

**NORTH WEST COMMUNITY COUNCIL**

**CHEBUCTO COMMUNITY COUNCIL**

**JOINT MEETING**

**MINUTES**

**DECEMBER 9, 2002**

THOSE PRESENT: North West Community Council

Councillor Len Goucher, Chair  
Councillor Robert P. Harvey

Regrets: Councillor Brad Johns

Chebucto Community Council

Councillor Linda Mosher  
Councillor Russell Walker  
Councillor Diana Whalen

Regrets: Councillor Stephen D. Adams

ALSO PRESENT:

Barry Allen, Municipal Solicitor  
Thea Langille-Hanna, Planner  
Sandra Shute, Assistant Municipal Clerk

1. **CALL TO ORDER**

The meeting was called to order by Councillor Goucher, Chair for this meeting, at 7:00 p.m. in the Basinview Drive Elementary School, Bedford.

2. **PUBLIC HEARINGS**

2.1 **Case 00492 - Development Agreement Application for Neighbourhood A and C of the Wentworth/Bedford South Master Plan Area, Bedford**

A Supplementary Report dated November 25, 2002 was before the Community Councils. Thea Langille-Hanna, Planner provided an overview of the report. Included in her presentation was the following information:

- Analysis and evaluation of the Policies as outlined in the Staff Report dated November 8, 2002.
- Bedford Waters Advisory Committee provided positive recommendation of the development on October 9, 2002.
- As well as single unit dwellings, townhouses and multi unit dwellings, there would be two commercial sites, parkland and open space.
- The proposal for residential meets the Municipal Planning Strategy policies based on staff's review and evaluation. There are adequate community facilities being provided, sidewalks and walkways to facilitate and foster a sense of community and integration. There is natural vegetation being retained around the multi-unit dwellings and the Old Coach Road.
- There are two commercial sites of approximately one acre in size each in Neighbourhood A. The commercial buildings are limited to a maximum footprint of 10,000 sq. ft., three stories in height and uses are restricted to those permitted in the Commercial General Business Zone of the Bedford Municipal Planning Strategy and Land Use By-law.
- With respect to Neighbourhood C, proposed lots along Crosby Street cannot be developed unless municipal services are provided to the extension portion of Crosby Street.
- Parkland consists of three neighbourhood parks, a major trail development at Old Coach Road and walkway connections.
- In exchange for not constructing sidewalks on specific streets, the developer has agreed to construct a trail along Old Coach Road plus provide additional parkland development.
- How the Stormwater Management Plan addresses policy criteria.
- With regard to municipal services, phasing requirements are necessary to deal with capacity in the Mill Cove Treatment Plant and the capacity of the Bedford Highway.

- The School Board has advised that the existing school system can accommodate the proposed development over the next few years. The School Board has indicated they have an action plan to accommodate future development in the area including boundary reviews for Basinview Elementary and Bedford South as well as future upgrading to C. P. Allen High School and the construction of a P-9 school in the Bedford West area.
- An infrastructure charge area shall be established and be under the Subdivision By-law. The area will be governed within the Secondary Planning Strategy but no Development Agreement shall be entered into until the infrastructure charge costs have been put into effect. These charges have not come forward to Regional Council as yet but are expected in the near future. Staff, therefore, is recommending, in order to conform with the policy, that Community Council consider the Development Agreement but the approval should be subject to the adoption of the proposed amendments to the Subdivision By-law by Regional Council with regard to capital cost charges.
- Staff is recommending approval of the Development Agreement attached to the Supplementary Report dated November 25, 2002.

Councillor Goucher referred to the fact that right now changes to the Blasting By-law are being considered. He asked if changes occur, will they affect the proposal as well. In response, Ms. Langille-Hanna advised that the Development Agreement has been written to relate to the Blasting By-law as amended from time to time.

Councillor Goucher referred to stormwater management and asked if staff felt confident that as the impervious surface increases, it will not result in any increased flow into the watershed. In response, Ms. Langille-Hanna advised that the development of Neighbourhoods A and C does not actually direct drainage towards Paper Mill Lake. It would be future phases that could impact Paper Mill Lake.

