

NORTH WEST COMMUNITY COUNCIL
MINUTES
September 27, 2012

PRESENT: Councillor Tim Outhit, Chair
Councillor Barry Dalrymple, Vice Chair
Councillor Robert Harvey
Councilor Brad Johns
Councillor Peter Lund

STAFF: Ms. Karen Brown, Municipal Solicitor
Mr. Tyson Simms, Planner
Ms. Jacqueline Bélisle, Planner
Mr. Mark McGonnell, Development Engineer
Ms. Krista Vining, Legislative Assistant
Mr. Ted Aubut, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:03 p.m. at the Sackville Heights Community Centre, 45 Connolly Road, Sackville.

2. APPROVAL OF MINUTES – July 5th, August 9th and September 11, 2012

MOVED by Councillor Dalrymple, seconded by Councillor Johns that minutes of July 5th, August 9th and special meeting minutes of September 11, 2012 be approved, as presented. MOTION PUT and PASSED.

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

Additions:

13.1 Councillor Harvey – Greenway Trail Development Open Houses

MOVED by Councillor Lund, seconded by Councillor Dalrymple that the Order of Business be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

4.1 STATUS SHEET REVIEW

A copy of the Status Sheet was before the Community Council for review.

4.1.1 Park-and-Ride Pilot Project at Eisenhower Ball Field, Hammonds Plains Road

Councillor Lund informed the Community Council that traffic lights have been approved for the intersection of Glen Arbour and Hammonds Plain Road and should be installed next month. Item to remain on the Status Sheet.

4.1.2 Status Update – Soil and Grading By-law

Councillor Darlymple noted that a discussion paper and work plan is being prepared by staff and will be presented to the Environment and Sustainability Standing Committee in December. Item to remain on the Status Sheet.

4.1.3 Truck Enforcement – Hammonds Plains Road

Councillor Lund indicated that signage must be installed before enforcement measures can take effect along Hammonds Plains Road. He noted that he would follow-up with RCMP respecting monthly reports on enforcement. Item to remain on the Status Sheet.

4.1.4 Extension of Municipal Water Service Boundary Macabes North

No update, item to remain on the Status Sheet.

4.1.5 Request for Report – Private and non-accepted Roads, District 21

Councillor Outhit informed the Community Council that the report in question is projected for October 2012. Item to remain on the Status Sheet.

4.1.6 Margeson Drive Update

No update, item to remain on the Status Sheet.

4.1.7 Status Update – Changes to Mobile Home Park By-laws

It was noted that that the report in question is being prepared by Planning and Infrastructure. Item to remain on the Status Sheet.

4.1.8 MOUs re: sewer access roads for active transportation

It was requested that the Clerk's Office confirm which Business Unit will take the lead on this project. Item to remain on the Status Sheet.

4.1.9 North West Transit Advisory Committee – Request for Requirement of Park-and-Ride Facilities in Existing Subdivisions

It was noted that a report is forthcoming. Item to remain on the Status Sheet.

4.1.10 Case 01311: Paper Mill Lake CCDD MPS Amendment, Bedford

No update, item to remain on the Status Sheet.

4.1.11 Bedford Waterfront Design Study

No update, Item to remain on the Status Sheet.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. HEARINGS

9.1 Public Hearings

9.1.1 Case 16416: Development Agreement for a Multiple Unit Dwelling exceeding 50 feet in height at 249 Sackville Drive, Lower Sackville

A report of the North West Planning Advisory Committee dated September 5, 2012 was before the Community Council.

Mr. Tyson Simms, Planner, delivered a presentation to the Community Council on Case 16416, an application by Whimsical Lake Developments Limited to construct of a multi-unit dwelling at 249 Sackville Drive, Lower Sackville. As the proposed building exceeds 50 feet in total height, he noted that a development agreement is required under policy SS-4(a) of the Sackville Drive Secondary Planning Strategy.

Mr. Simms described the location and features of this 19,500 square foot, four-story development with underground parking for 94 vehicles. From the grade of the property line to the highest point on the structure, the dwelling will reach 60 feet and up to 100 feet when elevation is taken into account. He explained that the as of right is 50 feet in height and while the proposed structure will be taller than the average residential development in the area, the zoning allows for a combination of medium and large-scale buildings.

