

NORTH WEST COMMUNITY COUNCIL

MINUTES

JANUARY 24, 2002

THOSE PRESENT: Deputy Mayor Robert P. Harvey, Chair
Councillor Len Goucher
Councillor Brad Johns

ALSO PRESENT: Angus Schaffenburg, Planner
Andrew Bone, Planner
Dale MacLennan, Director, Financial Services
Gordon Roussel, Budget Coordinator
Lew Rogers, Director, Tourism/Culture/Heritage
Betty MacDonald, Manager, Financial Planning
Veronica Roche, Financial Services
Sandra Shute, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Lions Den, LeBrun Centre, 36 Holland Road, Bedford. At a later point in the meeting, Councillor Johns welcomed a large group of residents from the Beaver Bank area.

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

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

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

Added Items: Move Information Report re Accessory Buildings in the
Beaver Bank, Hammonds Plans and Upper Sackville Plan Area
to the main Agenda

The 2002/03 Budget Consultation took place at the end of the meeting.

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

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION**

6.1 **Richardsons Animal Hospital - Funding Approved from Sackville Landfill Compensation Fund**

Deputy Mayor Harvey explained that the land exchange with Richardsons Animal Hospital collapsed. He asked for a motion to rescind the approval of funding which took place at the meeting on October 9, 2001.

MOVED by Councillor Johns, seconded by Councillor Goucher to rescind the motion made on October 9, 2001 to approve funding from the Sackville Landfill Compensation Fund in the amount of \$25,000. MOTION PUT AND PASSED.

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

8. **PUBLIC HEARINGS** - None

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

10. **REPORTS**

10.1 **2002/03 Budget Consultation**

See Item 14 - Public Participation.

10.2 **Integrated Vegetation Management - Nova Scotia Power**

Councillor Goucher explained that he had recently met with Nova Scotia Power on this issue. He believed it was necessary to take a look at the Subdivision By-laws with regard to street tree planting because trees are planted on the HRM right of way which is just around the location of the power pole. Once the trees grow, Nova Scotia Power comes along and either cuts them down or trims them back.

MOVED by Councillor Goucher, seconded by Councillor Johns to refer the issue of street tree planting and the integrated vegetation management study to North West Planning Advisory Committee and request that Nova Scotia Power be asked to attend a meeting and make a short presentation. MOTION PUT AND PASSED.

10.3 **Appointment to Bedford Waters Advisory Committee**

MOVED by Councillor Goucher, seconded by Councillor Johns to appoint George Hepworth to Bedford Waters Advisory Committee as a non-technical member for a term to expire November, 2004. MOTION PUT AND PASSED.

10.4 **North West Planning Advisory Committee**

10.4.1 **The Barrens - Bedford**

A Memorandum dated January 4, 2002 was before Community Council from North West Planning Advisory Committee. Councillor Goucher advised that he understood the province is still actively pursuing acquisition of lands to solidify the holding. His only concern with regard to the recommendation was with regard to plans for a trilingual plaque at the site. He thought there was agreement that the land should be left in its natural state, undisturbed without marker.

MOVED by Councillor Goucher, seconded by Councillor Johns to move the recommendations contained in the Memorandum dated January 4, 2002 on to Regional Council. MOTION PUT AND PASSED.

10.4.2 Mapping and Responsibility for Roads

Councillor Goucher advised that at the last meeting of North West Planning Advisory Committee, this issue had been raised. He explained the concerns of the Committee.

MOVED by Councillor Goucher, seconded by Councillor Johns to request that (1) Planning Department seek clarification from Department of Transportation and Public Works regarding both maintenance and plowing of roads and alignment of future new roads (including maps) and (2) that HRM Public Works and Transportation also provide clarification regarding responsibility for maintenance and plowing of roads. MOTION PUT AND PASSED.

10.4.3 Case 00393 - Application by ERP Holdings Limited to amend an existing Development Agreement for Lot J-3, 175 River Lane, Bedford in order to permit two balconies

A report dated November 26, 2001 was before Community Council along with a recommendation for rejection dated January 4, 2002 from North West Planning Advisory Committee.

