

**NORTH WEST COMMUNITY COUNCIL**

**MINUTES**

**MAY 29, 1997**

THOSE PRESENT: Councillor Harvey, Chair  
Councillor Barnet (arrived at approximately 7:45 p.m.)  
Councillor Kelly  
Councillor Rankin  
Councillor Mitchell

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Bill Butler, Manager, Planning Services, Central Region  
Grace Ho, Planner  
Jacqueline Hamilton, Planner  
Thea Langille, Planner  
Stephen Feist, Planner  
Sandra Shute, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order at 7:00 p.m. with an Invocation at Beechville Baptist Church Hall, 1121 St. Margarets Bay Road.

2. **APPROVAL OF MINUTES - May 1, 1997**

**MOVED by Councillors Rankin and Mitchell that the Minutes of meeting held on May 1, 1997 be adopted as circulated. MOTION PUT AND PASSED.**

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

The aim was to complete as much of the Agenda as possible before the Public Hearings.

Added Items:           Crosswalk guards possible pay increase  
                              Proposed budget cuts for Transit  
                              North West Planning Advisory Committee - Six Month Review  
                              Ratification of Expenditures - Landfill Funds

Councillor Rankin:   Response to Letter - Department of Transportation re twinning 103

Councillor Harvey:   Correspondence from North West Planning Advisory Committee  
                              Millwood Village Ratepayers  
                              Suburban District Soccer Association  
                              Phase B - Sackville Servicing Study

**MOVED by Councillors Kelly and Mitchell to approve the Order of Business as amended. MOTION PUT AND PASSED.**

4. **BUSINESS ARISING OUT OF THE MINUTES** - None

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS** - To begin at 7:30 p.m.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS**

9.1 **Correspondence**

9.1.1 **Resignation from North West Planning Advisory Committee**

A letter undated from Donald Boutilier tendering his resignation from North West Planning Advisory Committee was before Community Council.

**MOVED by Councillors Rankin and Mitchell to accept the resignation of Donald Boutilier from North West Planning Advisory Committee. MOTION PUT AND PASSED.**

**MOVED BY Councillors Rankin and Kelly to appoint Paul Cashman to North West Planning Advisory Committee, in Mr. Boutilier's place. MOTION PUT AND PASSED.**

9.1.2 **Prohibition of Motorized Craft in Small Lakes**

A Memorandum dated May 20, 1997 regarding the above was before Community Council from Bedford Waters Advisory Committee requesting to have input into the final outcome of potential regulations.

**MOVED by Councillors Kelly and Mitchell that when the lake-by-lake analysis takes place, that Bedford Waters Advisory Committee be involved with the lakes within their area of jurisdiction. MOTION PUT AND PASSED.**

10. **REPORTS**

10.1 **Terms of Reference - North West Transit Advisory Committee**

Proposed Terms of Reference for North West Transit Advisory Committee were before Community Council for consideration.

Councillor Kelly asked why the Terms of Reference indicated only four members were required for a quorum. The Clerk replied that there were still two outstanding appointments to the Committee and past experience indicated that it was difficult to obtain a quorum.

Councillor Kelly having asked the municipal solicitor for his input, Barry Allen advised that there was no legal reason why there could not be a small quorum.

The Chair having asked in what Districts there were presently a vacancy and the Clerk having replied that the Districts were 19 and 22, it was agreed that additional members

should be actively sought and when the Committee has its full complement, consideration could be given to increasing the number required for a quorum.

**MOVED by Councillors Rankin and Mitchell to ratify the Terms of Reference as presented. MOTION PUT AND PASSED.**

10.2 Summer Meeting Schedule

**MOVED by Councillors Mitchell and Kelly to adopt a summer meeting schedule as follows:**

June 26, 1997 - Sunnyside Mall, Bedford  
July 10, 1997 - Sackville Library, Lower Sackville  
August 28, 1997 - Upper Hammonds Plains/Lucasville area  
(location to be confirmed)

**MOTION PUT AND PASSED.**

10.3 Application #7491 - Request to Discharge a Portion of Lot 5-A from the Indian Lake Golf Course Development Agreement

North West Planning Advisory Committee, having dealt with the above application, recommended the partial discharge agreement for the Indian Lake Golf Course to allow the discharge of Parcel A to permit a single family dwelling on the rear portion of Lot 5-A in accordance with the existing zoning be approved.

Thea Langille, Planner provided information on the application.

**MOVED by Councillors Mitchell and Rankin to approve the partial discharge agreement for the Indian Lake Golf Course attached to the Staff Report dated April 30, 1997 to allow the discharge of Parcel A from the Indian Lake Golf Course Development Agreement in order to permit a single family dwelling on the rear portion of Lot 5-A in accordance with the existing zoning. Further, that Council require that the amending agreement shall be signed within 120 days or any extension or discharge thereof by Council upon the request of applicant, from the date of final approval by Council; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.**

10.4 Ratification of Final Member - Paper Mill Lake RCDD Area Advisory Committee

A Staff Report dated May 22, 1997 was before Community Council requesting that the final member be appointed to the committee.

**MOVED by Councillors Kelly and Mitchell to appoint Jan Gerrow as the final member of the Paper Mill Lake RCDD Area Advisory Committee. MOTION PUT AND PASSED.**

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Possibility of Pay Increases - Crossing Guards**

A letter from Wanda Hoadley dated May 24, 1997 regarding the possibility of pay increases for crossing guards was before Community Council.

It was agreed to forward this correspondence to the Chief of Police, asking for comment on how Pay Equity affects crossing guards and the status of the process at this time.

