

# **HALIFAX REGIONAL MUNICIPALITY**

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## **NORTH WEST COMMUNITY COUNCIL**

**April 27, 2006**

### **MINUTES**

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

**STAFF:** Stephanie Parsons, Legislative Assistant  
Sheilagh Edmonds, Legislative Assistant  
Karen Brown, Solicitor

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1. **CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. at Sackville Heights Community Center, 45 Connolly Road, Sackville.

2. **APPROVAL OF MINUTES**

**MOVED by Councillor Harvey, seconded by Councillor Goucher that the minutes of the March 23, 2006 and April 11, 2006 meetings be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

11.1 Presentation to Sackville Rivers Association

11.2 Reallocation of Sackville Land Fill Account

Councillor Goucher advised that Arbour Day is May 6, 2006 at Moirs Pond in which the official transfer of Moirs Pond to HRM will take place. Arbour Day will commence at 10:30 a.m.

The Chair advised that the public hearings will commence at 7:30 p.m. as the second advertisement indicated that the meeting was at the Wallace Lucas Community Center. Staff is at the center redirecting the public. To allow everyone an opportunity to arrive, Community Council will continue with the other agenda items

**MOVED by Councillor Harvey, seconded by Councillor Goucher that the agenda be approved as amended. MOTION PUT AND PASSED.**

4. **BUSINESS ARISING OUT THE MINUTES**

4.1 **STATUS SHEET ITEMS**

4.1.1 **Pinehill Street Stormwater Drainage**

Councillor Harvey advised that staff has indicated the Pinehill Street Stormwater Drainage project is not proposed in the 2006-2007 budget, but is on their list of priorities.

To remain on the status sheet.

**4.1.2 Storm Drain Issue - Cavalier Drive**

- An information report dated April 11, 2006, entitled Storm Drain Issue - Cavalier Drive was before Community Council.

Councillor Harvey advised that an information report was received however, no new information has been provided.

This item to remain on the status sheet.

**4.1.3 Shopping Car Bylaw Report**

No update. Item to remain on the status sheet.

**4.1.4 Springfield Lake Watch**

Councillor Johns advised that he will be meeting with the Springfield Lake Watch Group on Saturday to discuss this issue along with Policy P-71.

This item to remain on the status sheet.

**4.1.5 Judy Avenue Pathway**

No update. This item to remain on the status sheet.

**4.1.6 Purchase of Land for Springfield Lake Recreation Center**

No update. This item to remain on the status sheet.

**4.1.7 Union Street Flooding**

Councillor Goucher advised that he is still waiting for a cost estimate for a barrier between the access and outflow point.

This item to remain on the status sheet.

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

No update. This item to remain on the status sheet.

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RECISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Northwest Transit Advisory Committee Reports**

7.1.1 **Amendment to Terms of Reference**

- A report dated February 15, 2006 from the Northwest Transit Advisory Committee was before Community Council.

**MOVED by Councillor Harvey, seconded by Councillor Goucher that North West Community Council approve the amendments to the Northwest Transit Advisory Committee's Terms of Reference as outlined in Attachment "A" and as follows:**

- Include the following sentence in Section 1. PURPOSE Subsection 1.1 (page 1): *"Such matters may include vehicle and pedestrian traffic which relate to public transit services."***
- Delete from Section 3. MEETINGS Subsection 3.1 (page 1) the words "at least" from the first sentence. The revised sentence will read: *"The Committee shall, except for any summer recess, meet once per month at a time and place to be determined."***
- Delete the words *"Transit Services"* from Section 3. MEETINGS Subsection 3.7 (page 2). The revised sentence will read: *"The Committee shall utilize the services of the Department of Transportation and Public Works by requesting same through the Director of Transportation and Public Works of Halifax Regional Municipality."***

**MOTION PUT AND PASSED.**

7.1.2 **Lack of Transit Subsidies**

- A report dated February 15, 2006 from Northwest Transit Advisory Committee was before Community Council.

Councillor Johns advised that the North West Transit Advisory Committee has raised various deficiency concerns as outlined in the discussion section of the report dated February 15, 2006.

