

CHEBUCTO COMMUNITY COUNCIL

MINUTES

MONDAY, JANUARY 10, 2005

PRESENT: Councillor Linda Mosher, Chair  
Councillor Russell Walker, Vice-Chair  
Councillor Stephen D. Adams  
Councillor Debbie Hum  
Councillor Mary Wile

STAFF PRESENT: Mr. Angus Schaffenburg, Planner  
Ms. Chris Newson, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 pm at the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

It was agreed by Chebucto Community Council to move forward on the agenda Item 13.1 Case 00066: Development Agreement, Governor's Brook Subdivision, Mainland South, Halifax to immediately following the Call to Order.

**13. ADDED ITEMS**

13.1 Case 00066: Development Agreement, Governor's Brook Subdivision, Mainland South, Halifax.

- A Supplemental Report dated January 7, 2005 was before Community Council.

Mr. Angus Schaffenburg, Planner, presented the report.

**MOVED BY Councillor Adams, seconded by Councillor Walker that Chebucto Community Council:**

- 1. Approve the Development Agreement, being Attachment "A" of the supplementary report dated November 18, 2004 to permit a comprehensive residential development on 156 acres in Mainland South, lands of Kimberly-Lloyd Developments Ltd;**
- 2. Require that the 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 by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end; and**
- 3. Write to the Minister responsible for the Nova Scotia Department of the Environment and Labour outlining the concerns about water volumes to Colpitt Lake including a copy of the public hearing minutes.**

Councillor Adams commented that this issue has had extensive input from the Community and Developer and has been an ongoing issue. He advised in the 1990's he had voted against this particular development for reasons such as there were no protections for the MacIntosh Run and it was more specific for the residents of Herring Cove and the affect it would have on them. Councillor Adams added he has reviewed the information supplied by the UARB which

suggests there are safeguards in this Development Agreement to protect the environment that do not exist under RDD. Also, the UARB suggests the status quo would also offer protection to environmentally sensitive areas. A comparison between RDD and this development agreement shows that:

- The public feel the RDD would be better but either way there will be blasting.
- Under RDD the developer can go in and clear cut every tree and that could not be prevented. The development agreement protects trees of 4" diameter.
- Minimal setbacks to MacIntosh Run and no setbacks for other water courses under RDD. The development agreement offers setbacks to Colpitt Lake and extends the setback from the MacIntosh Run.
- More passive and recreation land, conservation land with the development agreement and certainties of upgrades to MacIntosh Run and Roach's Pond pumping station in the event of surges which will have to be put in place before development occurs and will be monitored by the Department of Environment.
- Jack pine (trees) is an issue and it will be saved under the Development agreement.
- The Department of Fisheries and Oceans and the Department of Environment will be extensively involved with this development.
- He added this is the first time he has been at a public hearing where the developer is requesting more in the way of restrictions versus the RDD. Generally it is the public who is looking for more restrictions.

Councillor Hum thanked everyone for their presentations at the public hearings. She added even though she was not present for the earlier public hearings, she has read most, if not all, the information dating back to that time. She added she considers her role of Councillor very seriously. Councillor Hum commented the proposed development agreement does meet the existing Municipal Planning Strategy (MPS). She advised Kimberley Lloyd has indicated that they would consult with a citizens group comprised of interested parties as selected and approved by Chebucto Community Council through the detailed design stages and construction stages of the development for the purpose of furthering the environmental protection of abutting water courses. In this regard should modifications to the plan be found which would further this intent, and if such modifications are acceptable to the developer, HRM, and any other applicable external approval agency, then the developer will consider requesting such change as approved by Chebucto Community Council. Kimberley Lloyd indicated they have had success on past projects with such arrangements. Councillor Hum concurred with the willingness of Kimberley Lloyd to work with concerned citizens groups such as the Friends of Hemlock Ravine and added she believes Kimberley Lloyd Developments is honest and truthful in their offer to continue negotiations.

**MOVED BY Councillor Walker, seconded by Councillor Hum that the following amendments be added to the Development Agreement:**

1. **Provide the building contain no more than four (4) residential stories and**

**the angle controls are met under #2 to Clause 2.11 (d).**

- 2. Forward request to Senior Supervisors of Streets and Roads that sand be used rather than salting during the snow operations. The motion for the two amendments was PUT AND PASSED UNANIMOUSLY.**

Councillor Walker further commented that he was surprised to hear from the public that this proposed development agreement had too many single family homes. He also added for the record that Schedule "A" is never included in the documents for Council at a public hearing but is included in the final documents. Schedule "H" was included in the report as it was requested by the public to show the roads. He added the Environmental Protection in the Development Agreement includes the Roach's Pond Pumping station being addressed. Further, Chebucto Community Council has requested in the motion for the Government to monitor water going to Colpitt Lake. The Development Agreement offers more protection than the RDD or As-of-right. There is no protection as-of-right. This development agreement will give 245 acres of parkland to HRM. Councillor Walker indicated he is in support of this development agreement.

