

HALIFAX REGIONAL MUNICIPALITY

CHEBUCTO COMMUNITY COUNCIL
MINUTES

April 2, 2012

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

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

TABLE OF CONTENTS

1.	CALL TO ORDER.....	4
2.	APPROVAL OF MINUTES – March 5, 2012	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	Status Sheet	4
4.1.1	Keefe Drive – Emergency Concerns Due to Road Construction and Lack of Seawall	4
4.1.2	Sherbrooke Drive Update.....	4
4.1.3	Beech Tree Infestation on HRM Owned Trees- Fairmount Subdivision.....	4
4.1.4	Restricting Signage on Dunbrack Street	4
4.1.5	Chain of Lakes Trail - Surplus Lands	5
4.1.6	Graffiti on Chain of Lakes Trail – Northwest Arm Overpass	5
4.1.7	Request to Amend the C-1 Zone to Remove R-4 Uses under the Mainland Land Use By-law	5
4.1.8	Public Right Away (Tow Path) on the Northwest Arm - Maintenance and Access.....	5
4.1.9	Pocket Park - Crown Drive and Brook Street - Private Property and Parking Issue	5
4.1.10	Flooding - Purcell's Cove Road.....	5
4.1.11	Off Leash Dog Park for Royale Hemlock Estates/Wentworth Estates Area.....	5
4.1.12	Cowie Hill Development Agreement.....	5
5.	MOTIONS OF RECONSIDERATION – NONE	5
6.	MOTIONS OF RESCISSION – NONE	5
7.	CONSIDERATION OF DEFERRED BUSINESS – NONE.....	5
8.	HEARINGS.....	5
8.1	Public Hearings.....	6
8.1.1	Case 17082, Development Agreement for Wentworth Estates – Emscote Lands	6
	i) Bedford Watershed Advisory Board Report.....	6
8.2	Variance Appeal Hearings – None.....	11
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS	11
9.1	Correspondence - None.....	11
9.2.	Petitions – None	11
9.3	Presentations - None	11
10.	REPORTS - NONE.....	11
11.	MOTIONS – NONE	11
12.	ADDED ITEMS	11
12.1	Purcell's Cove Community Steering Committee.....	11
13.	NOTICES OF MOTION – NONE	11
14.	PUBLIC PARTICIPATION	11

15.	IN CAMERA.....	13
	15.1 Personnel Matter	13
	15.1.1 Purcell’s Cove Community Steering Committee.....	13
16.	NEXT MEETING DATE – May 7, 2012	13
17.	ADJOURNMENT	13

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 – March 5, 2012

MOVED by Councillor Wile, seconded by Councillor Hum that the minutes of March 5, 2012 be approved as presented. MOTION PUT AND PASSED.

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

Addition:

12.1 Purcell's Cove Community Steering Committee – Moved to Public Session

MOVED by Councillor Adams, seconded by Councillor Walker 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 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

Councillor Hum stated that this item would not be included in the current budget and she would advise the residents involved.

She indicated that the item could be removed from the 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

Councillor Hum stated that she and Councillor Wile had reviewed this matter with staff and had been advised that there could not be any restrictive covenants; however, staff would be bringing forward a signing policy report in the coming months.

She indicated that the item could be removed from the 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 Pocket Park - Crown Drive and Brook Street - Private Property and Parking Issue

No update. To remain on Status Sheet.

4.1.10 Flooding - Purcell's Cove Road

No update. To remain on Status Sheet.

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

Councillor Hum stated that she had spoken with staff and would be contacting the residents as this had to be a community initiated process.

She indicated that the item could be removed from the Status Sheet.

4.1.12 Cowie Hill Development Agreement

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 17082, Development Agreement for Wentworth Estates – Emscote Lands

i) Bedford Watershed Advisory Board Report

A report dated February 15, 2012 was before Community Council.

A report dated October 11, 2011 from the Bedford Watershed Advisory Board was before Community Council.

Correspondence from Jessica Bartol was submitted.

Correspondence from Mina Nagib was submitted.

Ms. Thea Langille, Supervisor of Planning Applications, provided the presentation on Case 17082, Development Agreement for Wentworth Estates – Emscote Lands.

The Chair reviewed the rules of procedure for Public Hearings and called for those wishing to speak for or against Case 17082, Development Agreement for Wentworth Estates – Emscote Lands.

Ms. Maureen Palmeter, Fernleigh Park, posed a question regarding the moving of the density from neighbourhood B that surrounds the community. She stated that staff had prepared a good grid and had gone through the policies to ensure the development agreement met them; however, she questioned Policy MS2 which in the staff report is identified as just density. She indicated that they had not addressed the movement of the density up and how or what could move that to the chunk of land close to Fernleigh. She believed it referred to Clause 4.4.4 of the development agreement which only referred to the density and does not refer to how and what can go back to the neighbourhood. Ms. Palmeter stated that it was not tightened in the clause to state that the density that can be taken back to that area is only the density that comes from the area.