Andrew Bone, Planner provided an overview of the application with the aid of overheads. As part of his presentation, he advised:

- The proposed balconies are 75' at the closest point to the corner of an existing foundation on Meadowview Street. The closest existing balcony is 66'.
- The Development Agreement does not speak specifically to existing balconies. The only reference is on the site plan.
- Previous balconies at the same location were constructed illegally without permit. The former Town of Bedford took the previous owner to Court and the balconies were removed because they did not have permits.
- The developer has suggested that he would be willing to design the proposed balconies in a different manner to provide buffering and screening where possible. Staff recommended against this because it would require the elimination or cutting of an existing wooded area.
- The Bedford By-law does not protect viewplanes in this case. Because of the grade difference from Meadowview Street and the proposed balconies, the impact would be minimal.
- Staff reviewed the proposal under the general implementation policies of the Plan. The proposal meets those policies and does not violate any principles of the Plan. It is supported by Policy Z-3 which allows for additions to existing buildings on private roads.
- Staff was recommending approval of the application.

Deputy Mayor Harvey asked if the two balconies were approved, would that mean that all units would have balconies. In response, Mr. Bone advised yes and explained that the 1986 Development Agreement had a different layout with a single row of units around the courtyard, which did not require balconies on the rear. From the files, he was not able to determine whether it was by design posed by the Town, or coincidence, that there are no balconies in back.

Councillor Goucher clarified that he spoke to Mayor Kelly, who had been on Town Council at the time. Mayor Kelly had indicated to him that the original design of the building was in direct concurrence with the request of the residents of the area, with no balconies on the back.

Mr. Bone advised that the building actually built in 1991 was designed differently with a centre hall with units on both sides. This precipitated the request for balconies. At the time of construction, the former Town of Bedford required that the balconies on the end, existing today, not wrap around the back of the building and the balconies proposed as part of the original application were to be removed. The Development Agreement is from 1986; the actual building was built in 1991 but there was no amendment but a decision was made to leave them off. He was not able to determine if it went through the former Town Council or if it was a decision of the Planning Department at the time.

Mr. Bone added that in 1993 there was an amendment application which was turned down by the Council of the time. In 1995 the balconies were installed illegally and subsequently removed by order of the Supreme Court because there were no permits.

Councillor Harvey asked for clarification that the balconies were not removed because they violated the Development Agreement. In response, Mr. Bone advised that there would be enough legal ground that there were no permits to have them removed. The Utility and Review Board determines whether something is in violation of the Development Agreement. This went through the Supreme Court on permit issues.

Councillor Goucher stated that this particular issue might appear to many to be a benign issue of just a couple balconies; however, the greatest concern through the whole process - the major concern being that the neighbours did not want the apartment building there in the first place - was that there were to be no balconies on the back when construction took place. Looking at the recommendations from Planning Advisory Committee, what they say is very true. The residents and, as well, people who do the developing, rely on Development Agreements for safety and security, the integrity of their community and for privacy. Planning Advisory Committee agreed with that particular aspect of it - Development Agreements are there to be enforced. The issue of Policy Z-3 in the Municipal Planning Strategy, which basically deals with buffers and screening, was the major issue.

Councillor Goucher indicated he received today a copy of a letter addressed to Mayor Kelly from ERP Holdings, the proponent, which indicated that the proponent did not feel he has had due process. Part of that due process is Planning Advisory Committee. At the Planning Advisory Committee meeting, the proponent was allowed to speak to the Committee. The whole process has been open, transparent and obvious, contrary to what the proponent felt.

MOVED by Councillor Goucher, seconded by Councillor Johns to concur with Planning Advisory Committee's recommendations and reject the request for an application to amend an existing Development Agreement (86-10) for Lot J-3, 175 River Lane, Bedford in order to permit two balconies.

