



NORTH WEST COMMUNITY COUNCIL
MINUTES

January 27, 2005

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

STAFF: Mr. Barry Allen, Municipal Solicitor (7:05 p.m.)
Mr. Andrew Bone, Planner
Ms. Sheilagh Edmonds, Legislative Assistant

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1.	CALL TO ORDER	

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

2. APPROVAL OF MINUTES

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey the minutes of the regular meeting of November 25, 2004 be approved as circulated. MOTION PUT AND PASSED.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher the minutes of the special meeting of January 11, 2005 be approved. MOTION PUT AND PASSED.

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

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey the following items be added to the agenda:

- 12.1 Deputy Mayor Goucher -Paper Mill Lake Advisory Committee**
- 12.2 Councillor Johns - Intersection of Jubilee and Sackville Drive**
- 12.3 Councillor Harvey - Appointment to the Councillor Executive Committee**

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES:

4.1 STATUS SHEET ITEMS:

4.1.1 Purchase of Land for Springfield Lake Rec Centre

No update was provided. This items is to remain on the status sheet.

4.1.2 Grade Alteration Bylaw (Denise Schofield)

This matter was dealt with later in the meeting.

This item is to be removed from status sheet.

4.1.3 George Hepworth Park Designation

No update was provided. The Legislative Assistant was requested to follow up with staff and request a response as soon as possible. This item is to remain on the status sheet.

4.1.4 Gordon Court Residents - Noise Concerns

An Information report was received. This item is to be removed from the status sheet.

4.1.5 Sackville Drive Secondary Planning Strategy

Councillor Harvey advised of a public information meeting scheduled for February 17 in which staff will have proposed amendments. This items is to remain on the status sheet.

4.1.6 Home Occupations, Bedford

No update was provided. This item is to remain on the status sheet.

4.1.7 Union Street Flooding

An Information report was received. Deputy Mayor Goucher referred to the submitted report and advised that staff are not going to deal with this issue. He added that he believed it was the responsibility of the Municipality and he was going to continue to work on get this matter dealt with. He requested Community Council to keep this matter on the status sheet, **to which it was agreed.**

At 7:05 p.m. Mr. Barry Allen, Municipal Solicitor entered the meeting and assumed his seat at Council

4.1.8 Glenmount/Millview Servicing Issue

Deputy Mayor Goucher provided a verbal update. This item is to be removed from the status sheet.

4.1.9 Sackville Waters Advisory Board

No update was provided. This item is to remain on the status sheet.

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

No update was provided. This is to remain on the status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. MOTIONS OF RESCISSION - None

7. CONSIDERATION OF DEFERRED BUSINESS: None

8. HEARINGS:

8.1 Public Hearings:

8.1.1 CASE 00676: Development Agreement - 10 Riverside Drive, Sackville

- C Notice of Motion for this matter was given at a January 11, 2005 special meeting of North West Community Council.
- C A report dated January 6, 2005 from the Chair of the North West Planning Advisory Committee with an attached staff report dated December 20, 2004 was before Community Council.

Mr. Andrew Bone, Planner, addressed Community Council and outlined the application to permit the construction of a single unit dwelling within 100 feet of the Little Sackville River at 10 Riverside Drive in Sackville, as contained in the staff report. In his remarks he noted the size of the property, floodplain requirements, and zoning. He noted that the Municipal Plan restricts houses within 100 feet of the Sackville River as of right; therefore, this application requires a Development Agreement. Mr. Bone advised of a public information meeting held on this application and pointed out that the Halifax Watershed Advisory Board was asked to review and comment, and a copy of the Board's recommendations were attached to the staff report. He went on to note that particular issues staff identified for discussion were: setbacks from watercourses/flooding; scale of development; suitability of the site for development; and environmental protection. Mr. Bone elaborated on these issues, reviewing the recommendations by staff on how they be addressed.

Mr. Bone responded to questions from Community Council.

Deputy Mayor Goucher made reference to the clause regarding a protective catchment device and advised that if the intent is a double-walled tank, this aspect should be clarified before the Development Agreement is signed.

The Chair called for anyone wishing to speak either for or against this application.

Mr. Walter Regan, representing Sackville Rivers Association, and suggested this was a good opportunity for the Municipality to acquire this property.

Mr. Shane O'Neil suggested the Municipality consider investigating the idea of conservation easements along the back of a lot like this, so that it would survive the deed so with a transfer of ownership the area would remain protected.