Councillor Mosher referred to the November 8, 2002 report regarding parkland planning and asked staff to provide information on the differences now with regard to parkland dedication.

In response, Ms. Langille-Hanna referred to the old and new map and explained that the issue was the overall size and placement of the proposed neighbourhood parks. Schedule J in the original report did not provide the necessary connections felt to be necessary in future and the placement was not strategic. As a result of a further review, there are changes resulting in a fairly large neighbourhood park.

Councillor Mosher asked if the developer will be prepping the park. In response, Ms. Langille-Hanna advised that the developer has agreed to do site preparation, clearing, sodding and equipment to \$15,000.

Councillor Mosher asked if Parks and Recreation would have an opportunity for input before acceptance. In response, Ms. Langille-Hanna advised the Development Agreement requires review and sign off by Parks and Recreation before any approvals can be granted by the Development Officer.

Written submissions were received from the following:

- Christine Anne Smith dated December 2, 2002
- Dick Snook dated November 29, 2002
- David Wimberley dated December 9, 2002

The Chair then called for speakers for or against the application.

Ms. Donna Bowdridge, 7 Millview Avenue asked what would happen with Crosby, Millview and Glenmount as these streets are all on wells and septic.

In response, Councillor Goucher advised that the Development Agreement guarantees the wells. If something happens and there is an interruption in the water supply, the developer will guarantee water for use in the home. If the well is disturbed to a point where it becomes unusable in future, the developer will drill a new well.

Ms. Estella Clayton, Glenmount Avenue expressed concern that there were 500 homes proposed and no provision for a school.

In response, Councillor Goucher advised that it is the School Board that advises regarding space. The School Board has responded that there will be space somewhere and the Municipality has to accept that.

Mr. Rick Irwin, 3 Crosby Street acknowledged that the developer intends to drill a new well if something happens to the old one but pointed out that if there is more development, there might not be any water.

In response, Ms. Langille-Hanna advised that the developer tested water levels in the area. If there is a problem with a specific well, they might have to drill down deeper to find the necessary water supply. There is servicing on either side and, at some point, it is felt that servicing will happen but the time frame and costs associated are unknown at this time.

Mr. Irwin continued that something should be written into the Development Agreement that if the developer cannot find water, then water and sewer services should be put in. He was down 360' now for his well which is below the Bedford Basin water level.

In response, Ms. Langille-Hanna advised that in terms of the staff recommendation, it is based on information on the water table provided by Jacques Whitford.

Ms. Lois Hartnett, Glenmount Avenue raised the following points:

- Concern re the potential for overcrowding of schools.
- There was no more water for wells. Servicing for water will not come free and she would not subsidize development.
- If she encounters damage from blasting, she would have to prove that the developer did the damage.

Ms. Christine Ann Smith, School of Environmental Studies raised the following points:

- She outlined problems encountered with blasting on her own property and school boundaries at this time.
- Increased air pollution from vehicles, homes and business.
- Taxpayers should not have to subsidize the development, i.e. maintenance, snow removal, the supply of water from Pockwock Lake.
- Higher demand on the power grid.
- Generation of additional solid waste.
- Traffic congestion.
- The overland flow that will be created by the massive removal of trees and paving and question as to whether or not it will affect people's wells.
- Environmental capacity to handle the new development.

Mr. Mike Morrissey indicated he is a tenant of the Blackie property which is part of the proposed development. He raised the following points:

- There might be fossils in the Blackie property area of the development.
- He called for a Stewardship Committee for all developments in HRM to address items such as blasting, schools and medical facilities to help with communications from the concept stage to the actual results. He asked for comments from the Planner regarding a possible Stewardship Committee.
- During the process of documenting the natural history of where he lives, he interviewed people and heard about the historical, cultural and social issues currently and in the past which should be part of the assessment process, inventory and archives. If all the facets of the development process are not documented, it will not be possible to look back.
- He advised that he has photos and videos available with respect to natural history.