**MOVED by Councillor Harvey, seconded by Councillor Goucher that North West Community Council recommend that Regional Council send a letter to the Provincial and Federal Government requesting transit subsidies to address existing service deficiencies within Metro Transit.**

A brief discussion ensued regarding the Federal Government Strategic Transit Funding. Councillor Johns advised that the province is expected to receive 24 million dollars and that HRM is expected to receive 18 million dollars.

Councillor Goucher suggested that Community Council request a report from Transit Advisory Committee to consider providing direct transit service between Bayers Lake Park and Bedford. Councillor Johns advised that the Committee has discussed this matter and recommends that the request be forward to staff for consideration.

**MOTION PUT AND PASSED.**

### **7.1.3 Pedestrian Crossing Series 100 Highway**

- A report dated February 16, 2006 from Northwest Transit Advisory Committee was before Community Council.

Councillor Johns advised that there are concerns with public safety from the Sackville Manor Trailer Park trying to access the new Sackville Transit Terminal.

A brief discussion ensued and Councillor Harvey suggested that a letter to the province and HRM Traffic Services be forwarded and copy the two Sackville MLA's.

**MOVED by Councillor Goucher, seconded by Councillor Harvey that North West Community Council send a letter to the Province of Nova Scotia and HRM Traffic Services expressing public safety concerns regarding pedestrians crossing highway 101 to get to the new Sackville Transit Terminal. MOTION PUT AND PASSED.**

## **9. CORRESPONDENCE, PETITIONS, AND DELEGATIONS**

9.1 Correspondence

9.1.1 Sackville Drive Business Association (Sackville Patriot Days)

Councillor Johns requested that Community Council send a letter to the Sackville Drive Business Commission to sponsor Sackville Patriot Days

**MOVED by Councillor Harvey, seconded by Councillor Goucher that North West Community Council send a letter to the Sackville Drive Business Association requesting that they sponsor Patriot Days in the amount of \$20,000 - \$30,000. MOTION PUT AND PASSED.**

9.1.2 Discharge of PUD Agreement in Millwood Subdivision (Province of Nova Scotia)

Councillor Johns advised that the Planned Unit Development Agreement is an outdated planning tool, no longer available under the Municipal Government Act and therefore there is no ability to amend the agreement if necessary. It is appropriate for the Millwood Community to be regulated by the planning legislation presently available.

**MOVED by Councillor Harvey, seconded by Councillor Goucher that North West Community Council send a letter to the Minister of Service Nova Scotia to request that the Province enter into discussions with Municipal staff to replace the existing Millwood Planned Unit Development Agreement with planning tools provided for in the Municipal Government Act. MOTION PUT AND PASSED.**

9.2 Petitions - None

10. REPORTS

10.1 Northwest Planning Advisory Committee

10.1.1 Case 00832 - Bedford MPS and LUB Amendment -356 Hammonds Plains Road

C A report from North West Planning Advisory Committee dated April 6, 2006 with an attached staff report dated March 17, 2006 was before Community Council.

**MOVED by Councillor Goucher, Harvey, seconded by Councillor Harvey, that North West Community Council recommend that Regional Council:**

1. Give First reading to the proposed amendments to the Bedford Municipal Planning Strategy and Land Use Bylaw as contained in Attachment “D” of the staff report dated March 17, 2006 and schedule a public hearing.
2. Approve the proposed amendments to the Bedford Municipal Planning Strategy and Land Use Bylaw as contained in Attachment “ D” of the staff report.

**MOTION PUT AND PASSED.**

**10.1.2 Neighborhood Park Dedication in Honour of Grant Mosher**

- A report from North West Planning Advisory Committee dated March 31, 2006 re the Bedford West Secondary Planning Strategy and Business Campus Zone was before Council.

Councillor Johns advised that recommendation’s one and two were dealt with at the joint meeting of North West Community Council, Chebucto Community Council and Western Regional Council on April 12, 2006.

**MOVED BY Councillor Goucher, seconded by Councillor Harvey that North West Community Council endorse a neighborhood park dedication within the Bedford West Master Pan Area in honor of Grant Mosher, a former member of the Bedford West Public Participation Committee. MOTION PUT AND PASSED.**

**11. ADDED ITEMS**

**11.2. Reallocation of Sackville Land Fill Account**

**MOVED by Councillor Harvey, seconded by Councillor Goucher that North West Community Council reallocate \$5,000 from the Sackville Land Fill Trust Account previously allocated for the Skate Board Ramp to the Sackville Senior Advisory Council. MOTION PUT AND PASSED.**

**11.1 Sackville Rivers Association**

Councillor Harvey advised that a major trail connecting Bedford to Sackville is almost complete. The purpose of the trail is to encourage safe active transportation. The trail will be officially opened during World Trails Day on June 3, 2006.