Councillor Wile added the land does belong to Kimberley Lloyd Developments and they have the right to develop it. She indicated she appreciated the passion from the public on this issue and thanked them for their participation.

Councillor Mosher requested her comments be entered for the record:

*"I did not support the re-zoning from holding to RDD. I would prefer that no development occur on these lands. However, the zoning was previously approved by Chebucto Community Council and this decision was upheld by the UARB. The decision is not to decide whether or not development can occur at all. The developer can develop with their current RDD zoning, without coming to Council. The decision is not to defer and ask that the developer come back with a different application. As the representative of Kimberly Lloyd stated during the public hearing: if the development agreement does not pass, they will proceed developing with the RDD zoning. Our choices are either develop as-of-right through the RDD zoning, or develop through development agreement, so that we can maximize the protection of the environmentally sensitive areas that have been so well articulated through the public hearing process. The decision before us this evening is whether the development agreement is reasonably consistent with the policies of the MPS and the adopted land development distribution strategy. The RDD zoning allows the developer, by right, to proceed with building R1 and R2 homes. They can still blast, they can cut down every tree,*

*including the jack pines, have no setbacks from Colpitt Lake, and only have to donate 5% parkland. With the development agreement, we will be receiving 245 acres (70%) of public open space versus 7 acres by right. The development agreement specifies environmental protection such as: minimum 100' setbacks from all water courses, tree retention, deeded environmentally sensitive areas, landscape requirements, slope restrictions, prevents long term topsoil storage, and improved water quality into the MacIntosh Run. These enhancements are only possible with a development agreement and not with the "as of right". RDD zoning. \*And enforceable by development agreement - not by covenant. 7.3 of the MSMPS does not mean this land cannot be developed - but does mean that measures can be implemented to protect environmentally sensitive areas. I agree with the UARB report and feel that the "status quo" (RDD zoning) "offers little protection to the "environmentally sensitive areas." Under the Generalized Future Land Use map this property is designated for residential development. My decision comes down to which is better for the community and the environment? The existing zoning or this development agreement? Based on the current RDD zoning and the fact that far greater environmental protection will be afforded with the development agreement, I am going to support staff's recommendation."*

**MOTION PUT AND PASSED AS AMENDED.** The amended motion now reads as follows:

**MOVED BY Councillor Adams, seconded by Councillor Walker that Chebucto Community Council:**

- 1. Approve the Development Agreement, being Attachment "A" of the supplementary report dated November 18, 2004 to permit a comprehensive residential development on 156 acres in Mainland South, lands of Kimberly-Lloyd Developments Ltd;**
- 2. Provide the building contain no more than four (4) residential stories and the angle controls are met under #2 to Clause 2.11 (d)..**
- 3. Forward request to Senior Supervisors of Streets and Roads that sand be used rather than salting during the snow operations.**
- 4. Require that the 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 by Council and any other bodies as necessary, whichever is**

later; otherwise this approval will be void and obligations arising hereunder shall be at an end; and

5. Write to the Minister responsible for the Nova Scotia Department of the Environment and Labour outlining the concerns about water volumes to Colpitt Lake including a copy of the public hearing minutes. **AMENDED MOTION PUT AND PASSED UNANIMOUSLY.**

2. **ELECTION OF CHAIR/VICE-CHAIR**

**MOVED BY Councillor Walker, seconded by Councillor Hum that Councillor Mosher be elected as Chair for Chebucto Community Council for 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED BY Councillor Adams, seconded by Councillor Hum that Councillor Walker be elected as Vice-Chair for Chebucto Community Council for 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

3. **APPROVAL OF MINUTES** - Regular minutes of December 6, 2004 and Special Meeting of January 5 & 6, 2005.

**MOVED BY Councillor Walker , seconded by Councillor Adams that the minutes of December 6, 2004 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.** Approval of the January 5 & 6, 2005 minutes was **deferred** as the minutes were not available.

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

Addition:     13.2   Reappointments to the Watershed Advisory Board  
                  13.3   Rosebushes on Dunbrack - Councillor Walker

**MOVED BY Councillor Adams, seconded by Councillor Hum that the order of business be approved as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

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

- 5.1   Status Sheet Items

- 5.1.1   Jack Lake Lands

Councillor Adams advised he had received an e-mail response but would prefer a report for Community Council.



5.1.2 As-of-Right Development along the Bedford Highway

Councillor Hum advised she will be meeting with staff on this issue.

5.1.3 Proposed Sign - Shoppers Drug Mart, Herring Cove Road

Councillor Adams advised a staff report is expected for the February 7, 2005 meeting.

