

CHEBUCTO COMMUNITY COUNCIL

MINUTES

JULY 6, 1998

THOSE PRESENT:

Councillor Bill Stone
Councillor Russell Walker
Councillor Stephen D. Adams
Councillor Ron Hanson

ALSO PRESENT:

Michael Moreash, Solicitor
Stephen Feist, Planner
Shelley Dickey, Planner
Ed Thornhill, Regional Coordinator, Inspections & Enforcement
Roel Vis, Schedule Planner, Metro Transit
Sandra Shute, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. at 2750 Dutch Village Road with an Invocation.

2. **APPROVAL OF MINUTES - JUNE 1, 1998**

MOVED by Councillors Walker and Hanson to approve the Minutes of meeting held on June 1, 1998 as circulated. MOTION PUT AND PASSED.

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

Added Items: Garbage Collection - Councillor Adams

MOVED by Councillors Adams and Hanson to approve the Order of Business as amended. MOTION PUT AND PASSED.

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

4.1 **Status Sheet Items**

4.1.1 Snow Removal from Sidewalks

Councillor Walker advised that Regional Council approved sidewalk plowing at 1.1 cents per \$100 of assessment for last year's catchment area. Community Council has decided to put off a decision regarding Districts 15, 16, 17 and 18 as it was felt there had not been time to allow input from residents. He personally would be putting the question to his residents in his Newsletter to get feedback to see if his residents wanted it added to the tax bill as an area rate.

MOVED by Councillors Walker and Adams to defer a decision for six months in order to gain input from residents. MOTION PUT AND PASSED.

4.1.2 Fencing Request from Resident - Fairmount Road

A Staff Report dated July 2, 1998 was before Community Council.

MOVED by Councillors Hanson and Walker to defer this matter to the next meeting of Community Council in order to listen to all parties involved. MOTION PUT AND PASSED.

4.1.3 Feasibility of Community Transit and Area Rate - Sambro/Harrietsfield

An Information Report dated July 6, 1998 was before Community Council. Roel Vis, Schedule Planner was in attendance in this regard.

When Mr. Vis was asked by Councillor Adams what the area rate would be should Community Council decide to implement the service, Mr. Vis advised that information could be obtained from Bruce Fisher, Budget Coordinator.

Councillor Adams therefore requested that the following information be obtained from Mr. Fisher:

1. Area rate for the former District 5
2. Area rate for the entire District 18
3. Area rate for the whole of the Chebucto Community Council area

MOVED by Councillors Adams and Walker to defer this matter to the next meeting pending receipt of the information from Mr. Fisher. MOTION PUT AND PASSED.

4.1.4 Dumping - Harrietsfield and Williamswood and Possibility of Gate

An Information Report dated July 2, 1998 was before Community Council.

Mr. Ed Thornhill, Regional Coordinator, Inspections & Enforcement advised that Department of Transportation has been contacted to arrange a meeting as it was only last week that it was determined there was a public highway involved. It was hoped to be able to encourage them to gate the property if permission can be obtained from the other two property owners.

Councillor Adams asked if "Buff Pit" has been cleaned up. In reply, Mr. Thornhill stated the cleanup should be completed as of today.

Councillor Adams suggested waiting until after the meeting with Department of Transportation as to whether or not a gate could be installed.

Councillor Stone asked if HRM could force Department of Transportation to put up a fence at their expense. In reply, Mr. Thornhill advised that under the HRM Act, HRM could order them to clean up their property but that was not the way staff wanted to go.

MOVED by Councillors Adams and Walker to accept the report and wait for further information regarding what can be done, to be available for the next meeting. MOTION PUT AND PASSED.

5. **MOTIONS OF RECONSIDERATION** - None
6. **MOTIONS OF RESCISSION** - None
7. **CONSIDERATION OF DEFERRED BUSINESS**
- 7.1 **Case 7620 - Stage I, Schedule "K" Development Agreement for approximately 170 acres adjacent to Hemlock Ravine Park and extending from the Bicentennial Highway to the Bedford Highway**

A Supplementary Report dated June 29, 1998 was before Community Council as a result of the Public Hearing held on June 1, 1998.