Councillor Kelly advised that pay for crossing guards has been raised by the committee looking at the budget at this time. He expected that a report would be forthcoming to the committee in the next couple days.

It was agreed that a letter would be sent to Mrs. Hoadley outlining the actions being taken as a result of her letter.

12.2 **Proposed Budget Cuts for Transit**

A report dated May 27, 1997 from North West Transit Advisory Committee opposing the proposed service reductions impacting on the North West region was before Community Council.

Councillor Rankin suggested that Brian Smith, Director of Transportation should be requested to come to the next Community Council meeting to explain the implications of the proposed budget cuts and what, if anything, could be done to restore the proposed cuts. As well, it was agreed that Transit Advisory Committee members would be advised that this matter would be on the Agenda and invite them to attend.

Councillor Rankin went on to suggest that, in the meantime, to stave off the cuts, the date for proposed cuts was June 3, Community Council could request that the cuts be put off until there was a chance to review the situation and respond.

**MOVED by Councillors Mitchell and Kelly to adopt Councillor Rankin's suggestions and relay them on to Brian Smith. MOTION PUT AND PASSED.**

**12.3 North West Planning Advisory Committee - Six Month Review**

A Staff Report dated May 23, 1997 regarding the above was before Community Council.

**MOVED by Councillors Mitchell and Rankin to receive the Staff Report and to hold a joint meeting with North West Planning Advisory Committee. MOTION PUT AND PASSED.**

It was agreed that after the joint meeting, Community Council could decide whether or not to make any changes to the Committee or ratify any of the recommendations.

**12.4 Ratification of Expenditures - Landfill Funds**

**MOVED by Councillors Rankin and Kelly to ratify the following expenditures from the unallocated interest on the landfill funds:**

- 1. \$2,500.00 to Sackville Rivers Association to relocate a fish fence on the Sackville River**
- 2. \$18,285.00 for completion of the Springfield Lake Recreation Centre project**

**MOTION PUT AND PASSED.**

**12.5 Correspondence from North West Planning Advisory Committee**

Copy of a letter dated May 29, 1997 from Anne Marie Kelly, Chair, North West Planning Advisory Committee was before Community Council in response to a letter received from Darrell Dixon of the Armoyan Group.

**MOVED by Councillors Rankin and Mitchell to receive the correspondence. MOTION PUT AND PASSED.**

**12.6 Sidewalk Extension - Millwood Drive**

A letter dated May 29, 1997 from the Millwood Village Ratepayers Association was before Community Council regarding sidewalk extension for Millwood Drive requesting a written reply as to the status of this project.



**MOVED by Councillors Mitchell and Rankin to refer this matter to staff and request an answer both to Community Council and the Ratepayers Association. MOTION PUT AND PASSED.**

**12.7 Provision of Soccer Facilities**

Copy of a letter dated May 22, 1997 from Suburban District Soccer Association expressing concern with fields and offering assistance was before Community Council. Community Council agreed to receive the correspondence.

**12.8 Twinning - Highway 103**

Councillor Rankin referred to an Information Item wherein the Minister of Fisheries acknowledged receipt of Community Council's letter re Twinning of Highway 103. Stating that there was no assurance at this point that Department of Transportation will twin the highway on the south side, he requested that a strong letter be sent to the Minister of Transportation advising there was no good reason why they could not formulate a decision on this inasmuch as any required acquisition of land was a very small price in relation to the total project and it would go a long way to alleviate the legitimate concerns of the community regarding encroachment onto the community when there was a viable opportunity on the other side of the highway.

**MOVED by Councillors Rankin and Mitchell that a letter be written to the Minister of Transportation in this regard. MOTION PUT AND PASSED.**

**12.9 Phase B - Sackville Servicing Study**

Councillor Harvey advised that under the terms of reference under which the consultants are working, there needed to be a Public Meeting held to outline the results of the study. He recommended that the study be received and authorize staff to organize a Public Meeting in the month of June to discuss with the public the results of the study and that, in due course, there should be a Staff Report prepared addressing the major results and recommendations. As well, the study should be made available and circulated to appropriate groups, including the North West Planning Advisory Committee.

**MOVED by Councillors Kelly and Mitchell to proceed as recommended by Councillor Harvey. MOTION PUT AND PASSED.**

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION** - To be held at the end of the meeting if time permits.

8. **PUBLIC HEARINGS** proceeded at 7:30 p.m.

8.1 **Application #DA-BED-009-96-21-CR - Development Agreement Application by Darrell Bergman to Permit the Conversion of a Single Family Dwelling to a Two-Unit Dwelling located at 27 Olive Avenue, Peerless Subdivision, Bedford**

A Staff Report dated April 30, 1997 together with a recommendation from Planning Advisory Committee dated May 8, 1997 was before Community Council. The Recommendation from Planning Advisory Committee was for approval of the application.

Andrew Whittemore, Planner provided an overview of the Staff Report. Staff was recommending approval of the application as there were no plans to alter the exterior of the existing residence and it was unlikely that development would adversely affect the neighbourhood. As there were already four other two-unit dwellings on the street, the proposed development did not appear to be incompatible with adjacent land uses.

There were no questions from Community Council members.

There were no speakers in favour of the application.

There were no speakers opposed to the application.

**MOVED by Councillors Kelly and Rankin that the application by Darrell Bergman to enter into a Development Agreement with the Municipality in order to permit a basement apartment at 27 Olive Avenue in the Peerless Subdivision in Bedford be approved. MOTION PUT AND PASSED.**

8.2 **Case 7456 - Non-Substantial Amendment to the Existing Development Agreement to Permit an Accessory Building Greater than 300 sq. ft. at Lot 452, Dixon Court, Glengarry Estates, Timberlea**

A Staff Report dated April 3, 1997 together with a Report from Planning Advisory Committee dated May 8, 1997 recommending that the entire Glengarry Estates Subdivision be notified and given the opportunity to participate was before Community Council. Notification as requested had taken place.

