



NORTH WEST COMMUNITY COUNCIL
MINUTES

September 30, 2004

PRESENT: Councillor Len Goucher, Chair
Councillor Brad Johns
Councillor Robert Harvey

ALSO PRESENT: Ms. Jill Justason, Planner
Mr. Kevin Warner, Development Officer
Mr. Barry Allen, Municipal Solicitor
Mr. Andrew Bone, Planner
Ms. Sheilagh Edmonds, Legislative Assistant

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Upper Sackville Community Centre, 2476 Sackville Drive.

2. APPROVAL OF MINUTES

Moved by Councillor Harvey, seconded by Councillor Johns, the minutes of the regular meeting of August 26, 2004 and special meeting of September 14, 2004 be approved. MOTION PASSED.

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

Additions: 7.2 Case 00611 - Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville (deferred Public Hearing)

MOVED by Councillor Johns, seconded by Councillor Harvey, the agenda, as amended be approved. MOTION PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES:

4.1 STATUS SHEET ITEMS:

4.1.1 Sackville Drive Secondary Planning Strategy

No update. To remain on status sheet.

4.1.2 Home Occupations, Bedford

No update. To remain on status sheet. The Chair advised that staff will be providing an update at the next Planning Advisory Committee meeting.

4.1.3 Extension of Water and Sewer Boundary - Beaver Bank

No update. To remain on status sheet.

4.1.4 Union Street Flooding

An information report was submitted. Councillor Goucher advised he was disappointed with the report, as it seems HRM is taking a 'hands off' approach, however, he did understand staff's position. He added that he would like staff to consider the option of using concrete barriers.

MOVED by Councillor Goucher, seconded by Councillor Johns that staff be requested to review the idea of using concrete barriers as an interim measure for this

issue. **MOTION PASSED.**

4.1.5 Glenmount/Millview Servicing Issue

No update. To remain on status sheet. Councillor Goucher noted they are continuing to meet with staff on the issue, and the residents have formed a committee.

4.1.6 Sackville Waters Advisory Board

No update. To remain on status sheet. Councillor Johns pointed out that the initial request had been sent to staff more than a year ago, and Council has not received a response to date.

The Chair requested that staff be asked again to respond.

4.1.7 Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS

No update. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION

None

6. MOTIONS OF RESCISSION

None

7. CONSIDERATION OF DEFERRED BUSINESS:

7.1 Councillor Brad Johns - Harold T. Barrett Drainage

Councillor Johns advised that a resident who lives adjacent to Harold T. Barrett Junior High School contacted him in regard to flooding issues he and other residents are experiencing due to the hill. The Councillor indicated he would like staff to investigate.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council recommend staff investigate and report back on a concern expressed by a resident living adjacent to Harold T. Barrett Junior High School on flooding he is experiencing due to the hill. MOTION PASSED.

7.2 Case 00611 - Amendments to the Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville (deferred Public Hearing)

C First Reading on this matter had been given at the July 8, 2004 meeting of North West

Community Council

- C A report from the North West Planning Advisory Committee to North West Community Council, dated July 8, 2004, with an attached staff report dated May 14, 2004 was submitted.
- C A letter dated August 16, 2004 from Terrence Drisdelle, Senior Development Planner, United Gulf Developments Limited was submitted.

This public hearing was originally scheduled for August 26, 2004. At the approval of the agenda of that meeting, the Chair advised that issues had arisen on that afternoon resulting in staff requiring further investigation and therefore, were not prepared to proceed with the public hearing as scheduled. The Chair advised that the hearing would be held within 120 days from the time of First Reading; and when staff was ready to proceed, the hearing would be re-advertised.

Ms. Jill Justason, Planner, addressed Community Council and advised that staffs' original recommendation was to remove semi-detached dwellings as a permitted land use in Beaver Bank, Hammonds Plains, and Upper Sackville and permit the subdivision of existing semi-detached dwellings. She added that after presenting the report to the Planning Advisory Committee, it came to light that semi-detached dwellings could be approved in the unserviced areas by the Department of Environment and Labour. Ms. Justason explained that prior to this, semi-detached dwellings were permitted land use types in the Land Use By-law, but were not permitted by the Department of Environment because of the on-site septic system requirements.

Ms. Justason advised that, in light of this new information, staff is recommending that Community Council continue to permit semi-detached dwellings as an acceptable land use and allow the subdivision of existing semi-detached dwellings on lots with central services subject to the requirements outlined in the original staff report. She explained that under the original application, the unserviced areas within the plan area were not considered, but given that cluster systems are permitted by the Department of Environment, semi-detached dwellings are a more feasible type of housing form in these areas.

