

NORTH WEST COMMUNITY COUNCIL

MINUTES

MARCH 22, 2001

THOSE PRESENT: Councillor Harvey, Chair
Councillor Goucher
Councillor Johns

ALSO PRESENT: Angus Schaffenburg, Planner
Lynne Le Boutillier, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by the Chairman in the Charles Fenerty Room, Sackville Library, 636 Sackville Drive, Lower Sackville.

2. **APPROVAL OF MINUTES - FEBRUARY 22, 2001**

MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Minutes of meeting held on February 22, 2001 as circulated. MOTION PUT AND PASSED.

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

As Ms. Godfrey could not be attendance until 7:30 p.m., it was requested that item 10.1.1 re Case 00263, Atlantic Gardens, be postponed until her arrival.

MOVED by Councillor Goucher, seconded by Councillor Johns to approve the Order of Business as amended. MOTION PUT AND PASSED.

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

5. **MOTIONS OF RESCISSION** - None

6. **MOTIONS OF RECONSIDERATION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS** - None

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

10. **REPORTS**

10.1 **NORTH WEST PLANNING ADVISORY COMMITTEE**

10.1.2 **CASE 00261 - REQUEST FOR AN AMENDMENT TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW - 700 AND 710 KEARNEY LAKE ROAD (AT BLUE MOUNTAIN DRIVE)**

A report dated March 8, 2001 from the North West Planning Advisory Committee was before Community Council.

Mr. Schaffenburg gave a short presentation, noting that the PAC at its March 7, 2001 meeting agreed to exclude 710 Kearney Lake Road from further consideration and to recommend 700 Kearney Lake Road can be developed into lots having a minimum lot frontage of 150' and a minimum lot area of two acres. He noted that staff had recommended against the request to amend the Bedford MPS and Land Use By-law for these properties and the alternative recommendation was that these properties be included in the Hammonds Plains plan area.

Councillor Goucher noted that at the PAC meeting they looked at 700 and 710 Kearney Lake Road. Personally as Councillor for the area he stated he initially and probably still has some reservations with regard to the RR area, which is a Residential Reserve. For clarification, he noted that normally in the area you need five acres to be able to develop. It is a very restrictive zoning. He indicated that he had discussed the case with several people, including Mayor Kelly. He noted that he had walked the lots and observed 710 Kearney Lake Road has a watercourse through it. He has discussed with the property owner, and they indicated they had no problem with the recommendations.

Referring to the map, Councillor Goucher illustrated a unique feature of 700 Kearney Lake Road. He noted that essentially Blue Mountain Road is all R-1 and there are services. This is probably the only Residential Reserve Area where there is water service. He felt that because of the water service, permission to split 700 Kearney Lake Road into three 2.5 acre lots was justifiable. Councillor Goucher noted that the smallest lot has a frontage of 166'.

As this requires a plan amendment, a recommendation is required to Regional Council to begin the process, i.e. set a Public Hearing date.

MOVED by Councillor Goucher, seconded by Councillor Johns that:

- 1. Regional Council give First Reading and set a Public Hearing date for April 24, 2001.**
- 2. Regional Council approve an amendment to Policy R-6 of the Bedford Municipal Planning Strategy and Land Use By-law to permit the development of 700 Kearney Lake Road with lots having a minimum lot frontage of 150' and a minimum lot area of two acres.**

10.2 REPORT FROM BWAC RE SANDY LAKE

- C** Report dated March 9, 2001 re Sandy Lake Park - Phase 1 from the Bedford Waters Advisory Committee was circulated in the agenda package. Report recommends approval of Phase I, Sandy Lake Park contingent on seven issues being addressed.

- C Report dated March 22, 2001 from Blair Blakeney, Regional Coordinator, Park Planning and Development, Parks and Recreation Services recommending NWCC support proceeding with construction of Phase 1 - Access Drive and Parking for Sandy Lake Park and NWCC support staff in continuing the planning and community consultation process for the development of phase 2 - beach and washrooms during the 2001 season. (Report circulated at the meeting)

Mr. Blakeney presented his report to NWCC. He reviewed the background of how HRM got involved in the development of the park and subsequent events. He noted that staff is supportive of the recommendation of BWAC contingent on a number of concerns being addressed. He acknowledged the Sandy Lake Residents Association does not have complete buy in of the project, therefore staff's recommendations are not necessarily supported by the Association, but staff feels it is in the best interests of the greater community to proceed and continue working with the community. It is recognized that there are some long term bigger issues to be dealt with. He expressed confidence these can be worked out.

