



**NORTH WEST COMMUNITY COUNCIL
October 27, 2005
MINUTES**

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

STAFF: Ms. Sheilagh Edmonds, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:06 p.m. in the Lion's Den, 36 Holland Avenue, Bedford.

Prior to beginning the meeting the Chair noted that Administrative Order 1 had recently been amended concerning new procedures for speakers at public hearings. The Chair reviewed the new procedure for the information of those in attendance.

2. APPROVAL OF MINUTES

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey the minutes of September 22, 2005 be approved. MOTION PUT AND PASSED.

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

There was one addition to the agenda:

12.1 Bedford Watershed Advisory Board Appointments

4. BUSINESS ARISING OUT OF THE MINUTES:

4.1 STATUS SHEET ITEMS:

4.1.1 Storm Drain Issue - Cavalier Drive

Councillor Harvey advised that an e-mail response from staff indicate a report is expected for North West Community Council's November meeting. This item is to remain on Status Sheet.

4.1.2 Shopping Cart Bylaw Report

An e-mail response from staff was submitted advising of no update at this time. This item is to remain on the Status Sheet.

4.1.3 Transit for Lucasville

A report dated October 19, 2005 from the Chair of the North West Transit Advisory Committee was submitted. Referring to the report, the Chair noted that staff advise that until current deficiencies of service are addressed, Metro Transit does not have the resources to provide extension of service to any areas in HRM. He added that the Committee is recommending that once current deficiencies are addressed, that extended service to District 19 be given priority. This item is to be removed from the Status Sheet.

4.1.4 Springfield Lake Watch

Councillor Johns and the Chair of Springfield Lake Watch will meet for further discussion.

To remain on Status Sheet.

4.1.5 Judy Avenue Pathway

No update was provided. To remain on Status Sheet.

4.1.6 Purchase of Land for Springfield Lake Rec Centre

Councillor Johns advised that he recently met with the Acting Chief Administrative Officer and three staff members concerning this matter. He noted that previously a report from recreation staff advised there was not a requirement for this property; however, Real Property and Asset Management Services is preparing a report to see if it might meet some of their needs. This item is to remain on the Status Sheet.

4.1.7 Union Street Flooding

Deputy Mayor Goucher indicated he expected to receive a report back by mid November. This item is to remain on the Status Sheet.

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

Councillor Johns and the Chair of Springfield Lake Watch will meet for further discussion. This item 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 00495: Development Agreement - Sackville Cross Road, Sackville

- First Reading for this item was given at North West Community Council's regular meeting held on September 22, 2005.
- A report dated September 8, 2005 from the North West Planning Advisory Committee, with an attached staff report dated August 30, 2005 was before Community Council.

Mr. Andrew Bone, Planner, addressed Community Council and outlined the application by Mr. Paul Robichaud for a Development Agreement to permit the construction of eight townhouses, with the possibility of twelve, at Lot 4A (PID #40282790), Sackville Cross Road, Sackville.

In his remarks Mr. Bone noted the issues of concern which arose with this project were

capacity of the sewer system and concerns with regard to flood plain. He explained that staff are supportive of permitting eight units, however, the proposal is for eight units with the option of an additional four units subject to sewer capacity issues being addressed. With regard to the Flood Plain, Mr. Bone advised that staff are of the opinion the townhouses will not be subject to risk, and would put them in the 'low' category of flooding. Other aspects pertaining to this application Mr. Bone highlighted and reviewed were the amount of parkland the applicant is conveying to the Municipality; and comments from the Public Participation Meeting and comments by the Halifax Watershed Advisory Board.

The Chair then opened the meeting to those wanting to speak on the issue, beginning with the individuals on the Speaker's List.

Mr. John Hodgson, a resident of Sackville, advised that he moved to Sackville in the mid-1990's and most of area is single dwelling homes, and he questioned why staff would not want to keep the continuity on this street. Mr. Hodgson indicated he was also concerned about the value of his and surrounding properties with this development.