Ms Justason noted that concern was expressed regarding the possible proliferation of semi-detached dwellings in the Beaver Bank and Tucker Lake Road areas if subdivision of semi-detached dwellings was permitted. She pointed out that this option would not permit the subdivision of semi-detached dwellings and, as a result, staff believe the development of semi-detached dwellings in these areas would be limited.

Prior to opening the public hearing to those wishing to speak, for clarification purposes, the Chair advised that if Council approves the staff recommendation this evening it means that, at present, one single building could be subdivided; and it will be permitting the housing form but not allowing the subdivision, i.e. a single home owned by a single owner.

Ms. Justason concurred.

The Chair opened the hearing for anyone wishing to speak on the matter.

Mr. Greg Simone, Beaverbank, requested clarification on the recommendation.

Ms. Justason responded that the recommendation would result in semi's but with one owner. She added that it would allow the present semi-detached dwelling (Beaver Bank Road) to be sub-divided.

The Chair called three times for anyone wishing to speak on this matter, and there being none, it was **MOVED by Councillor Johns, seconded by Councillor Harvey that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Johns indicated his support for the staff recommendation, noting that this would allow for the construction of semi-detached homes along the Tucker Lake Road currently, but not allow them to be subdivided. He added that if, in the future, the residents of Tucker Lake Road want to take this ability away, they would have to seek a rezoning from an R-6 and R-1.

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

1. **Continue to permit semi-detached dwellings as a permitted use in the land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville; and**
2. **Permit subdivision of existing semi-detached dwellings, pursuant to the attached amendment (Section 11.8)**
3. **Approve the proposed amendment (Section 11.8) to the Land Use Bylaw for Beaver Bank, Hammonds Plains, and Upper Sackville.**

MOTION PUT AND PASSED.

8. **HEARINGS:**

8.1 **Public Hearings:**

8.1.1 **Case 00629: Development Agreement - 380 Cobequid Road**

C Notice of Motion on this matter was given at a Special Meeting of North West Community Council, held on September 14, 2004.

C A report dated September 3, 2004 from the North West Planning Advisory Committee with an attached staff report dated August 18, 2004 was before Community Council for consideration.

C A letter dated September 28, 2004 from Marsha Skinner & Blanchard Harnum, Lower

Sackville, expressing concern with regard to this application was submitted.

- C A memorandum dated September 30, 2004 from Jill Justason, Planner, was submitted.

Ms. Jill Justason, Planner, addressed Community Council and outlined the application by James and Karen Bingham to enter into a development agreement to permit a community commercial use, specifically a retail book store at 380 Cobequid Road, as contained in the August 18, 2004 staff report. Ms. Justason made reference to the submitted memorandum and pointed out that it addresses two issues that arose at Planning Advisory Committee (i.e. the legality of the sewer pipe crossing another land owners property; and amending the signage requirements).

In her presentation, Ms. Justason advised that the request is to convert a single unit building into a book store, and it would involve nonsubstantial alterations to the exterior of the building; five parking spaces located across the front of the property; retention of landscaping along Cobequid Road; and establishment of one ground sign and one fascia sign. She noted that a public information meeting was held on December 15, 2003 and there were no substantial concerns or observations about the proposal. Ms Justason explained that staff evaluated this proposal in light of policies UR-24 and IM-13 and considered three substantial matters: access and egress, site/building analysis and compatibility with neighbourhood, and municipal services. She advised that staff determined that the proposal satisfies the policy criteria. Ms. Justason concluded her presentation by advising that staff are recommending approval of the application.

Councillor Harvey referred to the submitted letter, and noted that it spoke of this matter as a rezoning and the concern was that a variety of uses would be permitted. The Councillor indicated his understanding was that this was not a rezoning, and that the zoning remains the same as the development agreement for the property, and would limit development to whatever is in the development agreement, which is a book store.

In response, Ms. Justason advised that the uses are very limited. She indicated that the development agreement limits this application to a retail store.

In response to a question by Councillor Johns, Ms. Justason advised that staff couldn't determine whose property the sewer line crossed. She added that legal services advised it is a civil matter and staff have suggested to the owners that they further investigate to ensure there is an easement over the property.

The Chair then opened the public hearing to anyone wishing to speak either for or against the application.

Mr. Blanchard Harnum, Lower Sackville, addressed Community Council and indicated he was a resident of the area. In presenting his concerns, he noted the possibility of the change in use of the retail store in the future; an increase in traffic, security concerns; loss of privacy, and that the current fencing will not be adequate. In concluding his remarks, Mr. Harnum advised that he believed the sewer line runs through his and his neighbour's property.