Mr. Chris Taggart, representing the Springfield Lake Association raised a question in regard to the Water Resources Study recommendations in relation to this application; to which Mr. Bone clarified that the Water Resources Study has not been adopted by Council, but the intent of the Regional Plan is to implement the majority of the recommendations.

The Chair called three times for any additional speakers and there being none, **on a motion MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher the public**

hearing was declared closed.

Councillor Harvey indicated he was prepared to move a motion approving the application. He noted, however, that he believed this was an opportunity lost by the Municipality, indicating that it should acquire properties so close to the Little Sackville River floodplain, when they become available.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that North West Community Council:

- 1. Approve the proposed development agreement for a single unit dwelling within 100 feet of the Little Sackville River as attached in Attachment D of the December 20, 2004 staff report.**
- 2. 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 will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8.1.2 CASE 00639: Development Agreement - Lot JG-2, 11 Douglas Avenue, Sackville

- C Notice of Motion for this matter was given at a January 11, 2005 special meeting of North West Community Council.
- C A report dated January 6, 2005 from the Chair of the North West Planning Advisory Committee with an attached staff report dated December 20, 2004 was before Community Council.

Mr. Andrew Bone, Planner, addressed Community Council and reviewed the application by Mr. John Gardin to enter into a development agreement to permit a building with less than 10,000 square feet of floor area on Lot JG-2, 11 Douglas Avenue, Sackville.

In his comments, Mr. Bone advised that the owner intends to use the land as an auto detailing outlet to provide washing and cleaning of vehicles for the Enterprise Car Rental Agency which is located on the adjacent parcel of land, at 833 Sackville Drive. Mr. Bone elaborated on the issues of particular concern to staff with this application, the main one being driveway access and traffic generation. He explained that the legal access to this site is on Douglas Drive and that staff tried to negotiate with the owner to allow an easement between his two properties, thus, enabling all commercial access from Sackville Drive; however, the applicant would not agree to an easement. With regard to traffic generation, Mr. Bone noted that at a recent special meeting of North West Community Council, it was recommended that a cap of 12 vehicles per day be placed on the development agreement.

Mr. Bone responded to questions from members of Community Council, and the Chair then called for anyone speaking either for or against this proposal.

Mr. Walter Regan, representing the Sackville Rivers Association addressed Council and indicated he was pleased to see staff was requiring a bond of \$5,000 in regard to erosion and sedimentation controls. Mr. Regan had several questions, to which staff responded.

Mr. Glen Bowser questioned if an environmental assessment was carried out on the site. In addition, Mr. Bowser expressed concern that eventually this property would be expanded to include other properties owned by the same person, and a car lot would be established.

Mr. Bone advised that the Department of Environment has reviewed the site in question and there are no known contamination issues. He added that an environmental assessment is not a requirement with this application.

Ms. Bev Kyle indicated she was a resident of Dorothy Drive and she expressed concern about the traffic which will be generated by this development, adding that recent construction at the Irvin station has made the traffic situation horrendous. Ms. Kyle advised that half her street was paved, however, the increased traffic has deteriorated the condition of the road.

Ms. Paulette Shore spoke in support of the application advising that it would bring in more taxes and jobs. She added that she owned a small business in the area, and believed that small businesses contribute much to the community.

Ms. Darlene Hines, a resident of Dorothy Drive, advised that she supported small business in the area, however, she didn't believe they should be on a side street such as hers. She noted that this meeting was the first notice of this matter she became aware of and added that had been aware of other meetings, she would have attended them.

With regard to meeting notification, Mr. Bone explained that recent change in practices in his department have given the planners with more discretion when it comes to notifying properties. As such, he advised that notification for this meeting was wider than for a previous meeting.

Ms. Theresa Scratch advised that if she were a resident of the area in question, she would be quite concerned about the traffic generated by a much larger development.

Mr. John Gardin, the applicant, addressed Council and provided a brief history on the lots that he purchased and his intent for the properties.