Mr. Rob Hodgson, a resident of Old Sackville Drive addressed Community Council with concerns about the proposal, in particular, changing the nature of a single dwelling neighbourhood, and increasing density; and the impact on the flood plain this proposal will have.

Mr. Walter Regan, representing the Sackville Rivers Association, spoke in support the application. In particular, Mr. Regan was pleased that HRM would be acquiring land in the flood plain.

Mr. Paul Robichaud, the applicant addressed Community Council speaking in support of his proposal. Noting that the lot in question was 2.5 acres with an open entrance, he advised that problems have occurred such as parking, dumping, and even the building of a tree house, which eventually cost him thousands of dollars to clean up as a result of a fire. In this regard, Mr. Robichaud suggested that the timing was right to complete this area, and that this proposal was sustainable. He added that he believed in future the sewer capacity issue will be improved. Mr. Robichaud also pointed out that he has left as much parkland as possible, noting that almost half lot dedicated to parkland.

Mr. Bone provided closing comments supporting staff's recommendation, addressing further details regarding the type lots surrounding the area in question and the data staff used with regard to flood plain issues.

The Chair then called three times for anyone else wanting to speak, and there being none, it was **MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey, that the public hearing be closed. MOTION PUT AND PASSED.**

Mr. Bone responded to questions of Community Council.

In response to a question by Deputy Mayor Goucher, Mr. Bone advised that there will be no net loss in the 1:100 year flood plain.

Deputy Mayor Goucher questioned why the additional four units the applicant wants, could

not be carried out as a separate development agreement. In response, Mr. Bone advised that the developer wants to develop condominiums, not rental units and, as such, the development is guided by the Condominium Act. He added that particulars of the Act require that the four additional units would have to be approved at this time. Mr. Bone pointed out that Council's approval is not a guarantee that the units will be constructed. He noted that improvements would have to be made to the sewer capacity and, further, the Director of Environmental Management Services would have to provide approval.

Councillor Harvey noted that the lot in question could accommodate 5 units of R-1 designation, and he questioned what the parkland dedication would be in this instance. In response, Mr. Bone advised that it would be five percent, considerably smaller than under the contract proposed.

Councillor Harvey advised that the MPS for Sackville, under the Urban Residential designation, which this property has, allows for a contract development on a lot of this size. Councillor Harvey added that he is aware of concerns of abutting property owners, however, the property is under contract and many of the areas of concern have been addressed in the contract, and, as well, a concern raised by the Planning Advisory Committee regarding egress has been addressed in the contract.

Deputy Mayor Goucher questioned if something could be included in the Agreement, whereby it would be required that an engineering certificate be provided prior to home occupancy to ensure flood plain retention has not changed. In response, Mr. Bone advised that if Community Council wanted to include this in the Development Agreement, they could add to Clause 2.11(m) the phrase, "Certification shall be provided to the Development Engineer prior to the occupancy permit being issued."

Councillor Harvey indicated that in reviewing the planning policies related to this development agreement there are no strong reasons to object, based on policy; and therefore, on those grounds he was prepared to move a recommendation of approval, with the inclusion of Deputy Mayor Goucher's addition.

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

- 1 Approve the proposed development agreement provided as Attachment D of the August 30, 2005 staff report with the addition to Clause 2.11(m), the phrase, "Certification shall be provided to the Development Engineer prior to the occupancy permit being issued."**
- 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.

8.2 Variance Hearings:

8.2.1 **Appeal of the Development Officer's Decision to Refuse an Application for a Variance - 108 Bruce Drive, Sackville**

- A staff report dated October 19, 2005 was submitted.

Mr. Trevor Creaser, Development Officer addressed Community Council and outlined his reasons for refusing a variance from the rear and side yard setback requirements of the land use bylaw to allow the location of an existing shed to remain at 108 Bruce Drive in Sackville, as contained in the submitted report. In his remarks, Mr. Creaser pointed out an error on page 2 of the staff report, advising that in the table and under the title, 'Existing Shed', it should read as '10 foot **rear** yard setback' and not front yard setback.