Mr. Jim Donovan, Planner, advised a report had been sent to Community Council and staff's intention would be to have the issue further addressed as part of the Herring Cove Road Street scape study. Councillor Adams requested staff look to amendments to allow the Shoppers Drug Mart sign. Mr. Donovan advised a recommendation could be made to amend the LUB (Land Use By-Law) and consideration of that recommendation would have public input.

5.1.4 Hurricane Juan Clean-up in Districts 15, 16, 17 and 18

Councillor Hum advised staff are working on this information. Councillor Wile requested that District 10 be included as well.

**MOVED BY Councillor Walker, seconded by Councillor Hum that the issue of Hurricane Juan clean-up for Districts 10, 15, 16, 17 and 18 be brought forward as part of the capital budget considerations at Regional Council. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Adams requested it be ensured that his previous recommendation to have youth groups involved in the Hurricane Juan clean-up as a fundraising event for them be considered.

6. **MOTIONS OF RECONSIDERATION** - None
7. **MOTIONS OF RECISSION** - None
8. **CONSIDERATION OF DEFERRED BUSINESS** - None
9. **PUBLIC HEARINGS** - None
10. **CORRESPONDENCE, PETITIONS and DELEGATIONS** - None
11. **REPORTS** - None
12. **MOTIONS** - None

### **13. ADDED ITEMS**

- 13.1 Case 00066: Development Agreement, Governors Brook Subdivision, Mainland South, Halifax

This item previously dealt with, see page 4.

- 13.2 Reappointments to the Watershed Advisory Board

- A report dated November 18, 2004 from the Halifax Watershed Advisory Board was before Community Council.

**MOVED BY Councillor Hum, seconded by Councillor Walker that Chebucto Community Council reappoint the following as members of the Halifax Watershed Advisory Board and ratify reappointments of the following representatives of various community based organizations involved within the municipality as follows:**

**Mr. Ross Evans, District 23 - reappointed to November 2007.**

**Dr. Sankar Ray - District 16 - reappointment to November 2007**

**Ratification of Appointments:**

**Representatives from each recognized community based organization involved in watershed protection and related activities within the Municipality:**

**Dr. Wayne Stobo, SWEPS - reappointment to November 2007.**

**Mr. Walter Regan - Sackville Rivers Association - reappointment to November 2007.**

**Mr. Shalom Mandeville - Soil and Water Conservation Society of Metro Halifax - reappointment to November 2007.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

- 13.3 Rosebushes on Dunbrack

**MOVED BY Councillor Walker, seconded by Councillor Hum that staff confirm work will be completed and the rosebushes will be trimmed in the centre and along the**

**fences and poles on Dunbrack Street. Also, that all trimmings be cleared away.  
MOTION PUT AND PASSED UNANIMOUSLY.**

**14. NOTICES OF MOTION - None**

**15. PUBLIC PARTICIPATION**

**Mr. William Phillips, 9 Crestivew Drive**

- Regarding Added Item 13.2 Reappointments to the Watershed Advisory Board, he indicated he is the Secretary of the North West Arm Heritage Association (NWAHA). NWAHA has written numerous letters to Dr. Wayne Stobo with a suggested representative from NWAHA advisory board be appointed to the Halifax Watershed Advisory Board. Was that name not considered?

Councillor Mosher offered to have this issue added to the next meeting of the Halifax Watershed Advisory Board (HWAB). She added that due to the size of the current HWAB, new appointments were not being made and the report tonight was just to approve the reappointments. She will request a report and give an update at the next HWAB meeting.

Councillor Mosher further advised she will inquire as to why the NWAHA received no response to letter of recommendation.

- Armdale Rotary: longstanding safety issue- intimidation of people who come around rotary attempting to enter Herring Cove Road outbound. Intimidation is from St. Margaret's Bay Road traffic that come at high speed. Some rotary users are intimidated by the high speed and stop on the rotary for safety.
- The traffic light on the Armdale Rotary has a red light with a green light below it. A traffic light as a red and green light is the same as a yield sign (re; MVA). He indicated he has monitored that traffic light and watched the cars going through. He suggested that police officers stand at the upstream lane of that light and get their ticket book out. That light should not have a green light. It should be steady red or flashing red. Traffic should be required to stop and then proceed. This is a serious traffic problem we have been putting up with for years.
- He asked if it would be possible to have HRM's Traffic Authority look at that signal and get it changed so it will do the job it is supposed to do. Otherwise, have Police monitor and ticket the area.

**MOVED BY Councillor Adams, seconded by Councillor Hum that a report be provided by the Traffic Authority regarding a change to the signal on the Armdale Rotary at the St. Margaret's Bay Road entrance to the Herring Cove Road to change the current RED and GREEN light by eliminating the green light. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Mosher advised the proposed change to a modern roundabout might assist with this issue.

**16. NEXT MEETING DATE**

Monday, February 7, 2005 at the Keshen Goodman Library, 7:00 pm.

**17. ADJOURNMENT**

The meeting was adjourned at 7:43 pm.

Chris Newson  
Legislative Assistant