Grace Ho, Planner provided an overview of the Staff Report by way of overheads. Since the report was written, new information was available including a revised site plan, drawings of the proposed garage and correspondence from the applicant, Maurice Power. The major change was that the garage has been moved closer to Dixon Court to the front of the lot - now 40' behind the house opposed to 70' - allowing the existing trees at the rear of the lot to remain and shield the garage from the rear. New trees would also be planted

in the back. The garage would be built - as per the drawings - the same colour, finish and architecture of the house on the lot. She went on to provide background information on the Development Agreement in place for Glengarry Estates. Because of the relative narrowness of the lot, the proposed garage's visual impact on adjacent neighbours and in the interests of deterring extensive increased bulk in the immediate area, staff was recommending that the request to amend the Development Agreement be denied.

On a question from Councillor Mitchell as to whether or not any correspondence had been received for or against the application, Ms. Ho replied she had received six calls, three asking for information and three with concerns with the fact that Mr. Power was a mechanic and might open a shop in the garage. With regard to home businesses, she indicated that Mr. Power's lot did not allow a home business.

Councillor Rankin acknowledged that one adjacent owner had expressed support but asked the status of the other. Ms. Ho indicated she did not receive any calls.

At this time, Councillor Harvey read into the record six letters in support of the application from David Daley, Sean Riles, M.P. Lloy, Barry Bendle, Armoyan Group and Larry Thomas, Quest Realty.

Councillor Rankin asked if the adjacent lot - Lot 453 - was occupied. In reply, Ms. Ho advised it was Barry Bendle's who had written a letter of support. With regard to the adjacent lot on the other side, it was not built on in February when she visited the site.

Councillor Harvey asked if it was Ms. Ho's opinion that this was a unique lot, different from others around it. In reply, Ms. Ho advised that the good stand of trees would help the neighbours at the rear of the lot. Bringing the garage forward would have more impact on the front of the lot.

Councillor Rankin asked if there was any option regarding visual impact. Ms. Ho replied she understood that the applicant has agreed to retain the existing trees and plant new ones. Notwithstanding, staff was still opposed to the application. Previously, when the proposal was for the garage to be located 70' behind the house, some of the trees would have had to be cleared. Now that it is only 40' behind the house, the trees could be retained.

#### Speaker in Favour

Les Carrie advised he was the real estate agent who had sold the property. By way of overhead, he provided information on the uniqueness of the property and advised there was a letter in support from the neighbour who would be the only one visually impacted by the structure. The garage is proposed to be located back of the line where the neighbours

would be looking on their lot line and was a low rise structure whereas the majority of homes were two storey. There were letters from abutting neighbours, albeit they were varying addresses. If there was an adjacent lot missing, the lot was not developed.

Councillor Rankin asked if Mr. Carrie was indicating there were no objections from adjacent homeowners. In reply, Mr. Carrie stated not to his knowledge. He pointed out that within the Development Agreement, only people within 250' had any real right to comment anyway.

Councillor Rankin stated that pursuant to the regulations, the right was to notify people within 250' but all people in the neighbourhood had a right. Mr. Carrie responded that normally the immediate neighbours were given notice but he understood a request was made to contact everyone in the subdivision but it was not normal policy.

Mr. Carrie advised that the garage was a typical two-car garage with room for storage in the back for bicycles and recreational items. With regard to putting two buildings on the property, Mr. Power felt that a storage building and a garage would have a greater impact than incorporating it all into one structure.

#### Speakers in Opposition

Ms. Ann Dauphinee, 61 James Street, Lot 106 said that everyone signed covenants when they moved in to keep the area a nice residential area. Suddenly, before the ink is dry and the people are living on the property, they want to change it. It was a 34' lot, 36' at the back; if you put a house on there no matter how narrow, you have to be so far from the property line. Where the driveway is to be, there is an exposed 100 gallon oil tank. Two cars trying to get to the second door of the garage could hit the oil tank and there was a possibility for environmental damage. She understood the applicant does body work and although he says he does not intend to use the garage for that, she thought it could be.

Councillor Kelly requested that Ms. Dauphinee indicate where her lot was in relation to the lot in question. Ms. Dauphinee did so on a map provided by the Planner.

Mr. Steve Scanlon, 15 Dixon Court said the garage was too big for the size of the lot and it did not matter where it was on the lot and it would be wider than the house. The applicant knew about restrictive covenants before he moved in. Because Mr. Power was a mechanic by trade, he had to agree that later on down the road he could use it for commercial purposes and he did not want extra traffic. He did not live in the immediate area but did receive a letter in the mail. There was no need for such a garage on said lot.

Mr. Barry Bendle, Lot 453 said he lived next door to Mr. Power. He acknowledged that Mr. Power had come to him when they were in the process of moving in to request permission

for a garage. At the time he had no problem; however, he pointed out that the lots were staked off today for landscaping and looking at what was left for a driveway, it was pretty narrow. 70' back is far enough away from him but now that it was going to be closer, he had a problem. As far as Lot 451 on the other side, the foundation was just poured and the property has been sold. He was concerned with the size of the properties in the subdivision and the fact that the driveways were almost not worth calling driveways. His terrain was such that he could not even consider having a driveway go to the back of his property as it was hilly. The developers drew up restrictive covenants and he thought they should be abided by.