Community Council presented Mr. Regan, Sackville Rivers Association, with a cheque to assist with the completion of the trail.

Mr. Regan thanked Community Council and invited members of the public to attend the opening on June 3 at 10:30 a.m.

## **12. NOTICE OF MOTION - NONE**

The Chair called a recess at 7:25 and called the Public Hearing to order at 7:30 p.m.

## **8. HEARINGS**

### **8.1 Public Hearings**

#### **8.1.1 Case 00838 - Rezoning Portion of PID 40014870 (Sackville Golf Course)**

- First Reading and Notice of Motion for this matter was given at the April 11, 2006 meeting of North West Community Council.
- A report from North West Planning Advisory Committee dated April 6, 2006 with an attached staff report dated March 9, 2006 was before Community Council.

Mr. Bone provided an overview of the application by Twin Brooks Developments Limited to rezone a portion of PID 40014870 (Sackville Golf Course) for Council to consider as outlined in the staff report dated January 23, 2006.

In reference to Map 2, Mr. Bone provided an overview of the surrounding land uses and current land use designations, noting the following:

- the current zone permits P-1 and not residential uses
- the property is five acres and would be subdivided into approximately 15 lots
- there is no specific enabling policy however, a legal precedent has identified that a rezoning may occur if it is reasonable and consistent with the MPS
- staff believe that the rezoning is reasonably consistent with the MPS since the golf course is no longer operational and is surrounded by residential properties
- the Halifax Regional School board has indicated that the proposal would have limited impact
- the Halifax Water Commission advised that the subdivision will not create flow issues,

- the existing problem is a result of elevation
- HRM Traffic Services is reviewing the intersection at Millwood Drive, as it is not designed for school bus turning; Traffic Services intends to modify the intersection

Responding to questions of Community Council Mr. Bone advised of the following:

- any discharge by erosion sediment and control is illegal. The developer is bound by provincial legislation.
- Jackladder and Rosing Drive would provide the main access routes. They are the only two access points available given that there is a watercourse nearby.

At this time the Chair advised the public of the rules of procedures for public hearings and opened the floor to the public.

**Mr. Daminahinki, Jackladder, Sackville**

Mr. Daminahiki commented that 15 lots are not going to make a difference but 800 lots would have an impact on traffic and the schools.

Mr. Bone commented that the school board is aware of the adjacent subdivision. They have indicated that the 15 lots would have little impact on the current schools. The mandate of the school board is to provide education. If the current schools cannot accommodate, they adjust school boundaries accordingly.

**Mr. Walter Regan, Sackville Rivers Association**

Mr. Regan spoke in opposition of the application and suggested that the buffers be turned over to HRM. He also added that whenever there is a major storm event raw sewage flows into the Sackville River. Until the problem is fixed, no development should be permitted. Further that \$5,000 per lot be charged as well as oil grit separators installed and no net increases in run off. He questioned if the Regional Plan applies, does the 10 percent park land also apply.

In response to Mr. Regan's comment regarding the parkland, Mr. Bone advised that it depends on the wording of the grandfathering clause in the Regional Plan.

**Mr. Brunell, Sackville**

Mr. Brunell commented that although the school board indicated that there will be no impact, how do we know they made an appropriate decision. In the morning and afternoon it is difficult to access Sackville Drive from Jackladder. His opinion is that more study is required to

determine how the traffic will flow.

**Mr. Kevin Marchand, Developer**

Mr. Marchand, commented that he was aware of the traffic concerns and will be proactive in working toward a solution with HRM. They have considered adding a park and recognize that the larger issues will come forward in the future if they decide to develop the remaining lands. They will ensure that future development coincides with the existing neighborhood.

The Chair called three times for any other speakers, with no further speakers the following motion was passed.