In response, Ms. Langille-Hanna advised that after a Development Agreement is approved, the community will continue to work with staff and the developer to ensure that people who are buying lots or houses in the development have an understanding of the environmental issues that have been discussed over the last three to four years in the Master Plan area. She stated this was parallel to the Paper Mill Lake Advisory Committee which is presently in place for the Paper Mill Lake area.

Mr. Robert Spriggs, Glenmount Avenue asked for clarification regarding the two commercial areas proposed and the two condos proposed. In response, Ms. Langille-Hanna advised that the proposals for both have not changed from day one.

Mr. Rick Gagne, 49 Lodge Drive raised the following points as he is a Hydrogeologist:

- He applauded the developer for offering to drill wells; however, a phenomenal amount of development is happening upgradient from an existing community on wells on sub-sized lots where there may be no option as to where a well can be drilled.
- With the effects of road salt and fertilizers, the stress placed on the sub-surface aquatic environment by virtue of development uphill from the homes on aging wells, will someday have to be replaced with central water.
- The Development Agreement fails the existing communities by not making provision for bringing central water into the community to replace failed wells. Homeowners will be forced to pay for central water.
- Although he had no problem with development, it should not be at the cost of existing residents - bringing in water when there is already an acceptable and adequate water supply today.
- He urged the communities affected to contact the Minister of Environment with respect to the allocation of resources. Any effect, water quality or quantity, is essentially viewed as a diversion of a water course and has to be done by application.

Councillor Goucher then asked the Municipal Solicitor if the Capital Cost Contribution for this proposal could be used towards a guarantee in the event that the wells fail and cannot be remediated. In response, Mr. Barry Allen, Municipal Solicitor advised that the present plan for this type of program is for the monies to be available to service the land as it is developed and subdivided, not the existing properties.

Mr. Mike Shacklock, Horizon Road referred to the School Board's decision that there would not be any overcrowding as a result of this development and asked if anyone since 1988 ever felt that the schools have been overcrowded as a result of development.

In response, Councillor Goucher advised that from 1988-1991, while doing the Municipal Planning Strategy, there was so much concern that there was a clause in the document that

would curtail new development pending construction of new schools. The Municipality is now governed by the Municipal Government Act and the input relative to schools comes from the School Board.

Mr. Shacklock asked what would happen if the School Board said no. In response, Councillor Goucher advised there were clauses in the Municipal Planning Strategy that could allow curtailment of the development or delay it.

Mr. Shacklock then stated there should be a clear stipulation that the developer should not only replace or redig a well but should be forced to provide sewer and water to the existing neighbourhood. He suggested that instead of protecting green space, something should be done about the people's water. He also expressed concern with blasting and proving that anything that could happen from blasting was not already there.

Ms. Connie Sexton, Roy Crescent raised the following points:

- When people look for a home in the area proposed, they will want to know where the nearest school is.
- She then provided recommendations on behalf of a consulting firm.
- Community interest groups should be formed not associated in any way with the developer to conduct a community based assessment with regard to environment, culture and archeological significance.
- Research conservation approaches should determine how blasting will affect the watersheds to determine the effect on adjacent communities and ecosystems.
- Determine how development will affect water quality and quantity for wells in the area.
- Reassess appropriateness of lands along the Bedford Highway.
- Circulate a petition to people living in the area asking if they agree with the Bedford development plan.

Mr. Mike Hanusiak, General Manager, Clayton Developments raised the following points on behalf of the developer as a result of input from the public to this point:

- There is the Bedford South P-9 School. The School Board prepared a demographic profile from information provided. The development proposed will take over six years to complete. The School Board is of the opinion there is a school in the neighbourhood. The Bedford South School land actually came out of the Bedford South Master Plan area. The School Board indicated to the PTA that they should anticipate the early phases of the proposed development going to Bedford South School. There are other schools in the area that are under formal review.
- With regard to the Community Concept Plan, in the centre of the site is a large school site reserved. The School Board and Department of Education have six years or 70%

