

NORTH WEST PLANNING ADVISORY COMMITTEE

MINUTES

JANUARY 6, 2003

THOSE PRESENT: Delphis Roy, Chair
Karen Stadnyk
Gloria Lowther
Tony Edwards
Ann Merritt
George Murphy
Jan Gerrow

ALSO PRESENT: Councillor Robert P. Harvey
Angus Schaffenburg, Planner
Gail Harnish, Admin/PAC Coordinator
Sandra Shute, Legislative Assistant

Regrets: Councillor Len Goucher

TABLE OF CONTENTS

1.	Call to Order	3
2.	Approval of Agenda	3
3.	Approval of Minutes - November 13, 2002	3
4.	Business Arising Out of the Minutes	3
5.	Case 00500 - Application to Rezone Lands off Meadowlands Drive, Lower Sackville	3
6.	Status Updates	8
7.	New Business	8
8.	Next Regular Meeting Date	8
9.	Adjournment	8

1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. in the Charles Fenerty Room, Sackville Library, 636 Sackville Drive, Lower Sackville.

2. **APPROVAL OF AGENDA**

The Agenda was approved as presented.

3. **APPROVAL OF MINUTES - NOVEMBER 13, 2002**

MOVED by Gloria Lowther, seconded by George Murphy to approve the Minutes of meeting held on November 13, 2002 as circulated. MOTION PUT AND PASSED.

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

Angus Schaffenburg, Planner advised that the Development Agreement application for Neighbourhoods A and C of the Wentworth/Bedford South Master Plan Area, Bedford, which was approved at a Joint Meeting of Chebucto and North West Community Councils on December 9, 2002, has been appealed to the Utility and Review Board.

As well, Mr. Schaffenburg advised that the Development Agreement for lands between Nottingham and Basinview, Bedford had also been appealed. This was approved by North West Community Council on December 9, 2002.

After discussion on the appeals and question as to why they had been appealed, Mr. Schaffenburg agreed to provide the Committee with further information.

5. **CASE 00500 - APPLICATION TO REZONE LANDS OFF MEADOWLANDS DRIVE, LOWER SACKVILLE**

A Staff Report dated December 17, 2002 was before the Committee. Angus Schaffenburg, Planner provided an overview of the application to rezone lands off Meadowlands Drive from P-2 to R-1 to permit development of single detached lots. Included in his presentation was the following information:

- Staff evaluated the application against the policies of the Sackville Municipal Planning Strategy and the rezoning meets the criteria of both IM-13 and the overall intent of the Sackville Municipal Planning Strategy.
- Under new municipal requirements which came in as part of the Capital Cost Contribution amendments, applicants developing residentially must go through a Concept Plan process.

- He presented a Concept Plan for this application but advised it might not be the plan that would end up being approved in terms of parkland and lot configuration.
- The benefits to the new requirements are a traffic study and information on stormwater management.
- The evaluation was done on 28 units but the developer may choose to have less units depending on the market and on parkland dedication or money in lieu of parkland.
- The staff recommendation for approval of the rezoning was also based on Policy UR-2.

Tony Edwards referred to the Concept Plan and asked if the houses would be as close to the street as they appear on the plan. In response, Mr. Schaffenburg advised that the location at this time was more illustrative but the location of the houses must meet the standards of the R-1 zone in terms of setbacks. This would be done at a later stage.

Tony Edwards then expressed concern regarding tree retention because of the potential for flooding. In response, Mr. Schaffenburg advised that the Municipality does not have any legal control over the cutting of trees; however, the developer indicated at the last Public Meeting that they did not intend to clear cut as the lots sell better with trees on them. This did not mean, though, that the person buying a lot would not cut down the trees.

Tony Edwards then asked for clarification as to why the specific zone was requested. In response, Mr. Schaffenburg advised that the Sackville Plan would allow entertaining to a semi-detached zone, a townhouse zone and for apartments through Development Agreement. It would also allow entertaining to a Comprehensive Development Zone which includes a mix of uses. The R-1 zone applied for is supported by the policies in the Plan.

On a question from Tony Edwards as to whether or not site restrictions could be applied in the agreement, Mr. Schaffenburg advised this was strictly a rezoning.

