

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL
MINUTES

August 8, 2011

PRESENT: Councillor Russell Walker, Chair
Councillor Debbie Hum, Vice Chair
Councillor Mary Wile
Councillor Linda Mosher

REGRETS: Councillor Steve Adams

STAFF: Mr. Martin Ward, 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. in the Keshen Goodman Library, Halifax.

2. APPROVAL OF MINUTES – July 4, 2011

MOVED by Councillor Wile, seconded by Councillor Hum that the minutes of July 4, 2011 be approved as presented. MOTION PUT AND PASSED.

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

Addition:

12.1 Preserving or Establishing Formal HRM Owned Mountain Bike Trails in the Chebucto Community Council Area - Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Hum that the agenda be accepted as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 J.L. Ilsley High School – Campus Opportunity

Councillor Mosher indicated that she hoped to have an answer at the next meeting.

This item is to remain on the Status Sheet.

4.1.2 Keefe Drive – Emergency Concerns Due to Road Construction and Lack of Seawall

As there was no update, Councillor Mosher requested that this item remain on the Status Sheet.

4.1.3 Whimsical Lake Crescent

As there was no update, Councillor Mosher requested that this item remain on the Status Sheet.

4.1.4 Sherbrooke Drive Update

Councillor Hum advised that she would have an update at the next meeting.

This item is to remain on the Status Sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – July 4, 2011

7.1 Variance Appeal Hearing - Appeal of the Development Officer's Decision to Refuse an Application for a Variance – 15, 17, 19 & 21 Four Mile Lane, Halifax, Case #16989

A report dated June 20, 2011 was before Community Council.

A presentation and correspondence dated June 30, 2011 from Mr. Kevin Riles, KWR Approvals, was before Community Council.

Ms. Stephanie Norman, Development Technician, provided the presentation on the Appeal of the Development Officer's Decision to Refuse an Application for a Variance – 15, 17, 19 & 21 Four Mile Lane, Halifax, Case #16989.

The Chair reviewed the Rules of Procedure for Variance Appeal Hearings and opened the hearing for the Appeal of the Development Officer's Decision to Refuse an Application for a Variance – 15, 17, 19 & 21 Four Mile Lane, Halifax, Case #16989.

Mr. Kevin Riles, KWR Approvals, provided a presentation on behalf of the developer, Brighton Homes. He stated that the Four Mile Lane development included 22 homes, 18 of which were already built; however, the final four homes were to be located at the end of the street which was why a variance was required as the narrowness of these lots did not permit the developer to meet the required 8 foot setback. Mr. Riles advised that they wished to build the same semi-detached homes that already existed in the development and that the variance would not affect any of these existing homes. He indicated that the buyers signed for the four homes aware that the variance could be granted; noting that he did not feel the unvaried homes would fit in with the neighbourhood which would have a greater negative impact on the intent of the By-law. Mr. Riles advised that they had been looking for other options for the past six months; however, they thought that keeping the homes in the existing style and size of the neighbourhood by requesting a variance on the side yard was the best option. He indicated that he sent a questionnaire around the neighbourhood which he read and submitted for the record; noting that five of the 17 property owners submitted letters of support.

A discussion ensued with Mr. Riles responding to questions.

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

MOVED by Councillor Hum, seconded by Councillor Mosher that the Variance Appeal Hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Hum, seconded by Councillor Wile that Chebucto Community Council overturn the Development Officer's decision and approve the variance.

Councillor Hum advised that this development was one that saw controversy; however, as the development proceeded, it was encouraging that residents were enthusiastic about the new neighbourhood and none had since expressed concern regarding the allowance of the variance; noting that five property owners had written in favour. She indicated that the remaining four homes would be inconsistent in size as per the variance requirements and even changing the semi-detached dwellings to three homes would still not be in keeping with the neighbourhood's design even though it would not require a variance. In closing, Councillor Hum stated that there was a need for uniform design on the street and thanked staff for their work; noting that the difficulty experienced was general to the properties in the area as per the Land Use By-law.

MOTION PUT AND PASSED.

7.2 Presentation - Blue Mountain - Birch Cove Lake Wilderness Reserve – Mr. Bruce E. Smith, Halifax North West Trails Association

Mr. Bruce Smith, Halifax North West Trails Association, provided a presentation on the Blue Mountain - Birch Cove Lake Wilderness Reserve and expressed concern regarding 180 to 190 acres that was recently sold to Bank Developments. He indicated that a trail head behind Kent Building Supplies in the Bayers Lake Business Park was the last remaining section of that trail dating back to the 1930s and that this trail connects to the Blue Mountain Birch Cove Lakes area; noting that the area could be set up as a picnic park. Mr. Smith stated that the developer has begun cutting paths and expressed concern regarding the wilderness area that borders Suzie's Lake that was sold. He indicated that, presently, the community had no legal access to the wilderness area as a result of the land being sold and they may never have it back again. He advised that, if the plan goes through for 37 acres, the area was ideally suited to be a park as there would be a cul de sac which would allow access and parking for the wilderness area as well as a natural granite park and would lead into the lake.

