

NORTH WEST COMMUNITY COUNCIL

MINUTES

JANUARY 21, 1999

THOSE PRESENT: Councillor Kelly, Chair
Councillor Harvey
Councillor Barnet

ALSO PRESENT: Barry Allen, Municipal Solicitor
Angus Schaffenburg, Planner
Andrew Whittemore, Planner
Denis Huck, Regional Coordinator, Recreation Facilities
Sandra Shute, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	Invocation	4
2.	Approval of Minutes - December 10, 1998	4
3.	Approval of the Order of Business and Approval of Additions and Deletions ..	4
4.	Business Arising Out of the Minutes	4
5.	Motions of Reconsideration - None	4
6.	Motions of Rescission - None	4
7.	Consideration of Deferred Business - None	4
8.	Public Hearings	
8.1	Case 00025 - Application by Jim Donovan to entertain a Development Agreement in order to permit the development of three flag lots on his property at 72 Rutledge Street in Bedford	4
9.	Correspondence, Petitions and Delegations - None	6
10.	Reports	
10.1	North West Planning Advisory Committee	
10.1.1	Case 00053 - Golf Course, Kinsac Road, Beaver Bank - Non-Substantial Amendment to Development Agreement	6
10.1.2	Case 00001 - Site 3.2 Bedford Waterfront Development Project	8
10.1.3	Report of the Sackville Transportation Area Advisory Committee - Comprehensive Transportation Study for Sackville	8
10.2	Revisions to Rules of Procedure - North West Community Council ...	9
10.3	Bedford Waters Advisory Committee	
10.3.1	Terms of Reference	10
10.3.2	Washroom Facilities - Paper Mill Lake Beaches	10
10.4	North West (Recreation) Advisory Committee	10
11.	Motions - None	11

12.	Added Items	
12.1	Sackville Heritage Park Advisory Committee	11
12.2	Fencing - Sackville Heights Junior High School Driveway	11
12.3	Update on Commuter Rail	11
12.4	Expenditures - Sackville Landfill Compensation Funds	
12.4.1	Awarding of Bursaries and Management of Bursary Funds	12
12.4.2	Establishment of a New Program for Technology Enhancement for Sackville High School and Millwood High School	12
12.4.3	Reduction in Commitment to Sackville Heights Junior High School and Removal of Commitments for the former Sackville Fire Department	13
13.	Notices of Motion - None	13
14.	Public Participation	13
15.	Next Meeting Date	15
16.	Adjournment	15

A Report dated January 12, 1999 from North West Planning Advisory Committee recommending approval of the application along with a Staff Report dated November 25, 1998 were before Community Council.

Andrew Whittemore, Planner provided an overview of the application with the aid of overheads. He advised that it was staff's opinion that the proposal met the requirement of Policies R-27 and Z-3 and staff was recommending approval of the application. Further, he advised that with regard to the Public Information process, there were ten people who attended the Public Information Meeting, all from within the immediate neighbourhood, and viewed the proposal favourably. Their concerns were related to other things such as sidewalks which were not associated with the application.

Councillor Kelly asked if there had been any correspondence, calls or inquiries regarding the application to which Mr. Whittemore replied no.

The Chair called for members of the public wishing to speak in favour of the application.

Mr. James Donovan, the applicant, advised that he felt the agreement worked out is sensitive and appropriate and offered to answer questions and provide information, if required.

Mr. Lloyd Mitchell, 98 Rutledge Street advised his property was just below the proposed driveway. He had initially worked out the same proposal with the former Town of Bedford in 1995 on behalf of his mother but his mother changed her mind and sold the property to Mr. Donovan. Having looked at other alternatives, it was found at the time that the flag lots were the only alternative. He did not have any difficulty with what was being proposed. If single family did not go in there, it could mean high density development.

Ms. Ruth Hart asked how much frontage was required for a flag lot to access the property. In reply, Mr. Whittemore advised that the entrance would have to be a minimum of 30'.

Mr. Marvin Silver, 78 Village Crescent referred to the steepness of the lot at the back and the possibility for erosion. He asked if the 20' natural buffer would be sufficient to protect the slope. In reply, Mr. Whittemore advised that on Map 3, the area in black indicated where the dwelling could be located. The lots sloped down towards Rutledge Street, not to the back of the lot.

The Chair then called three times for members of the public wishing to speak against the application. There were none.