Ann Merritt asked for clarification regarding elevations because there is only one road proposed, buffering with trees from the highway and buffering for drainage. In response, Mr. Schaffenburg advised that there is no other way to develop the property and the property does slope. He provided a Drainage Plan for perusal. Some of the proposed lots are much larger than the required 6000 sq. ft.

Karen Stadnyk, with regard to buffering for drainage, indicated the concern was with Lots 1 and 28 because the highest grades are along Lots 14 to 1. It is more marshy towards the highway. There is a ditch behind the developed lots now, pictures of which are included in the Staff Report. That is where the watercourse is located and it is treed up to that point at this time.

Gloria Lowther asked if Lots 1 and 28 abut the property lines for Civic Nos. 182, 186 and 190. In response, Mr. Schaffenburg advised the ditch was transferred from Department

of Transportation and is a right of way in favour of the Municipality. There is no buffer other than provided by the usual R-1 regulations.

Karen Stadnyk added that the Municipality has the responsibility for the ditch behind Lot 28 through the parkland but not between Lots 28 and 1. The homeowners have no recourse in terms of liability if their property floods when the trees are removed for the new homes.

Mr. Schaffenburg referred to the concern about adding to the stormwater that is already there. He stated a Stormwater Master Plan has been prepared by the consultant to the developer and landowner which takes in all of the pre and post development and does pre and post development calculations. Should this proposal be approved, they would have to come back with a detailed stormwater management plan which would have to be signed by a professional engineer. Part of the municipal service specifications state that stormwater shall not be directed to adjacent private properties unless private easements are provided. He was sure the developer's engineer was not interested in potentially flooding anyone because of liability. No matter how they decide to configure the lots, they will have to adhere to the stormwater management requirements.

Mr. Schaffenburg went on to say that many of the issues brought up are germane both to an as-of-right institutional development and an R-1 development, in terms of stormwater management and erosion and sedimentation control.

Karen Stadnyk referred to the fact that in the Erosion and Sedimentation Guidelines and in the Stormwater Management Guidelines, there are no buffers allowed for tree retention in Sackville. She asked if tree buffers could be built into these two Guidelines. In response, Mr. Schaffenburg advised that the Municipality does not have authority to deal with trees.

Karen Stadnyk stated she thought the developer would have the support of the community if the developer put in writing that there was a tree retention plan and some buffers in place. There was particular concern regarding the ditch in the area of Lots 1 and 28.

Mr. Andrew Giles, Kimberley Lloyd Developments, on behalf of the developer, referred to an e-mail sent to Mr. Schaffenburg and advised there is no intention of clear cutting the property. When an individual homeowner buys a lot, however, they can clear the lot. Covenants have been put into prior subdivisions but they are hard to enforce. Homeowners will do what they want. He indicated a willingness to provide something in writing.

Jan Gerrow asked if the width of the proposed street is the same width as the adjacent street. In response, Mr. Schaffenburg advised that it was a little narrower but it meets the HRM standard in terms of the right of way required in the Municipal Servicing Standard.

Additionally, Mr. Giles indicated it would be 15 meters versus the 20 meters in the old specifications.

Gloria Lowther questioned the need for a second access for anything over 100 homes. In response, Mr. Schaffenburg advised that the guidelines are in the process of being changed to 300. Right now there are 122 homes and the proposal will add 28. In terms of the municipal servicing standards and guidelines, when you get to 100 lots, you have to look at variables. When you come from the proposed cul-de-sac, there would be multiple accesses. There was a traffic study done which concluded that the proposed development will not substantially impact traffic at the intersection of Old Sackville Road and Meadowlands. Staff felt this was acceptable.

Mr. Schaffenburg referred to the length of the cul-de-sac and advised that the developer has been requested to provide a walkway which can be used for emergency access. A walkway would normally be at the end of the bulb; however, because of the church property and graveyard, there does not seem to be any benefit in locating it there. It seemed more reasonable to ask the developer to provide the walkway about halfway down, that it be fully developed on both sides and put in a culvert.

Karen Stadnyk then referred to the length of the cul-de-sac and asked if there was a policy that has to be met. In response, Mr. Schaffenburg advised it is possible to get a variance on the length of the cul-de-sac but there may be other things that could be negotiated at the same time.