#### Rebuttal by Applicant

Mr. Maurice Power advised that the driveway is not an issue. With or without the garage, he would still have a deeper driveway on the side of his house and a garage, small or large. He did not intend to work at home, wanted a tidy property but he understood the neighbours' concerns. Either way, he would have a 300 sq. ft. garage and probably a utility shed in the yard as he needed the space. With regard to damaging the oil tank, that could happen anywhere.

Councillor Mitchell asked if Mr. Power had a small vehicle as he did the math and the driveway would only be 7'. Mr. Power responded that both his vehicles were not large but acknowledged he has not seen the lines put in that Mr. Bendle referred to. According to his plot plan, he understood that he was supposed to have 10' on one side.

#### Decision by Council

Councillor Rankin stated that the applicant's case was not without some merit; however, there were considerations regarding height, bulk and lot coverage. The Staff Report indicated that a maximum size for such buildings in the Development Agreement is in place because of the relative narrowness of the majority of the lots in the subdivision. These were not 60-70' conventional lots but, if that were the case, there could be a different kind of discretion and much less closeness to neighbours. Because the existing agreement was with the Municipality, not the developer, there was a level of obligation to see that the community evolves in the way that people have envisioned it. The degree of change seems, in this case, to be too much and while he regretted that Mr. Power may have good uses for the garage, it would impact in relation to what has been in the agreement from the outset on the question of scale. The maximum allowed is 300 sq. ft. but the proposal was for 550'. He was concerned that if this request was approved, it would create a precedent for other applications.

**MOVED by Councillors Rankin and Kelly to deny the request for a non-substantial amendment to the existing Development Agreement to permit an accessory use**

**greater than three hundred (300) square feet at Lot 452 Dixon Court, Glengarry Estates, Timberlea.**

Councillor Harvey pointed out that Councillor Barnet had arrived while the Hearing was under way and, therefore, would not have a vote.

**MOTION PUT AND PASSED UNANIMOUSLY 4-0.**

It was agreed to hold a short recess at 8:15 p.m. The meeting reconvened at approximately 8:25 p.m.

**8.3 Case 7431 - Beechville Estates Comprehensive Development District Agreement - Timberlea/Lakeside/Beechville Plan Area**

A Staff Report dated May 1, 1997 was before Community Council together with a report from Planning Advisory Committee dated May 8, 1997 indicating no recommendation with regard to this application.

Shelley Dickey and Stephen Feist, Planners provided an overview of the application made by Anahid Investments Limited. Since July, 1996, there were three versions of the concept plan, each responding to staff concerns and suggestions to ensure that the proposal meets the policies of the Timberlea/Lakeside/Beechville Plan Area. Staff was recommending approval of the application.

Ms. Dickey advised by way of overhead, on the existing site, its features and environmental issues. As part of the presentation, she advised that there is an intermittent existing stream across the property draining eventually into Lovett Lake. As well, there was a peat bog located along Highway 3, a portion of which has been infilled.

Mr. Feist provided information on the proposed land use, traffic and circulation pattern, sidewalks and parking, servicing and community facilities. As part of the presentation, he advised that the guiding factor in this development was the limitation of 17 people per acre based on general servicing capabilities which led to the capability of having 448 residential units. The proposal was for 103 60' single family, 173 32' minimum frontage small lot single family dwellings and 172 semi-detached dwellings. If there was a problem developing some of the lots, then the development density could be moved inside the proposal and be broken down to 32' lots. The semi-detached dwellings could be converted to single family dwellings depending on market conditions. The five major parks in the development worked out to 16% of the proposed area. If this was a by-right development, the requirement by the Subdivision Regulations was 5%. There would be two left turning lanes at the two entrances to the development. Sidewalks and parks were designed so that people could take advantage of transit at the two entrances. Because it was felt that

there should be a sidewalk on either side of the collector road, it had been agreed not to have sidewalks on the cul de sacs connecting to the walkways. Because there was a policy adopted by the former County of Halifax for cost sharing of oversized roads, cost sharing would be provided by the Municipality. Parking would not be permitted on one side of the collector road. To minimize the number of driveways onto Highway 3 and Street A, there would be shared driveways in a Y shape with one curb cut.

Mr. Feist advised it was proposed to have all stormwater piped to Highway 3 and then to Lovett Lake. Final design would be determined during the final subdivision agreement phase to ensure that sedimentation into Lovett Lake is minimized. The water and sewer lines would be connected into the trunk lines along Highway 3 and there was sufficient capacity for the development. The school in the Beechville/Lakeside/Timberlea area and the Junior High were at or near capacity. In discussions with the School Board, it was determined that the children from Beechville Estates would be bused to Springvale Elementary School or an alternative suitable school with surplus space within a distance of 10 kms. In terms of High School, the School Board has determined that the high school in the area has the capacity to accommodate students expected from Beechville Estates.

Ms. Dickey advised that the developer has agreed to provide street trees at the rate of one per 60'. Remaining trees in areas designated for parkland will be preserved. Halifax County Watershed Advisory Board had considered the piping of the intermittent stream. Department of Environment has determined that it is a watercourse, even though it is intermittent, and there will be an assessment at the time of final subdivision approval. At this time, it was acceptable to pipe the stream subject to issues of liability by Department of Environment. With regard to the peat bog located along Highway 3, standard 60' lots with 100' depth were proposed because there was a desire to maintain the traditional development character along Highway 3; however, this meant constructing dwellings on a peat bog and Watershed Advisory Board has made a recommendation that there be no development on the peat bog and that the natural ability of the peat bog to absorb storm water should be retained. They also recommended that the portion of the peat bog in Park A not be developed either and that provisions be put in to allow storm water to flow into the area with a sedimentation pond for the bog to preserve it from further sedimentation. In the final subdivision concept plan, there was a Wetlands Directives process through Department of Environment and any wetland under two hectares has to be assessed. If it is determined that it is suitable to develop on the peat bog, Department of Environment would recommend mitigating measures that should be carried out through the construction phase. To develop on those lots, therefore, requires approval both from Halifax Regional Municipality and Department of Environment.