Mr. Stephen Feist, Planner was available for comments or questions.

Hearing none, Councillor Stone advised that Hemlock Park Estates was in his District and the supplementary information included the concerns the residents wanted to have addressed. Some of the concerns would be addressed during the Stage II Agreement when there would be more detail. The question regarding schools has been addressed with the answer being that the School Board has indicated that if the school is overcrowded, new students will be bused to a school that can accommodate them; however, residents of the existing community will not be affected. With regard to phasing, it will take about 15 years and some of the long term concerns can be addressed over that time. Both the developer and staff have indicated there will be a buffer zone to protect Hemlock Ravine Park. With regard to storm sewer management, this will be part of the Stage II Agreement and the effect on Hemlock Ravine Park will be considered at that time. There will be provision for a parking lot to allow people to gain entrance to the Park. Sewer will be installed at the expense of the developer and will become a public sewer so that other people in the area can connect to it. Water coming downhill will provide more water pressure and allow future connections for the people along Bedford Highway. Staff will be commencing a Master Plan for the remaining vacant lands to determine how development will occur. He, therefore, supported approval of the application.

MOVED by Councillors Hanson and Adams to approve the application by the Armoyan Group Limited under Schedule "K", Section 68 of the Halifax Mainland Land Use By-law, for Stage I approval for the Hemlock Park Estates (Attachment III of the Supplementary Report dated June 29, 1998). Further, the agreement shall be signed within 120 days, or any extension thereof granted by Council on the request of the applicant, from the date of final approval by Chebucto Community Council and any other bodies as necessary, whichever approval is later, including applicable

appeal periods; otherwise, this approval will be void and obligations arising hereunder shall be at an end. **MOTION PUT AND PASSED UNANIMOUSLY.**

8. **PUBLIC HEARINGS**

8.1 **Case 7635 - Rezoning of Properties from H (Holding) to R-1 (Single Family Dwelling) - Boscobel Road and Purcells Cove Road**

A Staff Report dated June 12, 1998 was before Community Council. Ms. Shelley Dickey, Planner provided an overview of the application with the aid of overheads. Staff was recommending approval of the application.

Councillor Hanson said the only concern he had was the protection of Williams Lake by whatever means to ensure that stormwater is diverted. The community has been very involved in keeping Williams Lake well. To clarify, Ms. Dickey advised that Engineering Department has looked at the issue of stormwater and sanitary sewer for the area and determined there is capacity from Purcells Cove Road for sewer. With the protection of the wetland and the fact that the lots were large, there was capacity within the existing stormwater system.

Councillor Stone asked if there was going to be a new road to service the lots and would it be private or public. In reply, Ms. Dickey advised it would be a shared driveway which would come off Boscobel Road, which was a private road. There would be secondary driveways off the driveway from Boscobel Road.

Councillor Walker asked why the wetland was divided and was told that it was to gain frontage on Purcells Cove Road. Councillor Walker then asked if there was a requirement for parkland. In reply, Ms. Dickey said that the subdivision does have tentative approval and can go as of right. Right now it was an issue of serviced or unserved, which was based on the zoning. There would be a 12' right of way deeded to the Municipality along the North West Arm. The remainder of the 5% would be cash in lieu.

Speakers in Favour or Against the Application

Ms. Nancy Rubin, Stewart McKelvey Stirling Scales, on behalf of the Estate of Edith Hope, advised that Ms. Hope's daughter still lived on the property, wanted the property to remain valuable and wanted single family dwellings - 10 very large lots - which would be a high quality subdivision. What could go in now were lots with individual servicing but if it was changed from Holding Zone to R-1, the lots could be serviced by HRM. Subdivision approval was a separate process and what the Public Hearing was for tonight was for Community Council to determine whether the rezoning from Holding to R-1 is consistent with the Planning Policies. Environmental issues include the wetland, slope and tree

coverage; it was clear that if it proceeds without rezoning and is individually serviced, it would have more of an effect on the property because of the servicing required for each lot. If serviced by the Municipality, there would be an easement that would mean less disturbance to tree cover. There was no development proposed in the wetland area and restrictive covenants would be attached to the lots. The right of way along the Arm would be deeded to the Municipality as a trail. The Estate has agreed that purchasers cannot subdivide again. The application is consistent with the 1982 Municipal Planning Strategy. With regard to Williams Lake, there would be protection during the construction phase. The wetland is of use to property owners as it serves as a natural filter.