He noted that staff has promised the Sandy Lake Area Residents Association an official Public Hearing. He requested that NWCC postpone making any decision on the recommendations until this Public Hearing has been held, so the members have an opportunity to hear from the Sandy Lake Area Residents Association and other community groups, some of which are supportive of the Park and BWAC.

The Chair indicated that NWCC is prepared to defer a final decision until the April 26, 2001 meeting and is prepared to advertise it as an agenda item that evening.

Comments were sought from the public in attendance. Ms. Katherine Mont thanked Mr. Blakeney on behalf of the Sandy Lake Area Residents Association for the comprehensive review of what has taken place to date, especially following through on the promise of a Public Hearing.

Mr. Walter Regan felt this situation emphasizes the need to have a master watershed environmental study done. A full environmental study of the Sackville Watershed to protect areas which have to be protected from development.

Mr. Bob Nauss, Bedford Lions Club, referred to the support Bedford residents have given to the Park since 1986. He felt the proposal will put the voluntary group into an awkward situation. Councillor Goucher felt it important to have the Public Hearing given staff's promise. He felt it important to complete the public process and officially receive comments from the people.

Ms. Mont sought to assure Mr. Nauss that the Sandy Lake Area Residents Association is not opposed to the Park. She noted the Association has been in existence since the early '70s and was one of the proponents of having the area designated park land.

Mr. Blakeney in his closing remarks noted there are some budget implications if the project is delayed too long related to the Provincial Government. He noted the presence of Carol Jamieson from the Nova Scotia Sport and Recreation Commission, the key funder, was in attendance.

Ms. Jamieson assured Council that the Province fully supports the process to make sure that every one is heard, but noted fiscal years have to be taken into account. She noted that the Province's commitment was \$50,000 paid out over three years. She felt that the \$50,000 for this year is lost, given there will be no action on the park before the fiscal year end of March 31, 2001.

Councillor Goucher reflected on his conversations with Minister Peter Christie and his Administrative Assistant. This was not his understanding. He understood the money would be protected. Ms. Jamieson referred to the administrative realities, but conceded the political process may dictate otherwise. The Chair reflected that even if the project was approved tonight, the money would not be spent before the end of March. Mr. Blakeney noted that the tenders for construction are ready to go and they could be awarded, if not started. The Chair suggested this could be conveyed officially to the Province that a tender has been awarded and final implementation has been delayed until April 26th. Mr. Blakeney will follow-up and report back.

The Chairman noted that if the \$50,000 is lost in the next week, politically it could be put in at the other end by extending another year.

Councillor Goucher concluded that there are two things paramount in his mind i.e. the completion of the public participation aspect, through a Public Hearing and to ensure that none of the funding is lost.

MOVED by Councillor Goucher, seconded by Councillor Johns that the item be deferred to a Public Hearing, April 26, 2001 and it be advertised in a Public Notice. MOTION PUT AND PASSED.

10.1.1 CASE 00263 - REQUEST FOR AN AMENDMENT TO THE SACKVILLE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW - 1260 HIGHWAY 1 (ATLANTIC GARDENS) MIDDLE SACKVILLE

A report dated March 8, 2001 from the North West Planning Advisory Committee on the above item was before Community Council.

Mr. Schaffenburg in his introduction noted this is a Plan Amendment related to the Atlantic Gardens site, Middle Sackville. The report recommends that a modified C-2A (Minor Commercial) Zone be applied to the entire Atlantic Gardens' site and that the existing garden centre use be recognized as an existing use and be permitted to expand by right. It was noted that the C-2A Zone has a much more limited range of commercial uses than are found in the C-2 Zone. The PAC feels the uses listed are generally compatible with the surrounding residential area. The other part of the PAC report is a new policy proposed which would recognize and accommodate Atlantic Gardens in the Land Use By-law as an existing use. This particularly relates to the present size of the operation which is greater than the 10,000 sq. ft. which would be permitted under the zone and to allow for its expansion notwithstanding it would be greater than 10,000 sq. ft. as long as they meet the provisions of the zone, which are the rear yard setbacks, and things of this nature.

Mr. Schaffenburg noted that presently on the property is a PUD zone, which would be changed to the Minor Commercial Zone. He also noted there is a Planned Unit Development Agreement on the site and if Council proceeds, they should recommend as well that this Agreement be discharged. He noted that this is also a Regional Council matter, requiring a Public Hearing and also discharge the existing PUD Agreement dated 1979.