MOVED by Councillors Barnet and Harvey to close the Public Hearing. MOTION PUT AND PASSED.

MOVED by Councillors Harvey and Barnet to approve the Development Agreement as attached as Appendix B to the Staff Report dated November 25, 1998. Further, to require that the Development Agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED UNANIMOUSLY.

9. **CORRESPONDENCE, PETITIONS AND DELEGATIONS** - None

10. **REPORTS**

10.1 **North West Planning Advisory Committee**

10.1.1 **Case 00053 - Golf Course, Kinsac Road, Beaver Bank - Non-Substantial Amendment to Development Agreement**

A Memorandum dated January 12, 1999 from North West Planning Advisory Committee recommending approval of the amendment along with a Staff Report dated December 14, 1998 were before Community Council.

Angus Schaffenburg, Planner provided an overview of the Staff Report with the aid of overheads and advised that staff was recommending approval of the non-substantial amendment to the Development Agreement to allow for the Phase 2 expansion of the Lost Creek Golf Club in Middle Beaver Bank.

Councillor Kelly asked if there had been any inquiries or correspondence received with regard to the application. In response, Mr. Schaffenburg advised the only contact was by way of a letter dated January 7, 1999 from Larry Gumbley, President of Lost Creek Golf Club requesting acceptance of the amendment as soon as possible because of the timing of construction.

Councillor Barnet advised that no concerns have been expressed to him by the public. Recognizing this was not a Public Hearing, he asked Community Council's indulgence to hear from the public if there were any concerns.

Mr. Walter Regan, Sackville Rivers Association advised this was a popular site where people could go to watch land-locked salmon and river access was a concern. He asked if the public would still be allowed to access the falls as there were no trespassing signs in the area. In response, Mr. Schaffenburg showed by way of the overhead where the falls were located.

Mr. Regan went on to ask for clarification as to whether or not the island would be clear cut to allow construction of bridges. Mr. Schaffenburg, in reply, advised he did not think it would be clear cut and the developer would try to retain as many of the trees as possible. Department of Environment would be involved and would have to approve whatever is proposed. The bridges were required as part of the plan.

As to Mr. Regan's question about the project being registered for Audubon status, Councillor Barnet confirmed that it would be.

Mr. Ron Shano, Beaver Bank pointed out that there was a Natural Resources Act wherein no one should be denied access to streams or lakes. Mr. Schaffenburg advised he would talk to the developer in this regard.

Mr. Shano went on to express concern regarding the narrowness of Kinsac Road with very little or no shoulder. He acknowledged the development would be excellent but asked what would be done to upgrade the road as there would be an increase in traffic. In reply, Councillor Barnet advised that the majority of Kinsac Road was repaved and regravelled. He did not know if anything else could be done.

The Chair requested that this concern be brought to the attention of Engineering Department to see if the problem could be addressed.

MOVED by Councillors Barnet and Harvey to approve the non-substantial amendment to the Development Agreement attached as Appendix C to the Staff Report dated December 14, 1998 to allow for the Phase 2 expansion of the golf course in Middle Beaver Bank. Further, that Community Council require that the Development Agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.

Councillor Barnet advised that the developer had indicated to him that the golf course was not going to be a private one - it would be open to the public. The developer wanted the public to be able to use the course during the off season. He was surprised to hear there were no trespassing signs. There was a possibility the signs were on land not owned by the developer and there would, therefore, be no control.

Councillor Harvey expressed the hope that Mr. Schaffenburg would pass along the public's concerns raised tonight to the developer. He added that there would be more pressure put on Kinsac Road with subdivision development which would also increase traffic.

The Chair requested that staff address the signage issue - not only Mr. Gumbley's land but other property owners. Mr. Schaffenburg agreed to speak to Mr. Gumbley re access, off season use and use of the property by anglers.

MOTION PUT AND PASSED.

10.1.2 Case 00001 - Site 3.2 Bedford Waterfront Development Project

A Memorandum dated January 12, 1999 from North West Planning Advisory Committee recommending approval of the detailed plans as submitted by Provident Development Incorporated to construct a commercial building on Site 3.2 was before Community Council together with a Staff Report dated December 23, 1998.

Mr. Andrew Whittemore, Planner provided an overview of the Staff Report with the aid of site plans. During his presentation, he pointed out that the height of the building exceeded the 48' height restriction by 7' but this hid the mechanical equipment on top of the roof. Staff was recommending approval of the application.

