

NORTH WEST COMMUNITY COUNCIL

MINUTES

APRIL 24, 2003

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

ALSO PRESENT: Jim Donovan, Coordinator, Planning & Development
Thea Langille-Hanna, Planner
Andrew Bone, Planner
Sandra Shute, Legislative Assistant

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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**

MOVED by Councillor Johns, seconded by Councillor Harvey to approve the Minutes of Regular Meeting held on February 13, 2003 as circulated. MOTION PUT AND PASSED.

MOVED by Councillor Johns, seconded by Councillor Harvey to approve the Minutes of Special Council Session held on April 8, 2003 as circulated. MOTION PUT AND PASSED.

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

Deletions: Item 10.1.1 - Appointment to Bedford Waters Advisory Committee

MOVED by Councillor Johns, seconded by Councillor Harvey to adopt the Agenda as amended. MOTION PUT AND PASSED.

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

4.1 **Status Sheet Items**

4.1.1 Sidewalk Proposal - George Street

Councillor Harvey advised that a meeting will be held with staff of Public Works next week.

4.1.2 Mobile Home Park Issues

Councillor Harvey advised he met with staff on these issues and there is follow up taking place at this time.

4.1.3 Redevelopment of Former Sackville Heights Elementary School

Councillor Harvey advised that the Community Centre is proceeding. Councillor Johns indicated that groups interested in locating at the Centre have provided input as to capital improvements required.

4.1.4 Drainage and Sediment - Springfield Lake

This will be addressed at a community meeting to be held on April 30, 2003.

4.1.5 Feasibility of Municipal Golf Course

A Presentation will be made in this regard under 9.3.2 below.

4.1.6 Springfield Lake Beach - Boat Launch

An Information Report dated March 4, 2003 was before Community Council. Councillor Johns advised that consideration is also being given to a possible land exchange with a developer in the area. A community meeting will be held on April 30, 2003 at which time this will be discussed. This item can come off the Status Sheet.

4.1.7 Outdoor Display Courts - No report.

4.1.8 Setback for Accessory Buildings on R-0 Lots in Sackville - No report.

4.1.9 Policy P-71 - Beaver Bank, Hammonds Plains, Upper Sackville MPS - No report.

4.1.10 Environmental Study of Sackville River

An Information Report went to Regional Council on March 4, 2003. As requested, a copy of this report will be sent to the Bedford Waters Advisory Committee and Halifax/Halifax County Watershed Advisory Board. This can come off the Status Sheet.

4.1.11 Fencing of Pathways - No report.

4.1.12 Status Sheet Time frame - No report.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

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

8. **PUBLIC HEARINGS** - None

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Correspondence** - None

9.2 **Petitions** - None

9.3 **Delegations**

9.3.1 **Sackville Rivers Property Owners Association - Floodplain Issues re Little Sackville River**

Mr. David Grace, on behalf of the Sackville Rivers Property Owners Association, raised the following points during his presentation:

- Property owners along the Little Sackville River feel they have not been kept informed and would like to discuss the floodplain reports and floodplain changes. At some point in the future, the Sackville Rivers floodplain should be brought to a Public Meeting and dealt with.
- In 1982 the Municipal Planning Strategy for Sackville did not have a floodplain designation. In 1987 the Little Sackville Floodplain Risk Report was written and presented to the community.
- During the Public Hearing held on February 14, 1994, many viewpoints were expressed on whether the 1987 report was accurate.
- In June, 1994, the floodplain was adopted but the province required that it be put in the Plan. There were things put in the Plan that obviously disagreed with the guidelines set down by the province at the time. To Mr. Grace's knowledge, there was never any public meeting about what you could do in the floodplain in Sackville. In the case of the Superstore in Bedford, development must be restricted to uses such as roads, open space uses, utility and service corridors, parking lots and temporary uses.
- When he talked to Municipal Affairs and Environment, he was told that the guidelines were still in effect but that Sackville had asked for special consideration.
- He felt that the people of Sackville were misled in 1994 when the province forced the community into a Plan, particularly in relation to the floodplain with no explanation as to the guidelines or anything else.
- He referred to a new report and felt that there were some things that made it incorrect, such as the dam removed from the river between 1963 and 1966 at the request of the Town of Bedford, realignment of the Sackville River from Beatons Trailer Park, the removal of the salmon hole and the diversion of the Sackville River to accommodate the 101.
- With installation of the sewer line down the Little Sackville River from 1972 to 1973, the last flood that ever occurred in the Little Sackville River was in 1971. Since the sewer line came in, there has not been a major flood.
- From 1994 to 1998, he made several attempts to address the new floodplain report. He found out that Porter Dillon was preparing the report and had relayed his concerns to the person at Porter Dillon preparing the report to no avail.