Ms. Langille advised that an outline was provided on page four of the staff report regarding what was to occur with the undeveloped lands; noting 14 acres had been determined by the developer to be left undeveloped for reasons of access. She stated that all development rights usually entitled for the 14 acres had been transferred over the developed 58 acres; therefore, there would be no more development rights for the 14 acre parcel which would remain vacant and undeveloped as all the density will have already been used for the area. Ms. Langille indicated that if the developer was to want to do something with the 14 acres at the later date, this would be subject to additional public consultation and a policy review.

Ms. Palmetter expressed concern that she did not see Ms. Langille's explanation addressed in writing in the development agreement.

Ms. Langille clarified that the development agreement clearly states via the schedules that there was to be no development on the 14 acres; noting that Policy MS2 was not a direct provision dealing with the 14 acres.

Ms. Kirby Grant, Solicitor, further clarified that in keeping with Council's direction, all development agreements are vetted by Legal Services and she had reviewed this one; noting that she was satisfied that it reflects everything Ms. Langille was stating.

Ms. Jessica Bartol, Fleetview Drive, expressed concern regarding access to the site, should it be approved. She stated that she was concerned about how residents would be affected if access was provided via Fleetview and Balsam Road and wondered if access could be made via Starboard Drive instead. Ms. Bartol also wondered if development could take place from behind rather than the front and that existing streets not be used.

Mr. Chris Openhurst, Fleetview Drive, expressed concern that transit was not mentioned in the policy. Regarding the method of construction, he stated his understanding that they would be losing rock from the top of Fleetview Drive to fill in Starboard Drive and wondered if the developer could do this work from the back of the community and; therefore, not have to go through the neighbourhood.

Ms. Sherri Wilson, Fleetview Drive, stated that the plan did look lovely overall and that it would be a beautiful neighbourhood once completed. She expressed concern; however, not just about the excavation but also regarding the safety of children in the neighbourhood; noting there was a playground on the street which could create a safety hazard with truck traffic. She indicated that it would make things easier if HRM and the developer could find an alternate access rather than Fleetview and urged the Community Council to look at this carefully. Ms. Wilson advised that the general policy of building roads somewhat as you go in a large planning subdivision was not a good idea when you get into the lifespan of that development as established neighbourhoods then become disrupted by blasting and extra traffic. She stated it would be good for Council to investigate building streets prior to development.

Ms. Langille clarified that schedule M of the Development Agreement and Section 3.3.7 speaks to the future development opportunities for the site and states that development is clearly prohibited on all lands. She advised that transit staff was involved in the review of this application and was looking at future routes.

Mr. Mark McGonnell, Development Engineer, spoke to the questions regarding engineering issues. He advised that while it would be ideal to have all roads constructed in sequence prior to development, it was not a reality due to landowners and timing. He clarified that the fill from the section just above Fleetview Drive was going to be used to

fill in a ravine by the area where Starboard Drive would go; noting that to come in from the back was not possible from an access point of view and he used the map for further illustration. He stated that the fill was right there so logic was to use it to fill in the ravine; noting once Starboard Drive was completed, access for residents would make things much easier. Mr. McGonnell further noted that, in the end, traffic would be local and not a thoroughfare.

Mr. Brian Borden, Starboard Drive, advised that he still had not heard why they could not take fill through the back rather than through a residential area. He stated that he supported the development and would like to have the street finished but not by using another residential street in this manner.

Mr. McGonnell further clarified that they could not build a road through parkland; noting it would be a road in the future but he was unsure of the timing. He advised that this was also someone else's land.

Ms. Catherine Silverstein, Fleetview Drive, expressed concern that the additional traffic on Fleetview Drive would be disruptive to the community and something could be done to minimize the impact such as a set schedule. She wondered if there was going to be a survey for the residents on Fleetview with regards to blasting damage to homes. She stated that 14 acres of density on the property was not planned to be used and a comment made by engineering staff at the Public Information Meeting was that if the developers change their mind or could gain access to the area, they may come back to request a change in density. Ms. Silverstein advised that this was a five or more year plan; noting that if some access was found, the potential was there for the developers to change their decision and she wondered how staff thought this was possible.

Ms. Wendy Bloomberg, Bedros Lane, expressed concern that the before mentioned 14 acres could possibly be developed in the future; perhaps via a new policy. She also indicated that there should be a traffic light at the intersection of Larry Uteck Boulevard as she had safety concerns; particularly during heavy traffic times.

Ms. Langille further clarified that under the current policy, the 14 acres in question could not be developed; however, one always has the right to ask Council to reconsider but that would have to be done via a plan amendment approved by Regional Council.