Ms. Latina Maass, Albion Road asked what the lines between Lots 11 and 12 meant. She was told it denoted a service easement for Lot 14. Ms. Maass then went on to say that her concern was the protection of Williams Lake and suggested that the driveways could be located beyond the ridge. In that case drainage would not go towards the wetland and into Williams Lake. The trail between the playground and the cemetery was historic and people in the community have used it for recreational walks. She requested that it be kept for the enjoyment of the people in the area, but it might have to be relocated.

Ms. Helen Lofgren, Albion Road stated she lived next to the path that Ms. Maass referred to and it was an important historical path. She supported keeping it where it is.

Ms. Nancy Rubin, in rebuttal stated that the trail was on private property but all these years people have used it. There was some inquiry by the Legal Department as to whether or not there was any legal right to the trail if people use someone else's property for a certain number of years. The legal inquiry resulted in the fact that there was not a legal public right to use the property. Whether or not the property is rezoned or not, it is still private property and the developer is entitled to subdivide.

Councillor Stone asked for clarification with regard to contours of the land. Ms. Dickey advised there is a ridge extending from the top of the wetland and the driveway proposed was at the top of the ridge at this point.

Councillor Walker referred to the trail and suggested that consideration should be given to a walkway along Lots 8 and 9 to get to the school property.

MOVED by Councillors Hanson and Adams to close the Public Hearing. MOTION PUT AND PASSED.

MOVED by Councillors Hanson and Adams to approve the rezoning of the area shown on Map 3 of Appendix A of the Staff Report dated June 12, 1998 from H (Holding) to R-1 (Single Family Dwelling). Further, to amend the Land Use By-law (R-1 Zone-Mainland) for a portion of the area of the Hope Estate Subdivision to

increase the minimum serviced lot size requirement to 1 acre. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

10. REPORTS

10.1 Fence Permit Application at Civic No. 9 Oakburn Court, Halifax

A Staff Report dated June 25, 1998 was before Community Council.

Mr. Ed Thornhill, Regional Coordinator, Inspections and Enforcement provided an overview of the application and advised there have been no negative responses from the people notified in the neighbourhood. The applicant provided this evening a letter signed by his neighbours consenting to the application.

The Chairman asked if there were any interested parties wishing to speak for or against the application.

Mr. Eugene Chown, 9 Oakburn Court, the applicant, requested permission to extend his 6.5' fence by the addition of a lattice which would bring the height of the fence to approximately 7.5'. The fence replaces an existing hedge which was 7' high which was dying.

There were no further speakers for or against the application.

MOVED by Councillors Walker and Hanson that the fence permit application for Civic No. 9 Oakburn Court, Halifax be approved. MOTION PUT AND PASSED.

10.2 Membership Selection Committee re Halifax County Watershed Advisory Board Appointments

MOVED by Councillors Hanson and Walker to ratify the appointments to Halifax County Watershed Advisory Board as recommended by the Community Council Membership Selection Committee. MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS

12.1 **Garbage Collection**

Councillor Adams outlined concerns experienced recently with non collection of garbage and comments made by garbage collectors. He did not think it was appropriate for garbage to stay until suppertime particularly when everyone is told to have it out by 7:30 a.m. He acknowledged there were new contractors but wanted to know what the plan is with regard to collection times. There was also the matter of notification as it appeared some residents did not receive notification.

It was agreed, after discussion, to pass Councillor Adams' concerns on to Solid Waste Management Department for comment.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Ms. Mary McGrath, 33 Hamshaw Drive, Kearney Lake distributed pictures taken Sunday, June 28, 1998 representing an on-going problem with parking in the vicinity of the beach on Hamshaw Drive. Hamshaw Drive was the only access to the community and was shared by a public beach and canoe club. She outlined safety concerns as a result. She understood the police were called but whether or not tickets were issued, she did not know. She was asking, on behalf of the community, that given the fact this was an on-going historic problem, to have 1) no parking signs made more prominent in the area; 2) no parking strictly enforced and 3) a tow away zone particularly in the summer time for the safety of residents and for all those who use the lake.

