



P.O. Box 1749  
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**Item No. 9.1**  
**Halifax Regional Council**  
**November 28, 2017**

**TO:** Mayor Savage and Members of Halifax Regional Council  
Originally Signed

**SUBMITTED BY:** \_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** November 20, 2017

**SUBJECT:** **Case 20226: SMPS and LUB Amendments for Lovett Lake Lands,  
Beechville**

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**SUPPLEMENTARY REPORT**

**ORIGIN**

Application by Armco Capital Inc.

May 2<sup>nd</sup>, 2017 staff report recommending initiation of the MPS amendment process.  
May 9<sup>th</sup>, 2017 motion of Regional Council:

MOVED by Councillor Zurawski, seconded by Councillor Whitman:

That Case 20226, Secondary Municipal Planning Strategy (SMPS) and Land Use By-Law Amendments for Lovett Lake Lands, Beechville be DEFERRED, pending a supplemental staff report regarding the impacts on the local African Nova Scotian Communities, and Heritage in the Beechville Area to be received by Halifax Regional Council no later than August 1, 2017. MOTION PUT AND PASSED

August 1<sup>st</sup>, 2017 information report updating Regional Council on staff's response to the May 9<sup>th</sup> Council motion.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Regional Council:

- 1) Initiate a process to consider a comprehensive set of amendments to the Secondary Municipal Planning Strategy and Land Use By-law for Timberlea / Lakeside / Beechville, and to the Secondary

Municipal Planning Strategy for Halifax and the Land Use By-law for Halifax Mainland, for lands near Lovett Lake in Beechville (identified as the General Study Area in this report), consistent with the Regional Municipal Planning Strategy's characteristics for Urban Local Growth Centres.

- 2) Require that the applicant undertake a Heritage Impact Statement for the Beechville Baptist Church.
- 3) Follow a public participation program, as outlined in Attachment C of this report, to ensure the planning process strongly emphasizes:
  - a) creating policy to ensure appropriate development density for the general study area;
  - b) creating policy to ensure the Beechville Baptist Church property and associated heritage assets are protected;
  - c) integrating parkland and community uses into the development and into the Beechville community;
  - d) creating opportunities for cultural and community amenities to celebrate the African Nova Scotian history in Beechville; and
  - e) active engagement with the Beechville African Nova Scotia community by establishing a community liaison group.

## **BACKGROUND**

The applicant, Armco Capital Inc., has requested a site specific Secondary Municipal Planning Strategy (SMPS) amendment. They are proposing a development with stores, offices, and 1,292 housing units. The subject site is 59 acres of undeveloped land in the community of Beechville. It is north of St. Margaret's Bay Road, between Bayers Lake Business Park and Lovett Lake (Maps 1 and 2). A development agreement approved by Council in 2014 permits a 253-unit residential development on part of the site.

Staff prepared an MPS amendment initiation report for Council's consideration, which is dated May 2<sup>nd</sup>. That report recommended Council approve a process to consider SMPS amendments for a study area in Beechville and provided planning rationale that supported initiation. The initial recommendation also identified that HRM's African Nova Scotian Affairs Integration Office (ANSAIO) support the public participation program, and recognized the importance of the involvement of the African Nova Scotian Community residing in Beechville. <sup>1</sup>

Regional Council discussed the initiation report on May 9<sup>th</sup>. Council deferred initiating the amendment process for this application due to concerns raised by residents resulting from a prior Development Agreement application occurring on part of the site in 2014. Council directed staff to provide this supplementary report on how the proposed development may impact Beechville's African Nova Scotian community and heritage, prior to Council considering initiation. In considering these impacts staff are providing Council with background on Historical Beechville and the Beechville Baptist Church; a full history of Beechville is beyond this report's scope, but the history provides important context. A summary of comments arising during the Development Agreement is also provided for background.

## **Historical Beechville**

The Black Refugees settled Beechville after the War of 1812. During the War, many enslaved Africans fled from their owners and fought with the British.<sup>2</sup> After the War, over 2,000 Black Refugees migrated to Nova

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<sup>1</sup> A copy of the report can be found here: <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/170509rc1416.pdf>

<sup>2</sup> Harvey Whitfield. 2006. Blacks on the Border: The Black Refugees in British North America, 1815 – 1860. University of Vermont Press. Burlington, Vermont.

Harvey Whitfield. 2005. From American Slaves to Nova Scotian Subjects: The Case of the Black Refugees, 1813 – 1840. Pearson Education Canada. Newmarket, Ontario.

Scotia. Large Black Refugee settlements included Preston, Upper Hammonds Plains and Beechville (founded as Beech Hill). Settlers in Beechville were granted 5,000 acres near the Northwest Arm. The original grant included Beechville, Chain of Lakes and Nine Mile River.<sup>3</sup> Since that time, the community has reduced in size dramatically.