#### Questions from Council

Councillor Kelly said the proposal was for 9.1 acres of parkland. The Policy states 10 acres/1000. With 1,344 people there should be at least 10 acres plus the 344 to be dealt with. He asked for clarification. In reply, Mr. Feist advised it was a guideline. The proposal was a combination of the policy and the Subdivision Regulations which require 5% land dedication. With small lots, there was a greater demand than 5%. That was where the 16% open space dedication came from. Councillor Kelly stated that REC-4 required a 10 acre minimum and advised he had a problem with the rationale.

Councillor Kelly asked why staff did not require playground equipment on the tot lots, knowing the financial situation of the Municipality and the needs of the community. In reply, Mr. Feist stated this had been discussed at the beginning of the proposal but at that time the developer had a higher density. Staff held on to the requirement of 17 people per acre which reduced the number of dwelling units and meant a greater amount of open space. Councillor Kelly requested that this should be addressed.

With respect to a proposed recreation complex and an on-going study of where this complex could be placed, Councillor Kelly asked what would happen if it was not picked for this area. In reply, Mr. Feist advised that the proposal was for a small, locally based community centre for the Beechville area with community uses.

With respect to the schooling aspect, the former City of Halifax had supplementary funding. Councillor Kelly asked if the School Board had any problem with the students going there without financial implications. In reply, Ms. Dickey advised that the School Board was looking at a policy now of dealing with students who potentially go from the former County to the City area. There was a possibility that students would be required to pay a tuition.

Councillor Kelly asked who owned the properties zoned R-1 surrounding the proposed development. In reply, Ms. Dickey indicated other properties owned by the applicant.

With regard to water, sewer and street oversizing, Councillor Kelly asked what would happen if cost sharing did not go ahead. In reply, Mr. Feist advised that there was a policy put in place just prior to amalgamation by the former Halifax County that provided the opportunity for cost sharing on oversized streets and parks in excess of 100' in frontage. He referred to the experience of the former City of Halifax which had a lengthy history of cost sharing on oversized streets, parkland frontage and oversized sewers.

With regard to the bog, Councillor Kelly pointed out that staff had not made a recommendation as to whether or not they supported the Watershed Advisory Committee's recommendation that it not be built on and asked for a response. In reply, Ms. Dickey advised that the original recommendation was that the lots be committed subject to final approvals by both Engineering staff and Department of Environment. The Watershed



Advisory Board gave their opinion but staff was not specifically given the opportunity to comment. Mr. Feist added that the development agreement had a fair degree of flexibility as it was recognized that they may not be able to develop on the bog. In that case, they could transfer the development rights of that number of units within Beechville Estates. As far as staff agreeing with the Advisory Board's recommendations, there were a number of points that were certainly valid.

Councillor Barnet referred to cost sharing as it relates to the HRM Act that applications which commit the Municipality to expenditures of funds are the jurisdiction of Regional Council, not Community Council. He asked for an opinion from the municipal solicitor.

Barry Allen, Municipal Solicitor advised that was correct.

Councillor Barnet continued that, in his opinion, there was a need for written legal advice relating to this issue as he was concerned with the division of the issue between Community Council and Regional Council.

Councillor Barnet asked if there was a policy in the Plan relating to the percentage of single family units and other higher density development. The Staff Report indicated it was the intent to reach a 70% single family/30% other. In reply, Ms. Dickey advised that it was included in the Preamble to the policies which are considered to have as much legal standing as the policies in the Plan. As the community has not reached its goal, Councillor Barnet said he was concerned that the spread could get wider. Ms. Dickey advised that the ratio indicated there should be 70% single family to 30% higher density housing. There was also provision in the Plan to reduce to 50:50 in CDD areas. Staff took the interpretation of that policy and, in doing the math, said that semi-detached dwellings were the higher density housing and single family dwellings on 60' and 32' lots were single family dwellings so that there would be more than 50% single family dwellings in the development.

Councillor Barnet referred to the possibility that the single family lots on the highway might not be able to be developed and would have to be transferred inside. That would then further alter the potential for 70:30. Also, R-2 lots were able to be divided into two single family lots. If staff felt there was no problem with dividing the R-2 lots, then he asked what was the intention of the ratio. In reply, Ms. Dickey advised that the Preamble did say there would be 70% single family dwellings but there was a debate on whether higher density housing includes smaller lot housing or whether it includes duplex housing also. Staff had indicated in the report that it was felt that the single family dwellings, regardless of size, were single family dwellings. There was the ability, through a non-substantial amendment, to allow for market conditions. Staff was looking at the Beechville area itself as a community. Most of the dwellings in the area were single family dwellings. At this point, she thought it would exceed 70:30.

Councillor Barnet stated that after other members of Community Council have had an opportunity, he would like to reserve the ability to defer consideration until there was a Staff Report on the issue related to cost sharing and the commitment of expenditures.

Councillor Harvey asked what zoning the 80 acres had prior to being zoned CDD. He was told R-1 and then asked under the original zoning, how many lots could have been obtained from the 80 acres. Staff estimated that it could be fewer than 448. There was, however, the servicing density of 17 people per acre which has the maximum of 448.

