

**NORTH WEST COMMUNITY COUNCIL**

**MINUTES**

**APRIL 25, 2002**

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

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Thea Langille Hanna, Planner  
Andrew Bone, Planner  
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.

2. **APPROVAL OF MINUTES**

2.1 **Regular Meeting - February 28, 2002**

**MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Minutes of Regular Meeting held on February 28, 2002 as circulated. MOTION PUT AND PASSED.**

2.2 **Regular Meeting - March 27, 2002**

**MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Minutes of Regular Meeting held on March 27, 2002 as circulated. MOTION PUT AND PASSED.**

2.3 **SPECIAL MEETING - APRIL 4, 2002**

**MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Minutes of Special Meeting held on April 4, 2002 as circulated. MOTION PUT AND PASSED.**

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

Added Items: Case 00404 - Plan Amendment and Development Agreement - The Putting Green - 991 Beaver Bank Windsor Junction Cross Road

Information Item: Information Report dated April 11, 2002 re Mill Cove WPCP Air Quality Study

**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 RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS**

8.1 **Case 00403 - Application by Noel Fredericks to Amend the Existing Development Agreement at 1250 Sackville Drive to Permit the Expansion of a Used Car Lot**

A Staff Report dated February 18, 2002 was before Community Council along with a recommendation dated February 14, 2002 from North West Planning Advisory Committee recommending approval of the application.

Andrew Bone, Planner provided an overview of the application with the aid of overheads. During the course of his presentation, he advised the following:

- C The number of vehicles on the property was proposed to go from 14 to 42.
- C Instead of one vehicle up front, it was proposed to have five.
- C Information on the recommendations from Halifax/Halifax County Watershed Advisory Board.
- C No mobile signs should be allowed on the property nor streamers and flags associated with the sale of vehicles. The applicant, however, was objecting to the clause regarding flags.
- C The existing sales building would have to be relocated to make it legal regarding setback.
- C Any outdoor display would have to be buffered from the travelling public.
- C Staff is recommending approval of the application.

Councillor Goucher asked, if the stormceptor feeds into the Sackville River, did Sackville Rivers Association have any problems with this. In response, Mr. Bone advised that a member of the Sackville Rivers Association sits on the Halifax/Halifax County Watershed Advisory Board.

Councillor Johns asked if it would be possible to put a time frame on certain requirements which would allow the applicant to sell some cars to offset the cost.

In response, Mr. Bone advised that with regard to paving and the oil grit separator, for instance, this would be at the discretion of Community Council. Mr. Bone added that with regard to paving, as long as Mr. Fredericks displayed vehicles on the paved area, he could still meet the terms of the agreement and increase the number of vehicles in the back.

Councillor Johns asked for clarification regarding the location of the sales office building. In response, Mr. Bone advised it was within the bounds of the property but does not meet the required sideyard setback. One end is closer to the boundary than the other.

Councillor Johns asked if Mr. Fredericks could keep the office where it is now. In response, Mr. Bone advised that under the provisions of the Development Agreement, he would have to move it to meet the sideyard provisions as proposed.

Councillor Johns subsequently asked if it would be possible to leave the office at 4'. In response, Mr. Bone advised it would be at Community Council's discretion.

Councillor Johns referred to the setback from the road of 40' and the proposed fence. In response, Mr. Bone advised that there is a proposed 6' high privacy fence in order to achieve five vehicles in the area. 40' setback is the same as Gem Auto.

Councillor Johns asked if concerns regarding lighting brought up at the Public Meeting had been addressed. In response, Mr. Bone advised that the existing agreement has a lighting clause requiring that all lighting on the property be focussed down and kept within the bounds of the property.

At this point, the Chair called three times for speakers for or against the application. There were none.

**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 approve the amending agreement, attached as Attachment #3 of the Staff Report dated February 18, 2002 to permit the expansion of the used car lot at 1250 Sackville Drive with the following amendments:**

1. The oil grit separator, fencing for Area B or C and paving not be required for eight (8) months.
2. The existing setback for the sideyard for the Sales Office will be allowed as long as it is on the property.
3. The setback for Display Area B to be 30' as opposed to 40'.

**Require the amending 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.**

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

10. **REPORTS**

10.1 **North West Planning Advisory Committee**

10.1.1 **Case 00414 - Plan Amendment to the Bedford Municipal Planning Strategy and Land Use By-law - 1091-95 Bedford Highway**

A Memorandum dated February 26, 2002 from North West Planning Advisory Committee was before Community Council. Regional Council had referred the matter to North West Planning Advisory Committee for review.

Councillor Goucher advised that North West Planning Advisory Committee is concerned with the number of site specific plan amendment requests coming forward which supports the fact that the Municipal Planning Strategies are becoming tired and need to be reviewed. With the Regional Planning initiative, there will be no reviews of Municipal Planning Strategies because there are not enough staff to deal with them.

Councillor Goucher then provided an overview of the Commercial Mainstreet Zone regarding the proposed Plan Amendment application.