Mr. Michael Wile, Manager of HRM Business Parks, provided further background information regarding this matter; noting that staff was in the process of a real estate development with Bank Developments including 180-190 acres of land; noting that the trail head and parkland matter was still under discussion. He indicated that the trail would have an additional piece of property that would provide street frontage; noting this was all covered under the subdivision By-law and that there would be more parking and trail head than there was currently. Mr. Wile stated that HRM has commissioned a

survey of lands and residents would see some survey lines blazed through natural areas as a result.

In response to a question posed by Councillor Mosher, Mr. Wile stated that HRM would, in fact, facilitate easier connection to parkland and parking areas and that the dedicated parkland area would be retained by HRM as it was not being transferred under this purchase and sale agreement. He also indicated that staff have placed covenants on the land to protect development from the park interface and have taken extra care to include protections for the look and feel of the parkland; noting that there would also be some grading changes to create a buffer between the buildings and any new development.

MOVED by Councillor Wile, seconded by Councillor Mosher that Chebucto Community Council request a report on the presentation regarding the Blue Mountain - Birch Cove Lake Wilderness Reserve including any relevant information staff are able to bring forward pertaining to this matter at this time. MOTION PUT AND PASSED.

7.3 Graffiti on Chain of Lakes Trail – Northwest Arm Overpass Councillor Mosher

Councillor Mosher expressed concern that there has been a considerable amount of graffiti on the Chain of Lakes Trail and, while HRM staff have been trying to remove it, there are two provincially owned areas where the graffiti is most prevalent; on the Northwest Arm Drive overpass (on the Trail adjacent to the lakes and watershed area) and on the Highway 103 overpass in Bayer's Lake.

MOVED by Councillor Mosher, seconded by Councillor Wile, that Chebucto Community Council send a letter to the provincial Minister of Transportation and Infrastructure Renewal and the Deputy Minister, asking them to have the Northwest Arm Drive overpass, the Chain of Lakes Trail and Highway 103 overpass added to their work plan for graffiti removal. Alternatively, that they could contact HRM's Superintendent of Public Works, Mr. Don Pellerine, and make arrangements for HRM to have the graffiti removed and charged back to the province. MOTION PUT AND PASSED.

7.4 Chain of Lakes Trail - Surplus Lands – Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council request that HRM Real Estate staff conduct a survey to determine what, if any, lands are surplus to the needs of the Chain of Lakes Trail and report back to Chebucto Community Council on the potential to sell parcels to the abutting property owners.

Councillor Mosher requested that the survey entail the entire trail where HRM owns the adjacent land and would include the top and bottom of the slope as the slope needs to be retained. She stated that, after the survey, HRM would be able to identify the surplus land.

MOTION PUT AND PASSED.

7.5 Restricting Signage on Dunbrack Street – Councillor Hum

Correspondence dated June 28, 2011 from Mr. Sheldon Doyle was before Community Council.

MOVED by Councillor Hum, seconded by Councillor Wile that Chebucto Community Council:

- 1. Request a staff report regarding HRM's existing sign By-law to consider an amendment restricting temporary signage on or abutting the Dunbrack Street greenbelt; and**
- 2. That staff undertake a public consultation process to receive input.**

Councillor Hum advised that this matter was in regards to people placing Glow Signs without permits and on HRM properties; noting that staff was already aware of the issue.

MOTION PUT AND PASSED.

7.6 Naming of a Geographical Feature – Cabin Lake – Councillor Hum

Correspondence dated July 4, 2011 from Mr. Bob MacDonald, Chair of the Halifax North West Trails Association was before Community Council.

MOVED by Councillor Hum, seconded by Councillor Mosher that Chebucto Community Council:

- 1. Endorse the naming of Cabin Lake in Hemlock Ravine Park; and**
- 2. Send a letter to the Nova Scotia Geographic Names Program advising of this endorsement.**

MOTION PUT AND PASSED.

7.7 Fleming Park Management Practices and Fire Hazards, Westgate/Burns Drive Area - Councillor Mosher

Correspondence dated June 15, 2011 from Mr. Mark Mayo was before Community Council.

Councillor Mosher advised that she received correspondence from a resident who had concerns regarding vegetation and the potential for fire issues in the Westgate/Burns Drive area.