#### Speakers in Favour

Mr. Barry Zwicker, Wallace Macdonald & Lively, representing Anahid Investments reviewed some of the components of the project and provided answers to questions raised. The lands were zoned CDD by the community as part of the Plan Review process that occurred a few years ago with the intent of having something other than just single family homes; otherwise, it would be zoned R-1. There were 448 units proposed because that was the density figure placed on it. In the Beechville/Lakeside/Timberlea Planning Strategy, it differentiates and creates some overall community targets of 70:30 and creates the ability of 50:50 mix; however, the development was for 62:38 mix. The precedent was already set in the Plan area that a single family home was a single family home regardless of the size of the lot. By approving something slightly less in the CDD in no way prohibits the possibility of achieving the 70:30 target within the community.

Mr. Zwicker then provided background in terms of the process - meetings with the community, change of name for the project and traditional type of development along Highway 3 both put forward by the community, response to input from staff including transportation services, the road pattern requested by staff, location of streets, left turning lanes, requirement for parkland - both active and passive, recreational equipment versus parkland which was not acceptable by staff, requirement for sidewalks, street trees, architectural features of buildings, driveway design.

With regard to schooling, Mr. Zwicker advised this was the first he had heard that there might be some kind of fee associated with busing. He had been told that no matter where the children from the project go to school, they would have to be bused. The School Board indicated there was a vacant school elsewhere and it made sense to utilize those schools and if you had to bus them six km. in one direction, they could also be bused six km. in another direction to utilize the facility. Surely logic would prevail and the School Board would realize that charging someone extra to be able to utilize the facility was ludicrous.

With regard to cost sharing, Mr. Zwicker stated there was nothing in the Development Agreement committing to Regional Council to any funding over and above whatever policies were in place now. He suggested there did not need to be anything in either the

Development Agreement or Staff Report regarding cost sharing because there was at present a policy and however you work with the policy, if there are budget monies available or not available, there was nothing in the Development Agreement requiring further consideration by Regional Council over and above the existing policies in place. If there is cost sharing relative to the project, it was there because of existing policy. He felt that Community Council had jurisdiction over the application.

With regard to REC-4 regarding 10 acres per 1000 population, it was a general policy within the Planning Strategy and establishes a guideline for the entire community. It in no way was a criteria policy for considering either a rezoning or Development Agreement. There was three times the norm for parkland that would be made available on the site if it was developed as of right.

With regard to the wet area and Wetlands Directives, Mr. Zwicker advised there was a difference of opinion between the advisory group and the Municipality's Engineering Department. When the application was first proposed, the intermittent stream was part of the plan, stormwater was going to be directed to that from the streets and parkland and it was proposed to put stormwater into the wet area. Engineering Department, however, required that the system be piped in order to get a positive recommendation. It had also been intended to disperse the water coming off the wetland area into Lovett Lake by using the cross culverts on Highway 3; however, the final plan had to be revised to show an additional line of storm water piping from the end of the wet area, along Highway 3 to the culvert crossing the road into Lovett Lake. With regard to the Watershed Advisory Committee, he did not disagree with a lot of things they were trying to do in principle, thought a lot of them could still be achieved and was prepared, following approval of the Development Agreement, to meet with them and Engineering Department to come to a consensus of what is the best way to deal with stormwater on the site and try to achieve everyone's objectives. This could be done by working through Department of Environment's Wetlands Directives. There was no requirement for the proposed Development Agreement to be changed as all the things he had mentioned were included already.

In conclusion, Mr. Zwicker stated that the project was 100% consistent with the Planning Strategy, exceeds it in terms of a number of areas relative to its requirements, goes a long way towards working towards things like overall parkland percentages on a population basis, road patterns were considered to be safe and would not cause a problem for people already living in the community, there were features relative to parkland and community facilities that would be an asset for the entire community. He requested approval of the Development Agreement to move forward to detailed design.

Councillor Kelly asked for clarification regarding storm water. In reply, Mr. Zwicker advised that all storm water systems were designed to deal with 1:100 year storm frequency. The wetlands issue would be dealt with at the time of detailed design.

Councillor Mitchell asked, if the application was approved, when would it start and how long would the process take. In reply, Mr. Zwicker advised that it would be developed in four or five phases depending on the market. There was provision to build a second access at the time they go beyond 150 units.

Mr. Carson Jackson, 6 Alder Street concurred with Mr. Zwicker's statement regarding cooperation with the Residents Association. This was a substantial change to the original proposal and members of his community were in favour, bearing in mind that the community is small and lacks particular services. This development might mean access to better services and a better voice. As a community, however, there would be a concern if there were unforeseen changes such as if the housing could double if the area in front was not suitable for development. A lot of concerns would fall under environmental, such as Lovett Lake being stocked. They were in favour of the principle and concept.

Councillor Mitchell asked if the developer has been fair working with the people in the community. In response, Mr. Jackson answered yes.

#### Speakers in Opposition

Ms. Germaine Howe, 30 Oliver Street asked how property taxes and fishing on Lovett Lake would be affected. She had not known that the lots could be changed to 32'. In reply, Councillor Rankin said he understood the School Board communicated to staff that they were prepared to take students to Springvale. There was no evidence that there would be a tax.

With regard to the lake, Mr. Feist advised this would come out during the subdivision design at which time Department of Environment would be involved with Engineering Department.

Mr. Walter Regan, Sackville stated he was disappointed with the R-0 lots and felt they should not be allowed. Sheer driveways could prove to be trouble down the road. He was pleased that the developer was going to provide trees but suggested they should have a long warranty. He was pleased with the provision of sidewalks but surprised that there was no staff recommendation on the wetlands and the seasonal water courses. The proponent should be charged a \$3,000 lot charge and the lots against Lovett Lake should be given to the Municipality as passive parkland.