- In November, 2002, he checked to see about subdividing a lot on Sackville Drive and was told at the time that changes had been made to the Land Use By-law re setbacks from the river.
- He attended a Public Information Meeting and indicated information received at that time. He stated that nothing has changed since the 1994 report.
- There have been major changes from a 25' setback on the river for buildings and 50' for a house to doing absolutely nothing. HRM, or any other interested group, however, can come in and construct boardwalks, barricades, hiking trails within 100'. People are upset and feel that their rights are being infringed upon.
- More than one department in Sackville has told him that HRM has the right to make changes, without going back to the public.
- Having asked for a copy of the study of the Little Sackville River, he was told it would cost \$30. Alternatively, he went to the Library and, after a week of contacts, he was told it was not available in any library, yet it has been implemented but never passed by Community Council or HRM.

Due to time constraints, Mr. Grace ended his presentation at this point. (*Further information provided by Mr. Grace and other members of the public is set out under Item 14 - Public Participation*).

9.3.2 **Municipal Golf Course**

Mr. Andy Tannahill made a Presentation in support of a Municipal Golf Course in the Bedford/Sackville area. Included in his presentation was the following:

- He has been involved with golf courses for over 25 years, is a resident of Bedford and formerly a resident of Sackville.
- Golf courses in the surrounding areas are supported by a lot of people from the Bedford/Sackville area. People in this area are looking for a place to play locally.
- Golf is going away from a recreational sport to an elite sport because there is so little land available and golf courses charge upwards of \$2000 per year for membership. Fees for a round of golf are \$40-75.
- The average golfer leaves the area and goes somewhere else such as the valley.
- A Municipal Golf Course could be totally self-sufficient. It would raise employment in the local area and there would be economical spinoffs.
- The location in the Bedford/Sackville area would have no effect on other local golf courses. The youth of the community could become involved if a golf course were accessible.
- If a club house was also built, it could be used year round, for cross country skiing and social events in the winter.

Mr. Don Lowther also spoke in support of the Municipal Golf Course and indicated the following:

- He contacted a community in British Columbia and was told that the revenue from the golf course actually paid for the majority of the other recreation.
- He contacted the manager of a golf course in Florida who also indicated that a municipal golf course would generate money for the community and formed part of the community's recreation entitlement.

Councillor Goucher asked if Mr. Tannahill and Mr. Lowther would be interested in making a presentation to Committee of the Whole of Regional Council. Mr. Tannahill and Mr. Lowther agreed to do so. Community Council members agreed to forward a request for a presentation to Committee of the Whole.

The Clerk was asked to contact the appropriate staff to move this presentation forward.

10. **REPORTS**

10.1 **Bedford Waters Advisory Committee**

10.1.1 Appointment to Committee

Deleted from the Agenda.

At this point, at the request of Councillor Goucher, Councillor Harvey took the Chair.

10.1.2 Infilling of Moirs Pond - Easement and Right of Way

A report dated April 14, 2003 was before Community Council from Bedford Waters Advisory Committee.

Councillor Goucher advised that one of the main concerns relative to the Moirs Pond issue is the easement that runs along the edge of the pond which was granted to the former Town of Bedford and gives public access along the water's edge. If the infilling proceeds, that easement could be extinguished.