Next, Mr. Simms commented on wind and shadowing issues on adjacent properties as well as traffic. In all three cases, the effects were deemed negligible. He explained that the building is not tall enough to create adverse wind effects and that shadows generated will be minimal given the mature vegetative buffer along the north portion of the property. As for driveway access, a concern raised at previous public consultations, Mr. Simms noted that through traffic will not be permitted from Hillcrest Avenue. Instead, the site will have dedicated access onto Sackville Drive, without significant impact on overall traffic flows on this artery.

Mr. Simms concluded his remarks by recommending that North West Community Council approve the development agreement in question as set out in Attachment A of the August 8, 2012 staff report with an amendment correcting a reference in clause 6.1 (e), as outlined in the memorandum before them. Mr. Simms reminded Councillors that they can choose to approve the agreement as is, approve it with non-substantive amendments, or refuse it.

Following his presentation, Mr. Simms responded to questions of clarification from Councillors relative to site excavation, stormwater, the structure's proximity to neighbouring homes, and walk-through access. He noted that the proposed one-level underground parking garage will not require substantive cut and fill and that cutting into bedrock is not a major concern in this area. Should cutting of bedrock be required, it would not have an impact on stormwater run-off because stormwater plans require

balanced pre and post water flows. As for the location of the dwelling, Mr Simms explained that it will sit 75 feet from Sackville Drive and 26 feet from the next property line. The proposal, he noted, did not include a walkway through to Hillcrest Avenue.

The Chair then reviewed the rules of procedure for public hearings, calling three times for speakers for or against the matter to come forward at this time.

Dan Grisby, project designer for Whimsical Lake Developments drew attention to a number of changes made to their site plan, including giving up length to build up and increased set-backs from the end of the building to the property line, the latter in response to feedback received at a neighbourhood meeting.

Walter Regan of 43 Candlewood Lane, Sackville, expressed concern about water and silt run-off from the property, as it could further damage the Sackville River and increase potential for basement flooding in the community. He wished to know if the project would be 100% run-off free, if there would be a green roof over the garage, and whether a tree retention plan was being considered.

Staff indicated that a guarantee of no run-off would be next to impossible, adding that an oil grid separator could be installed, but was not required in the development agreement. Staff similarly noted that the podium above the garage would be landscaped along with the rear of the property adjacent to residential properties.

Randy Knee of 64 Hillcrest Avenue lives behind the proposed dwelling and wished to know what steps would be taken to protect his property. He was particularly concerned about people cutting through his property on route to nearby schools, and requested that a fence be built behind 264 Sackville Drive. He also wanted to know when the wind impact statement was done, noting that he has lost a number of trees due to heavy winds, and if measures would be taken to protect wildlife in the area.

Staff explained that the proposed development agreement does not require a fence but that it could be added as a requirement. Staff noted, further, that the developer, at a previously-held public information meeting, seemed open to the idea. On the wind assessment, staff indicated that the statement had been submitted in June 2012. A full study was deemed unnecessary. Finally, staff noted that there were no specific clauses in the proposed agreement concerning wildlife.

Stephen Taylor of 56 Demest Crescent and candidate in the municipal election expressed concern over stormwater damage in basements and public spaces in the area. Pointing to seven photos he had taken on Sunday September 24, 2012, he explained that the existing stormwater infrastructure is insufficient. Existing pipes cannot cope with current water volumes and blown-out pipes are not being replaced quickly. He argued that stormwater coming off the proposed development site would exacerbate the problem, therefore requesting that there be 100% water retention on the site.

Staff reiterated that the site has to balance pre and post water flows. As such, the amount of water that comes off the site currently, pre-build, must be maintained when the site is developed. Staff agreed to verify whether the storm water would flow all the way down to Sami Drive.

Paul Pottie, President of the Riverview Community Centre, explained that his organization has owned and operated a nearby ball field and tennis facilities for over fifty years. He noted that every time there is heavy rain his sites are flooded, costing his organization \$15,000 this year. He believes that the excess water is coming from the drainage system on Sackville Drive, to which the proposed development will connect. Given this, he wished to know if the developer could store stormwater on-site and release it slowly.

