

NORTH WEST COMMUNITY COUNCIL

MINUTES

NOVEMBER 13, 2003

THOSE PRESENT: Councillor Len Goucher, Chair
Councillor Brad Johns
Councillor Robert P. Harvey (arrived at 7:20 p.m.)

ALSO PRESENT: Andrew Bone, Planner
Jaime Smith, 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 Cafeteria at Basinview Drive School, 273 Basinview Drive, Bedford by the Clerk.

2. **ELECTION OF CHAIR**

The Clerk called for nominations for Chair of North West Community Council.

Councillor Johns nominated Councillor Goucher.

The Clerk asked Councillor Goucher if he was willing to serve. When Councillor Goucher indicated he was willing to do so, the Clerk declared Councillor Goucher the Chair and relinquished the Chair to him.

As the first item of business, Councillor Goucher extended congratulations on behalf of Community Council to Councillor Elect Krista Snow, District 2, Councillor Elect David Hendsbee, District 3 and Councillor Elect Debbie Hum, District 16.

3. **APPROVAL OF MINUTES**

MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Minutes of meeting held on September 25, 2003 as circulated. MOTION PUT AND PASSED.

MOVED by Councillor Johns, seconded by Councillor Goucher to approve the Minutes of Special Council Session held on November 4, 2003 as circulated. MOTION PUT AND PASSED.

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

Added Items: Spruce Island, Bedford
Re-appointment to Bedford Watershed Advisory Board
Home Occupations, Bedford

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

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

5.1 **Status Sheet Items**

5.1.1 **Union Street Flooding**

Councillor Goucher advised that he met with staff and the Terrain Group recently and is awaiting word from staff as to any possible work in the future.

5.1.2 **Glenmount/Millview Servicing Issue**

Councillor Goucher advised that he met with staff on this issue. A letter will be sent to residents in the area outlining the next steps in the process.

5.1.3 **Proposed Sackville Waters Advisory Board** - No information.

5.1.4 **Repairs to Abutments of Lucasville Road Bridge** - No information.

5.1.5 **Cap on Taxi Roof Lights in the Bedford/Sackville Area**

Councillor Johns advised that the group that made a presentation to Community Council some time ago will be meeting with the Regional Taxi and Limousine Committee on November 17, 2003.

5.1.6 **Sidewalk on Sackville Drive - Middle and Upper Sackville**

Staff contacted Councillor Johns prior to the meeting about providing a report to Community Council. Councillor Johns agreed that an e-mail to him providing an information update would be acceptable. To be removed from Status Sheet.

5.1.7 **Approval Process for Sackville Drive Secondary Planning Strategy and Land Use By-law**

An Information Report dated October 17, 2003 was before Community Council.

Councillor Harvey indicated that the report details the documentation and draws the conclusion that the required steps were followed. He acknowledged the attendance of Mr. David Grace and indicated that Mr. Grace might wish to speak on this issue during Public Participation. See Public Participation - Item 15 below.

5.1.8 **Mobile Home Park Issues** - No information.

5.1.9 **Drainage and Sediment - Springfield Lake** - No Information.

5.1.10 **Policy P-71 - Beaver Bank, Hammonds Plains, Upper Sackville MPS** - No information.

5.1.11 **Fencing of Pathways** - No information.

5.2 **Sackville Landfill Compensation Fund Allocation**

Councillor Johns indicated that at a Special Meeting of Community Council held on November 4, 2003, Community Council approved the allocation of \$20,000 from the Sackville Landfill Compensation Funds to Sackville Sports Stadium to be used for capital improvements to permit the Sackville Developmental PreSchool to relocate to the Sackville Sports Stadium.

6. **MOTIONS OF RECONSIDERATION** - None

7. **MOTIONS OF RESCISSION** - None

8. **CONSIDERATION OF DEFERRED BUSINESS**

8.1 **Baha Court - Development of Remaining Lots**

Deferred again to the next meeting as there was no quorum at the meeting of Bedford Watershed Advisory Board.