Mr. Creaser responded to questions from Community Council.

The Chair advised that anyone receiving a notification letter and wanted to speak on this matter, to address Community Council at this time.

Mr. Keith Matthews addressed Community Council and spoke in favour of the applicant's request for a variance. In his comments, Mr. Matthews indicated there was very limited room in the backyards of homes in this area and that homeowners need sheds in order to store outdoor garden and recreation items. Mr. Matthews indicated this variance request was not unique and that if it did not meet the guidelines, then over half of the residences on the street would also not meet the guidelines.

Ms. Angela Hanrahan addressed Community Council and spoke in favour of the applicant. She indicated that she had been required to move her shed but felt the applicant should not have to move his. In reference to the necessity of a shed, she advised of vandalism she has experienced on her property.

Mr. Michael David, the appellant addressed Community Council. Mr. David pointed out that he did not set out to intentionally build without a permit, adding that he was not aware that a permit would be required for a 10' x 12' shed. He advised that once he was made aware of the requirement for a permit, he tried to comply as soon as possible. Mr. David explained that staff initially told him he had to be at least four feet from the Sackville River, however, a week after being told this, staff visited the site and advised him that he had to be at least 25 feet from the Sackville River. Mr. David pointed out that to comply with the requirements, the only location possible to put his shed would be directly against his patio and he did think this was acceptable from an aesthetic point of view or from a safety point of view. As well, Mr. David noted that it would impact negatively on his property value. Mr. David requested Community Council's favourable consideration of his request and, in support of this, he submitted letters from his immediate neighbours, at 106 and 110 Bruce Drive.

Deputy Mayor Goucher addressed the issue and advising that he was not speaking directly about Mr. David's variance request, but rather the larger issue around this matter, he questioned how someone could apply for a variance when it violates the existing development agreement on the property. The Deputy Mayor advised that, essentially, if

Community Council approves a variance then it is violating its own contract development agreement.

Councillor Harvey referred to page 2 of Mr. David's letter and noted that it says staff provided conflicting information to Mr. David. The Councillor asked staff to respond to this point.

Mr. Creaser concurred that Mr. David was notified in error of the setback requirement.

In response to a question by the Chair about how many properties on that particular side of the street have sheds that are outside of the 75 ft. setback and, thus, nonconforming, Mr. Creaser advised that there were numerous properties.

A brief discussion ensued. Councillor Harvey indicated that he was prepared to support Mr. David's request for a variance, noting that he did not intentionally disregard the bylaw. Councillor Harvey also expressed some concern that Mr. David received misinformation from staff.

MOVED by Councillor Harvey, seconded by Deputy Mayor Goucher that North West Community Council recommend the decision of the development officer be overturned and the variance be granted to allow the location of an existing shed to remain at 108 Bruce Drive in Sackville.

Deputy Mayor Goucher asked that staff to look into the overall situation of variance applications on a contract development agreement and resolve the matter to ensure another situation does not arise.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence: None.

9.2 Petitions: None.

At 8:25 p.m. Community Council recessed, and reconvened at 8:35 p.m. with the same members present.

9.3 Presentations:

9.3.1 Regional Planning - Update on Regional Plan Process

Mr. Austin French, Manager, Regional Planning, addressed Community Council and introduced the following staff members in attendance this evening to assist in the presentation on the Regional Plan update: Mr. Peter Duncan, Ms. Roxanne MacInnis, Ms. Kelly Denty, Ms. Sharon Bond, Mr. Roger Wells, and Mr. David McCusker.