Staff noted that all that Halifax Water requires is that pre-construction run-off equals post-construction run-offs.

Nina Barrios of 70 Hillcrest Avenue expressed concern that the construction of an additional apartment building on Sackville Drive would increase traffic in her neighbourhood, including foot traffic. She noted that people are already cutting through her yard and she is concerned that more of this will happen without a fence on the northern boundary of the proposed development.

Curt Wentzell, a candidate in the municipal election, explained that he had recently been to the Riverview ball field and found that a steel plate had been blown clear as a result of overnight flooding. He found the same on the soccer field. He wanted to know if pipes were the responsibility of HRM or Halifax Water. Secondly, he wanted to know about HRM policy regarding interlinking municipal stormwater and private stormwater drains.

Staff replied that all stormwater infrastructure was transferred to Halifax Water in 2007-2008. As for the relationship between public and private infrastructure, two points were noted - first that private drainage infrastructure, sometimes installed without permits, makes up a small part of the system inherited by Halifax Water and second, that the Municipal Government Act allows for the discharge of stormwater onto private property.

Bill Lane of 34 Skyridge Avenue told the Community Council that he is against the construction of apartments in residential areas. He explained that he chose to live in Lower Sackville because of its large, wooded lots. Mr. Lane noted that apartment buildings take away residents' views and can cause wind and shadow problems.

Michelle Campniss, Executive Director of the Sackville Business Association, located at 281 Sackville Drive offered her congratulations to the developer for going the extra mile with building design.

There being no further speakers, it was **MOVED by Councillor Darlymple, seconded by Councillor Lund that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Johns asked staff if the agreement could be amended to accommodate a fence and a walkway, to which they responded that a fence could be included in the development agreement but that a pathway could not.

Mr. Grisby of Whimsical Lake Developments recollected that attendees at a public information session had not been very keen about a walkway as it would come very close to neighbouring houses. He further indicated that the construction of a fence would not be a problem. He simply wanted to know where it should be installed. Councillor Johns clarified that it should be on the northern boundary of the property, along the back of Mr. Knee's lot. Staff agreed that this would be a reasonable request.

Responding to flooding concerns raised during public hearing, Councillor Harvey indicated that he was aware of the flooding of the ball field and soccer field and that he had reported the problem to Halifax Water on Sunday, September 23, 2012. As for the site in question, he noted that apartment development along Sackville Drive is encouraged by the existing planning strategy, which was developed in a public process a few years ago. Like Councillor Johns, he noted his support for an amendment requiring appropriate fencing along the northern boundary of the property.

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

- 1. Approve the proposed development agreement as set out in Attachment A of the August 8, 2012 staff report at 249 Sackville Drive, Lower Sackville, and that the proposed development agreement be amended as follows:**
 - **Replace the words "Section 7.4" with "Section 7.5.1" in clause 6.1 (e)**
 - **That appropriate fencing be constructed on the northern boundary of the property to ensure the privacy of residents of Hillcrest Avenue**
- 2. Require the agreement be signed by the property owner within 365 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.**

Councillors discussed other aspects of the development agreement, including outdoor lighting requirements, and on-going flooding issues at the ball field. Councillor Dalrymple confirmed that Halifax Water will be coming to inspect the sites shortly.

MOTION PUT AND PASSED.

Before proceeding to item 9.1.2, the Community Council agreed to move ahead to item 10.2, petitions, to accommodate the petitioner.

10.2 Petitions

10.2.1 Armcrest Community Playground Renovation

Sandra Laforge submitted a petition with 214 signatures from residents of the Armcrest Neighbourhood requesting a new and safe playground to replace the current structure at 87 Taleen Drive, Sackville, in order to meet neighbourhood needs now and for years to come.

Councillor Johns informed Ms. Laforge that the playground would soon be replaced, as the tender has been approved in the order of \$30-40,000. Demolition will begin in a few weeks. He offered to put her contact with Steve Oakey, Parkland Planner, to find out if residents could provide input before the site is renovated.