Mr. Alex Angelopoulos, Starboard Drive, requested a description of the development timelines; noting he had lived on Starboard for eight and a half years and had watched land being developed and blasting being done during that time; noting he understood his fellow residents' concerns regarding narrow streets. He inquired as to how long it would be until the area was built up and connected as he never imagined it would take this long when he first move to the area. Mr. Angelopoulos also wondered if there could be a requirement for policing heavy traffic as he had seen a lack of responsibility and respect for the community in that area; citing an example of stones being left in the street.

Mr. McGonnell stated that timing was up to the developer. He asked that residents call him if any debris was left in the street; noting the developer would be billed if HRM had to clean up the area. Regarding blasting, Mr. McGonnell indicated that if a property was within the zone of influence for the blast, the home would be inspected for damage; noting residents could contact him with blasting concerns as well.

Mr. Harvey Silverstein, Fleetview Drive, stated that staff's comments made it seem that if the owners of the development property could reach an agreement with the owners of the property behind Fleetview they could use the area; noting it would be done at some point so why could the development agreement not have a provision for at least a rough surface there. He expressed concern that Fleetview was not very wide for trucks and three schools were located in the neighbourhood. Mr. Silverstein also accented his fellow residents' remarks regarding the intersection at Starboard Drive and Larry Uteck Boulevard; noting it did not have a sidewalk and was unsafe for pedestrians. He asked if a crosswalk could be implemented and expressed concern that no provision for bicycle paths had been built into the neighbourhood plan nor anything to encourage active transportation.

Mr. Ray Hunt, Bedros Lane, stated that while he was not so concerned about the development, he did want to support his fellow residents' concerns regarding the intersection at Bedros Lane, Starboard Drive, and Larry Uteck Boulevard as it was dangerous.

Mr. Kevin French, Purcell's Cove, wondered if it was in Council's purview to ask the developer to put in a plan that they could negotiate with the other land owner to create a road on their land.

Ms. Grant advised that HRM did not have the ability to make people enter into such agreements with each other.

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

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

Ms. Kathleen O'Donovan, Director of Development with Emscote Limited, advised that the reason they could not cut across the land behind the fill area on Fleetview Drive was because they could not cut across the parkland as there were wetlands and ravines that could not be accessed. She stated that there was a large ravine between Cutter and Starboard which would cost over \$1,000,000 just to fill in; noting they would do this if they could but it was not possible. She advised that they could ask the other developer to build a road but they may not be ready to do so yet and the other developer had to go second because of water and sewer services. Ms. O'Donovan stated that the project would begin as soon as possible and it would be an approximately four to five month timeline for blasting and roads; noting she understood residents' concerns and would do

her best to monitor the work. She indicated that she had spoken to HRM about limiting truck traffic in the area and there would be short timelines. In response to a question posed by Councillor Adams regarding natural gas, she advised that there was nothing preventing its installation in one part of the area; however, the other side could not access this service as policy states that natural gas could not cross parkland. Ms. O'Donovan stated that it would not be economically feasible for Heritage Gas to bring it up to the other side unless Regional Council granted them permission to go through the parkland.

Mr. Don Williams, Designer with Emscote Limited, advised that the schedule was standard construction practice and that blasting and mass moving of materials would be done first. He stated that the major traffic would occur during the first month and most work would happen on site after that time.

Councillor Hum requested, for the record, that Fleetview Drive be surveyed for blasting.

Mr. McGonnell advised that this would be done as per the By-law. He further indicated that truck traffic was permitted between 7:00 a.m. and 9:30 p.m. and there was no way for HRM to restrict work within those hours.

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

- 1. Approve the proposed development agreement as set out in Attachment A of the report dated February 15, 2012 to permit a residential subdivision for the remaining portions of Neighbourhood B, F, and the Business Campus of the Wentworth Secondary Planning Strategy, Halifax *with an amendment to clause 3.3.2 changing the number 378 to 383*; and**
- 2. Require the development 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 will be void and obligations arising hereunder shall be at an end.**

Regarding concerns about traffic and safety on Larry Uteck Boulevard, Councillor Hum advised that Traffic Services had been undergoing a review of the area and had approved a marked crosswalk, with RA5 traffic lights, on the eastern side of the Larry Uteck, Bedros and Starboard Drive intersection. She stated that staff would determine full light potential after a review of the traffic flow.

MOTION PUT AND PASSED.

MOVED by Councillor Adams, seconded by Councillor Hum that Chebucto Community Council forward a request to Regional Council for consideration with respect to allowing a natural gas connection via the parkland near the Emscote Lands in Wentworth Estates as is currently permitted for water and sewer services. MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings – None

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2. Petitions – None

9.3 Presentations - None

10. REPORTS - NONE

11. MOTIONS – NONE

12. ADDED ITEMS

12.1 Purcell's Cove Community Steering Committee

The Vice Chair assumed the Chair at 8:22 p.m.