Mr. Derek Cann, 53 Lakehigh Crescent, Timberlea was opposed to the proposal but agreed that a better proposal was certainly warranted. He asked if the 60' lots were a minimum of 6000 sq. ft. In reply, Mr. Feist advised they had to meet the R-1 regulations, minimum requirements for lot area. Mr. Cann asked how many lots were proposed in the first proposal put forward. In reply, he was told around 550.

Mr. Cann continued there were other CDDs in the area and large tracts of R-1 land which could be rezoned at any time. With 17 people per acre, if a similar subdivision was put beside this one, could the services be maintained. In reply, Mr. Feist said that based on water and sewer servicing, even if there were developments all around that went to the 17 people per acre limit, the servicing could still happen.

Mr. Cann asked if the calculation of parkland included the pedestrian walkways. In reply, Mr. Feist advised yes, they would be asphalt walkways. Mr. Cann referred to the provision of trees and asked if this meant they would be installed. In reply, Mr. Feist said this was something that would have to be determined in future. In the Development Agreement, there was a clause that the developer would have to coordinate efforts with the Municipality and provide a plan that would be acceptable. Mr. Cann asked for clarification re setback for R-1 lots as he believed they were 20'. In reply, Mr. Feist stated it was 20' setback for R-1 and 24' for R-2; however, the Development Agreement would allow for the maintenance of similar street scapes throughout the subdivision. With regard to the sidewalks, they would be within the road right of way. If there was a sidewalk, a vehicle could not park over it in the driveway.

Mr. Cann stated he had a problem with the R-1 small lots. The Municipal Planning Strategy has nothing described as an R-0 or an R-1 small lot. It was a failing on the part of staff to allow R-0 in this development as well as previous subdivisions and that anything smaller than R-1 counted as low density housing. The percentages were skewed in the community. There was a failure to live up to the intent of the Municipal Planning Strategy. Under the guise of a CDD, there was the suggestion you could do anything you want. He suggested that Council should decide whether or not small lots should be termed high density or low density before they put huge 450 home subdivisions in an area. He believed supporting a development for this area but not with the one put forward now.

Mr. Alfred Mullaley, Glengarry Estates said he would rather see 60' lots and 5% park. He referred to Glengarry Estates and advised that there had been amendment after amendment, by right by the developer to have more lots. He agreed there was a problem with percentages and there would be problems in the future. The CDD process breaks the spirit of what is supposed to happen in a community. He had a problem with R-0 lots. He referred to problems with Half Mile Lake in Glengarry Estates and expressed concern that the same thing could happen to Lovett Lake. He expressed concern with traffic in the area now and asked when would the left turning lanes be built. Mr. Feist replied that

Department of Transportation would determine the best time but when the first 18 houses are constructed, the first left turn lane would have to be built. Mr. Mullaley recommended that the left turn lane should be built before the development even starts. He summed up with the fact that the CDD was a flawed process and until something is done, community and developers will never see eye to eye.

Ms. Theresa Scratch, Sackville said, assuming the settling pond would be on parkland, she had seen situations where settling ponds had been developed but could be dangerous if not enclosed. She asked if the larger parkland was a flat portion of land for active recreation. In reply, Mr. Feist advised it was hilly now but the Development Agreement includes, in cooperation with Recreation, that a substantial amount of fill will be brought in and grading will provide land for ballfields. It was not the intent, however, to have it filled with ballfields.

Ms. Scratch referred to density and R-1-0 lots being included in lower density because they are called single family homes. She advised what had happened in Sackville with the request to include R-1-0 in the higher density. Planning staff has not been able to address this situation over the last year or so.

Councillor Kelly asked when a report would be forthcoming on R-0 lots. Ms. Dickey replied it was in draft form now.

Mr. Mike Gray, Sackville stated he thought Planning staff had not done their homework, missed a lot of important points and came tonight intending to gloss over some very serious problems that he shared. For the people of Beechville, if the proposal is accepted as is, he guaranteed they would be sorry in the coming years. He could relate to the comments made by the last two gentlemen as he had seen it happen in numerous places in Sackville. Mr. Armoian invented the R-0 designation to fulfill his dream of low density developments. He expressed concern for the lake if nothing is done and for the stream. He would not buy a lot on a bog or on the 103 because of traffic noise. The people of Sackville were dead set against R-0 lots. He hoped the people of Beechville follow the same thinking.

Mr. Kyle Johnson, St. Margarets Bay Road said it was a good concept but there were issues that needed to be addressed regarding density, wetlands, traffic before the application could be approved.

#### Rebuttal by Applicant

Mr. Zwicker pointed out the historical development pattern in Halifax/Dartmouth where there are lots 30' wide or less. It was not a phenomena that has happened in the 90's. There was an interest in small lot singles because some people cannot afford the luxury

of the cost of a 60' lot. 32' and 40' wide lots respond to affordable housing in areas where there is municipal infrastructure. The alternative is to go outside the developed portion where it would be cheaper but there will be long term costs for the Municipality. In terms of timing, assuming approval, it was intended to start detail design immediately including negotiations with Department of Environment, Engineering Department, Watershed Advisory Board with a goal to starting the first phase of construction in the fall, with 80-100 lots and the left turn lane built. There was no intention to build a phase with 18 lots. With regard to erosion and sedimentation controls, the plan to deal with this during construction was an elaborate system, which he outlined. This type of development was not unique to the area; there were similar developments in Clayton Park, Spryfield, Glengarry, Dartmouth because it is meeting a very serious need in the marketplace.

