

**CHEBUCTO COMMUNITY COUNCIL  
MINUTES**

**October 5, 2009**

**PRESENT:** Councillor Linda Mosher, Chair  
Councillor Mary Wile, Vice Chair  
Councillor Russell Walker  
Deputy Mayor Stephen Adams  
Councillor Debbie Hum

**STAFF:** Ms. Kirby Grant, Solicitor  
Ms. Shawnee Gregory, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:03 p.m.

**2. APPROVAL OF MINUTES - September 14, 2009**

**MOVED by Councillor Walker, seconded by Councillor Hum, that the minutes of September 14, 2009, be approved as presented. MOTION PUT AND PASSED.**

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

Addition:

12.1 Ratification of In Camera Item - Legal Matter - Waterton Appeal Decision

Deletion:

10.1.1 Chester Spur Line

**MOVED BY Councillor Wile, seconded by Councillor Hum, that the agenda be approved as amended. MOTION PUT AND PASSED.**

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

**4.1 Status Sheet Items**

**4.1.1 Tremont Park Alternate Main Entrance**

Councillor Hum indicated that there was no update on this issue and that she would like it to remain on the Status Sheet.

**4.1.2 Request to Name the Baseball Diamond at Mainland Common the Harold Pelham Memorial Field**

Councillor Wile indicated that there was no update on this issue and that she would like it to remain on the Status Sheet.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RECISSION - NONE**

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

## **8. HEARINGS**

### **8.1 Public Hearings**

#### **8.1.1 Case 01273: Rezoning of 4 Tremont Drive, Halifax**

C A report dated August 6, 2009 was before Community Council.

Mr. Luc Ouellet, Planner, provided the presentation on Case 01273: Rezoning of 4 Tremont Drive, Halifax. He indicated that four policies had been considered in granting this application and advised that staff did not foresee any issues due to incompatibility.

The Chair reviewed the Rules of Procedure for Public Hearings and called for those wishing to speak for or against Case 01273: Rezoning of 4 Tremont Drive, Halifax.

**Mr. Douglas Choo**, Mont Blanc Terrace, indicated that he and his parents were the owners of the property located at 4 Tremont Drive. He advised that he had an architecture background, therefore, he wanted to build his own home; noting that he wished to design a home where his parents could live with his family as was customary in his culture. Mr. Choo stated that the difference between an R1 and R2 zoning involved the number of kitchens in a dwelling and advised that his mother and wife each wanted to have their own. He indicated that he would still build if his request was not granted, however, he would only include one kitchen. Mr. Choo advised that he had been encouraged by his local Councillors to meet with his neighbours regarding his request and noted that he had their support in signatures which he submitted for the record. Mr. Choo indicated that the only concern that had been brought up by his neighbours was whether his lot would set a precedence for the lot behind it; noting that page three of the staff report stated that Council should not be set to precedence. He stated that it was his understanding that he would only set a rezoning precedent for a piece of land exactly like his which the lot behind him was not.

**Mr. Chris Tyler**, Tremont Drive, indicated that Mr. Choo had been very good about approaching the residents on his street; noting that he had signed in support of his request as he thought it was a good idea. Mr. Tyler did note, however, that he was concerned about the rezoning setting a precedent for the larger lot located behind Mr. Choo's land. Mr. Tyler noted that Mr. Choo's original plans were to build immediately, however, he had heard that he now planned on going back to school. Mr. Tyler noted that he appreciated Mr. Choo's good faith, however, he was concerned that if Mr. Choo decided to sell his land with the R2 zoning it could be developed in a more commercial way.

Mr. Ouellet advised that the rezoning was attached to the lot.

Ms. Kirby Grant, Solicitor, advised that R2 zoning was residential; not commercial.

The Chair called three times for additional speakers. Hearing none, the following motion was placed:

**MOVED BY Councillor Walker, seconded by Councillor Adams, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED BY Councillor Hum, seconded by Councillor Walker, that Chebucto Community Council approve the rezoning of 4 Tremont Drive from the R-1 (Single Family Dwelling) Zone to the R-2 (Two-Family Dwelling) Zone. MOTION PUT AND PASSED.**

**8.1.2 Case 01253: Amending Development Agreement - Governor's Brook Subdivision, Halifax**

C A report dated August 10, 2009 was before Community Council.

Ms. Patricia Hughes, Planner, provided the presentation on Case 01253: Amending Development Agreement - Governor's Brook Subdivision, Halifax. She advised that the applicant had requested that the rate of development of 50 units per year be removed and that a change in the configuration of the site had been requested by staff. She indicated that the total number of units would change from 902 to 905 as a result of the proposed amendment and that this was still well under the allowed density for the area.

The Chair reviewed the Rules of Procedure for Public Hearings and called for those wishing to speak for or against Case 01253: Amending Development Agreement - Governor's Brook Subdivision, Halifax.

**Ms. Vicki Cole-Gray**, Granby Court, submitted photos to illustrate her concerns; noting that the images in the photos were what she and her neighbours had been looking at for a year and a half. She noted that 16 driveways had been constructed at the end of Drysdale Road between Granby Court and the bridge which the community had not been informed of. Ms. Cole-Gray also wondered who had been using this area as a dumping ground and rock pile if not Armco; noting that they were not being good neighbours. She expressed concern regarding the amount of traffic that was currently on Drysdale Road as there were no crosswalks or speed bumps in place and many children lived on the street. Ms. Cole-Gray also expressed concern regarding noise as tankers and cranes were coming down the road between 12:00 and 5:00 a.m. and disturbing residents.