Councillor Goucher noted that the PAC had reviewed this Case in depth. He felt, in final analysis, the recommendation is a good one for the area and removes more obnoxious uses normally allowed in the standard C-2 Zone. Mr. Schaffenburg confirmed that a number of uses found in the C-2 Zone were removed, i.e. display courts, used car lots, service stations, etc. He also noted that the concerns expressed from the Halifax/Halifax County Watershed Advisory Board regarding an adjacent wetland area, so part of the process was removing some of the uses which might be most harmful to this wetland.

Councillor Johns supported the recommendation, as the new draft of a C-2A zone permits Ms. Godfrey to consider selling the property at a commercial rate, however it protects the community as well from some of the concerns it had.

MOVED by Councillor Johns, seconded by Councillor Goucher that North West Community Council recommend that:

- 1. Regional Council give First Reading and set a Public Hearing date for April 24, 2001.**
- 2. Regional Council apply a modified C-2A (Minor Commercial) Zone to the entire Atlantic Gardens site and that the existing garden centre used by recognized as an existing use and be permitted to expand by right. The modified C-2A zone would permit retail stores, foods stores, service and personal service shops, offices, commercial schools, banks and financial**

- institutions, restaurants, shopping plazas and malls, commercial recreation uses, greenhouses and nurseries, and veterinary hospitals and kennels.
3. **Regional Council discharge the April 17, 1979 development plan which was approved by the former Halifax County Council for the site to permit construction of a greenhouse operation under the Planned Unit Development (PUD) By-law.**

MOTION PUT AND PASSED.

Councillor Johns sought clarification of what will happen if the C-2A zone is not approved would the PUD have to stay in place. Mr. Schaffenburg indicated it would.

10.3 **APPOINTMENT OF NORTH WEST PLANNING ADVISORY COMMITTEE MEMBER FOR DISTRICT 20**

A letter dated March 5, 2001 to the Chair from Dr. David C. Perrier was before Council, in which he expressed interest in serving on the Northwest Community Council PAC. Councillor Harvey noted there is currently one vacancy on the PAC for District 20. He noted that Dr. Perrier had served on the Sackville Advisory Committee prior to amalgamation.

MOVED by Councillor Johns, seconded by Councillor Goucher that Dr. Perrier be appointed to the North West Planning Advisory Committee. MOTION PUT AND PASSED.

10.4 **APPOINTMENT OF AREA ADVISORY COMMITTEE MEMBERS FOR SACKVILLE DRIVE COMMERCIAL CORRIDOR POLICY REVIEW**

A staff report from Andrew Whittemore, Planner, dated March 21, 2001 regarding this item was circulated at the meeting.

Mr. Schaffenburg gave some background to the report. He noted that NWCC is being asked to approve membership to an Advisory Committee for Sackville Drive. All those who applied are on the list of interested persons (Appendix A) of the report. There was no need to go through a selection process, as all the individuals expressing interest fit the four categories. He noted there is one vacancy under Community Associations, which can be filled at a later date in the event someone is nominated or comes forward.

The Chair indicated Council's pleasure in seeing the number of individuals who have come forward to be part of the Committee which has an important job to do in connection with the Commercial Corridor Policy Review in relation to the Sackville Drive Streetscape Design Study.

MOVED by Councillor Goucher, seconded by Councillor Johns that the following individuals, as listed in Appendix A of the report, be appointed to the Sackville Drive Area Advisory Committee.

**Business Representatives: Kevin Arbuckle, Kevin Kingston and Marlene Leyte
Community Associations: Gordon Morgan and Walter Regan
Citizens at Large: Robert S. Racine and Bruce Henderson
PAC: Delphis Roy, Karen Stadnyk and Terry Churney**

MOTION PUT AND PASSED.

10.5 **MEMORANDUM RE: REGIONAL COUNCIL STATUS SHEET**

A memorandum dated February 27, 2001 from Sandra Shute, Assistant Municipal Clerk regarding the above subject was before Council.

The Chair noted that NWCC, along with other Community Councils are being requested to examine the Regional Council Status Sheet to determine if there are any items which could be better addressed by Community Councils or removed. Also enclosed is the Community Council's Status Sheet for March 22, 2001.

It was suggested by the Chair that Ms. Shute be requested to organize a Committee of the Whole meeting to review the Status Sheets. This tact had proven useful in the past. This was agreed to by consensus.

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

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

- C He asked the Chair if there has been any movement in getting rid of the rock on Riverside Drive. Reference was made to the status sheet and the fact that staff has been contacted.
- C He reported he attended a meeting where a presentation was made on the changes being proposed for the Downsview Mall. He felt this would be an excellent opportunity for the Mall to become part of the Sackville Drive Streetscape. He

referred to the holding ponds used for silt retention and the need to redirect a number of storm sewer pipes draining directly into the Little Sackville River. He hoped Sobeys and HRM will work together to improve the local park. In particular he referred to one of the storm drains coming off Sackville Drive. He wondered if it would be possible for HRM to work with Sobeys to redirect that storm drain into the lagoons instead of direct discharge to the Little Sackville River. The Chair indicated this request would be passed on to the appropriate department to see if this would be feasible.