**MOVED BY Councillor Goucher seconded by Councillor Harvey that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

Responding to Councillor Johns, Mr. Bone clarified that:

- the adjacent lands are “by right” development
- the P1 zone prohibits residential development and requires a rezoning through the public process
- in the event that the adjacent lands are brought forward for development a rezoning application is required
- every property owner is subject to a Land Use By law.
- the land to the north up to Wilson Lake Estates is zoned residential, therefore the only thing the developer has to apply for is a subdivision permit, and given that they meet all requirements of the permits and by-laws they would be issued a subdivision permit and occupancy permit

Councillor Harvey commented that the significant issue is Sackville Drive. The proposal is for five acres and will not have a major impact. The Beaverbank Bypass and the Middle Sackville Interchange is going to solve the problem. He advised that the provincial government needs to consider the interchange a priority. There are pressures all the way down Sackville Drive because that is where the growth is.

**MOVED by Councillor Johns, seconded by Councillor Goucher, that North West Community Council approve the rezoning of a portion of PID #40014870 (Sackville Golf Course) from P-1 (Open Space) Zone to R-1 (Single Unit Residential ) Zone as illustrated in Attachment “F” of the staff report dated March 9, 2006. MOTION PUT AND PASSED.**

Councillor Johns advised that development of the adjacent property would require a public hearing. The Community will have the opportunity to express their concerns and influence how those other properties are developed.

Mr. Marchand commented that it would be three - four years before the adjacent lands would be developed.

**8.1.2 Case 00829 - Development Agreement for commercial uses on the south side of Sackville Drive between Civic 1156 and 1100, Middle Sackville**

- Notice of Motion was given at the April 11, 2006 meeting of North West Community Council.
- A report from North West Planning Advisory Committee dated April 6, 2006 with an attached staff report dated March 22, 2006 was before Community Council.

Mr. Schaffenburg provided an overview of the application by Realco Management Limited and reviewed the relevant policies regarding Case 00829 as outlined in the staff report dated March 22, 2006.

In reference to the proposed site plan, Mr. Schaffenburg advised of the following:

- consideration was given to compatibility
- the traffic study indicated that most of the traffic would be existing drive-by traffic
- the Watershed Board is pleased with the stormwater management plan and the set back requirements of the Regional Plan

With no questions of Council, the Chair opened the floor to members of the public.

**Mr. Walter Regan, Sackville River Association**

Mr. Regan requested that Council not approve the application, he commented that it is not fair that raw sewage is allowed to go into the Sackville River. There should be no net run off and recommended that a holding tank be installed. He suggested that the buffers be turned over to HRM and that \$5000 per lot be charged for erosion and sedimentation controls, further that all development should be prohibited.

In response to Councillor Harvey, Mr. Schaffenburg advised that HRM does not have the ability to prohibit development on individual lots except for those reasons governed under the MGA Act.

**Mr. Glen Lucas, Sackville Drive**

Mr. Lucas advised that he represents the Christen Fellowship Church and has concern with the run off as the Christian Fellowship intends to build a playground on the corner lot. He suggested that a storm drain be connected to Sackville Drive to prevent water from washing

away the soil.

**Ms. Kate Green, Planner, Terrain Group**

Ms. Green commented on behalf of Realco Group and advised of the following:

- it is their opinion that they created a design that works
- there will be landscaping across the front of the site which is included in the development agreement
- the uses were limited and that drive thru's were removed from the list of potential uses
- driveway access has been reduced to two
- the storm water will be held under the parking lot to control the flow of water
- storm sceptors will be installed
- as or right, residential houses are permitted on the site, however the flow of sewer water would be greater than what would be generated by commercial development

**Ms. Debbie Brennan, Windfield Crescent**

Ms. Brennan raised concern that if the school buses are currently having difficulty getting through Millwood, then this development will cause additional problems. There are existing traffic problems at the Lucasville Road.

**Mr. White, Sackville**

Mr. White commented that the proposed residential development behind this proposal will increase traffic.

Councillor Johns advised that the proposed residential development will not have direct access to Sackville Drive.

**Ms. Shirley Towill, Bedford**

Ms. Towill commented that she opposes the development and suggested that all future development should be prohibited if it is going to impact on established neighborhoods or a property owner. She stated that their homes are being used as holding tanks and development should be halted until someone can figure out how to get from point A to point B.

The Chair called three times for any other speakers

Mr. Peter Ryan, Realco Management commented that they cannot solve the existing problems

and that they can only deal with their particular property and have tried to address every concern that has come forward.

