of issues through the Development Agreement process. Staff are unable to delay or refuse to process an application. She strongly encouraged, however, the developer to address the violations because it would only impact this particular process.

Councillor Johns asked for clarification that violations are still continuing even though Bedford Waters Advisory Committee, North West Planning Advisory Committee and HRM staff have tried to have them resolved. In response, Ms. Langille-Hanna advised that some have been resolved while others have been sent to Legal Services for appropriate legal action.

Mr. Bob Kerr, 332 Moirs Mill Road, referring to traffic volume, stated that he expected construction to last for about 15 years but it all happened in three. On one day in summer, 1999, he counted 60 trucks servicing the new development.

Mr. Kerr continued that between 324 and 443 Moirs Mill Road there is a swale coming from the new development on Baha. During a main rain event, water comes coursing down and overflows the road and freezes in winter. People who constructed the road were told about this and were supposed to fix it. Since Baha went in, the flow is much stronger but he could not say it was caused by new development for sure. He did not think the developer has kept interest in providing service to the people living in the area now.

With regard to the traffic study done in August, Mr. Kerr said during that time you would expect that many people would not be at home and he did not put too much validity in the traffic study because of the timing.

Mr. Kerr referred to Lot 101 which has been a rubbish heap for two years with old concrete, excavation from the end of the street. He pointed this out to the developer who indicated that

someone else has bought the lot. In his opinion, the developer still has responsibility under the Development Agreement to look after people after he sells the lot. He strongly objected to any increase to the number on Baha Court because of the air pollution, damage and further suffering that has taken place by people all along Moirs Mill Road. He noted that sometimes there are 18 cars lined up to get out of Moirs Mill Road or Nelsons Landing. The road from Hammonds Plains should come in first not only for safety issues but for more adequate water pressure.

Mr. Michael Welton, Richardson Drive asked for clarification as to when the developer was supposed to build the collector road and its priority.

Ms. Langille-Hanna advised that from staff's perspective the construction of the collector road is a big issue and is necessary to facilitate traffic movement and to provide the water supply. What staff was asked to consider through the application was whether or not seven lots would create an adverse effect. With regard to the timing of the collector road, the Development Agreement specifies it is to occur after 100 units and would start with Hammonds Plains and move towards Moirs Mill. There is no exact time frame.

Mr. Douglas Murray, 245 Moirs Mill Road said it was important to realize there have been major violations. The whole area could have been developed with another 2-300 units save for the fact that the road way and proper undertakings were not adhered to by United Gulf. He was against the seven lots. If this application is approved, the developer will be back looking for more lots.

Mr. Clarke Bedford, 61 Baha Court stated he did not think there would be a downward impact on traffic flow when people are on holidays. Even when the collector road goes in, Mr. Bedford said it would not change his traffic flow from Baha Court except when he wanted to go on the BiHi. He would be using the Bedford Highway otherwise.

Mr. Bedford continued that at the public meeting in July he raised the issue of safety of the seven lots. Some of the lots have an 18' drop. In response to concerns raised at the July meeting, the developer put up a No Trespassing sign. He noted that young children cannot read a sign like this. He then cited an incident in December where a six year old boy who was climbing on the rocks on one of the lots, ended up in a pool of water when the rock became unstable and pinned him under it from his hip to his ankles. Fortunately, the child was face up. It took the Fire Department, the Ambulance attendants and others to lift the rock off the boy. The whole episode took 20 minutes.

With regard to this incident, Mr. Bedford advised that HRM staff advised that Bylaws do not apply to a lot under construction. He acknowledged trucks and traffic were an inconvenience but the safety of children came first. He requested that Council pass legislation to force

developers and/or landowners to make the lots safe. The lots will never be safe until they are made safe or developed.

At this point, Councillor Goucher requested that Mr. Barry Allen, Municipal Solicitor, address Mr. Bedford's concerns.

Mr. Allen stated he was not aware of any HRM regulations governing sloping of lands. The Occupiers Liability Act could impose liability on the owners depending on the circumstances if someone was injured on their land. The ultimate responsibility rests with the owner of the property. There are Lot Grading Bylaws. He offered to see if they have any application.

Ms. Langille-Hanna advised that after Mr. Bedford contacted the Municipality, Inspectors went out to the site to assess the properties insofar as safety and unsightly debris was concerned. Through the Dangerous and Unsightly Premises Bylaw, the Municipality does not have the legal ability for lots under construction.

Mr. Bedford continued that if the lots are not approved, there was a potential for many years before the road goes through, which could mean children being maimed or worse during that time. The other option is to approve the seven lots and make them safe.

Mr. Don Mason, AMEC (formerly AGRA Whitman Benn), on behalf of the developer said the area constitutes a RCDD zone and has followed the process to the present time. The Plan is sound, has met the primary requirements such as residential characteristics and units per acre. The Plan evolved through time and instead of the predicted 100 lots, wound up with a plan for 107 lots which is still found to be sound planning within the framework of the RCDD. The reference to the maximum of 100 lots prior to construction of the collector road, tends to be an arbitrary figure. 107 lots has been found to be good planning for the area. During the process of approvals, there was a change in the use of some of the streets and rather than terminate a street, it was deemed reasonable by all concerned that it be a cul de sac. All the lots are serviced.