8.2 **Tim Hortons, Beaver Bank**

Councillor Johns advised that concern had been expressed by pedestrians in the area of the Tim Hortons on Beaverbank Road earlier this year with traffic coming in and out of Tim Hortons and traffic being so heavy on Beaverbank Road in that area. The owner of the Tim Hortons has painted a Yield sign and made it clear where cars are supposed to stop and also contacted the RCMP to monitor the situation. No action is required as the owner has taken action himself.

8.3 **Extension of Water Service/Sewer Boundary - Beaver Bank**

Councillor Johns requested a Staff Report regarding the possibility of extending the water and sewer boundary up to and including Kinsac Road. There are a few houses between Tucker Lake Road and Rossley Road directly on the lake which are having an impact on the lake. As well, residents in the area get their water out of Tucker Lake. HRM conducted a study of water quality in Tucker Lake and the drinking water for a number of homes. Results for many were high Coliform levels. Based on that, serious consideration should be given to extending the

boundary to include Rossley Road which would provide safe drinking water and protect the lake.

MOVED by Councillor Johns, seconded by Councillor Harvey that a Staff Report be requested in this regard. MOTION PUT AND PASSED.

9. **PUBLIC HEARINGS** - None

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

11. **REPORTS**

11.1 **North West Planning Advisory Committee**

11.1.1 Case 00571 - Amendments to the Sackville MPS and LUB - BP-1 (Business Park-1) Zone

A Staff Report dated October 15, 2003 was before Community Council along with a recommendation for approval from North West Planning Advisory Committee dated November 6, 2003.

MOVED by Councillor Goucher, seconded by Councillor Johns to:

- (1) **Recommend that Regional Council give First Reading to the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, as contained in Attachments "B" and "C" of the Staff Report dated October 15, 2003 and schedule a Public Hearing for December 16, 2003;**
- (2) **Recommend that Regional Council approve the proposed amendments to the Sackville Municipal Planning Strategy and Land Use By-law, as contained in Attachments "B" and "C" of the Staff Report dated October 15, 2003.**

MOTION PUT AND PASSED.

11.1.2 Case 00499 - Amendments to the Land Use By-law to Accommodate Existing Cemeteries

A Staff Report dated October 23, 2003 was before Community Council along with a recommendation from North West Planning Advisory Committee dated November 6, 2003 recommending approval of the application. Further, the Committee recommended that staff consider a possible amendment that cross references the provincial legislation and/or

requires certification to be provided at the time of subdivision to show that the meets and bounds of the cemetery are met.

Ms. Jaime Smith, Planner provided an overview of the application and also provided information regarding Planning Advisory Committee's further recommendation regarding a possible amendment. Included was the following information:

- With regard to cross referencing provincial legislation, all Land Use By-laws contain a proviso that require that all statutes and regulations from municipal, provincial and federal legislation be complied with. In this case, there is the Cemeteries Protection Act administered by the province. As with all statutes and regulations, the most stringent must apply. Staff feels it is not necessary to add specific information into the By-law because it is not necessary to refer to each individual piece of legislation and it would be redundant.
- With regard to certification, there is no certification granted by the province for the location of cemeteries. The Act itself defines a cemetery and provides for its protection. She provided wording for a possible draft amendment but indicated that staff felt this addition could cause pressure for the potential subdividers. This was not the intent of the original amendment. She circulated a Plan of the Mosher Family Cemetery in Eastern Passage/Cow Bay.
- If Community Council wished to go forward with further amendments, the amendments would also have to go to Western Region Community Council. The Public Hearing date has been set for November 24, 2003 for Western Region Community Council.

Ms. Smith summed up by saying that staff was recommending that there be no further amendments.

MOVED by Councillor Harvey, seconded by Councillor Johns to:

- 1) Give First Reading to the proposed amendments to the Land Use By-law for Bedford as shown in Attachment 1 of the Staff Report dated October 23, 2003 and schedule the Public Hearing for December 18, 2003;**
- 2) Give First Reading to the proposed amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville as shown in Attachment 2 of the Staff Report dated October 23, 2003 and schedule the Public Hearing for December 18, 2003;**
- 3) Give First Reading to the proposed amendments to the Land Use By-law for Sackville as shown in Attachment 3 of the Staff Report dated October 23, 2003 and schedule the Public Hearing for December 18, 2003.**

MOTION PUT AND PASSED.