- C He questioned whether there is any update on the 60 acres associated with Second Lake. The Chair assured him it is very much under discussion.
- C He asked if it was possible to have an Environmental Study (Assessment) done on the watersheds to determine where development should proceed or not. He proposed a study similiar to the one done for Morris Lake for the Sackville River Watershed. The Chair did not have an answer to this big question, but felt the NWCC could move the request forward and see what the response will be.
- C He questioned the Chair as to whether there has been any movement on passing the MPS for Upper Sackville. The Chair noted this is a question related to Springfield Lake. He recalled the motion was to PAC to investigate initiating that process of taking the Policy and making it into an action item in the Plan. Councillor Goucher could not recall it being dealt with at PAC recently. The Chair suggested this item be reactivated with the PAC. He recalled it coming out of a meeting in August 2000 and noted it is on the status sheet.
- C He related to Council and Mr. Blakeney his attendance at a meeting where a development on the Eastern Shore consisting of all waterfront lots, served by a private road, was discussed. He questioned public access to the waterfront, but was told that because the development has a private road, HRM would be reluctant to request the 5% green area. He felt this to be a bad policy for if it continues, large chunks of the coast will not have public access. He wondered if there is anything NWCC can do to look into. The Chair noted it is more in the jurisdiction of Regional Council. Mr. Blakeney noted this is an issue that has been discussed for years, whether public parkland should be acquired in these private subdivisions. Mr. Blakeney was questioned on whether HRM has the right to acquire the 5%. He confirmed this is the case under the Municipal Planning Act, but it has not been the policy of the previous municipal units to do so, because of the private road issue, i.e. there would not be access to the park land. Complicated legal issues such as easements over private roads would result. In some cases they have been able to obtain land from developers which abut a public road. Generally money is received in lieu of property. Mr. Regan reflected that once you loose the property, the opportunity is lost.

- C He thanked the Chair for his support during the budget process for the funding for Trails and he hoped he will support the associated Parking Lot items of \$100,000 and \$40,000.

Referring to the presence of Bob Kerr, Chair of BWAC, Councillor Goucher took the opportunity to seek confirmation that BWAC is short members. Mr. Kerr confirmed that the Committee is short four members. Mr. Kerr indicated that two potential members have been identified. Councillor Goucher asked staff to put a notice in the paper soliciting members for BWAC. He noted that the terms of reference include some categories for membership. The Chair suggested Ms. Shute liaise with Bob Kerr on this advertisement.

Secondly, Mr. Kerr reported on a Waste Water By-law Public Meeting he attended in the past two weeks. There were about a dozen people in attendance, including Walter Regan at the meeting at Dutch Village Road. Mr. Kerr referred to being struck by the fact that the terms to enforce the by-law are not strong enough if someone wished to intercede to stop someone pouring a substance such as acid down a storm drain. While there is a provision in the by-law for a substantial fine, it does nothing to deal with the immediate situation. Mr. Kerr recalled that John Sheppard was in attendance and made note of this concern. He felt this matter warranted NWCC's attention. He drew a parallel to the situation at Paper Mill Lake, where a Stop Work Order can be issued but it would be months before any action was taken. He felt Council should be cautioned regarding the apparent shortcomings of the By-law in relation to pouring of substances such as acids into drains.

Councillor Goucher referred to problems with discharge from farms through to the sewage treatment plant without pretreatment. It would likely be a situation that would fall under the context of the Waste Water By-law. Mr. Kerr noted that such aspects were addressed at the meeting, i.e. effluent with high concentrations of fecal coliforms, the need to limit the amount. This apparently is addressed in the By-law.

Mr. Regan reflected that in his opinion the By-law is very progressive noting it is an amalgamation of all the existing By-laws and gives HRM control. He confirmed that the point Mr. Kerr mentioned was important. He felt this By-law was long overdue. It is part of the Halifax Harbour Clean-up and he hoped the Councillors will support when it comes to Regional Council and provide sufficient funds and resources to ensure the enforcement section works. If HRM is going to make these laws HRM has to enforce them and be seen to enforce them and set an example.

15. **NEXT MEETING DATE** - April 26, 2001

16. **ADJOURNMENT**

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

Lynne Le Boutillier
Assistant Municipal Clerk