

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL
MINUTES

January 9, 2012

PRESENT: Councillor Linda Mosher, Chair
Councillor Russell Walker, Vice Chair
Councillor Steve Adams
Councillor Debbie Hum
Councillor Mary Wile
Councillor Robert Harvey
Councillor Tim Outhit
Councillor Peter Lund

REGRETS: Councillor Brad Johns
Councillor Barry Dalrymple

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

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1. CALL TO ORDER

The Chair called the meeting to order at 7:04 p.m. in the Keshen Goodman Library, Halifax.

2. APPROVAL OF MINUTES – December 5, 2011

Amendment:

Item 10.2.1 – Councillor Wile requested the following statement be included:

...they contacted store and property owners of the affected areas but nothing was resolved; therefore, Metro Transit changed the Route of Bus No. 52 from the store fronts on the east side of Chain Lake Drive down to the street level of Chain Lake Drive.

MOVED by Councillor Hum, seconded by Councillor Wile that the minutes of December 5, 2011 be approved as amended. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Case 17123: Amending Stage 1 Development Agreement - Clayton Park West Phase 5
- 12.2 Fernleigh Park Stormwater Runoff Issues - Councillor Hum
- 12.3 Correspondence from Transport Canada Dated December 20, 2011 re: HRM Post Boating Safety Official Signage at Kearney Lake – Councillor Hum

It was agreed that item 8.1.1 would be dealt with immediately following item 3.

MOVED by Councillor Walker seconded by Councillor Wile that the agenda be accepted as amended. MOTION PUT AND PASSED.

8.1.1 Case 16666: Development Agreement for Bedford West Sub Area 9 – Joint Public Hearing with North West Community Council

A report dated November 10, 2011 was before Community Council.

Mr. Andrew Bone provided the presentation on Case 16666: Development Agreement for Bedford West Sub Area 9.

The Chair welcomed Councillors Harvey, Lund, and Outhit as well as residents from the North West Community Council area to the Chebucto Community Council meeting. She then reviewed the rules of procedure for Public Hearings and called for those wishing to

speak for or against Case 16666: Development Agreement for Bedford West Sub Area 9.

Ms. Wendy McDonald, Warwick Lane, indicated she was a member of the Halifax North West Trails Association and thanked staff for displaying the schedule that included trails. She expressed concern regarding walkway connectivity between the boulevard, pathway and secondary trail; noting she presumed there would be a crosswalk safety sign posted at the crosswalk similar to the Larry Uteck roundabout. Ms. McDonald stated it was unfortunate that connectivity with the water line from Kearney Lake Road to Larry Uteck was unable to be shown and now there was a commercial establishment in the way of an Active Transportation (AT) route. She requested clarification on whether there was any transit access at the new site as it would be an ideal location for a mini terminal. She stated that it was her understanding that the School Board was currently conducting a review of capacity issues in Bedford; noting there were issues on the Halifax side as well. She anticipated young families would be moving into this new development and was concerned about the further capacity issues this may cause as well as for transit as there would be greater need.

Mr. Bone responded to Ms. McDonald's questions as follows:

- It was his understanding that roundabouts are designed to enable pedestrian crossings
- Staff forward plans to Metro Transit so they are aware of new developments. While staff have not provided direct information on this development, Transit does tend to plan as communities come on stream
- Staff are working closely with the School Board to make them aware of Bedford growth areas and, while there are challenges with capacities, they are working on a plan for this area

Ms. Mary Ann McGrath, Chair of the Kearney Lake Residents Association, stated that regarding the specific route where Larry Uteck and Kearney Lake Road will juncture, it was discussed that a method of connecting roads to mitigate traffic on inner Kearney Lake Road would occur. She requested that staff and the developer be mindful that the more popular commercial development becomes, the more damage would take place on the road. Ms. McGrath requested a community meeting on the design of the juncture. Regarding stormwater pond retention and outflows into Kearney Lake, she advised there were two disastrous old outfalls along the road that would be in the way of any extension; noting there was an opportunity to mitigate damage from unmonitored outfalls.

Ms. Tracy White, Kearney Lake, reiterated the concerns regarding school capacity in the area; noting that her son should go to Grosvenor Wentworth Park School; however, she was paying to send him to private school due to overcrowding.