Deputy Chief Director Roy Hollett, Emergency and Fire Services, indicated that he had submitted a report regarding these concerns which would be ready for the next meeting and outlined the information contained in the upcoming report. He noted that staff did have an education package and could conduct a symposium in Councillor Mosher's community.

Councillor Mosher thanked Deputy Chief Hollett; advising that she would await his report and would like to hold a symposium.

8. HEARINGS - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations - None

10. REPORTS

10.1 Staff

10.1.1 Case 16678 – 6th Amending Stage II Development Agreement, Clayton Park West, Phase 4 to Permit an Auto Service Use (Mr. Lube) at 368 Lacewood Drive, Halifax

A supplementary report dated July 25, 2011 was before Community Council.

Ms. Jillian MacLellan, Planner, provided the staff presentation on Case 16678 – 6th Amending Stage II Development Agreement, Clayton Park West, Phase 4 to Permit an Auto Service Use (Mr. Lube) at 368 Lacewood Drive, Halifax. She clarified that Schedule C4 should be corrected to state *a permitted building of 1866 square feet* rather than *108 square feet*.

MOVED by Councillor Wile, seconded by Councillor Mosher that Chebucto Community Council:

- 1. Approve, by resolution, the Stage II Amending Agreement as provided in Attachment "A" of the supplementary report dated July 25, 2011; and**
- 2. Require that the Development Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.2 Councillor

10.2.1 Beech Tree Infestation on HRM Owned Trees- Fairmount Subdivision – Councillor Mosher

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council request a staff report to address the HRM owned beech tree infestation in the Fairmount Subdivision. The analysis should include the following:

- The involvement of the Canadian Forest Service in Fredericton, NB**
- Development of a plan to address the existing risks to the trees**
- Potential costs and a plan to address the infestation; and**
- Consideration of the related environmental and sustainability issues.**

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Preserving or Establishing Formal HRM Owned Mountain Bike Trails in the Chebucto Community Council Area - Councillor Mosher

Councillor Mosher advised that this request came as a result of new development in Bayers Lake that would discontinue use of the 'Whopper Dropper' which is an unofficial mountain bike trail.

MOVED by Councillor Mosher, seconded by Councillor Wile that Chebucto Community Council request a staff report regarding the potential of preserving or establishing a formal outdoor mountain bike system in the Chebucto Community Council area to be owned and maintained by HRM.

Councillors Hum and Wile indicated that they had already been speaking with staff regarding the potential for a formalized trail at Glenbourne Field, another unofficial trail.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Ms. Wendy MacDonald, Warwick Lane, stated that she has walked through the Whopper Dropper area and it was quite safe with no fear of bikes as it was a wide open area; noting that this was something HRM would need to do in a hurry or else the opportunity would be gone. She also addressed the following matters:

- She inquired if there was an opportunity to include more water testing in the Community Council area; particularly at Washmill Lake
- The requirement for a proactive and educational piece for dog owners during their licence renewal advising them to pick up after their dogs
- The requirement to keep the Japanese Knot Weed under control in the Mainland Common area of District 10
- Signage on Lacewood Drive would be worth taking into consideration along with Dunbrack Street
- She requested a visual, possibly on the HRM website, to better understand what was happening with the Washmill Court area
- It was unfortunate that Stratford Way Park has been closed all summer while children were on summer vacation in order to rearrange the gardens
- She could not find information on the internet to spread the good news about the Canada Games Centre

Mr. Bruce Smith, Halifax, advised that he had spoken to one of the organizers of the Whopper Dropper mountain bike trail and, while he knew HRM would lose these lands in the development, he wished to point out that there were two pieces of land adjacent to the 180 acres next to Suzie's Lake and Birch Cove that he would like HRM to look at purchasing to allow bikers to develop new trails. He stated that this would also protect the shoreline at the west end of Suzie's Lake and would join up with parkland area on the south side.

Ms. Marianne McGrath, Kearney Lake, indicated that Washmill Lake was upstream and; therefore, she did not think testing would do much good. She stated that the Blue Mountain issue was a serious and important topic as she lived adjacent to this land her whole life and was anxious for proper park access. She advised that Kearney Lake was

the unofficial entrance to the park and also had some of the most sensitive land in the area; therefore, residents would like to see another, more appropriate entrance. Ms. McGrath stated that proper park planning was required as well as knowledge of what the best use of the land would be in order for HRM to know what it was preserving. She indicated that it also had to be properly marked and planned for residents and first responders. She asked that HRM work with the Province to get the required park planning in place.

15. NEXT MEETING DATE – September 12, 2011

16. ADJOURNMENT

The meeting was adjourned at 8:22 p.m.

Shawnee Gregory
Legislative Assistant