

**NORTH WEST PLANNING ADVISORY COMMITTEE
MINUTES**

September 7, 2005

PRESENT: Ms. Ann Merritt, Chair
Ms. Gloria Lowther, Vice Chair
Ms. Barb Grant
Mr. Walter Regan
Mr. Joel Matheson
Mr. George Murphy (7:10 p.m.)
Deputy Mayor Len Goucher

ABSENT: Councillor Brad Johns
Mr. Warren Hutt
Mr. Robert Batherson

STAFF: Ms. Gail Harnish, Admin./PAC Coordinator
Ms. Thea Langille-Hanna, Planner II
Mr. Andrew Bone, Planner
Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Stephanie Parsons, Legislative Assistant

TABLE OF CONTENTS

| | | |
|-----|--|---|
| 1. | Call to Order | 3 |
| 2. | Approval of Minutes | 3 |
| 3. | Approval of the Order of Business and Approval of Additions and Deletions | 3 |
| 4. | Business Arising out of the Minutes | 3 |
| 5. | Reports: | 3 |
| 5.1 | Case 00753 - Appointment to Area Advisory Committee for the Paper Mill Lake Lands under Development Agreement - Bedford | 3 |
| 5.2 | Case 00495 - Development Agreement - Sackville Cross Road, Sackville | 4 |
| 6. | Status Updates: | 5 |
| 6.1 | Monthly status sheet | 5 |
| 6.2 | Decisions of Community Council | 6 |
| 7. | Added Items | 6 |
| 8. | Next Regular Meeting Date | 6 |
| 9. | Adjourn | 6 |

1. Call to Order

The Chair called the meeting to order at 7:00 p.m. in the Fenerty Room, Sackville Library.

The Chair introduced Ms. Stephanie Parsons, and advised that she was a Legislative Assistant from the Municipal Clerk's Office, and was being assigned this Committee. Staff and members of the Committee introduced themselves to Ms. Parsons.

2. Approval of Minutes

MOVED by Ms. Grant, seconded by Deputy Mayor Goucher the minutes of May 4, 2005 and June 1, 2005 be approved as circulated. MOTION PUT AND PASSED.

3. Approval of the Order of Business and Approval of Additions and Deletions

A brief discussion ensued regarding Mr. Batherson's status with the Committee. The chair indicated she understood Mr. Batherson had resigned, but she had not received official notification. Ms. Harnish was asked to follow with Mr. Batherson via e-mail.

There were no additions or deletions to the agenda.

4. Business Arising out of the Minutes

None

5. Reports:

5.1 Case 00753 - Appointment to Area Advisory Committee for the Paper Mill Lake Lands under Development Agreement - Bedford

C A memorandum dated July 12, 2005 from Thea Langille-Hanna, Planner II was submitted.

Ms. Langille-Hanna explained that in July North West Community Council approved the formation of the Public Participation Committee to review and comment on an application to amend the development agreement for the Paper Mill Lake Residential Comprehensive Development District. She added that this Committee will be comprised of three representatives from the adjacent residential area; two representatives from the Bedford Waters Advisory Board, two representatives from this Committee.

Ms. Langille-Hanna provided a brief background on the Development Agreement and the purpose for forming the Committee, and responded to questions.

In response to a question by Mr. Matheson, Ms. Langille-Hanna advised that public hearings

would be held in regard to this matter.

The Chair asked for volunteers to sit on the Committee, and Ms. Lowther and Mr. Matheson advised that they would be the NWPAC representatives.

5.2 Case 00495 - Development Agreement - Sackville Cross Road, Sackville

C A staff report dated August 30, 2005 was submitted.

C A revised Schedule F - Floodplain Analysis (August 30, 2005 report) was circulated. Mr. Andrew Bone, Planner, addressed the Committee and outlined the application by Paul Robichaud for a development agreement to permit the construction of townhouses at (PID#40282790) Lot 4A, Sackville Cross Road.

In his remarks Mr. Bone noted that the area in question falls within the *Urban Residential* designation; it is within the flood plain designation; zoned R-1 to the west, and P-3 on the east side, and that the surrounding land uses are mainly residential, with a commercial component in the Sackville Cross Road.

With regard to the proposed townhouse complex Mr. Bone advised that the proposal is for three, four-unit townhouse buildings, two-storey, and relatively modest in size. He added that there are no basements, and that the access driveway is designed similar to a cul de sac.