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

MOVED by Councillor Wile, seconded by Councillor Adams, that the Public Hearing be closed. MOTION PUT AND PASSED.

Mr. Kevin Neat, Clayton Developments, indicated that he was present on behalf of the applicant, Cresco Development. He advised that the group had extensive discussions with Parkland Planning staff with respect to the routing of trails; noting that they did not plan on impacting the current water line trail in any way. He stated there was a current easement running along there so there would be no development in that area. Mr. Neat indicated that they had done their best to connect the trail head and piece of park land to the south so the linear trails could congregate. Regarding stormwater management, he stated that Sub Area 9 had been reviewed by the Bedford Waters Advisory Board. He indicated they would make sure there was a level of quality that was acceptable and consistent. In closing, Mr. Neat advised he would be available after the meeting if residents had any concerns to discuss.

Mr. Mike Hanusak, Project Manager for West Bedford Holdings, stated that the Bedford West Master Plan area covers approximately 2000 acres out to Hammond's Plains Road; noting there are two pre approved school sites in sub areas 2 and ¾ and both sites were known to the School Board and Province.

A discussion ensued with staff responding to questions of clarification.

Mr. Bone clarified that the developer and staff had discussions with Parkland Planning regarding the waterline trail and were advised that there was no desire to connect to the waterline and power line trail as it did not meet their needs for design. He stated that the design of parkland on the development site does provide for potential connections and it does not block off or preclude use; however, it was not a municipal trail and the existing trails would be left as they were.

Regarding stormwater retention, Ms. Kenda MacKenzie, Senior Development Engineer at Halifax Water, advised that the design proposal for servicing the construction of the Kearney Lake Trunk Sewer had been advertised in the paper that weekend for consultants to review the proposal and submit design ideas. She stated that if existing culverts were in the way, staff would have to investigate how they would be managed and asked that residents contact her with any existing problems. Ms. MacKenzie also indicated that Halifax Water does have requirements for the quality of water going through their storm systems, including a pollution prevention group.

Ms. MacKenzie clarified that, through the process, the trunk sewer would be sized large enough to include those 350 acres of lands in Bedford West if those property owners should ever choose to join via the local improvement charge process.

Councillor Mosher handed the Chair to Councillor Outhit, Chair of North West Community Council at 7:51p.m.

Councillor Outhit called for a motion from the members of North West Community Council.

MOVED by Councillor Harvey, seconded by Councillor Lund that North West Community Council:

- 1. Approve the proposed development agreement as set out in Attachment A of the report dated November 10, 2011 to permit a mixed use subdivision for Bedford West Sub Area 9, Larry Uteck Boulevard, Bedford and Halifax; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval shall be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

Councillor Mosher assumed the Chair at 7:53 p.m.

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

- 1. Approve the proposed development agreement as set out in Attachment A of the report dated November 10, 2011 to permit a mixed use subdivision for Bedford West Sub Area 9, Larry Uteck Boulevard, Bedford and Halifax; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval shall be void and obligations arising hereunder shall be at an end.**

Councillor Hum advised that she would follow up on the school board review issue as well as with the Deputy Chief Administrative Officer regarding the budget for the connector road.

MOTION PUT AND PASSED.

The meeting recessed at 7:55 p.m.

The meeting reconvened at 8:02 p.m. with same members present with the exception of Councillors Harvey, Lund, and Outhit who had left the meeting.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

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

No update. To remain on Status Sheet.

4.1.2 Sherbrooke Drive Update

No update. To remain on Status Sheet.

4.1.3 Beech Tree Infestation on HRM Owned Trees- Fairmount Subdivision

No update. To remain on Status Sheet.

4.1.4 Restricting Signage on Dunbrack Street

No update. To remain on Status Sheet.

4.1.5 Chain of Lakes Trail - Surplus Lands

No update. To remain on Status Sheet.

4.1.6 Graffiti on Chain of Lakes Trail – Northwest Arm Overpass

No update. To remain on Status Sheet.

4.1.7 Request to Amend the C-1 Zone to Remove R-4 Uses under the Mainland Land Use By-law

No update. To remain on Status Sheet.