MOVED by Councillor Goucher, seconded by Councillor Johns to recommend to Regional Council that it not extinguish, relocate or vary its right of way contained in the Grant of Easement and Right of Way dated May 26, 1989 between Sobey Leased Properties Limited and the Town of Bedford, and which Right of Way is referred to

in an e-mail dated April 9, 2003 from Wayne Anstey to Mayor Peter Kelly. **MOTION PUT AND PASSED.**

10.2 **Case 00543 - Amendments to the Bedford Municipal Planning Strategy and Land Use By-law**

A Staff Report dated March 13, 2003 along with a recommendation from North West Planning Advisory Committee dated April 10, 2003 was before Community Council.

Councillor Goucher expressed concern with the number of amendments coming forward for residential higher density. He referred to the fact that prior to amalgamation, the CCDD was considered and he would have great reluctance to recommend any Plan Amendment on a CCDD given the fact it was the last thing looked at in the Municipal Planning Strategy prior to amalgamation and it was the will of the community to maintain the commercial component of the lands. Given this, he would be recommending that the Plan Amendment not be considered.

Councillor Harvey asked if Councillor Goucher would be making a motion which was contrary to the Planning Advisory Committee's recommendation. In response, Councillor Goucher advised that the Planning Advisory Committee passed a motion to recommend that the amendment not proceed and then there was discussion, and ultimately a recommendation, that Regional Council initiate the amendment process if there is a mixed commercial/residential proposal brought forward.

MOVED by Councillor Goucher, seconded by Councillor Johns to recommend to Regional Council that Regional Council not initiate the amendment process at this time. MOTION PUT AND PASSED.

10.3 **Project 00382 - Bedford West Public Participation Committee**

A Staff Report dated April 10, 2003 was before Community Council. This report will also be before Chebucto Community Council and Western Region Community Council in order to complete the appointments to this Committee which involves more than one District in Halifax Regional Municipality.

MOVED by Councillor Goucher, seconded by Councillor Johns to appoint the following four representatives from the Bedford area to serve on the Bedford West Public Participation Committee:

**Gloria Lowther
Frank Robinson**

Kevin Dean
Anthony Tucker

MOTION PUT AND PASSED.

Councillor Goucher requested that those who were not appointed to the Committee receive letters of thanks for their interest.

10.4 Sackville River Flooding - Rain Event March 31, 2003

Councillor Goucher advised that the rain event of March 31, 2003 has been discussed at Regional Council. He advised he has great concern relative to construction on the floodplain, the sluice system that runs behind Union Street and the failure of the berm between the Sackville River and the sluice system. This is an opportunity for HRM to have a look at the problems that surfaced during this 1:5 storm. He acknowledged that the Sackville River was high to start with and, because of melting snow conditions and frozen ground, it peaked out at 3.7 metres, a full metre above flood phase. He stated further that if we fail to look at these events when they happen and when the data is available to try to understand what happened, a real opportunity will be missed.

MOVED by Councillor Goucher, seconded by Councillor Johns that appropriate staff be requested to have a look at the flooding issues that came forward during the rain event of March 31, 2003 and see what can be done to try to mitigate the impact of future events. MOTION PUT AND PASSED.

At this point, Councillor Goucher took back the Chair.

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

Re Floodplain Issues - Little Sackville River

Ms. Colleen Chiasson, 653 Old Sackville Road stated her property backs on the Little Sackville River. She was concerned with the possibility of some of her property being expropriated for a walkway.

Councillor Harvey, in response, stated that there was no intention to build walkways through expropriation. In some cases the proposed walkways divert from the river and use sidewalks and roadways and then go back to the river at other locations. There is some discussion about access to the trunk sewer but the trunk sewer is not behind the properties but on Bruce Drive along the street line. The sewer comes across under the river at Fallingbrook Park and goes up Bruce Drive. Manhole covers are at the front of the property.

Ms. Dawn Smith, Bruce Drive asked why HRM has committed more than half a million dollars to special interest groups with no vested interest so that they can construct boardwalks on properties owned by individual taxpayers. She referred to Minutes of a meeting of a special interest group which indicate that HRM does give a significant amount of money towards building of boardwalks and restoration of walkways along the Sackville River.