9.1.2 Case 17424: Land Use By-law Amendments to the Bedford West Business Campus Zone, Bedford

The following reports were before the Community Council:

- Bedford Watershed Advisory Board report of March 26, 2012
- North West Planning Advisory Committee report of September 5, 2012
- Submission from Peter Synishin, resident of Bedford, dated September 17, 2012

Ms. Jacqueline Bélisle, Planner, delivered a presentation on Case 17424, an application by West Bedford Holdings Limited to amend provisions of the Bedford Land Use By-law, specifically the Bedford West Business Campus Zone.

Having provided an overview of the zone's mixed-use objectives, she explained that the developer, the primary landowner of the zone's undeveloped lands, has requested that HRM:

- Reduce the minimum required lot area from 4,047 m² to 2,023 m²;
- Reduce the front yard setback from 15.2 m to 6.1 m;
- Allow for the linear subdivision of multiple tenant commercial buildings; and
- Permit service station uses within the "B" Area of the zone.

She noted that the first request would not affect density. Smaller lots would result in smaller buildings, the number of people per acre therefore remaining the same. On these grounds, staff supported the proposed amendment so long as setbacks and buffers were adequate.

Ms. Bélisle explained that staff was also supportive of the second proposed amendment, as reduced setbacks could encourage more front yard landscaping and more beautiful streetscapes. She noted, however, that staff is comfortable with the proposed reduction so long as the relationship between the permitted setback and height – which is close to 1:1 for most permitted land uses in the zone – is maintained.

As for the developer's third request, it would allow for multi-tenant commercial buildings in which each commercial unit, much like a strip mall, could be owned individually. The developer, noted Ms. Bélisle, had demonstrated that a linear subdivision met all the requirements of and was in keeping with the objectives of the zone. Staff is therefore supportive of this request.

However, Ms. Bélisle stated that staff objected to the fourth request because, under the Bedford Secondary Planning Strategy (SPS), service stations are to be limited to designated General Commercial Centres. As the Bedford West Business Campus Zone is designated mixed-use, the inclusion of a service station, noted Ms. Bélisle, would be contrary to the intent of the SPS.

In her conclusion, Ms. Bélisle reiterated that requests 1, 2 and 3 were consistent with the intent of the zone. Therefore, she recommended that the Bedford By-law be amended as set out in Attachment A of the staff report dated July 2012, which also included a minor housekeeping item to Part 3 of the land use by-law.

Ms. Bélisle responded to questions of clarification from Councillors, including on the proposed reduction in lot size, and on upgrades to Hammonds Plains Road next to the site. Next, the Chair reviewed the Rules of Procedure for public hearings, calling three times for speakers for or against the matter to come forward at this time.

Herman Pye of Lawrencetown spoke on behalf of property owners of an adjacent site along Hammonds Plains Road. He explained that residents on that stretch had lost certain rights to develop their properties while developers, in the adjacent Campus Zone, seemed to be gaining rights. He wanted staff to explain this discrepancy and how the proposed development would affect traffic flows.

Staff explained that the residential reserve zoning for the parcels along Hammonds Plains Road had indeed changed but, in terms of rights for commercial development, they were not aware of any changes to zoning. Thea Langille, Supervisor of Planning Applications, offered to contact Mr. Pye after the meeting to better understand his concerns. As for traffic to and from the site, staff explained that it would be directed to Garry Martin Drive, Innovation Drive, and Hammond Plains Road.

Kevin Knee of West Bedford Holdings Limited thanked HRM staff for helping sort through the amendments they were proposing.

Mike Hanusiak, project manager for West Bedford Holdings Limited noted that seldom does his team disagree with HRM staff. However, on the matter of the service station,

he had scoured the land use by-law and found no clause that prohibits the sale of gasoline at an auto centre on the Bedford West Business Campus. He noted that if it was Council's intent to prohibit its sale, then it should be clearly articulated. The vocabulary of the by-law, he continued, is vague, referring to "auto centres", "service stations" and "service outlets" without defining these terms. He submitted three pages of the by-law to Community Council as supporting documentation.