The Chair called three times for any additional speakers and there being none, on a motion **MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey, the public hearing was declared closed.**

Councillor Harvey indicated he appreciated the residents concerns however the reality was that this lot is a commercial lot with a legal access to Douglas Avenue. He added that he was prepared to move a motion approving the proposal, with amendments, which he hoped would

address some the concerns that have been expressed.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that North West Community Council:

- 1. Approve the proposed development agreement for Lot JG-2, 11 Douglas Avenue, Sackville as attached in Attachment C of the December 20, 2004 staff report with the following amendments:**
 - C Replace the last sentence in 2.3 (d) with the following: Garage doors shall face Sackville Drive and, furthermore, no windows which open shall face Douglas Avenue.”**
 - C Include a new 2.4 (b) to state: “That all vacuums used for automotive detailing shall have sound reduction mufflers”.**
 - C Clause 2.12 (g) shall be amended inserting the words, “cleaning and vacuuming” after the words “All vehicle washing”.**
 - C The detailing service be limited to a maximum of 12 cars per day.**

- 2. Require that the agreement 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 will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8.2 Variance Hearings - None

4.1.2 Grade Alteration Bylaw

The Chair advised that at the past couple of meetings of North West Community Council, a gentleman addressed Council during Public Participation and expressed concern about the siltation problems in his area. He added that the gentleman was getting exasperated because it appeared no action was being taken and he felt he was simply being bounced from one government department to another. As a way of addressing the concerns, at Community Council's last regular meeting, the gentleman was advised that staff would be requested to attend this meeting to provide clarification and respond to any questions.

Ms. Denise Schofield, Acting Manager, Development Engineering for HRM, and Mr. Glen Warner, representing the Provincial Department of Environment addressed Community Council in regard to the Municipal and Provincial areas of responsibility concerning siltation and related issues, and responded to questions from members of the public and Community Council.

Community Council agreed that this presentation provided a good first step, and that any

further discussion would be organized at the community level by concerned groups and residents dealing directly with HRM staff and Provincial representatives.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations:

9.3.1 Second Lake Regional Park Association

Mr. Shane O'Neil, Trails Development Team and Director, Second Lake Regional Park Association addressed Community Council and gave a presentation in regard to funding for the Second Lake Park trail construction and support for Halifax Regional Trails Advisory Team. In particular, Mr. O'Neil noted the key role that funding has played to date and how critical it will be for trail development in 2005 and beyond. In conclusion, Mr. O'Neil thanked the North West Community Council for its support and encouraged its further support of Halifax Regional Trails Advisory Team with an increase in funding.

Councillor Harvey advised that he visited the trails prior to Christmas and was impressed with the length of trails completed and the quality of the trails. He added that to get the transfer and consolidation of land together as open space park land has always had good political support both provincially and municipally. In this regard he noted the steadfast loyalty his Community Council colleagues as well as the support and recognition of various Provincial ministers in this matter.

Subsequently, it was **MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that North West Community Council forward letters of appreciation to: The Honourable Richard Hurlburt, Minister of Natural Resources; The Honourable Barry Bernet, Minister of Service Nova Scotia and Municipal Relations, The Honourable David Morse, Minister of Community Services; The Honourable Peter Christie, Minister of Finance; and The Honourable John Hamm, Premier.**

Councillor Harvey noted that with this step completed it now puts it on track for Park Reserve designation which is the next goal, along with the Park Management agreement with Second Lake Regional Park.

MOTION PUT AND PASSED.

10. REPORTS:

10.1 Reappointments to the Halifax Watershed Advisory Board

C A report dated November 18, 2004 from Sheilagh Edmonds, Legislative Assistant was submitted.

Deputy Mayor Goucher noted one correction to the report. He advised that Dr. Sankar Ray

was the Bedford Watershed Advisory Board representative and not the District 16 representative.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that North West Community Council reappoint the following as members of the Halifax Watershed Advisory Board and ratify reappointments for the following representatives of various community based organizations involved within the Municipality as follows:

Mr. Ross Evans - District 23 - reappointment to November 2007

Dr. Sankar Ray - BWAB representative - reappointment to November 2007

Dr. Wayne Stobo, SWEPS - reappointment to November 2007

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

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

MOTION PUT AND PASSED.

10.2 Report from North West Transit Advisory Committee - Appointment of Mr. Troy Mitchell

C A report dated December 16, 2004 from Philip Cox, Chair, North West Transit Advisory Committee was submitted.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that North West Community Council appoint Mr. Troy Mitchell of District 2 to the North West Transit Advisory Committee as a representative of an adjacent district.

MOTION PUT AND PASSED.