- buildout of the pre-interchange phases to decide if they want that particular site for another school. There is also the school on Larry Uteck Boulevard.
- With regard to wells, Jacques Whitford was hired to give a preliminary assessment of the situation with the wells in the Glenmount area. The preliminary assessment was provided to HRM staff and is a matter of public record. There are about 50 wells in the area, several on record with Department of Environment as to the depth and amount of flow. Each house will be independently surveyed, according to the Blasting By-law, in advance of blasting. Clayton Developments and Jacques Whitford feel confident that there is less than a 5% chance of permanent well damage. If there is temporary damage, the developer will ensure potable water until the torpidity clears up. If for some reason the well is damaged, Clayton will replace the well.
  - There will be municipal water and sanitary service as Road 11 is completed and sanitary service is going across Bedford Highway along with water service. It is not Clayton Development's responsibility to bring water to the existing area, rather manage a risk situation. The capital investment of bringing water and sewer to the doorstep will be there; the question then becomes do the residents through HRM, the local Councillor and HRM policies, want to proceed with water in the area. Clayton Developments recommends that water only not be installed because the residents are on septic systems. This is not a subsidization from HRM but a cost being borne by Clayton Developments and Clayton Developments believes it is an opportunity for the neighbours to begin to look at the possibility, practicality and feasibility of going to municipal water. There is a public process in place set up by Regional Council to go about this.
  - Neighbourhoods A and C will have 24% of the land retained as open space.
  - Department of Environment has decreed that Clayton Developments has to maintain a natural hydrological site which means it must balance pre and post stormwater development flows. All existing watercourses have been identified and documented by Department of Environment. The amount of water taken out must be the same as the existing situation. Dealing with wells 300' down, when work will take place 100' above, is not viewed as a high risk situation. Clayton Developments is sensitive to the blasting issue with the biggest concern being blasting along the Bedford Highway. Sooner or later there would have been servicing along the Bedford Highway, with or without this proposed development.

Mr. Bob Kerr, Moirs Mill Road stated that he had been a member of Bedford Waters Advisory Committee until just recently and explained that the developer invited the members of the Committee for a site visit. All the questions raised at the Committee meeting were addressed by the developer. He understood that no one in the area will be wanting for water.

Ms. Donna Bowdridge referred to Mr. Hanusiak's reference to 50 wells and asked if Millview Avenue was included. In response, Mr. Hanusiak advised that the preassessment done by



Jacques Whitford included all wells on record with Department of Environment. The intent is to assess all wells dictated by HRM under the Blasting By-law. If there are additional wells, HRM will direct as to which ones are to be reassessed. There is no intention to miss any of the wells in the area.

Mr. Rick Gagne added that long term quality of water is the concern. The water quality could be rendered such that it will not be potable by virtue of road salt and fertilizers. The existing community is not the body choosing to do the development above; they are having it done to them. The existing community already paid for services and will be asked, by virtue of destruction of their wells and poor water quality, to pay one more time to bring in central water in addition to having to pay for on site services.

Mr. Irwin asked if, along with replacing the well if required, would it be connected and would the landscaping be replaced. In response, Mr. Hanusiak advised yes.

The Chair called three times for further speakers. There were none.

**MOVED by Councillor Mosher, seconded by Councillor Harvey to close the Public Hearing. MOTION PUT AND PASSED.**

**MOVED by Councillor Whalen, seconded by Councillor Harvey that North West Community Council and Chebucto Community Council:**

- (a) Approve the revisions to the Development Agreement, as recommended by staff in Attachment A of the Supplementary Report dated November 25, 2002, to permit the development of Neighbourhoods A and C of the Wentworth/Bedford South Master Plan area (a mixed use residential and commercial development).**
- (b) Approve the Development Agreement as detailed in Attachment A of the Supplementary Report dated November 25, 2002 subject to approval by Regional Council of amendments to the Subdivision By-law to specify Capital Cost Contribution charges for the Wentworth/Bedford South Master Plan Area.**
- (c) Require the revised Development Agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise, this approval shall be void and any obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

3. **ADJOURNMENT**

On a motion from Councillor Harvey, the meeting adjourned at 8:30 p.m.

Sandra M. Shute  
Assistant Municipal Clerk