**MOVED by Councillor Goucher, seconded by Councillor Johns to recommend that Regional Council initiate the process to look at the 50/50 commercial/residential mix requirement for a commercial/residential mix building in the Commercial Mainstreet Zone of the Bedford Municipal Planning Strategy and Land Use By-law. MOTION PUT AND PASSED.**

Discussion then took place on the shortage of Planners. Councillor Johns noted that this concern had been forwarded to staff previously by North West Community Council. He asked if it would be appropriate to express Community Council's concerns again, particularly the need for another Planner at the Acadia site. It was agreed that the concerns expressed at this meeting would be forwarded to Paul Dunphy, Director of Planning and Development.

10.2 **Bedford Waters Advisory Committee**

10.2.1 **Resignation from Committee**

A letter of resignation from Bedford Waters Advisory Committee was before Community Council from Stefanie MacNeil.

**MOVED by Councillor Goucher, seconded by Councillor Johns to accept the resignation of Stefanie MacNeil with regret. MOTION PUT AND PASSED.**

10.2.2 Moirs Mill Infilling

A report from Bedford Waters Advisory Committee dated April 15, 2002 was before Community Council.

Councillor Goucher provided background information on the situation and requested that Mr. Don Lowther, Chair, Bedford Waters Advisory Committee be permitted to speak.

Mr. Don Lowther advised that Committee members have been circulating a Petition in the community. He submitted a Petition containing 3252 signatures and, as well, communication received from the Wild Bird Society and Nova Scotia Naturalists.

**MOVED by Councillor Goucher, seconded by Councillor Johns to receive the Petition. MOTION PUT AND PASSED.**

Mr. Lowther advised that a presentation had been made at Regional Council. He provided background information regarding the concerns of Bedford Waters Advisory Committee and the reasons for the recommendations in the report before Community Council.

**MOVED by Councillor Goucher, seconded by Councillor Johns to correspond with the Minister of Fisheries and Oceans expressing BWAC's concerns regarding this issue as outlined in the Memorandum dated April 15, 2002. MOTION PUT AND PASSED.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Case 00404 - Plan Amendment and Development Agreement - The Putting Green - 991 Beaver Bank Windsor Junction Cross Road**

A Memorandum dated April 24, 2002 was before Community Council from Planning and Development Services indicating that the Plan Amendments have been reviewed by the Province as per Section 208 of the Municipal Government Act and become effective on April 25, 2002. North West Community Council is now in the position to consider the approval of the proposed Development Agreement.

Andrew Bone, Planner provided an overview of the proposed Development Agreement. A Joint Public Hearing had been held with Regional Council on March 26, 2002.

**MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Development Agreement attached to the Memorandum from Planning and Development Services dated April 24, 2002; 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.**

Councillor Johns indicated that the residents in the area continue to have a concern with the intersection where The Putting Green is located. He advised he had met with Anne Meucke from Regional Planning who indicated that the intersection was not considered to be part of Regional Planning and that it can be dealt with independent of a Regional Plan. David McCusker, Traffic Services was in agreement with this. Councillor Johns hoped that this intersection would be dealt with in the 2003/04 budget.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. Eric Fraser, 328 Beaver Bank Road advised he recently purchased a 13.5 acre property on Beaver Bank Road. He indicated the problems he experienced last October/November with hunters and requested support from Community Council to approach the HRM solicitor to see what can be done. Natural Resources indicates all they can do is enforce provincial laws. RCMP indicate it is necessary to catch the offenders. He asked if it would be possible to consider a by-law regarding discharge of firearms. He had already contacted the By-law Enforcement Officer who indicated there was nothing he could do because there is no By-law to enforce.

After discussion, it was agreed to send this matter to Wayne Anstey, Municipal Solicitor and Peter James of By-law Enforcement for comment.

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

- C He asked for an update on the status of the 60 acres at Second Lake. In response, Deputy Mayor Harvey advised that he understood a Staff Report was being prepared and it would be coming forward shortly.
- C He referred to heavy rainfall on April 14 and advised that the majority of the silt came from Millwood, particularly in the Larrigan Drive area. He expressed concern regarding zero controls for silt on the lots in question.

Discussion took place on By-laws in place at this time in this regard. Question arose as to whether or not the PUD (Planned Unit Development) agreement was still in effect for the lands in Millwood. It was subsequently agreed to send a letter to the provincial Department of Housing expressing grave concern about this chronic situation and to check with staff to see if there is some regulation or jurisdiction to address ground being cleared and not covered.

- C He acknowledged his appointment by Community Council to the Brison Developments Area Advisory Committee. He felt at this time, that housing was not appropriate in the area in question. If there was any way for HRM to buy the land, they should.

Discussion took place on this issue.

15. **NEXT MEETING**

Thursday, May 23, 2002.

16. **ADJOURNMENT**

On a motion from Councillor Johns, the meeting adjourned at 8:30 p.m.

Sandra M. Shute  
Assistant Municipal Clerk