Mr. Bone indicated that in assessing this proposal, one of the issues which arose was sewer capacity. He added that there are concerns of trunk sewer overflows during storm events. Mr. Bone pointed out that HRM's Environmental Management Services has advised they will not recommend favourably on anything that would increase land use density beyond developments permitted under existing zoning rights.

Mr. Bone explained that staff are in agreement with the construction of eight units, and this is what can be built as-of-right if approved by Council. Mr. Bone pointed out that this application had been submitted prior to Environmental Management Services coming forward with their comments on sewers in Sackville, and staff, including Environment Management Services staff, worked out a proposal for eight units for the site. It was felt that, because this application had been in the process for some time, to be fair, staff agreed to eight. Mr. Bone went on to note that the developer would ideally like to construct 12 units and staff advised that, given the sewer issues, this was not possible at this time. The developer then requested conditional approval for the additional four units, such that if, in future, improvements were made to the trunk sewer and the density moratorium were lifted in Sackville he could build the additional units. Mr. Bone added that there is a clause in the proposed development agreement which allows the developer to build the additional four units but it is conditional upon the trunk sewer being upgraded, and with the consensus of HRM's Development Engineer and the Manager of Environmental Management Services.

A discussion ensued with Mr. Bone responding to questions.

During the discussion the majority of Committee members were in agreement that the

conditional clause was a concern and felt it should be removed. In response, Mr. Bone explained that this proposal was being carried out under the Condominium Act, and under this circumstance, it is difficult for the developer to come back at a later date and obtain approval for the additional four units. As well, Mr. Bone noted that the conditional clause was also a trigger for the developer to hand over a large parcel of land to the Municipality.

Other comments pertaining to this case are noted as follows:

- S Mr. Regan requested a copy of the 1978 Sewer Plan Study. Mr. Bone indicated he would look into this and see if he could obtain a copy.
- S all developments affect sewer capacity; therefore, each proposal should consider this aspect (i.e. impact on sewer capacity) first before developers put forward their proposals.
- S driveway maintenance - contract should be very clear with regard to maintenance, especially winter maintenance. Mr. Bone suggested the addition of a clause pointing out that all maintenance will be performed by the residents, and that HRM does not perform winter maintenance.
- S suggestion that a warning clause be included in the agreement with regard to the floodplain.
- S it was noted that the revised Schedule F contained an error in regard to illustrating the 1:20 floodplain. Mr. Bone pointed out that the 1:20 floodplain line lies very close to the river.
- S a comment was put forward expressing appreciation that HRM was now requesting landscaping deposits
- S with regard to the developer providing security to the Municipality concerning landscaping, a suggestion was made that staff may want to reconsider permitting a Letter of Credit, and ask for a certified cheque only, as it is the safest way for the Municipality to get the funds, if need be.
- S once the exact size of the parkland is known, Mr. Bone will advise Mr. Regan.
- S Mr. Bone will provide the 1998 floodplain mapping which better illustrates the 1:20 and 1:100 floodplain areas.

MOVED by Ms. Grant, seconded by Mr. Matheson that North West Planning Advisory Committee recommend that North West Community Council:

1. **Give Notice of Motion to consider the proposed development agreement, provided as Attachment D of the August 30 report, to permit the construction of townhouse buildings at (PID#40282790) Lot 4A, Sackville Cross Road;**
2. **Approve the proposed development agreement provided as Attachment D, with the following amendments:**
 - S **delete any reference to conditional approval of an additional four units.**
 - S **provide further clarification on the clause pertaining to the owner being responsible for any and all road maintenance.**
3. **Require that the agreements 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 Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval with be void and obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

6. Status Updates:

6.1 Monthly status sheet

A copy of Central Region status updates for planning applications was submitted for information.

6.2 Decisions of Community Council

A copy of North West Community Council's decision's pertaining to Public Hearings held on Cases 00701, 00722, and 00802 of July 7, 2005; and Cases 00701 and 00738 of August 25, 2005 was submitted for information.

7. Added Items

None.

8. Next Regular Meeting Date

October 5, 2005

9. Adjourn

Prior to adjourning, the Chair reminded the members of a public meeting the Committee was hosting on Monday, September 12, at 7:00 p.m. in the Basinview Drive Community Elementary School.

The meeting adjourned at 8:40 p.m.

Sheilagh Edmonds
Legislative Assistant