Councillor Kelly asked if the application before Community Council was for all three buildings or just for one at this time. In response, Mr. Whittemore advised Community Council was only dealing with the first building; subsequent buildings would come back to Community Council for approval.

Councillor Kelly asked questions regarding construction value, number of jobs created, space allocation and density. The developer answered some of these questions but was unable to answer all.

With regard to a question from Councillor Kelly as to whether or not there would be office space in the roof structure, he was told that it would house mechanical equipment only.

MOVED by Councillors Harvey and Barnet to approve the detailed plans as submitted by Provident Development Incorporated to construct a commercial building on Site 3.2 of the Bedford Waterfront Project. MOTION PUT AND PASSED.

10.1.3 Report of the Sackville Transportation Area Advisory Committee - Comprehensive Transportation Study for Sackville

A Memorandum dated January 12, 1999 from North West Planning Advisory Committee containing a recommendation was before Community Council along with a Staff Report dated October, 1998 re the above.

Andrew Whittemore, Planner provided an overview of the Staff Report during which time he referred to the recommendations from staff which were that the Committee's recommendations be used as a component of the regional planning program and that the recommendations be forwarded to the consultant for review and consideration during the preparation of the Integrated Servicing Strategy.

There was comment made that population projections might need to be updated because the service boundary has not been expanded, there were controls under consideration at this time for Districts 15, 18 and 19 and Jack Lake was proposed to have a different use.

Councillor Barnet supported the need for sidewalks and walkways in the rural areas and felt the need for construction of same should be addressed in the report.

Councillor Harvey requested that the Minutes reflect Community Council's appreciation of the work of the members of the Committee and Andrew Whittemore. He expressed concern that the study done in 1994/95 should not be read without reading the report being presented tonight as well. The report dealt with not only Sackville issues but other communities as well.

Mr. Whittemore pointed out that Alan Taylor, Transportation Planner had been involved in the review process and was very aware of the Committee's recommendations in terms of the GoPlan. A number of those issues will be addressed in the Integrated Servicing Strategy.

MOVED by Councillors Harvey and Barnet that the report of the Sackville Transportation Area Advisory Committee be accepted and appended to the GoPlan for Sackville.

Mr. Gordon Morgan pointed out that after the initial study had been produced, both the RCMP and Sackville Fire Department had made comments on same. There had been a request made to have those comments appended to the report but he understood this had not been done. Responding to Mr. Morgan, Councillor Harvey stated he understood the comments were intended to be a companion piece to the original report.

MOTION PUT AND PASSED.

10.2 Revisions to Rules of Procedure - North West Community Council

MOVED by Councillors Barnet and Harvey to revise the Rules of Procedure as presented. MOTION PUT AND PASSED.

10.3 Bedford Waters Advisory Committee

10.3.1 Terms of Reference

A report dated January 14, 1999 from the Chair of Bedford Waters Advisory Committee was before Community Council recommending that the opinion of Wayne Anstey, HRM Solicitor be accepted and that the Bedford Waters Advisory Committee's Terms of Reference be amended so that the Committee will report to North West Community Council rather than Halifax Regional Municipality Council, its designate or successors.

MOVED by Councillors Harvey and Barnet to approve the proposed amended Terms of Reference as recommended. MOTION PUT AND PASSED.

10.3.2 Washroom Facilities - Paper Mill Lake Beaches

A report dated January 14, 1999 from the Chair of Bedford Waters Advisory Committee was before Community Council.

Councillor Kelly advised that the lack of washroom facilities at Paper Mill Lake beaches has been a concern over the last number of years and has been referred to staff. He was glad to see that the Committee concurred with the need.

MOVED by Councillors Barnet and Harvey to refer the request to the Capital Budget for 1999/2000. MOTION PUT AND PASSED.

10.4 North West (Recreation) Advisory Committee

A report dated November 27, 1998 was before Community Council. Denis Huck, Regional Coordinator, Recreation Facilities was in attendance with regard to this report and provided an overview of same.

Discussion took place on the benefits of having Lake District Recreation Association appointed as recommended. Discussion also took place on the size of the Committee to be formed, bearing in mind it would cover not only the Sackville area but Fall River and Bedford as well.