Councillor Johns stated he knew the motion was contrary to the staff recommendation but he supported the Planning Advisory Committee. There are nine able-bodied, intelligent members of Planning Advisory Committee who all seem to support not having the balconies reinstated. North West Community Council has the advantage of having committees reporting to it, which helps Community Council make advised decisions and allows another opportunity for a proponent's application.

Councillor Harvey pointed out that this was a non-substantial amendment application and does not require a Public Hearing, just a resolution of Community Council. Any decision reached by Community Council could be appealed to the Utility and Review Board. He understood, in his dealings with the Bedford Municipal Planning Strategy, why staff reached its conclusion in terms of policy. Over six years dealing with the Bedford Municipal Planning Strategy, he came to understand there is also a spirit to the Municipal Planning Strategy, which is very much in favour of the integrity of residential neighbourhoods.

MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Accessory Buildings in the Beaver Bank, Hammonds Plains and Upper Sackville Plan Area**

An Information Report dated January 7, 2002 was brought over to the main Agenda. Angus Scaffenburg, Planner provided an overview of the report.

Councillor Johns referred to the last paragraph on page 3 of the Information Report dated January 7, 2002 which concerned him, namely: "The limited resources should be spent on the issues most important to the community. There are other requests for policy reviews including

the Little Sackville River and outdoor display courts. Staff from the Central Office is presently working on the Sackville Drive Design Study.”

Councillor Johns indicated that the paragraph said to him that there is a problem at Central Office and questioned whether or not Central Office is understaffed because this is the second Information Report that has come back lately which says that maybe there is some validity to the concern but at the present time staff cannot deal with it because there are other things on the go.

In response, Mr. Schaffenburg advised there is not enough staff at this time to deal with those items. Presently two staff members are spending a lot of time on Sackville Drive changes. The next on the priority list would be the Little Sackville River Floodplain.

Councillor Johns said he was not saying that other projects were not a priority or reasonable projects. Two out of four staff are presently tied up on the Sackville Drive Design Study yet there are more than just Sackville items out of the Central Office. Bedford, Timberlea, Fall River, Upper Sackville and Beaver Bank also fall under the Central Office yet staff is advising that other things cannot be dealt with currently.

Mr. Schaffenburg suggested that staff was also saying to Community Council that Community Council could provide some direction as to priorities if it had a priority list.

Councillor Johns said that this same issue that came up with Outdoor Display Courts; however, when residents have a concern about something, there should be an opportunity to try to deal with those concerns. By the time the process does takes place, sometimes it is too late to fix the problem. He wanted to have his concerns forwarded to Paul Dunphy, Director of Planning and Development.

As well, Councillor Johns stated he did not think it was an unreasonable request to look at increasing the maximum height to 20 or 25' but leave the maximum square footage alone. This seems to be in seven or eight other areas and he did not think it would take a lot of staff's time.

MOVED by Councillor Johns, seconded by Councillor Goucher that staff proceed with looking at expanding the height restriction of accessory buildings from 15', which is the maximum currently, to 20-25'. MOTION PUT AND PASSED.

Councillor Goucher pointed out that Program and Service Review Committee reviews departments on a yearly basis, which includes service levels and staffing, and was currently reviewing for the 2002/03 budget. He suggested it might be that some of staff's time in the Central Office is now be taken up with Regional Planning. Some other issues might suffer because of it.

MOVED by Councillor Goucher, seconded by Councillor Johns to forward concerns relative to staff levels and the ability to deal with the current workload in a timely manner to Program and Service Review Committee. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

14.1 **General**

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

- Having asked about the status of the 60 acres at Second Lake, he was told there was nothing new at this time.
- He asked for support from Community Council for trails in the 2002/03 budget.
- He suggested that it would be appropriate to have an HRM Volunteer Office.
- He had been impressed with staff's presentation regarding lot levy charges.
- He noted that it was proposed to only charge for large developments and not for by-right development. He suggested charging for by-right should also be considered.