#### Decision by Council

Councillor Mitchell said that with the 32' lots, three years ago he voted against it but since then realized the need for affordable homes. There were people who could only afford this type of home but still wanted to live in their own home on their own lot.

Barry Allen, Municipal Solicitor, with regard to the issue of cost sharing for the collector streets and the split jurisdiction between Community Council and Regional Council, advised that there are two issues involved under the HRM Act. One was the Planning issue for Community Council to determine and the other was the financial issue for Regional Council. The job for Community Council was to determine, based on the policies in the Plan, whether or not a collector road or oversize services are needed. If that is the determination that they are needed, then it could be made part of the Development Agreement. There was a provision in the proposed Development Agreement that provides that Street A should be constructed as a collector street. That does not commit Regional Council to spend any money on that; the Act prohibits Community Council from doing that. What it means is that the Planning issue having been determined, the second issue arises as to how the oversizing will be paid for. Regional Council would decide whether or not it wanted to, or could afford to, contribute to the costs of the project. If Regional Council decided it could, that was the end of the matter; if it decided it cannot, then it is back in the developer's court and the developer has to decide whether or not to abandon the project at that point or proceed with the construction of the oversized streets which are required by the agreement at its cost. The logical sequence would be for Community Council to make a decision and then followed by Regional Council being asked what it can or is willing to do.

Councillor Barnet asked if Community Council were to endorse the planning issue and the applicant then moved forward for cost sharing and it was denied, did the applicant have the ability to not provide the parkland and reduce the size of the street. In reply, Mr. Allen stated that the applicant could come back to Community Council with another proposal

which would avoid the requirement for the oversized street but the agreement recommended for approval calls for the oversizing of the street. If the development is approved on that basis and is to proceed, then the oversized street has to be provided unless it comes back and another decision is made.

Councillor Kelly referred to the school situation and the possible charge implications and asked what the School Board could do. In reply, Mr. Allen stated that for certain administrative purposes, the Regional School Board still looks at the old school boundaries and there are differences in funding with extra funding provided by the residents of Halifax and Dartmouth to their school systems, for benefits such as smaller class sizes or fewer children in the school. If children are going to be taken from outside the area and placed in one of those areas, it would have some implications for funding. He did not know, as a strict matter of law, whether that could be done.

Councillor Kelly asked what would happen if an arrangement could not be made. In reply, Mr. Allen stated the Development Agreement would be approved and there were children to be educated. The Board would have to educate them in some manner.

Councillor Kelly referred to playground equipment and asked if there was any way it could be built into the agreement. In reply, Councillor Harvey stated the developer would have to agree to include it.

Councillor Kelly asked if there was room for further negotiations before a contract needed to be signed. In reply, Mr. Allen stated that if it was a requirement, then it should be in the Development Agreement before it is approved. As a planning matter, there was an issue as to whether or not the policies of the plan require or authorize a fully developed playground. Negotiations would have to be based on the policies of the Plan and the requirements. If an agreement cannot be reached on a particular aspect and Community Council refuses to approve an agreement without, for example, playground equipment, the developer has the option of taking Council's refusal to the Board.

Councillor Rankin advised that the property in question was R-1 by right but as a result of the Plan review, it was changed to CDD after many meetings in the community and a Public Hearing. If there was no CDD, then somebody could, by right, construct R-1 with no input from the community, no community facilities, sidewalks, turning lanes. The CDD was not a right but a negotiated contract. As an example, he acknowledged that the turning lanes being built were at the developer's expense whereas turning lanes being built at Greenhead Road and Parkdale were at the taxpayers' expense. He thought the people of Beechville welcomed the opportunity tonight for input and acknowledged that the developer met with the residents association. This would not have happened by right. It was important that the proposal reflect the community in large measure. It was elitist to think that everybody wanted 60' homes; he was for affordable housing and for the people



of Beechville to have a reasonable opportunity for affordable housing, an assurance they could not get in a by-right development. He was satisfied that the proposed development reflects the concerns of staff and the community and that environmental issues would be addressed. The developer has conformed to the Municipal Planning Strategy, achieved the density, there was opportunity to achieve the 70:30 in the balance of the land and meet standards interpreted by staff for the Municipality.

**MOVED by Councillors Rankin and Mitchell that the Comprehensive Development District (CDD) Development Agreement for Beechville Estates as contained in Attachment 1 of the Staff Report dated May 1, 1997 be approved.**

**MOVED by Councillors Kelly and Barnet to defer a decision to the next meeting until the following two points are clarified:**

1. **The overall educational aspects of busing the students to a former City of Halifax school.**
2. **Whether or not there would be provision of parkland equipment.**

Councillor Rankin asked if there was the opportunity for further clarification from staff tonight. In reply, Ms. Dickey stated the issue was not an area rate but the children of the development having to be bused, from the first child on, to Springvale School or another school whereas the children now living in Beechville would go to the Beechville School. The School Board is presently looking at the issue of supplementary funding in the event that someone goes to a former City of Halifax school where they would be required to pay tuition. Given the issue of bringing children from a development where they have stated they are unable to provide schooling in the area, they are looking at this as a different issue.

**MOTION FOR DEFERRAL PUT AND PASSED 3-2.**

15. **NEXT MEETING** - Thursday, June 26, 1997  
Sunnyside Mall, Bedford

16. **ADJOURNMENT**

**MOVED by Councillors Barnet and Kelly that the meeting adjourn at 11:00 p.m.**

Sandra M. Shute  
Assistant Municipal Clerk