In response, Councillor Harvey advised that for some years now HRM Recreation budgets have contained those kinds of dollars - \$350,000 this year - for trails in many parts of HRM. There are community organizations which are trail oriented. As to building trails on private property, they are not built on private property unless private owners agree and give easements. The walkway from Bedford to Sackville by the Rifle Range has been built on public land - federal, provincial, municipal. No private property was involved but if it was, it was at the consent of the owner. The impression should not be given that any government is steamrolling ahead using the power of expropriation to create walkways through people's property. Any map showing that would be a concept assuming the co-operation of the property owner.

Mr. David Grace raised the further following points:

- Within the floodplain you can do absolutely nothing.
- Superstore in Bedford gave Sackville Rivers Association \$30,000 before they could get an occupancy permit. Rights existed in Bedford; therefore, he questioned why Superstore was forced into it.
- Department of Municipal Affairs indicated to him that the Superstore agreement was contrary to the Municipal Act.

In response to Mr. Grace re the Superstore, Councillor Goucher advised that it was a Development Agreement and Superstore offered the money voluntarily for a walkway so that the Sackville Rivers Association could complete the walkway along that part of the river. The Superstore parking lot did not destroy the floodplain but improved it by 50% because it is concave and gives more storage for the water, as illustrated on March 31, 2003. The Development Agreement process for the Superstore was a public process within the community, above board with cooperation from the Superstore.

Mr. John Giannakos, 668 Sackville Drive asked if there was any discussion about buying out the properties along Union Street that were flooded. Having received the indication that there was not, he indicated that because it was a 1:5 flood, there was the possibility of flooding four more times in the next 20 years.

Andrew Bone, Planner clarified that the weather office indicated it was somewhere between a 1:5 and 1:10 storm. The main contributing factor was the frozen ground and the water went overland very quickly. With the 1:20 and 1:100 year floodplain, a 1:20 floodplain is a statistical calculation. This means there is a 5% chance in any one year that there will be flooding. A 1:100 year floodplain is a 1% chance of flooding. The federal government has determined that 1:20 and 1:100 year floodplains are high and medium risk areas and has negotiated a program with the provincial government called Canada/Nova Scotia flood reduction program to try to limit future development within the high and medium risk floodplains.

Mr. Giannakos then asked how the property owners upstream are affected when the Sackville River floods in Bedford. In response, Councillor Goucher advised that the problem with the Sackville River at Bedford is that flooding used to be every once in a while but the exception is now becoming the norm. Every time you build on the floodplain, it pushes the water somewhere else, usually downstream. The Municipal Government Act mandates certain things and this includes the floodplain.

Mr. Giannakos then referred to the possibility of a walkway in Fallingbrook. In response, Councillor Harvey advised it could come across the parkland and then down Bruce Drive.

Mr. Giannakos then expressed concern that this could result in extra people walking on his street and could present a problem with traffic. He also expressed concern with possible vandalism and did not think it was fair to have homeowners jeopardize their lifestyle and rights with having strange people walking on the road or possibly their backyards. Society has changed and there was more potential for vandalism these days.

Councillor Harvey noted that if a walkway were to happen, then the question of how to return to the river, in the location of Downsview, would have to be worked out. As to walking on Bruce Drive, it was a public street.

Mr. David Grace asked for clarification of the P-3 zone in Sackville. In response, Ms. Langille-Hanna advised that the P-3 zone for the Sackville Drive Land Use By-law is the floodplain zone which has only been applied to one portion of land owned by Sobey's near Downsview. With regard to the P-3 zone within the balance of the land in Sackville, it is also considered the floodplain zone.

Mr. Grace referred to the floodplain mapping and stated half his property is in the P-3 zone. He provided pictures of his property from the river which included a steep bank.

Councillor Harvey stated that the setback does not necessarily coincide with the floodplain.

Andrew Bone explained that since the early 80's there was a 100' setback implemented on the Little Sackville River to try to address the flooding issue. The setback does not allow development in that area without a contract between HRM and the landowner. That was because they did not know the floodplain at the time and it was an effort to try to limit problems in the future. When the province implemented the floodplain, the 100' setback was kept in place. It appears there are two measures in place right now: the 100' setback by Development Agreement and the floodplain. The 1998 floodplain report updated the previous one because of concerns related to its accuracy. The 1998 report has never been implemented in HRM policy. Planning is working on a process to implement it and update floodplain information. The new information is more accurate and will allow municipal documents to reflect current information.