There was a suggestion that an advisory committee could be struck with three appointees from each of the four Districts involved (Districts 2, 19, 20 and 21), with Lake District Recreation Association appointees coming from either District 19 or 20. Community Council would have the ultimate decision with regard to appointments on the Committee.

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It was agreed to defer a decision until such time as Councillor Snow can provide input on the setup of the Committee.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Sackville Heritage Park Advisory Committee - Design Proposal**

A letter dated December 16, 1998 was before Community Council in this regard.

MOVED by Councillors Harvey and Barnet to approve the recommendation of the Sackville Heritage Park Advisory Committee to accept the Heritage Park Design Proposal as is and send confirmation to Jan Skora, Coordinator, Parkland Planning, giving him the authority to identify the required \$8,600 in funding for this project.

Councillor Kelly asked if the money to be identified was part of existing monies. In reply, Councillor Harvey advised that some of it was coming from Heritage funds.

MOTION PUT AND PASSED.

12.2 **Fencing - Sackville Heights Junior High School Driveway**

Councillor Harvey outlined concerns expressed by residents - trespassing and vandalism - in the area of a driveway for Sackville Heights Junior High School and explained that the school is presently undergoing reconstruction and a fence has already been installed on the other side of the driveway. If a fence were built on the side of the driveway abutting the backs of properties on Sackville Drive and Connolly Road, it would accord the same protection for these residents as the installation of the fence on the other side. Since this was School Board property, he did not foresee any cost to HRM.

MOVED by Councillors Harvey and Barnet to send a letter to Wade Marshall, School Board Member, indicating the position of Community Council, and request that the School Board, in conjunction with the property owners, arrive at a reasonable solution to build a fence. MOTION PUT AND PASSED.

12.3 **Update on Commuter Rail**

A Memorandum dated January 21, 1999 from the Chair of North West Transit Advisory Committee was before Community Council requesting an update on the Commuter Rail Committee.

Councillor Kelly asked that the request be referred to the Commuter Rail Committee.

12.4 **Expenditures - Sackville Landfill Compensation Funds**

A Memorandum dated January 23, 1999 from Councillor Barnet containing three recommendations for expenditure of Landfill Compensation Funds was before Community Council.

12.4.1 Awarding of Bursaries and Management of Bursary Funds

MOVED by Councillors Barnet and Harvey to request that Legal Services provide a report on the possible establishment of a Foundation to administer the awarding of Bursaries and the management of the Bursary funds on behalf of North West Community Council. MOTION PUT AND PASSED.

12.4.2 Establishment of a New Program for Technology Enhancement for Sackville High School and Millwood High School

Councillor Barnet outlined the intent of a proposal for a new program for technology enhancement for Sackville High School and Millwood High School which was to provide funding for those High Schools for badly needed equipment without establishing an area rate. The schools would be asked to seek other sources of funding to match a one-time grant through fund raising, other government programs or corporate sponsorship. The one-time-only program would be in celebration of the 250th Birthday of Sackville and the beginning of the new Millennium. He and Councillor Harvey planned to finalize details before the program kicks off in February, 1999.

MOVED by Councillors Barnet and Harvey that North West Community Council establish a new program for technology enhancement for Sackville High School and Millwood High School to receive a grant in the amount of \$300,000 to be used for leverage funding and paid in two installments to be completed in August, 1999 as outlined in the Memorandum dated January 23, 1999. MOTION PUT AND PASSED.

Councillor Harvey requested that a letter be sent to the Principal of each High School advising of the motion.

As to a question from Councillor Kelly regarding the amount of money it was hoped to raise with this approach, Councillor Harvey advised it was hoped to double the amount but it depended on the success of the Information Technology Committees of the two schools. He clarified that the amounts to each school was \$150,000 to be provided in two installments to be completed by August, 1999.

12.4.3 Reduction in Commitment to Sackville Heights Junior High School and Removal of Commitments for the former Sackville Fire Department

MOVED by Councillors Barnet and Harvey to reduce the commitment for the Sackville Heights Junior High School field to \$160,000 because of the successful receipt of a capital grant and to remove commitments no longer necessary for Sackville Fire Department for a pumper and vehicle purchase. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION**

Mr. David Arsenaault, Millwood High School Council asked for clarification that the grant from the Sackville Landfill Compensation Fund for technology for the high schools would be subject to matching fund raising of some kind or other or would it be independent of fund raising efforts. In response, Councillor Barnet advised that it was recognized that it was difficult to tie the two together; therefore, it would be subject to an effort to go and look for the funding. The Technology Committee for Sackville High School actually indicated they wanted to raise more than that.