4.1.8 Public Right Away (Tow Path) on the Northwest Arm - Maintenance and Access

No update. To remain on Status Sheet.

4.1.9 Glades Nursing Home - 25 Alton Drive - Future Land Use of This Property

An information report dated December 9, 2011 was before Community Council.

Community Council accepted the information report dated December 9, 2011. The Chair requested that this item be removed from the Status Sheet.

4.1.10 Pocket Park - Crown Drive and Brook Street - Private Property and Parking Issue

No update. To remain on Status Sheet.

4.1.11 Deadman's Island - National Historic Site Application, Memorials, and 200th Anniversary of the War of 1812

The Chair advised that this item could be removed from the Status Sheet as staff was working with her on this matter.

4.1.12 Pedestrian Safety/Metro Transit - Stoneridge Subdivision

No update. To remain on Status Sheet.

4.1.13 Chain of Lakes Trail - Impervious Surface/Flooding Onto Joseph Howe Drive

No update. To remain on Status Sheet.

4.1.14 Flooding - Purcell's Cove Road

No update. To remain on Status Sheet.

4.1.15 Off Leash Dog Park for Royale Hemlock Estates/Wentworth Estates Area

No update. To remain on Status Sheet.

4.1.16 Dakin Drive – Increasing Traffic Shortcutting

Councillor Hum advised that a report was anticipated to be ready in the near future.

Item to remain on Status Sheet.

4.1.17 Bus Route 52 Service – Bayers Lake Business Park

No update. To remain on Status Sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 16666: Development Agreement for Bedford West Sub Area 9 – Joint Public Hearing with North West Community Council

This item was dealt with earlier in the meeting. Please see page 4.

8.2 Variance Appeal 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 17391 - Time Extension to Development Agreement for Wentworth Estates – Neighbourhood B, Larry Uteck Boulevard, Halifax

A report dated December 5, 2011 was before Community Council.

Mr. Bone provided the presentation on Case 17391 - Time Extension to Development Agreement for Wentworth Estates – Neighbourhood B, Larry Uteck Boulevard, Halifax.

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

- 1. Approve the proposed amending agreement as set out in Attachment A of the report dated December 5, 2011 to extend the date for the commencement of construction of the development on Larry Uteck Boulevard, Halifax for an additional two years; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval shall be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

11. MOTIONS – NONE

12. ADDED ITEMS

12.1 Case 17123: Amending Stage 1 Development Agreement - Clayton Park West Phase 5

A report dated December 29, 2011 was submitted.

MOVED by Councillor Wile, seconded by Councillor Walker that Chebucto Community Council move Notice of Motion to consider approval of the proposed amending development agreement, presented as Attachment A, and schedule a public hearing for February 6, 2012. MOTION PUT AND PASSED.

12.2 Fernleigh Park Stormwater Runoff Issues - Councillor Hum

Email correspondence from Ms. Daveena Davis was submitted.

Photographs of the area in question were submitted.

Councillor Hum advised that she had received emails from residents regarding stormwater runoff and flooding issues in Fernleigh Park. She stated that she had spoken to an HRM Development Engineer who would follow up on the matter and forward a response via email for the Community Council record.

12.3 Correspondence from Transport Canada Dated December 20, 2011 re: HRM Post Boating Safety Official Signage at Kearney Lake – Councillor Hum

Correspondence dated December 20, 2011 from Erin Tretiak, Acting Manager of the Office of Boating Safety, Transport Canada, was submitted.

As per the correspondence dated December 20, 2011, Councillor Hum requested that staff follow up on Transport Canada's request that HRM post official boating safety signage at Kearney Lake and that a community meeting also be held.

13. NOTICES OF MOTION – NONE

14. PUBLIC PARTICIPATION

Ms. Joy Woolfrey, 10 Umlahs Drive, advised that she had lived in the community for 22 years and had worked as a consultant with a background in community planning. She expressed concern regarding the Purcell's Cove consulting study regarding the potential

of extending sewer and stormwater services, particularly in the area traditionally known as Purcell's Cove. She noted that the petition submitted in October 2006 on behalf of the Yacht Squadron did not include any names of property owners in Purcell's Cove with the exception of some on Keefe Drive and two outside of the study area. Ms. Woolfrey advised that a community meeting had been held and there was clear opposition to this change; therefore, she had been surprised to learn that, in response to a letter from the Yacht Squadron, a motion was made that HRM go ahead with the study. She expressed concern that the first the community heard of the study was when notice was put out calling for volunteers for the steering committee and that the map in the planners report was when they first heard that they were going to be included in the study area.