Ms. Karen Bingham, the applicant, addressed Community Council and advised that she wanted to assure the neighbours and Council that the only intended use for this building is a book store.

The Chair called three times for anyone wishing to speak on the application and, there being none, it was **MOVED by Councillor Johns, seconded by Councillor Harvey, the public hearing be closed. MOTION PUT AND PASSED**

A brief discussion ensued with regard to whether the development agreement could specify that the proposed use be a book store.

Ms. Justason advised that the applicant was in agreement with this as long as it included book related items as well as books.

In response to the Chair's question, the Solicitor advised that this would be acceptable.

Councillor Harvey advised that he was prepared to move a motion approving the application providing the development agreement was amended to include that the proposed use is a retail book store.

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

1. **Approve of the development agreement (Attachment 'A' of the August 18, 2004 staff report) to permit a community commercial use (a retail book store) at 380 Cobequid Road; with an amendment that limitations be placed on signage, at the discretion of the Development Officer, to ensure the signage is compatible with the residential neighbourhood, as contained in the submitted memorandum dated September 30, 2004.**
2. **Require the development agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said Agreement by the North West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise this approval shall be void and obligations arising hereunder shall be at the end.**

MOTION PUT AND PASSED.

8.1.2 Case 00695: Amendment to the Superstore Development Agreement - 745 Sackville Drive

- C Notice of Motion on this matter was given at a Special Meeting of North West Community Council, held on September 14, 2004.
- C A report dated September 3, 2004 from the North West Planning Advisory Committee

to North West Community Council, with an attached staff report dated August 18, 2004 was before Community Council.

- C A memorandum, prepared by Jill Justason, Planner, and dated September 30, 2004 the North West Community Council regarding this application was circulated.

Ms. Jill Justason, Planner, addressed Community Council and outlined the application by IPCF Properties Inc. to amend an existing development agreement to permit a service station and temporary garden market on the property located at 745 Sackville Drive, Sackville, as contained in the submitted staff report. Ms. Justason noted that the Planning Advisory Committee, when it reviewed this application, had recommended additional landscaping be provided along the Old Beaver Bank Road, and the Committee had expressed concern about possible traffic congestion on Sackville Drive as a result of the application. As noted in the submitted memo, Ms. Justason advised that additional landscaping will be included. With regard to traffic concerns, Ms. Justason advised that a traffic impact statement was submitted and Traffic Services have concluded that the existing layout can handle additional traffic.

In conclusion, Ms. Justason advised that staff were recommending approval of the agreement with the amendment pertaining to the additional landscape as contained in the submitted memo.

The Chair made reference to the oil/grit separator and noted that many contract developments have requirements for the maintenance of oil/grit separators and storm septers and he asked if, at some point in the future, Community Council could be provided a report from staff explaining how HRM is ensuring those contracts are being upheld.

Ms. Justason indicated she would consult with Alex Quinn.

The Chair opened the public hearing to anyone wishing to speak either in favour or against the application.

Mr. Walter Regan, representing Sackville Rivers Association, addressed Community Council and made the following points:

- referring to page 7 of the staff report, section 2 (e), Mr. Regan expressed disappointment that this wouldn't apply to the entire parking lot
- supported the inclusion of a hydrocarbon alarm in the agreement
- suggested that reports confirming maintenance of the oil/grit separator should be sent to the Waters Advisory Board and staff.
- architecture of the building should follow the streetscape design
- more detail on how the stormwater is going to be treated
- questioned the location of detention pond be and the type of maintenance that will be carried out.
- suggested a copy of the Waters Advisory recommendations should be attached to every development agreements and this report.
- requested a copy of the submitted staff memo.

- address the garbage in the ditches.
- suggested inclusion of a sidewalk along Superstore section of the Old Beaverbank Road.

Mr. Greg Zwicker, representing the applicant, addressed Community Council and responded to concerns raised. He advised that they have recently implemented a program to monitor their storm septers. Mr. Zwicker pointed out that they don't have a detention pond and with regard to garbage blowing across the site, low shrubs and trees will be planted to help catch any blowing garbage. He also noted that rather than a sidewalk along Beaver Bank, the applicant is proposing to create a trail up the hill, which will follow a pathway in which people currently walk.

The Chair called three times for anyone wishing to speak on this matter, and there being none a motion was **MOVED by Councillor Harvey, seconded by Councillor Johns to close the public hearing. MOTION PUT AND PASSED.**

Ms. Justason responded to questions from Council.