Mr. French read his presentation beginning with an overview of the Regional Plan, then highlighting the changes made to the plan since the last public consultation and concluding with the next steps in the process. Changes to the draft Regional Plan pertain to Cluster Subdivisions, Conventional Subdivisions, Housing Issues, Service Boundaries Roads and Corridors, Regional Parks, Islands, Minimum Coastal Elevation, and Culture and Heritage. He advised that following Community Council presentations, staff will provide a report to Regional Council, and expect that a public hearing date would be set in January 2006.

The Chair then opened the meeting for anyone with questions or comments to bring forward.

The following comments were put forward:

- Watershed Management Master Plan - hope staff is still considering this Plan
- Concern expressed that Density Bonusing could impact on the character of communities.
- Affordable housing issues are for the local plans, i.e. Municipal Planning Strategy
- The most restrictive policy would supercede another policy, e.g. if Bedford has a more restrictive policy than the Regional Plan regarding water courses, then the Bedford policy would rule.
- Future updates should include what is anticipated for frontage of rural roads (150 to 200ft.)
- The Chair requested that Regional Planning staff ensure that Mr. Dave Barrett receives a copy of the draft plan once it is ready to go to Council.
- Buffers - Plan should included public-owned buffers.
- No option for any new roads until the Beaverbank Road is upgraded.
- Little Lake is the headwater for the Sackville River - the Municipality should acquire this lake.
- Would like to see provisions in the Plan to reduce dramatic changes in road classification that will result in substantial and dangerous loads that were never planned for.
- It was noted that there is little buffer between the areas of Nottingham and Rutledge and the 102 -- a question raised if the Plan will ensure this is prevented in future. Staff noted that in the Plan, the buffers that are mentioned refer to water - and that subdivisions will be carried out through the Development Agreement process, and this will address other buffer issues.
- support for a high speed ferry was expressed and question raised concerning the idea previously raised of commuter rail service. Staff noted that a detailed analysis was carried out by a consultant and determined that there was not the volume to make this service feasible.
- Affordable Housing - the Plan should address the need for housing of street people. Staff responded that the Regional Plan supports provision of affordable housing in terms of identifying ample land in serviced and unserviced area; the creation of mixed use communities; and overall, with the new focus on transit-oriented development so that more people will have the option to use transit.
- Has consideration been given an urban agricultural component?; for eg.

when looking at native forests, include fruit trees and perhaps of some nondisturbance areas as gardens. In response, Mr. French noted the nondisturbance is intended to be flexible, and advised that the suggestion was an interesting one for consideration.

- Concern expressed that the designation of Bedford as an urban centre will lead to a such a densely populated area - want to ensure the policies that gave Bedford its quality of life are retained.
- Concern about traffic congestion on Bedford Highway and a question raised on the time frame of the Bedford connector. Staff advised that, presently, 2009 is the target date.
- is there a definition of Affordable Housing. In response, staff advised that the plan will not contain a definition - it will clarify and define the Municipality's role in the Plan.
- Staff concurred that land designation boundaries will be changed at the community level.
- Staff advised that the Plan will include provision to purchase road reserves, similar to the process the Province uses.

Due to the late hour, the Chair advised that he would bring the presentation to a close. He advised members of the public that staff would be available for a short time after the meeting to answer further questions or to provide business cards for future reference.

10. REPORTS:

10.1 Councillors: None

10.2 Staff: None

10.3 Boards and Committees: None

11. MOTIONS: None

12. ADDED ITEMS:

12.1 Bedford Watershed Advisory Board Appointments

- This matter was discussed at an In Camera session held prior to the regular session and was now before Council for ratification.

MOVED by Deputy Mayor Goucher, seconded by Councillor Harvey that North West Community Council appoint Mr. Anthony Reeder to the Bedford Watershed Advisory Board for a three year term to expire November 2008; and reappoint Dr. Sankar Ray for a three year term to expire November 2008. MOTION PUT AND PASSED.

13. NOTICES OF MOTION: None

14. PUBLIC PARTICIPATION: None

15. NEXT REGULAR MEETING DATE - November 24, 2005

16. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Sheilagh Edmonds
Legislative Assistant