**MOVED by Councillor Goucher, seconded by Councillor Harvey that the Public Hearing Close. MOTION PUT AND PASSED UNANIMOUSLY.**

**Mr. Mark McGonnell, P.Eng Development Engineer, HRM**

Mr. McGonnell, commented that stormwater management issues are reviewed by HRM Staff. Environmental Management is aware of the sanitary issues and is trying to resolve the issues. Traffic studies are reviewed to ensure that there are no negative impacts.

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

1. **Approve the development agreement for commercial uses on the south side of Sackville Drive as set out in Attachment "A" of the staff report dated March 22, 2006, with the following amendments:**
  - ! include Laundromats as a use not permitted in Section 4.3.1
  - ! amend section 6.11 to clarify that it is "the delineation" of the non disturbance areas that can be removed upon the issuance of an occupancy permit.
  
2. **Require that the amending agreements be signed and delivered within 120 days or any extension thereof granted by North West Community Council or request of the applicant, from the date of final approval of said agreement by North West Community Council and another bodies as necessary, whichever isolate, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.**

Councillor Johns commented that given the fact that residents keep identifying the same concerns he suggested that growth controls along Sackville Drive be placed, such as that which is proposed on Hammonds Plains Road and Beaver Bank Road. He added that a proposal for 150 homes without a development agreement is an issue. The Regional Plan is encouraging development in the Middle/ Upper Sackville area without addressing the concerns that have been brought forward by the residents of Districts 19, 20 and 21.

A discussion ensued and Councillor Goucher suggested that the growth control issues be brought forward as an amendment during Councils deliberations on the Regional Plan as the

public hearing date has been set.

Councillor Johns advised the public that the Regional Plan public hearing date has been set for May 16, 2006 commencing at 1:00 and that all residents are encouraged to attend to voice their concerns.

**MOVED by Councillor Johns, seconded by Councillor Goucher that North West Community Council recommend that Regional Council amend the Regional Plan to place growth controls in the Middle Sackville Area similar to what the Regional Plan is recommending for portions of the Beaverbank and Hammonds Plains communities.**

Councillor Johns commented that the growth controls in the Middle/Upper Sackville Area and all lands that access Sackville Drive should be maintained until the following issues are addressed:

- Sewer capacity
- Flooding of Union Street
- School Capacity
- Construction of the Beaver Bank bypass
- Traffic congestion at Kent Homes intersection

**MOTION PUT AND PASSED**

### **13. PUBLIC PARTICIPATION**

#### **Walter Regan, Sackville Rivers Association**

Mr. Regan commented that the set back requirement under the Regional Plan is 20 meters from a watercourse and questioned if the development on the Old Sackville Road would have to meet the new requirements.

Mr. Schaffenburg advised that any application for development that is received after Monday will have to meet the existing and proposed rules of the Regional Plan.

Mr. Regan added that HRM is not recognizing the importance of wetlands and hazardous lands, other than lands of recreation.

Councillor Goucher advised that the Bedford Planning Strategy recognizes that flood plains need to be reserved.

Mr. Regan commented that it only recognizes designated flood plains and not natural water

courses.

In response to Mr. White, Sackville, Mr. Scaffenburg clarified that all applications must meet the existing rules and proposed rules under the Regional Plan as of the first advertisement of the Regional Plan and Subdivision Bylaws. In terms of watercourses the Regional Plan proposes a 67 ft. setback, however it can be greater than that depending on the situation.

**Ms. Shirley Towill, Bedford**

Ms. Towill advised Council that the tree under the Towers Bridge has still not been removed.

Councillor Goucher commented that the province had indicated that it was the owner of Bedford Place Mall's responsibility and suggested that Community Council send a letter to the owners and copy the Department of Environment.

**MOVED BY Councillor Goucher seconded by Councillor Harvey that Northwest Community Council send a letter to the Bedford Place Mall requesting that they remove the tree located under the Towers Bridge. MOTION PUT AND PASSED**

**14. NEXT REGULAR MEETING DATE**

The next meeting is May 25, 2006 in Bedford.

**15. ADJOURNMENT**

The meeting adjourned at 8:52 p.m.

Stephanie Parsons  
Legislative Assistant