Mr. Ed Grace asked if a walkway could go on the sewer easement if the sewer easement is across private property. In response, Councillor Harvey advised it would have to be part of the easement and there would have to be agreement with the property owner to include a trail easement as well as a sewer easement.

Mr. Phillip Smith, Bruce Drive asked for clarification on the distance for a floodplain. In response, Mr. Bone advised it could vary on each section of the river according to elevation. The 100' setback is not a floodplain. Within 100' of the river, development is by Development Agreement as a protection against flooding.

Mr. Smith asked what has changed over the last 30 years that would justify such a huge amount of land being taken away for the floodplain. In response, Mr. Bone advised that it is a non-disturbance area and when the policy was implemented, the exact extent of the floodplain was not known. The 100' setback was put in place by the Council of the day.

Mr. Jim Donovan, Manager of Planning Applications, suggested that staff could actually provide two reports: one should be an interim one and another report which would outline desired changes.

Mr. David Grace stated that prior to 1965, every year there was flooding but now there has not been any flooding and that was why he was questioning if the report is accurate. Mr. Baxter has been denied development but there has been no flooding in Mr. Baxter's area. He expressed concern that there be enough public participation meetings on issues before something is passed into law.

Councillor Harvey pointed out that during a long public process on a planning issue, by the time the Public Hearing is held, there may be changes along the way. The final document,

however, is available prior to the Public Hearing and that would be what is considered for passing into a By-law.

Ms. Dawn Smith asked if it would be permissible to put up No Trespassing signs so that people cannot access the river through her land. She was talking about vandalism, not people fishing. In response, Mr. Donovan advised that he would check as he understood that a report had been prepared not long ago in this regard.

MOVED by Councillor Johns, seconded by Councillor Harvey that staff be requested to provide a report on the questions raised during Mr. Grace's presentation and, as well, those raised by other members of the community. MOTION PUT AND PASSED.

Residents were requested to forward any other questions they might have to Andrew Bone. Mr. Bone would incorporate the answers into his report as well.

Other Issues

Mr. Don Lowther, Bedford Waters Advisory Committee referred to Item 10.4 on the Agenda - Sackville River Flooding Rain Event of March 31, 2003. He visited the Union Street area a week after the flood, and a particular homeowner who had not experienced flooding for 27 years. The resident indicated that the parking lot for Bedford Place Mall slopes back towards Union Street whereas the Superstore goes to the river. A lot of the asphalt curb has been destroyed and even if the berm on the other end had not let go, that may have caused some of the flooding. He suggested that staff could look at having the parking lot tilted the other way or stormseceptors put in and piped to the river as opposed to the berm area.

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

- He asked for an update on the 60 acres at Second Lake. In response, Councillor Harvey advised that meetings have taken place with provincial departments, community representatives and HRM staff but he did not know the status at this time.
- He outlined upcoming Clean Up dates and the date for the Annual General Meeting.
- He was disappointed with HRM's response regarding the environmental study of the Sackville River and asked for reconsideration. In response, Councillor Harvey advised that staff recommended that a study would be premature without the Watershed Management Plan being completed.

Mr. Ed Grace, Springfield Lake asked if HRM staff are required to report runoff to appropriate departments if they happen to be in the area and see something happening. In response, Mr. Donovan advised that most staff take ownership of development and are acutely aware of environmental issues.

Mr. Ed Grace then referred to a washed-out culvert on Springfield Lake Road and asked for an update. In response, Councillor Johns advised that this was a private road and the Municipality takes no responsibility for private roads. It is up to the homeowners on the road . The Municipality is looking at trying to fix some other problems in the area and might be able to do everything at one time. He expected something might be done in the next few weeks. He referred to a meeting held with the homeowners in the area during the last year and suggested they form a Homeowners Association for that section of Springfield Lake Road where each year the homeowner pays a specific fee. He indicated he would help to set up the Homeowners Association if there was interest in doing so.

15. **NEXT MEETING DATE**

Thursday, June 12, 2003. Location to be confirmed.

16. **ADJOURNMENT**

The meeting adjourned at 8:50 p.m.

Sandra M. Shute
Legislative Assistant