MOVED by Councillor Mosher, seconded by Councillor Hum that Chebucto Community Council add an additional volunteer from Area 2 to the membership composition of the Community Steering Committee for the Planning and Feasibility Study: Extension of Central Sewer, Water and Stormwater Systems, Purcell's Cove and request that staff re-advertise for this position publically. MOTION PUT AND PASSED.

The Chair resumed the Chair at 8:22 p.m.

13. NOTICES OF MOTION – NONE

14. PUBLIC PARTICIPATION

Mr. Bruce Smith, Forestside Crescent, announced that the Halifax North West trails Association would be holding a public meeting on April 16, 2012 regarding the planned expansion of the Bayers Lake Business Park.

Ms. Catherine Mckinnon, Purcell's Cove, was present to address her concerns regarding the Community Steering Committee for the Planning and Feasibility Study: Extension of Central Sewer, Water and Stormwater Systems, Purcell's Cove.

The Chair advised that the Community Council only deals with issues within its realm of responsibility. She stated that the only thing they could discuss regarding the Study was the composition of the steering committee as that was all the Community Council had been granted jurisdiction over by Council. She advised that any other comments dealing with the study could not be addressed and would not be recorded in the official meeting minutes; noting that there would be a public process that would go to Regional Council.

The Chair further stated for the record that in August 2011 a new report on HRM's Boards, Committees, and Commissions was brought forward after the report on the Feasibility Study. She indicated that due to a procedural error, Council did not appoint Chebucto Community Council the right to appoint members; however, that had been reaffirmed at the March 27, 2012 Council meeting.

Ms. Wendy McDonald, Warwick Lane, provided comments on the process for delineation of the new 16 Districts in HRM; noting despite the several public information meetings, she believed the process had been somewhat flawed. She hoped the public would have an opportunity to discuss the decision on the new body of public officials in an open way. Ms. McDonald also expressed concern that Maps 1 and 2 for the Boundary Review may have been confusing as the public was making remarks about an unknown quantity. Regarding the current Regional Council Budget debates, she wondered why she did not see any items regarding the temporary Lacewood Terminal or the Thomas Raddall Bridge and wondered why the Councillors had not asked the public for their high priority items which, in her District, would be things such as community gardens, and sidewalk repairs among others.

Councillor Wile advised that the Lacewood Terminal had been delayed until next year and that the Thomas Raddall Bridge would be discussed at the budget debate the following day.

Mr. Kevin French, Purcell's Cove, wondered why the Community Steering Committee for the Planning and Feasibility Study: Extension of Central Sewer, Water and Stormwater Systems, Purcell's Cove membership information, including resignations, was not published for the public's information.

The Chair reviewed the application process and advised that membership would be posted in a timely fashion.

Ms. Maureen Manuge, Westridge Drive, wondered as a member of the Committee to Preserve the Willett Street Reserve, if that matter was off the table now that the temporary Lacewood Terminal had been deferred. She also invited Councillor Wile to a park clean up if she wanted to help.

Councillor Wile advised that the Reserve would probably be brought up in the 2013/14 budget; noting she was awaiting a staff report in April.

Ms. Kathleen Hall, Halls Road, was present to address her concerns regarding the Community Steering Committee for the Planning and Feasibility Study: Extension of Central Sewer, Water and Stormwater Systems, Purcell's Cove.

The Chair advised for the record that they had asked for the Mainland South Municipal Planning Strategy be amended and updated and that the Community Council appreciated the unique nature of Purcell's Cove. She noted that Council had no intentions to continue developing the areas protected by the Urban Reserve.

A resident of 460 Purcell's Cove Road was present to address her concerns regarding the Community Steering Committee for the Planning and Feasibility Study: Extension of Central Sewer, Water and Stormwater Systems, Purcell's Cove.

15. IN CAMERA

Community Council may rise and go into a private In Camera session, in accordance with Section 19 of the Halifax Regional Municipality Charter, for the purpose of dealing with the following;

15.1 Personnel Matter

Citizen and Councillor appointments to boards and committees in keeping with the Public Appointment Policy adopted by Regional Council in August 2011, to be found at: <http://www.halifax.ca/boardscom/documents/Citizenrecruitmentpolicy.pdf>

15.1.1 Purcell's Cove Community Steering Committee

This item was dealt with under item 12.1. Please see page 11.

16. NEXT MEETING DATE – May 7, 2012

17. ADJOURNMENT

The meeting was adjourned at 8:54 p.m.

Shawnee Gregory
Legislative Assistant