10.3 Availability of Parking at the Sackville Library - Councillor Johns

The Chair noted this matter had already been forwarded to staff. **MOVED by Deputy Mayor Goucher, seconded by Councillor Johns that this matter be tabled. MOTION PUT AND PASSED.**

10.4 Judy Avenue Pathway - Councillor Johns

Councillor Johns explained that for the past three years he has been trying to work with staff to get this pathway deeded over, however, the matter has never come to completion. Therefore, he was requesting Community Council's support in that an HRM staff person be assigned to work on this issue directly with him.

MOVED by Councillor Johns, seconded by Councillor Harvey that North West Community Council recommend that a staff person be assigned specifically to work on the issue of the Judy Avenue Pathway with Councillor Johns. MOTION PUT AND

PASSED.

10.5 Snow Clearing - Armcrest Subdivision - Councillor Johns

Councillor Johns advised that as of mid-December a new person was assigned to snow clearing in the Sackville Beaverbank Lucasville area, and comments from residents have reflected the noticeable improvement in snow clearing. He advised that, overall, snow clearing in District 19 has substantially improved.

10.6 Appointments to North West Planning Advisory Committee

C A report dated January 20, 2005 from Ms. Sheilagh Edmonds, Legislative Assistant was submitted.

Deputy Mayor Goucher noted that only three former members have submitted applications to re-offer, and that he wasn't aware that two of the Bedford members were not going to re-offer. He added that three new applications were submitted, however, he expressed concern as to whether the applicants would qualify under the Committee's Terms of Reference. In addition, Councillor Harvey pointed out that there were no applications from District 20. Noting there were six vacancies, Community Council agreed to approve the re-appointments, and defer any further appointments to its next meeting.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that North West Community Council approve the appointment of Mr. George Murphy, Ms. Gloria Lowther and Ms. Ann Merrit to the North West Planning Advisory Committee for a term to expire January 31, 2007; and that additional appointments be deferred to Community Council's February meeting. MOTION PUT AND PASSED.

Community Council agreed to forward letters of appreciation to those members whose terms have expired and are not re-offering to serve on the Committee.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Deputy Mayor Goucher - Paper Mill Lake Advisory Committee

C **Paper Mill Lake Advisory Committee Terms of Reference was submitted by Deputy Mayor Goucher.**

Deputy Mayor Goucher noted the reason he was requesting Community Council's support in re-establishing the Committee is that a major phase of the Commercial Comprehensive Development area is getting underway and will have a significant impact.

In response to a question, Deputy Mayor Goucher advised that the Committee will not require staff support from the Municipal Clerk's Office; and will regard to staff support from Planning and Development, he advised that any support would be minimal. Deputy Mayor Goucher

added that the Committee will ensure minutes of their meetings are taken and are circulated to Council and staff, as a way of keeping everyone informed.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that North West Community Council recommend the re-establishment of the Paper Mill Lake Advisory Committee for a two year period and as outlined in the submitted Terms of Reference. MOTION PUT AND PASSED.

Deputy Mayor Goucher noted that the Committee will be comprised of the following: Don and Gloria Lowther, Doug Murray, Sandy Irwin, Bob Kerr, Marg Fisher, and Jan Gerrow.

12.2 Councillor Johns - Intersection of Jubilee and Sackville Drive

This matter was deferred to the next meeting of Community Council.

12.3 Councillor Harvey - Appointments to the Councillor Executive Committee

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that North West Community Council recommend the appointment of Councillor Brad Johns to the Councillor Executive Committee. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Mr. Walter Regan

Mr. Regan advised of two community announcements and expressed his appreciation to Community Council for its support in acquiring the 60 acres.

Mr. Chris Taggart

Mr. Taggart advised that Springfield Lake Watch would like to make a presentation to Community Council of their findings concerning the status of Springfield Lake. He suggested that appropriate staff may be interested with the data and information they could be provided to help solve the problem.

The Chair advise Mr. Taggart to contact the Legislative Assistant and she would arrange to have them on an upcoming Community Council agenda.

Mr. Ed Grace

Mr. Grace asked if there was any update to Policy P-71. The Chair indicated he had no further information.

Councillor Harvey referred to a meeting scheduled February 10 which is a public forum on the

Regional Plan at Sackville High from 6:30 - 9:00 p.m. and suggested it would be an opportunity to raise this matter with staff.

15. NEXT MEETING DATE

The next regular meeting of North West Community Council is February 24, 2005.

16. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Sheilagh Edmonds
Legislative Assistant