**Ms. Melanie Dobson**, Wyndrock Drive, indicated that she was speaking on behalf of the Williams Lake Conservation Company. She advised that the group was disappointed that they did not receive direct notice regarding the proposed amendments as they were supposed to have been kept in touch and that they would like to have that issue addressed. She indicated that besides traffic the group was worried about the change in units per year as accelerated development would hurt the environmentally sensitive site. In closing, Ms. Dobson advised that the Company would like some reassurance regarding the park and conservation land handover.

Regarding the handover component, Ms. Hughes indicated that the subdivision was broken into phases which were handed over to HRM once that particular phase was complete; noted that phases one and two were now done. Regarding conservation lands, she advised that the Development Agreement called for 25 acres to be handed over with each phase. Ms. Hughes advised that she had not yet confirmed with the subdivision group, however, she assumed the conservation lands for phases one and two had been handed over.

**Ms. Heather Whitehead**, Spryfield Residents Association, expressed concern that there was no public information meeting held prior to the public hearing; noting that it was her understanding that the District Councillor had waved this right. She advised that the Spryfield Residents Association was not opposed to increasing the limit of units per year, however, they were opposed to having no limit as it would be precedent setting and future developers would expect no limits to be a right. Ms. Whitehead stated that residents did want development, however, they wanted it to be sustainable. She also expressed concern with how this development would effect the already busy morning traffic.

Regarding how many permits had been issued to date since the Development Agreement had been approved in 2005, Ms. Hughes advised that 29 permits had been issued and the Developer could have had 225 by right. She also advised that it was not common to have such a limit in place.

**Ms. Anne Van Maultzon, Halifax**, indicated that it was her understanding that the unit per year limitation was in place as a result of the development being located in a conservation area. She advised that if there had been a public information meeting regarding the public hearing many rumours would have been avoided.

**Mr. Robert MacPherson**, President of Armco Capital, wished to address several concerns that had been raised. He apologised for the rock pile which he advised was his responsibility and indicated that action was being taken. He noted that the decision not to hold a public information meeting had been made by the District Councillor and staff, however, he acknowledged that he should have contacted the Williams Lake Conservation Company regardless. In closing, Mr. MacPherson advised that he planned to be a better developer and neighbour.

**Ms. Chris Allanson, Colepit Lake Road**, advised that residents in her area were still relying on sewer pumping stations and that she was not in favour of removing the limits. She noted that the pile of rocks did not appear to be on the map agreement and wondered if that area was part of the 902 unit plan.

Ms. Hughes advised that the rock pile area was outside of the plan and stated that the lots in question would happen as of right at some point.

The Chair called three times for additional speakers. Hearing none, the following motion was placed

**MOVED BY Councillor Walker, seconded by Councillor Hum, that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Adams indicated that it had been his decision to not hold a public information meeting as he did not think it was necessary since substantive ones had been held previously. He advised that Armco was far from being at unit capacity and advised residents that By-Law enforcement had been contacted regarding nighttime truck traffic.

**MOVED BY Councillor Adams, seconded by Councillor Walker, that Chebucto Community Council:**

- 1. Approve the Amending Agreement, as contained in Attachment A of the report dated August 10, 2009.**
- 2. Require the agreement be signed and delivered within 120 days from the date of delivery of documentation to the applicant for execution, or any extension thereof granted by Community Council on request of the Applicant, from the date of final approval of said agreement by Community Council and any other bodies as necessary, whichever is later, including any applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

## **8.2 Variance Appeal Hearings**

### **8.2.1 Case 15554: Appeal of the Development Officer's Decision to Approve an Application for a Variance - 21, Crescent Avenue, Halifax**

C A report dated September 23, 2009 was before Community Council.

Erin MacIntyre, provided the presentation on Case 15554: Appeal of the Development Officer's Decision to Approve an Application for a Variance - 21, Crescent Avenue, Halifax.

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and called for those wishing to speak for or against Case 15554: Appeal of the Development Officer's Decision to Approve an Application for a Variance - 21, Crescent Avenue, Halifax.

Mr. Ken Reashor, Applicant, advised that he and his wife owned the home in question and that he respected the decision of the Development Officer.

The Chair called three times for additional speakers. Hearing none, the following motion was placed:

**MOVED BY Councillor Wile, seconded by Councillor Walker, that the Variance Appeal Hearing be closed. MOTION PUT AND PASSED.**



**MOVED BY Councillor Walker, seconded by Councillor Wile, that Chebucto Community Council uphold the Development Officer's decision and approve the variance. MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS**

**9.1 Correspondence**

**9.1.1 Mr. Bob McDonald re: Draft Checklist for Trails Built in HRM**

C Correspondence dated September 13, 2009 from Mr. Bob McDonald was submitted.

Correspondence from Mr. Bob MacDonald was accepted into the official record.

**9.2 Petitions - None**

**9.3 Presentations - None**

**10. REPORTS**

**10.1 Staff**

**10.1.1 Chester Spur Line**

This item was deleted under the Approval of the Order of Business Additions and Deletions.

**MOVED BY Councillor Walker, seconded by Councillor Wile, that Chebucto Community Council request that the Chester Spur Line Terms of Reference as well as staff be available for the next meeting scheduled for November 2, 2009. MOTION PUT AND PASSED.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Ratification of In Camera Item - Legal Matter - Waterton Appeal Decision**

The Chair stepped down at 8:05 p.m. Councillor Wile assumed the Chair.

**MOVED BY Councillor Mosher, seconded by Councillor Hum, that Chebucto Community Council request that all Development Agreements be vetted through HRM Legal Services prior to going to Chebucto Community Council for First Reading. MOTION PUT AND PASSED.**

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

There was no one wishing to speak at this time.

**15. NEXT MEETING DATE**

The next meeting was scheduled for Monday, November 2, 2009.

**16. ADJOURNMENT**

The meeting was adjourned at 8:06 p.m.

Shawnee Gregory  
Legislative Assistant