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

1. **Approve the amending agreement (Attachment A of the staff report dated August 18, 2004) to permit a service station and temporary garden market at 745 Sackville Drive, with an amendment to the landscaping requirements to increase the amount of trees and shrubbery on the grassy knoll along the Old Beaverbank Road and the pocket park area; and**
2. **Require the amending agreement be signed within 120 days, or any extension thereof granted by the North West Community Council on request of the applicant, from the date of final approval of said Agreement by the North West Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise this approval shall be void and obligations arising hereunder shall be at the end.**

MOTION PUT AND PASSED.

8.1.3 Case 00707: Amendments to the Bedford South Neighbourhoods A and C Development Agreement

- C Notice of motion on this matter was given at a special meeting of North West Community Council on September 14, 2004
- C A report dated September 3, 2004 from North West Planning Advisory Committee to the North West Community Council, with an attached staff report dated August 19, 2004.

Mr. Andrew Bone, Planner, addressed Community Council and outlined the request by Clayton

Developments Limited to amend the development agreement for Bedford South - Neighbourhoods A and C, as contained in the submitted staff report. In his remarks, Mr. Bone noted that the amendments will address an issue of traffic shortcutting, and will allow for increased flexibility of the nondisturbance zone in Neighbourhood C, which presently constricts the dwellings on the lots. With regard to the shortcutting issue, Mr. Bone indicated that Traffic Services staff were very concerned that, in the next phase of the Bedford Waterfront Development, the second main access for the Bedford Waterfront will intersect the Bedford Highway near Glenmount Avenue and this will lead to increased traffic and traffic shortcutting through Bedford South. Mr. Bone advised that staff support the proposed amendments and are recommending approval by Community Council.

The Chair opened the public hearing for anyone wishing to speak either for or against the proposal.

Mr. Mike Hanusiak, Senior Vice President, Clayton Developments addressed Community Council and using sketches on an overhead projector, spoke briefly on the application. Mr. Hanusiak pointed out that the developer is not looking to remove more trees; they want the ability to push the houses further back on the lot if conditions permit. On a point of information, Mr. Hanusiak made reference to a home on 2 Crosby Street, which is close to the proposed emergency access road, and advised that the developer has indicated to the property owner that the two lots closest to his property will be developed as a bungalow style homes rather than two storey homes. He explained that the developer wants to maintain a good relationship in terms of scale of the homes in the area.

The Chair asked three times if there was anyone wishing to speak on this matter; and there being none, it was **MOVED by Councillor Johns, seconded by Councillor Harvey that the public hearing be closed. MOTION PUT AND PASSED.**

Mr. Bone responded to questions from Community Council.

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

- 1. Approve the amending development agreement for Bedford South - Neighbourhoods A and C, presented as Attachment D to the report of August 19, 2004, to permit a reconfiguration of the proposed road layout and changes to non-disturbance areas;**
- 2. Require that the amending development agreements be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community 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.**

MOTION PUT AND PASSED.

8.2 Variance Hearings:

8.2.1 Appeal of an Approval of a Variance - 1 Westlea Drive, Middle Sackville

C A report dated September 21, 2003 to North West Community Council from Mr. Kevin Warner, Development Officer, Central Region was submitted.

Mr. Kevin Warner, Development Officer, addressed Community Council and advised that on July 23, 2004 he approved a variance request for 1 Westlea Drive to allow an attached garage and an addition behind the proposed garage with a ten foot setback from the front property line and a 3ft. side yard setback, respectively. Mr. Warner noted that the Municipal Government Act allows a property owner who had been served a notice of the Development Officer's decision, to appeal the approval of the variance. He advised that an appeal has been submitted and the purpose of this evening's hearing is to consider the appeal.

Mr. Warner elaborated on the variance application and outlined his reasons for approval. He explained the criteria under the Municipal Government Act which the variance has to meet, and advised that, upon review by staff, it was determined that the proposal did not conflict with these criteria, and therefore, the variance was granted.

The Chair opened the floor to any property owner who received notification of the Development Officer's decision.

Ms. June Mood, Wellington, indicated that she owned the property at 3 Westlea Drive and was against this variance. The concerns she expressed with the application pertained to the difficulty in turning on Westlea Drive, the possibility of well contamination, and a reduction in privacy.

Mr. Doug Caine, Middle Sackville, addressed Council and indicated he was a neighbouring property owner, and was opposed to the variance. Mr. Caine suggested that in order for the applicant to carry out the work safely, he will have to encroach on the neighbouring property. He explained that because it will be so close to property boundaries, to safely set up staging and use machinery, the applicant will have to be on the other side of his property line.

Mr. Paul Stewart, the applicant, addressed Community Council and spoke in support of his variance request. He elaborated on how the garage and addition will sit on the lot and noted that there will be no impediment to views, particularly for anyone turning on Westlea Drive.