Councillor Harvey added that he understood that the proposals from both high schools were understood and endorsed by the Information Technology Coordinator, Mrs. Thornley, for the School Board.

Mr. Marvin Silver, Chair, Bedford Waters Advisory Committee informed the public of the Committee's monthly meetings on the second Wednesday of the month at the LeBrun Centre at 7:00 p.m.

Councillor Kelly advised that an advertisement had been placed in the newspaper for expressions of interest to serve on Bedford Waters Advisory Committee but none had been received. He knew of two people who might be interested and asked if Mr. Silver knew of any others. In reply, Mr. Silver said there may be a number of people interested and, according to the Terms of Reference, there were two ways of becoming a member - by appointment of North West Community Council directly or for letters of interest to be given to the Committee to be passed on to Community Council. Councillor Kelly then requested that Mr. Silver forward any expressions of interest to Community Council as soon as possible.

Mr. Walter Regan, Sackville Rivers Association raised the following points:

- C Having asked for an update on Second Lake, Councillor Harvey advised that there was a commitment from the provincial government to respond to the community and he understood now that a response was likely to come in the next 2-3 months.
- C He urged the public and Councillors to look at the web page for the Second Lake Committee.
- C River Watch - part of the Sackville Rivers Association - found a number of refrigerators and other garbage dumped along the service road at McCabe Lake. As well, along the tracks behind Second Lake at an old truss plant, there were 200 gallon oil drums and other assorted garbage dumped into a feeder brook for Second Lake. He asked for assistance. Councillor Barnet agreed to follow up.
- C Due to heavy rain on January 16 and 21, both the Little Sackville River and the Sackville River were extremely dirty chocolate brown. He asked that staff be requested to track down the sources. Sackville Rivers Association had reported the concern but still needed help. He reiterated again his request for a Topsoil Enforcement Officer. Councillor Barnet advised what was being done at this time, including a letter to Department of Environment regarding the rivers.
- C Having asked for an update on the Tree By-law, he was told that the Municipality adopted a By-law with respect to trees on public property about a month ago but it does not address trees on private property - residential and new residential development. Councillor Barnet would check with staff.
- C Having asked for an update on the new prison, Councillor Kelly advised that proposal calls were expected by the end of February. North West Planning Advisory Committee wrote a letter to the Minister of Justice with respect to the fact that the land was not zoned for the prison and requested adherence to the By-law. The province, however, was exempt from the MPS process.
- C He referred to the report from the Sackville Transportation Area Advisory Committee - page 15, para 2 and expressed support for Second Lake Park and relocation of the Second Lake Collector further north. Further, page 18 re pedestrian access, he supported improvement of pedestrian access between Bedford and Sackville.
- C He requested that passive recreation - walkways and trails - be considered as part of the mandate of the new Recreation Advisory Committee.
- C He asked if an environmental study could be done for the Sackville River watershed which would be similar to that done for the Morris/Russell Lake area and Birch Cove

Lake area. In response, Mr. Schaffenburg advised that the flood risk mapping study of the Little Sackville River would be available shortly.

Mr. Gordon Morgan, Director of Lake District Recreation Association referred to the recommendations for the Recreation Advisory Committee. He provided background information on the role of Lake District Recreation Association and advised there were openings on the Facilities Development Committee if there were people in the community who wished to express interest in serving. Lake District Recreation Association tried to control those who have a primary interest in one sport by making it equitable for all sports.

Ms. Colleen Paschal, Millwood High Advisory Council expressed appreciation for the grant for technology for both High Schools in Sackville.

Mr. Wayne MacPhee raised the following points:

- C He supported the grant for the High Schools for technology.
- C With regard to user fees, he expressed concern that there had been consideration of a charge of \$11.50 for under age 15 players for soccer. Mr. Denis Huck advised that user fees would again be considered by Regional Council next Tuesday, at which time consideration would be given to charging hourly rates based on the quality of the field. Councillor Kelly further encouraged Mr. MacPhee to forward his comments to staff for review as quickly as possible.

15. **NEXT MEETING** - February 11, 1999

16. **ADJOURNMENT**

On a motion from Councillor Harvey, the meeting adjourned at 9:05 p.m.

Sandra M. Shute
Assistant Municipal Clerk