The Chair advised that Councillors have a legal requirement to submit petitions to Council and since water and sewer is a regional issue, this matter went to Council rather than Community Council; noting the petition was from residents not the Yacht Squadron. She stated that it was important to have community consultation which was why public meetings on the matter would be held where residents would have an opportunity to have their say.

Councillor Adams clarified the process; advising that a working group was investigating the possibility of what the services would look like if they were to be brought to the community and the consultant would be seeking community input. He indicated it was his understanding that area one was favourable to servicing and area two was not and, for the record, he would never support extending services to a community that did not want them. He advised there was no obligation for any resident to take the services and it would be a complete process.

Mr. Carle Ensminger, 10 Battery Drive, indicated that he was a concerned property owner located in study area two; noting that the feasibility study that has been commissioned is not transparent and not enough information has been provided to the community. He requested further information on the study and steering committee process and if it would be possible to just extend water services to only the Yacht Squadron. Mr. Ensminger advised that given the lack of community support it did not make sense to include area two in the study as only 25% of residents in that area stated they were in favour of the study.

Ms. Sally Ravindra, 12 Pottery Lane, expressed concern regarding the servicing study as well; noting that Purcell's Cove was a village with a 200 year history and actions, studies and plans had to be considered by their impact on the fabric of the community. She urged Community Council not to undertake anything including studies that would force people out of the community by imposing costs beyond their means and to protect the village and community.

The Chair advised, for the record, that she had used many of the same comments as Ms. Ravindra to get Chebucto Community Council to turn down a cell tower in the area and to approve the urban reserve.

Mr. Marcos Zentilli, 517 Purcell's Cove Road, indicated that he moved to area two in 1997 and retired in 2005; noting he had never been asked about sewer or water service extension in any survey. He advised that he has invested in a rain water collector and his sewer works just fine. Mr. Zentilli expressed concern over the cost for the study as he had read in the February 8, 2011 minutes that property owners would bear 100% of the cost of servicing and he was unhappy with the prospect of having to pay for something he did not need. As a retired geologist, he expressed concern that blasting in the area for such services would be expensive as blasting through granite would be required and foundations and systems may also be damaged. Mr. Zentilli was also concerned that such changes would destroy the unusual community spirit in the area as he had settled in Purcell's Cove for its historical significance and his property was located in an urban reserve in order to protect it from development.

The Chair advised that an update of the Regional Plan was underway and residents should put their comments in writing and forward them to HRM staff.

Mr. Wayne Hollett, 596 Purcell's Cove Road, expressed concern that he would lose his home if he had to pay for new water and sewer services and was already burdened enough as his wife was ill. He asked that Community Council consider this and back up those who do not want these services.

Ms. Jody Archibald, Battery Drive, advised that she was a concerned property owner given the lack of public and community support also documented in the Council report. She proposed a public meeting to discuss the exclusion of area two from the Feasibility Study as the community did not want to be a minority once the process began.

The Chair indicated that this proposal could be brought up at the first public meeting of the steering committee.

Mr. Ian Dempsey, Purcell's Cove, expressed concern, as a resident of area two, that a part of area one had been purchased by Clayton Developments. He wondered once that area was cleared, what that would mean for his village with the impact on traffic and the construction of 12 storey buildings.

The Chair advised that Mr. Dempsey's concern would be noted for future development.

15. IN CAMERA

15.1 In Camera Minutes – December 5, 2011

Item deferred due to lack of time.

15.2 Personnel Matter

15.2.1 Purcell's Cove Community Steering Committee - Volunteer Appointment of an Alternate for Area Two

Item deferred due to lack of time.

16. NEXT MEETING DATE – February 6, 2012

17. ADJOURNMENT

The meeting was adjourned at 8:58 p.m.

Shawnee Gregory
Legislative Assistant