Mr. Paul MacDonald, a resident of Westlea Drive, spoke in support of the application. In his remarks he noted that the proposed addition will probably increase property values and that the concern expressed about turning on Westlea Drive will not be an issue.

The Chair asked three times if there was anyone else wishing to speak on this matter.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council deny the appeal and uphold the decision of the Development Officer to approve the variance for 1 Westlea Drive, Middle Sackville. MOTION PUT

AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence

None.

9.2 Petitions

None.

9.3 Presentations

None.

10. REPORTS:

10.1 Councillor Brad Johns - Gordon Court Residents - Noise Concerns

Councillor Johns advised that the new boundary changes place Gordon Court in District 19. The Councillor noted he was speaking with residents of Gordon Court recently and a concern was expressed about the noise coming from the highway at the rear of their properties. He added that he would like staff to investigate and see if there are some measures which can be taken to reduce the noise.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council request staff investigate concerns of the residents of Gordon Court regarding traffic noise emanating from the highway at the rear of their properties, and report back on 1. whether the noise is excessive; 2. suggestions staff may have to remedy the situation; and 3, from a planning perspective, what possibilities are available to address this issues. MOTION PUT AND PASSED.

10.2 Councillor Len Goucher - George Hepworth Park Designation

C A letter dated September 19, 2004 from Mr. Grant Walker to the Chair, North West Community Council, was submitted.

Referring to the submitted letter, the Chair advised that it was a request to name a small park area after George Hepworth, who recently passed away. The Chair noted the commitment to his community that Mr. Hepworth had, and indicated that naming a park in his honour would be appropriate.

MOVED by Councillor Goucher, seconded by Councillor Johns that North West Community Council recommend staff name the park area beside the stairs leading down from Basinview Drive to the Lebrun Centre Bedford, as the George Hepworth Park. MOTION PUT AND PASSED.

11. MOTIONS

None.

12. ADDED ITEMS

None.

13. NOTICES OF MOTION

None.

14. PUBLIC PARTICIPATION

Al Walker

Mr. Walker expressed concern about the damage to abutting properties from sidewalk snow removal, and questioned if something could be done to prevent this from happening. In particular, he noted that Rocky Lake Road was in terrible shape.

Mr. Walker also expressed a concern about the ongoing siltation problem from development on Laraby Drive, noting that with every rainstorm more silt runs down. He advised that he even videotaped this occurring and has sent six e-mails to bylaw, and has copied Councillor Johns and Mayor Kelly. He indicated that the street sweep crew has shown up, but is concerned over the safety aspects.

Councillor Harvey advised that Mr. Walker's concern regarding the sidewalks should be forwarded to Gordon Hayward, who is in charge of the snow removal program. The Councillor noted he had similar concerns in his district.

Councillor Johns requested that staff provide clarification on the proper procedure to follow when there are issues of silt washing away, and explain what the Municipality's responsibility is and who is responsible for enforcement.

Ed Grace, Springfield Lake

Mr. Grace advised that the speed at which cars are coming down Fenerty Road is excessive, and suggested that a stop sign be erected on Fenerty to alleviate the situation.

Councillor Johns indicated he would put this request through traffic services.

Walter Regan, Sackville Rivers Association

Mr. Walter Regan requested updates on the following, to which Community Council responded:

- S 60 Acres - Second Lake
- S Shopping Cart By-law
- S Bridge - Sackville Drive

- S Dams at Paper Mill Lake
- S Ice rinks in Bedford
- S Rapid transit - money for trails
- S Bike path

Mr. Regan noted there was silt in the Old Sackville River and suggested that HRM hire a Silt Inspector.

Mr. Regan requested a copy of the report on item 4.1.4, Union Street Flooding.

Greg Simone

Mr. Simone questioned who he could contact with regard to zoning questions.

Mr. Kevin Warner, Development Officer, advised Mr. Simone he could assist.

Ed Grace , Springfield Lake

Mr. Grace requested an update on the proposed Sackville Watershed Advisory Board.

Councillor Johns advised that requests have been made to staff, but to date, no response has been received.

Mr. Grace referred to a motion passed by Community Council in August of 2000 regarding Policy P-71, Beaver Bank, Hammonds Plains and Upper Sackville MPS, and questioned if there has been any update.

Councillor Johns noted on the status sheet, the last update on this matter is the summer of 2002. Councillor Johns suggested that he could put the motion to regular Council from Community Council.

15. NEXT MEETING DATE

The next regular meeting of North West Community Council is scheduled for October 28, 2004.

16. ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Sheilagh Edmonds
Legislative Assistant