14.2 **2002/03 Budget Consultation**

Ms. Dale MacLennan, Director, Financial Services introduced the other members of staff who were available for this item: Gordon Roussel, Budget Coordinator, Veronica Roche, Financial Services, Betty MacDonald, Manager, Financial Planning and Lew Rogers, Director, Tourism/Culture/Heritage. Regional Council had requested that presentations be made to the public through the six Community Councils to receive feedback through public consultation and by having the public complete a survey.

During the course of their presentation, Ms. MacLellan and Mr. Roussel provided information on:

- Overview of HRM Budget 2001/02
- Diversity of HRM
- Where the money is spent
- Monies paid to the province
- Capital priorities and budget 2001/02
- Debt as a share of capital and the amount of debt
- Financial outlook for 2002/03 - priorities
- Impact of inflation on HRM
- Tax base, residential and commercial assessment

- Tax burden strategy and impact on the average house
- Residential Assessment growth rates
- Financial Summary
- Purpose of budget consultation
- Timeline for budget process
- Input on the survey questions

The Chair then asked the public for comments and questions.

Mr. Delphis Roy, Beaver Bank asked what the Harbour Solutions item included. In response, Councillor Harvey advised it would include any new collection systems to convey the sewage to the new plants.

Mr. Roy expressed appreciation that the people of Beaver Bank had the opportunity to provide input into the budget. He acknowledged the support received from Councillor Johns who has been working diligently on behalf of the residents of Beaver Bank.

Deputy Mayor Harvey noted that the infrastructure list approved at Regional Council on Tuesday looks favourably upon Beaver Bank this year.

Councillor Johns pointed out that HRM priorities are not attached to the survey and it makes it hard for the average person to make an informed decision. Some things considered priorities to HRM might not be considered priorities as far as residents are concerned.

Deputy Mayor Harvey advised that as far as Recreation is concerned, programming as well as facilities should be included.

A gentleman referred to the percentage of municipal tax dollars going for education. He asked what contribution to education people who rent, instead of owning a home, would make. In response, Deputy Mayor Harvey advised it would come out of taxes the owner of the property pays. It would be passed on to the tenant in the rent.

A gentleman who lives in Beaver Bank spoke to poor water quality and the problems being experienced in Beaver Bank, which are being addressed to a degree through the Federal Infrastructure Program. He did not see, however, an increase in the budget for a continuing expansion of infrastructure into the problem areas. Rather than waiting for Federal infrastructure monies that may or may not come, HRM should devote a larger percentage of the budget to get the infrastructure into the problem areas. There are old subdivisions experiencing disappearing or polluted water and/or leaking septic fields.

Mr. Walter Regan asked how much infrastructure in new areas would cost the public. In response, Ms. MacLennan advised that Capital Cost Contribution was an important initiative.

It appears to be looked upon favourably by both residents and developers. As she did not have the information available tonight, she offered to provide same. She noted that Regional Planning is one way of addressing growth.

Mr. Regan also stated that there should be more money going to Parks and Recreation, in particular trails.

Mr. Regan stated he believed HRM should be buying more land for environmental protection, for instance to protect floodplains and for heritage purposes. In response, Mr. Lew Rogers, Tourism/Culture/Heritage Director advised that there is a heritage reserve to protect HRM's heritage assets funded through sale of land. It has not impact on the tax rate.

Councillor Johns referred to commercial versus residential rates. He expressed concern that within HRM there are a lot of multi-unit apartment buildings being built. He asked how those are rated as a 100-unit apartment building is a commercial business versus someone with a double unit. In response, Ms. Veronica Roche, Finance advised that the apartment building is classified as residential. This is determined under the Assessment Act.

Councillor Johns expressed concern that HRM is missing out on a lot of revenue due to this fact. He asked that staff examine this issue.

There being no further input, Deputy Mayor Harvey thanked staff for attending regarding budget issues.

15. **NEXT MEETING DATE** - Thursday, February 28, 2002.

16. **ADJOURNMENT**

On a motion from Councillor Goucher, the meeting adjourned at 9:00 p.m.

Sandra M. Shute
Assistant Municipal Clerk