Councillor Stone stated that the police should have been called, should have come and should have ticketed. He requested that the Clerk pass the information and concerns along to the Police Department and request a report. As to whether or not someone had actually called the Police, and since the cars were there all day, there was some question because Ms. McGrath left the community for the day and was not able to comment.

Mr. Dale Poel, 143 Purcells Cove Road advised that Dalhousie University had received a Grant to study the consequences of amalgamation and that he was the Principal Investigator. The Grant would look at the impact on the level of service, cost of service, taxation, area rates, governance, organizational change. The project was just getting underway and would take about two years. He introduced his Research Assistant, Shawn Robinson, who would be looking at Community Councils to find out what Community Councils have accomplished and would be interviewing Councillors with regard to Community Councils as well as the amalgamation process.

Councillor Stone advised Mr. Poel that Chebucto Community Council had recently passed a motion of support for Community Council.

Mr. Mike Willett, Clayton Developments, through the Chair, asked Mr. Poel if there was a plan to talk to the community at large plus the development industry and customers of HRM. In reply, Mr. Poel said it was planned to do a large-scale citizen survey next year and which would include questions regarding economic development such as public/private partnerships in terms of alternative service delivery.

Ms. Debbie Hum, 169 Cresthaven Drive raised the following points:

- With regard to the elementary school situation in the Ravine Park area, she was concerned that Mr. Feist had only addressed Grosvenor Wentworth Park School; however, she asked if children from the new development would be bused to another school at the Junior High and High School level as well or was there just an agreement regarding the elementary school.

Councillor Stone replied he understood that children from the new development would not go to a school that would cause overcrowding to the existing school.

- She questioned if the School Board was under any legal responsibility to ensure the students are bused out - was there any legal recourse by the developer or the new residents to put in an appeal for having to be bused out of the community.

Mr. Moreash, Huestis Holm, advised that the matters of busing are generally governed by School Board policies rather than law. He was unable to provide any further information.

- She questioned that when the development first opens, there may be 20-30 children and would the School Board incur approximately \$50,000 for a bus to have them transported somewhere else or would there have to be a minimum to bus out. She was concerned that the children might end up at Grosvenor Wentworth Park School anyway. As well, she understood there would be some boundary changes in the near future when the new school is built in the Clayton Park area. She asked if boundary changes to Grosvenor Wentworth Park School could be affected to accommodate students coming from Hemlock Park Estates in conjunction with the new Clayton Park School.
- She did not feel the traffic situation was addressed thoroughly enough as there would be a large increase in traffic on the Bedford Highway. It was difficult to make a left hand turn onto the Bedford Highway from Cresthaven Drive now.

- A Master Plan for the area was long overdue.

The Clerk was asked to pass Ms. Hum's comments on to Mr. Feist.

Ms. Gretchen Knickle, 25 Wedgewood Avenue raised the following points:

- She provided information regarding the new garbage collection policies.
- She did not support an area rate for snow removal from sidewalks.
- Real estate agents have no legal obligation to provide information on busing to prospective residents of Hemlock Park Estates. Right now, the School Board was unable to comment on where children might be sent if they lived in Hemlock Park Estates. It was important that the School Board give out the right information and take responsibility. Under the Canadian Charter of Rights, if you want to send your child to Grosvenor Wentworth Park School and it was not completely full and if you were a resident of the area, you can still apply to being geographically disadvantaged and, therefore, be able to have your child attend that school. If there are 20-50 children going from the high density apartments, then the precedent has been set.

15. **NEXT MEETING** - Monday, September 14, 1998

16. **ADJOURNMENT**

On a motion from Councillor Adams, the meeting adjourned at 9:00 p.m.

Original Signed

/ Sandra M. Shute
Assistant Municipal Clerk