With regard to the water supply and streetscapes, Mr. Mason said that in the notes from the Public Meeting, several people from the area spoke about these aspects relating to getting the seven lots completed thereby improving safety and the streetscape and completing the development. Now that the investment is made in sewer and water, the seven lots could be used for housing and generate additional assessment.

With regard to Bedford Waters Advisory Committee opposition relating to the water supply, Mr. Mason stated this has been addressed adequately by the Water Commission and outlined in the Staff Report. With regard to traffic, a traffic analysis is done independent of the time of year and factors through a methodology to come up with universal numbers. What has been reported is compliant with the original traffic study by Streetwise.

Mr. Mason stated that the development of seven more lots was not seen as offensive to the neighbourhood. He referred to pages 3, 4 and 5 of the Staff Report regarding the Policies and the analysis. The application meets the requirements of the policies that govern the application and the development of the seven lots. He agreed with the results of the Staff Report. To create 107 lots rather than 100 lots prior to construction of the road complies with the intent of the policy provisions of the Bedford MPS.

With regard to traffic volume, Mr. Mason advised that compared to the original forecast from Streetwise and what is being measured today, is something in the order of 10% variance. In terms of traffic forecasts, there were many factors that would enter into it.

With regard to water pressure, Mr. Mason advised this has been referred to the Water Commission.

With regard to the watercourse, Mr. Mason advised it is operating reasonably and in accordance with the policies of the development plan. For those items such as ice on the streets, this is maintenance that must be done to the area.

Mr. Mason stated further that the application meets the intent of the MPS, meets the test of the policies and is favoured as being reasonable to conclude the development of the small portion. It was reasonable to conclude that 107 lots versus 100 lots in the context of the policies is within the mandate of Community Council to approve.

Councillor Johns referred to Mr. Mason's statement that the figure of 100 lots was an arbitrary figure yet that was what was in the contract. There were also other provisions that Mr. Mason's client was supposed to meet and has not yet done so. He asked if those items were viewed as arbitrary as well.

In reply, Mr. Mason said that each of the conditions would have to be taken as part of the contract. For each there is a solution and it is a matter of implementation of the contract. It is a question of what is reasonable and what is rational.

Ms. Betty Tucker, 6 Arthur Lismer Court asked if 107 lots were approved, would the road be built immediately.

In response to Ms. Tucker, Mr. Mason advised that the discussion of what happens regarding the collector road is part of the agreement. The case tonight is seven lots. The neighbours are complaining about safety and aesthetics.

Councillor Goucher agreed there was no question it was a contractual arrangement and Mr. Mason had broached the aspect, as did a resident, about the dangers of the property. He asked why, in the name of decency, did Mr. Bedford and the people in his area have to worry

about those lots. The Councillor asked why, in all that was decent, were the lots not put in a safe condition instead of leaving them the way they are.

Mr. Mason stated he brought it up in the context of the neighbours identifying back in 1999.

Councillor Goucher asked again why the lots were not put in a safe condition as the developer knows the condition they are in.

Mr. Mason responded it was private property and in reasonable shape.

Mr. Dennis Dahmer, 55 James Winfield said he thought most people would not object to approving the application for the seven lots but he had concerns with regard to the collector road. If the approval is made, it could be in tandem with a performance clause guaranteeing the collector road will be built at the same time.

The Chair, in consultation with the Municipal Solicitor, advised Mr. Dahmer that Community Council has to accept or reject the proposal as it is.

Mr. David Whitehouse, 300 Moirs Mill Road stated he did not agree that the houses should go in until the collector road is built. He understood that the small lots on Baha were originally supposed to be larger and that is why there are seven extra lots. The developer got a variance to reduce the size of the lots from 60' frontage and build taller houses with more traffic. The developer promised that after 100 lots they would start looking at the collector road but now they are coming back looking for seven more and might look for more after that if this approval goes through.

The Chair called three times for further speakers at this time. There were none.

**MOVED by Councillor Johns, seconded by Councillor Goucher to close the Public Hearing. MOTION PUT AND PASSED.**

Councillor Goucher advised that he had requested, through Regional Council last week, a change in the Municipal Government Act with regard to the Contract Development Agreement process and would be requesting this week changes in the Municipal Government Act with regard to dangerous and unsightly premises regarding undeveloped lots.

**MOVED by Councillor Goucher, seconded by Councillor Johns to reject the application for a substantial amendment to the Paper Mill Lake Development Agreement to allow the construction of seven (7) dwelling units on Baha Court, to occur prior to construction of the collector road from Hammonds Plains Road to Moirs Mill Road, as per Attachment A of the Staff Report dated November 27, 2000.**

Councillor Goucher advised that he concurred with Bedford Waters Advisory Committee and North West Planning Advisory Committee's recommendation not to approve the request.

Councillor Goucher indicated his reasons for rejection were not only directly related to the seven lots but the impact of the road not going through and the impact it would have on everybody else in the area.