Karen Stadnyk stated that the proposed walkway is a problem because it will be going through the back to the parkland. The park is a problem because it slopes, there have been a lot of RCMP visits, parties, rowdiness and vandalism. The gravel road has been taken out because of vehicles driving into the park and also accessing the highway. She expressed concern that the walkway proposal would bring children into an area that is treed and has access to the highway. It would not actually link the roads in the community but come to the back of a park and stop. It would be a loading zone for burglars. She encouraged staff to ask the RCMP for input on the walkway proposal.

Mr. Schaffenburg responded that if there is no walkway, the cul-de-sac would have to be shortened as the walkway would be there for safety reasons for alternative access.

Karen Stadnyk asked if the developers would be willing to give Lots 1 and 28 as a walkway/buffer zone/parkland area. In response, Mr. Schaffenburg advised he asked Parkland Planning for input. Parkland Planning indicated there was a neighbourhood park already in the area. The area proposed does not meet their criteria. He indicated he would check again with Parkland Planning.

Tony Edwards referred to intermittent drainage and asked if intermittent streams could be designated as such. In response, Mr. Schaffenburg advised that the engineers will have

to look at water coming off various areas to make sure there is infrastructure capable of carrying the water from a storm.

Delphis Roy referred to Councillor Harvey and stated that the church is designated Heritage and asked how much of the land is designated as Heritage as well. In response, Councillor Harvey advised that he was not sure if the entire church property comes under the municipal designation of a heritage property. He was not sure where the boundary is.

Delphis Roy referred to the fact that the adjacent subdivision had been built on a pond which had been drained and that was why there was so much natural drainage. He asked for information on the submersible pumps. In response, Mr. Schaffenburg advised the pumping station in the subdivision is for sanitary sewer. The developer's engineer was required to do a study of the pumps to see that they have the capacity to pump the additional sewage.

In response to a request by Ann Merritt, Mr. Schaffenburg listed the uses under P-2 which is the current zoning.

George Murphy suggested that if there was extra land available over and above the requirements for R-1 lots, it could be added to the creek buffer which seems to be a problem between the old and new development.

Karen Stadnyk expressed concern that the present Concept Plan would not be the one approved and stated there was the issue of the length of the cul-de-sac as well. If the walkway is deemed unacceptable, the cul-de-sac has to be reduced to the minimum requirements.

Mr. Schaffenburg, in response, stated that the intent is to build something similar to the Concept Plan presented; however, with a rezoning, the Plan is asking for judgement as to whether or not the policies of the Plan are met, not on whether a specific lot meets the standards of the by-law. The question is whether or not the overall intent of the Plan is met by what is proposed. Certainly there are issues that will have to be worked out through the Concept Plan process and through the engineering process.

MOVED by George Murphy, seconded by Ann Merritt to recommend that North West Community Council:

- a) **Move First Reading to consider the proposed rezoning and schedule a Public Hearing for February 13, 2003;**
- b) **Approve the rezoning of lands off Meadowlands Drive (generally PID 41027061) to R-1 (Single Unit Dwelling) Zone from P-2 as shown on Map 2 attached to the Staff Report dated December 17, 2002.**

Karen Stadnyk asked if the motion should include a section regarding clarification on the heritage aspects of the property.

Mr. Schaffenburg advised there was no need as he would obtain the information prior to the Public Hearing.

MOTION PUT AND PASSED.

6. **STATUS UPDATES**

6.1 **Monthly Status Sheet** - Provided for information purposes.

6.2 **Decisions of Community Council and Regional Council** - Provided for information purposes.

7. **NEW BUSINESS**

Karen Stadnyk stated that Sackville has no policies regarding tree retention, watercourse definitions/stormwater management or buffer zones and these items should be identified because they were issues of the proposed Meadowlands development. She indicated that there was no way for the Committee to recommend rejection of the Meadowlands development because there were no policies to support this.

It was noted that the regional planning process was taking place at this time. Gail Harnish, PAC Coordinator, agreed to refer the Committee's concerns to appropriate staff.

8. **NEXT REGULAR MEETING DATE** - Wednesday, February 5, 2003.

9. **ADJOURNMENT**

The meeting adjourned at 8:40 p.m.

Sandra M. Shute
Legislative Assistant