Mr. Hanusiak explained that in a survey he conducted of neighbouring residents, less than 10% of respondents voiced concern over having a gas station at this location. He noted that Bedford Holdings Limited is prepared to restrict access to the gas station to Marine Drive and to build it 660 feet away from the nearest home.

There being no further speakers, it was **MOVED by Councillor Lund, seconded by Councillor Harvey that the public hearing be closed. MOTION PUT AND PASSED.**

At 9:30 p.m., Councillor Outhit stepped down as Chair to speak on this matter. Councillor Dalrymple, Vice Chair, assumed the role as Chair.

Councillor Outhit noted that he, too, had conducted a survey and found that the gas station did not pose a problem to residents. He then asked for the response rate from Bedford Holding Limited's survey, to which Mr. Hansiuk reported that 200 residents were solicited, resulting in 50 responses.

As to whether a gas station is permitted under current by-laws, Councillor Outhit asked staff to clarify how they reached their decision. Ms. Bélisle explained that they had reviewed the Bedford Master Plan and found that gas stations were limited to highway commercial zones. The Bedford West Business Campus, she noted, was not such a zone, but rather a mixed-use site with residential development planned not far from the site.

Councillor Outhit similarly called on the Municipal Solicitor to comment on this matter. She noted that HRM Planning staff had provided their professional advice on the gas station. Should Community Council opt to go against staff's interpretation of the planning strategy, then it should give good reasons to do so.

To this, Councillor Outhit suggested that the matter of the gas station be deferred so that staff could seek a legal opinion.

The Chair agreed, proposing that Community Council vote on the first three amendments and defer the fourth, which had not been included in Attachment A of the staff report.

MOVED by Councillor Lund, seconded by Councillor Johns that the North West Community Council approve proposed amendments to the Bedford Land Use By-law as set out in Attachment A of the staff report dated July 17, 2012.

MOTION PUT AND PASSED.

Councillor Outhit reiterated his request that staff seek a legal opinion on the gas station. Councillor Lund agreed, requesting that the legal opinion attempt to define highway commercial use as well as clarify the difference between service station and service outlet.

MOVED by Councillor Outhit, seconded by Councillor Harvey that North West Community Council request a legal opinion on the definitions of automotive service station, automotive service outlet and highway commercial use.

MOTION PUT AND PASSED.

Councillor Outhit reassumed his responsibilities as Chair at 9: 54 p.m.

10. CORRESPONDENCE, PETITIONS AND DELEGATIONS

10.1 Correspondence

10.1.1 Peggy Godfrey, Atlantic Gardens Inc., dated September 19, 2012 regarding Maroon Hill Development – left-turning lane

Correspondence received September 19, 2012 from Peggy Godfrey of Maroon Hill Properties Ltd., and referring to a left-turning lane that HRM is requesting that property owners build adjacent to Atlantic Gardens Square, was before the Community Council.

Ms. Godfrey explained that she is overseeing the development of 610 Highway 1, which involves the construction of a 10,000 square foot strip mall with retail outlets, banks, and a Tim Hortons. Recently she had been informed by HRM staff that a permit to construct the Tim Hortons would not be issued until a left-turning lane is built connecting the highway to the site. Never, in her previous development projects, had such a request been made. She noted that she does not object to contributing to the cost of the turning lane but she does not think it is fair that Maroon Hill Properties should bear the full cost of this project, which will amount to \$100,000. Ms. Godfrey expressed her frustration with HRM Planning staff, noting that she had offered to have the left-turning lane built one year after the opening of the Tim Hortons. Her offer had been refused.