11.2 **Safety Concerns re Traffic Issues for St. John's Church, 954 Old Sackville Road, Lower Sackville**

A copy of an e-mail from Jeff Reid, Senior Warden of St. John the Evangelist Anglican Parish to Councillor Harvey was before Community Council.

At the request of Councillor Harvey, Community Council agreed to hear from Mr. Reid. Subsequently, Mr. Reid provided the following information:

- Traffic on Old Sackville Road has increased over the years and even though the speed limit is 50 km/h, traffic goes by in excess of 80 km/h.
- Suggestions included in his e-mail were made before he read the Traffic Calming Policy and he recognized now that some would not work; however, there were still suggestions that he wanted to discuss with Traffic Planners. He outlined same.

Discussion then took place on Mr. Reid's suggestions and the extensive traffic calming exercise over the last six years for the area in question.

Councillor Harvey then referred to three inexpensive experimental solutions suggested by Mr. Reid that he thought could be tried: Three way stops at Connolly Road and First Street and a flashing amber light at the crest of the hill where the church is located. He pointed out, however, that Council did not have the authority to make those decisions.

MOVED by Councillor Harvey, seconded by Councillor Johns to forward Mr. Reid's e-mail to Rick Paynter, Traffic Authority and request that Mr. Paynter set up a meeting with Mr. Reid and others from the church to address Mr. Reid's possible solutions and issues. Further, at the very least attempt the three-way stops and flashing amber light as inexpensive experiments to see if they discourage volumes of traffic. MOTION PUT AND PASSED.

It was noted that the RCMP's budget plan for 2003/04 included the creation of a Traffic Division working out of Sackville. The aim was to focus on residential streets.

MOVED by Councillor Harvey, seconded by Councillor Johns that a letter be sent to Supt. Vern Fraser, RCMP requesting information on the status of the Traffic Division which was in their Business Plan. MOTION PUT AND PASSED.

Councillor Goucher then suggested that Mr. Paynter be invited to a meeting of North West Community Council sometime in the New Year after the new Traffic Authority has been

appointed to make a presentation on issues relative to traffic controls as he understood that there are relaxed warrants coming into place in the future.

Having agreed to invite Traffic Authority to a future meeting, it was agreed to also include the Sackville Community Police Officer at the same time.

11.3 Pathway Next to Crossroads Court - Co-op Association

Councillor Johns advised he has already addressed this issue with staff, which is a concern with youth hanging out on the pathway. Staff are looking into installation of street lighting of the pathway and the Co-op Association is considering removal of some of the trees in the area to alleviate the situation.

11.4 Reconstruction of Dorothy Drive, Lower Sackville

MOVED by Councillor Johns, seconded by Councillor Harvey to recommend to staff that Dorothy Drive be looked at as the Number One priority street in District 19 for reconstruction in the upcoming budget year. MOTION PUT AND PASSED.

12. MOTIONS - None

13. ADDED ITEMS

13.1 Spruce Island, Bedford

MOVED by Councillor Goucher, seconded by Councillor Harvey to send a letter to Department of Fisheries and Oceans asking for an update regarding the work being carried out on Spruce Island, Bedford.

13.2 Re-appointment to Bedford Watershed Advisory Board

MOVED by Councillor Johns, seconded by Councillor Harvey to re-appoint Dr. Sarkar Ray to the Bedford Watershed Advisory Board for a term to expire November, 2005. MOTION PUT AND PASSED.

13.3 Home Occupations, Bedford

Councillor Goucher submitted a letter dated November 5, 2003 from Ron and Judy Tooke, 964 Bedford Highway, Bedford regarding a concern with Home Occupations which are basically as of right in the Bedford MPS. He quoted Policy R-22. He indicated that sometimes Home Occupations can become a serious nuisance as outlined in the letter from

Mr. and Mrs. Tooke regarding the former adjacent dog grooming parlour and the use of an accessory building.

MOVED by Councillor Goucher, seconded by Councillor Harvey to forward the letter to North West Planning Advisory Committee to consider the possibility of using a Development Agreement for Home Occupations in the Bedford Plan and, at the same time, review the issue of accessory buildings with Home Occupations. MOTION PUT AND PASSED.