Councillor Goucher referred to Policy Z-3 subsection 5(i) which is financial capability of the Municipality to be able to address the capital requirements, which is the road. The Municipality does not have the money to build the road.

With regard to Policy Z-3 subsection 5 (iii), Councillor Goucher advised he received calls from residents in the area who have water pressure problems. They might have been tested by the Halifax Regional Water Commission but there are water pressure problems. People want the road in so the high pressure loop system comes through.

Under Policy Z-3 subsection 5 (v), Councillor Goucher indicated there is an area with inappropriate drainage and the way storm water is handled in the area. It flows through private property. There had to be a swale built or else the houses would be full of water.

Under Policy Z-3 subsection 5 (vii), Councillor Goucher stated there is no recreation land. The only recreation land in the area is at the dam area. Without the road going through, any development of recreation land will not happen and will impact not only on the seven homes in question but the other 7-800 homes in the area plus the 460 odd homes built adjacent in Oceanview and Crestview.

Under Policy Z 3 subsection 5 (viii), the road itself, Councillor Goucher indicated it is not only traffic issues but a very real safety issue. One issue is a bomb found when they were building the waterfront. There was full evacuation of Paper Mill Lake. The only way people got down the road was straight into the teeth of it. The train derailment last year, although not a major catastrophe, was a major situation and the only way to evacuate was down into the teeth of it. The road was needed not only for safety but for water looping.

**MOTION PUT AND PASSED.**

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None
10. **REPORTS**
- 10.1 **Appointments to North West Planning Advisory Committee**

**MOVED by Councillor Goucher, seconded by Councillor Johns to appoint the following to North West Planning Advisory Committee for District 21 for a term ending January, 2003.**

Jan Gerrow - re-appointment  
Gloria Lowther  
Tony Edwards

**MOTION PUT AND PASSED.**

**MOVED by Councillor Goucher, seconded by Councillor Johns to re-appoint the following to North West Planning Advisory Committee for a term ending January, 2003 for District 19.**

Ann Merritt  
Delphis Roy  
George Murphy

**MOTION PUT AND PASSED.**

**MOVED by Councillor Goucher, seconded by Councillor Johns to appoint the following to North West Planning Advisory Committee for a term ending January, 2003 for District 20.**

Karen Stadnyk - re-appointment  
Terry Churney

**MOTION PUT AND PASSED.**

It was noted that there remains a vacancy for one member for District 20.

10.2 **Appointment to North West Transit Advisory Committee - District 21**

**MOVED by Councillor Goucher, seconded by Councillor Johns that Andrew Shute be appointed to North West Transit Advisory Committee for District 21. MOTION PUT AND PASSED.**

10.3 **Case 00269 - Application for a Development Agreement for a Used Car Sales Lot, 1585 Sackville Drive, Sackville**

A Staff Report dated November 30, 2000 was before Community Council along with a Memorandum dated January 3, 2001 from North West Planning Advisory Committee recommending that Community Council not approve the application.

**MOVED by Councillor Johns, seconded by Councillor Goucher not to approve the application to enter into a Development Agreement to permit a used car lot for the reasons outlined in the Staff Report dated November 30, 2000, specifically the inability to meet the requirements for access from Highway 1. MOTION PUT AND PASSED.**

10.4 **Case 00304 - Application to Erect Twelve Cellular Antennae at Mill Cove Plaza, Bedford Highway, Bedford**

A Staff Report dated December 18, 2000 was before Community Council along with a Memorandum from North West Planning Advisory Committee dated January 4, 2001 recommending that Community Council forward a positive recommendation to Industry Canada.

Mr. Angus Schaffenburg, Planner provided an overview of the application.

Councillor Goucher stated he understood at this point in time the applicant would only be using six antennae. In response, Mr. Schaffenburg advised that he understood there would only be six now but the applicant would like the capability for 12.

**MOVED by Councillor Goucher, seconded by Councillor Johns to forward a positive recommendation to Industry Canada supporting the proposal by MTT (now Aliant) for twelve cellular antennae and an equipment shelter at the rear of the Mill Cove Plaza, Bedford Highway, Bedford. MOTION PUT AND PASSED.**

10.5 **Bedford Waters Advisory Committee re Paper Mill Lake Water Testing**

A recommendation dated January 15, 2001 with regard to the above was before Community Council.

Councillor Goucher pointed out that this was the same contract that was discussed with regard to Baha Court earlier in the meeting. He advised that during construction, and as long as construction was going on, there was supposed to be testing done every two months. The proponent, who was in attendance this evening, directed Jacques Whitford to stop testing.

**MOVED by Councillor Goucher, seconded by Councillor Johns to instruct staff to inform the proponent that they must continue with testing in accordance with Development Agreement 95-01 and staff pursue possible action under the Municipal Government Act. MOTION PUT AND PASSED.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Recreation Area Rate Policy**

Deferred to the next meeting due to lack of time.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Not held due to time constraints.

15. **NEXT MEETING** - February 22, 2001

16. **ADJOURNMENT**

On a motion from Councillor Johns, the meeting adjourned at 9:45 p.m.

Sandra M. Shute  
Assistant Municipal Clerk