Councillor Johns indicated that he had spoken with Ms. Godfrey previously and requested that staff answer back to Community Council with the following information:

- The number of commercial developments (not residential developments) in HRM that have been required to put in turning lanes and the cost, as expressed as a percentage of the full cost, the developer was required to pay
- The reasoning behind the Municipality's decision in the 1990's not to have developer pay for a turning lane into the Tim Hortons site on Beaverbank Road

- Why HRM is concerned about liabilities at the Maroon Hill Development site and not, previously, at the Tim Hortons Beaverbank site
- The possibility for HRM to return a bond to a commercial developer if actual traffic flows are less than traffic projections

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council request staff to prepare a report identifying the following:

- **The number of commercial developments (not residential developments) in HRM that have been required to put in turning lanes and the cost, as expressed as a percentage of the full cost, the developer was required to pay**
- **The reasoning behind the Municipality's decision in the 1990's not to have developer pay for a turning lane into the Tim Hortons site on Beaverbank Road**
- **Why HRM is concerned about liabilities at the Maroon Hill Development site and not, previously, at the Tim Hortons Beaverbank site**
- **The possibility for HRM to return a bond to a commercial developer if actual traffic flows are less than traffic projections**

MOTION PUT AND PASSED.

10.2 Petitions

This matter was dealt with earlier in the meeting. Please refer to page 10.

11. REPORTS

11.1 Case 17847 Development Agreement for Bedford West – Sub Area 3 and 4, Bedford (first reading)

The following reports were before the Community Council:

- North West Planning Advisory Committee report dated September 25, 2012
- Bedford Watershed Advisory Board report of July 28, 2012

MOVED by Councillor Johns, seconded by Councillor Harvey that the North West Community Council consider and give first reading to the proposed Development Agreement for Bedford West –Sub Area 3 and 4, Case 17847, as set out in Attachment A of staff report of September 17, 2012, and schedule a public hearing.

MOTION PUT AND PASSED.

Staff indicated that the public hearing would be scheduled for October 25, 2012 at Basinview Drive Community School.

12. MOTIONS - NONE

13. ADDED ITEMS

13.1 Greenway Trail Development Open Houses

Councillor Harvey, on behalf of the Sackville River Association, informed the Community Council of upcoming open houses to discuss the construction of a greenway trail along the river. Meetings will be held October 1st from 2:30-8:30 pm and on October 10th from 2:30-8:30 p.m., with presentations at 3:00 pm at 7:00 p.m.

14. NOTICES OF MOTION - NONE

15. PUBLIC PARTICIPATION

At this time, the Community Council invited the public to participate.

Walter Regan of Candlewood Lane, Lower Sackville, invited Councillors and the public to a ribbon cutting ceremony at 11:00 a.m. on October 13th 2012 at the Dennis Bicknell Bridge. He also asked if the Community Council could request that HRM Engineering Staff come up with a master stormwater plan to address mounting stormwater problems in the Sackville area.

Councillor Johns read aloud an update from HRM staff confirming that, at Hartland Village, arrangements have been made to move fill to deal with a pond that was created. Standing water should be moved in the next week or two.

Joyce Evans requested an update on additional street lighting along Hammonds Plains Road. Councillor Outhit explained that the traffic authority had accepted to replace certain lights but declined to add new lights to existing poles. He suggested that she follow-up with Councillor Lund for details.

Herman Pye of Lawrencetown reiterated his concerns about the rights of residential property owners near the Bedford West Campus Zone. Councillor Outhi explained that the area used to be zoned residential reserve and is now residential use. He asked that Mr. Pye follow-up with Thea Langille, Supervisor of Planning Applications, and that Ms. Langille, in turn, provide a verbal update on this matter at an upcoming Community Council meeting.

Nick Antoft, resident of Waterstone, told Councillors that truck enforcement along Hammonds Plains Road is having little impact. Truck traffic, he noted, seems to be getting worse. He wanted to know if the tender for Margeson Road had already been issued and, if so, which company had been awarded the project. He reckoned that if this project were completed all at once then it would resolve turn lane problems in the area.

Councillor Johns explained that there are new truck right of way signs on Sackville Drive but was not sure if they had been installed on Hammonds Plains Road. He confirmed that the tender had been awarded, encouraging Mr. Antoft to contact him directly about this matter.

Ross Evans of Hammonds Plains informed Councillors that there is a maple tree blocking a speed sign at 1411 Lucasville Road. He requested that the tree be cut down or trimmed.

17. NEXT MEETING DATE – October 25, 2012, at Basinview Drive Community School

18. ADJOURNMENT

The meeting adjourned at 10:07 p.m.

Ted Aubut
Legislative Assistant