14. **NOTICES OF MOTION** - None

15. **PUBLIC PARTICIPATION**

15.1 **Mr. Walter Regan, Sackville Rivers Association**

Mr. Regan raised the following issues:

- Having asked the status of the 60 acres at Second Lake, Councillor Harvey advised he expected to meet with one of the community leaders in the near future who would be providing an update. There has been no report from staff.
- He raised concerns with silt in the Sackville River from the Meadowlands Subdivision construction. After discussion, it was agreed that Alex Quinn, Development Engineer will be contacted and asked to provide the most recent information about controls to Councillors Harvey and Johns.
- Having asked for information on the proposed power plant in Bedford, Councillor Goucher advised that he attended a meeting just recently to obtain information into the proposal. It was premature at this time.
- Having asked the status of the Tree Advisory Committee, Community Council agreed to follow up in the New Year as right now staff is still involved with the impacts from Hurricane Juan.
- He asked for support from Community Council for trails funding for 2004/05 in the amount of \$800,000.
- He noted a concern with siltation from construction for the new Cobequid Health Centre which is going into a local feeder brook.
- Having asked for an update on the possibility of the Harry Little property being made into a park, Councillor Harvey advised that he did not think staff has given this any consideration to date. Staff regards it as a surplus property. Subsequently, Mr. Regan stated the property belongs to the community and should not be sold.
- Having asked if it was possible to have landscaping carried out by the trunk sewer installation on Beaverbank Road and in the vicinity of the Little Sackville River,

Councillor Johns advised he understood that there were no funds available to do it. He agreed to contact staff with this suggestion, however.

15.2 **Meadowlands Subdivision Construction**

Mr. Bob Audoux, 182 Churchill Downs Circle raised the following points:

- Residents in his area had concerns with the rezoning of a portion of property in Meadowlands Subdivision - Evangeline Court. In the springtime, there has been excessive runoff from the property in question. The residents were guaranteed there would be no concern with flooding from the development.
- After Hurricane Juan, he found water and silt and other foreign objects in his basement. He had to remove carpets and hurt his back trying to clean up from the result of the flooding.
- He attempted all day Monday, September 30 but did not get through to the Call Centre until Tuesday, October 1. He quoted his service response number. He indicated he never got a response to his call from Public Works even though he was advised he would get a response.
- His home was the only home impacted by the flooding.
- There should have been a buffer left because the soil is so sandy. The main swale was not capturing the water.
- There has been no history of any water damage in the past. His claim with the insurance company is still in progress.
- Following a site visit on October 24, there was an excavator on the site digging.
- He was looking for input as to how to proceed in this situation.

Councillor Harvey provided the following information:

- The stormwater management plan is not relevant as it is a construction site at this point.
- The resident did receive a letter from the Municipality dated November 6, 2003.
- It is a matter of whether the contractor working on the site was following the proper regulations. The Development Engineer is the one to address this.
- Certain documentation from the contractor requested by Mr. Audoux is not available as yet and will probably have to be requested through formal channels.
- If there is liability, it rests with the contractor.
- It was important that Mr. Audoux and his insurance adjuster keep in touch with Alex Quinn, Development Engineer for HRM.
- It is regrettable that this has happened. The first the Councillor knew of Mr. Audoux's flooding problem was on October 23 when he received an e-mail from Mr. Audoux.

- He understood that Mr. Audoux was looking for assurance that changes have been made.

Councillor Goucher indicated that somebody would have had to sign off on the stormwater management plan. He questioned enforcement of the development.

The Clerk was asked to track the service request and provide Councillor Harvey with a copy.

Mr. George Carmichael, 186 Churchill Downs Circle raised the following points:

- About a year ago, residents stood in front of Community Council and expressed concerns over this development. There was concern about clear cutting, excessive water drainage, siltation of the Sackville River and the backup of the storm drainage system. It appears now that every one of the concerns of the residents have surfaced.
- He was able to keep the developer from leveling the lot behind his property which was fortunate.
- He questioned where was the tree retention plan that the developer talked about during the Public Hearing.
- His concern was to keep a buffer zone between the two subdivisions. So far he was not flooded because he was able to get the buffer zone but he had a concern for next year when the property will be cleared which could create a flooding situation for him as well.
- It appears that HRM has not policed the development or does not have the ability to do so.
- He wanted to know who would be monitoring the situation and what was going to change before the rest of the property is developed.
- An HRM inspector talked to him on October 29 and listed half a dozen deficiencies at that time.
- There are still springs coming out of the side of the hill draining into the ditch.
- He questioned if there was a limited amount of area they could clear cut down to the soil and leave it exposed.
- This is why the residents asked for something in writing acknowledging liability for damages.
- He requested that the engineer take a good look at the lot behind his property and how it would be developed.

Councillor Johns suggested having neighbourhood meetings with the developer, the residents and HRM staff on a regular basis to guarantee that someone is on site to find out what the problems are.

Andrew Bone, Planner provided the following information:

- Alex Quinn, Development Engineer is responsible for Lot Grading By-law, Topsoil Removal permit. Tree cutting is not policed.
- When water comes off a property, it is the owner's liability. It is a civil matter. It is the property owner's responsibility to hire an engineer to come up with an appropriate plan. The engineer is liable for the design of the plan if they do not implement the plan properly.
- HRM issues a permit, but does not sign off on a plan.

In conclusion, Councillor Harvey indicated he would contact Alex Quinn, Development Engineer tomorrow regarding the situation.

15.3 Re Item 5.1.7 - Approval Process for Sackville Drive Secondary Planning Strategy and Land Use By-law

Mr. David Grace, Sackville Rivers Property Owners Association acknowledged the provision of the Information Report dated October 17, 2003 but stated the report still raises many questions. He has obtained and read all the information available but he could not find where changes were recommended to the floodplain or the 100' buffer.

Mr. Andrew Bone, Planner provided the following information:

- A synopsis is only required when there is an amendment to a plan; this was an entirely new Plan. By its nature, everything is brand new. It is impossible to do a synopsis of an entire plan.
- The 100' setback was implemented from a suggestion of the Sackville Drive Design Study Area Advisory Committee. The suggestion was taken further by staff. The original was 50' but it was taken to 100' by staff and it was in the document which got First Reading. First Reading is intended to present the document that Council is intending to pass and can vary quite differently from the original document.
- The 100' setback was not in the document at the time of the Public Information Meeting.

Mr. Grace stated that the only course of action he has is to take it back to his Committee and decide what can be done legally.

Councillor Harvey asked if there was a rationale as to why staff moved the setback from 50' to 100'. In response, Mr. Bone advised that the aim was to bring it in line with other areas, for instance Bedford, where there can be a reduction under Development Agreement.

Mr. Bone further advised that he would shortly be reviewing all the Little Sackville River clauses and would also include floodplain policy and setbacks from watercourses. Whatever amendments would come forward would depend on input from the public and business

owners. He expected that public input would take place by spring. He would keep Mr. Grace advised as the process continues.

Councillor Goucher indicated to Mr. Grace that there was now a verbal undertaking from staff that something would come forward which could be a viable option to people who want to reduce the setback.

15.4 **Mr. Ed Grace**

Mr. Ed Grace, Beaumont Drive asked the status of the Petition presented regarding upgrading of Beaumont Drive.

In response, Councillor Harvey advised that the Petition went forward to Regional Council with Community Council's recommendation. An Information Report dated October 28, 2003 subsequently was provided by staff. As to a time line, Councillor Harvey said he would be hesitant to move a first priority in his District, as Councillor Johns had done earlier this evening for District 19, as there are a number of streets in his District competing for capital dollars. Tenders have come in higher than expected and, as well, the costs of Hurricane Juan must be absorbed in whatever is available this year and picked up next year as well. He did not expect Beaumont Drive to be upgraded in 2004.

Mr. Ed Grace then expressed concern with odor problems at the lower end of Lakecrest by the sewer plant. He questioned if results of a study on sewer systems in the area were available and how often the pumping system overflows into the lake. In response, Councillor Johns advised the plant is at capacity and requested that the Clerk arrange for him to receive a copy of the record of overflows from staff.

16. **NEXT MEETING DATE**

Thursday, December 18, 2003.

17. **ADJOURNMENT**

The meeting adjourned at 9:10 p.m.

Sandra M. Shute
Legislative Assistant