The Black Refugees who settled Beechville were the third wave of African Nova Scotian settlement. The second wave was the Jamaican Maroons, who arrived in 1796. The first wave, the Black Loyalists, settled in Nova Scotia during the American Revolution.

The Black Loyalists' experience provides context for later African Nova Scotia settlers. In the aftermath of the Revolution, the British resettled tens of thousands of British citizens in New Brunswick and Nova Scotia. Over 3,500 free Black Loyalists migrated to Nova Scotia. During this period, enslaved Africans also migrated with their owners. There was not enough good farm land to go around. The first land grants went to wealthy Loyalists who had lost property during the Revolution. Poor loyalists were given land second. The Black Loyalists were given land last. They received small parcels, located on some of the worst land in the province. Major Black Loyalist settlements were in Birchtown, in Preston, and in Digby and Guysborough Counties.<sup>4</sup>

Like the Black Loyalists, the Maroons were also given poor land. They were paid much lower wages than other workers, and were treated with hostility. Tired of the poor treatment, many Black Loyalists and Maroons relocated to Sierra Leone at the end of the 18<sup>th</sup> Century. After the migrations, white residents and politicians argued it was simply wasteful to provide 'good' land to blacks, as they were quick to leave.<sup>5</sup>

Beechville has played a prominent role in the province's black history. Beech Hill stretched from Armdale (near the Northwest Arm) inland to Bayers Lake and Lovett Lake. The community built homes, farms, businesses, a church and a school. Developing a church and a school was crucial, because many institutions did not allow blacks (Nova Scotian schools de-segregated in 1965). The original church and school were built next to Lovett Lake, on the property where the Beechville Baptist Church is located.

### **Beechville Baptist Church**

In the middle of the 19<sup>th</sup> Century, Preacher Richard Preston founded eleven black churches. He founded the Beechville Baptist Church in 1844.<sup>6</sup> In April of 1979, the congregation dedicated a new Church, on the site of the first Church. The Church sits off St. Margarets Bay Road, next to Lovett Lake. The Church and its property are registered Municipal Heritage properties. The Church, the Baptismal Path, the graveyard and the old school are historically important.

Baptisms were major community events that drew people from across the Municipality. Candidates for baptisms walked along the Baptismal Path from the Church to Lovett Lake. Visitors also came to take part in community picnics, church services and hymn singing.

The Church graveyard is where many Beechville resident's ancestors are buried, and where many residents wish to be buried. African Nova Scotians from across the Municipality and across the Province have family members buried in Beechville. There is a marked graveyard, and older unmarked graves near the Baptismal Path. The African Nova Scotian community was concerned that unmarked graves may be disturbed by development. In 2013, the applicant worked with the Province to complete an archeological assessment. It showed three areas where there are likely burials, including the historic graveyard. The assessment

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<sup>3</sup> Henry Bishop & Bridglal Pachai. 2006. Images of our past: Historic Black Nova Scotia. Nimbus Publishing. Halifax, Nova Scotia.

<sup>4</sup> Henry Bishop & Bridglal Pachai. 2006.

<sup>5</sup> Henry Bishop & Bridglal Pachai. 2006.

<sup>6</sup> Henry Bishop & Bridglal Pachai. 2006.

recommended buffers and non-disturbance areas around these three sites. No unmarked graves were identified outside of the Church property. Some marked graves are on land owned by the applicant, who has offered to transfer this land to the Church.

HRM registered the Beechville Baptist Church as a heritage property in 2005. The property is significant because of its age, its uniqueness, its local importance and its connection to prominent Nova Scotians.

The congregation also applied to have the Baptismal Path registered with the Church. At the time, a local developer owned the Baptismal Path as part of the Lovett Lake holdings. The developer intended to transfer the Baptismal Path to the congregation, after a subdivision was built at Lovett Lake. This subdivision was never started, and the Baptismal Path is still part of the Lovett Lake lands. Ultimately, Council registered the Church as a heritage property, but not the Baptismal Path. The Church and many community members believe they have a rightful claim to the Baptismal Path.

### **Concerns raised through public engagement for the existing Development Agreement**

When the existing Development Agreement was negotiated, HRM held two major public engagement events. Staff held a Public Information Meeting (PIM) in November of 2012. Halifax and West Community Council held a Public Hearing on June 26, 2014. For this supplementary report, staff reviewed letters sent to staff and Council. Staff reviewed notes from the Public Information Meeting (Attachment E) and the Public Hearing (Attachment F). Staff also reviewed newspaper articles about the proposed development. The community feedback is summarized in the table below, by theme.

### **Community concerns raised during public engagement, related to the existing development agreement**

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<b>Trust</b>	<ul style="list-style-type: none"><li>• Many residents distrust the applicant and the Municipality</li><li>• Promises have been made, but not kept</li></ul>
<b>Systemic Racism</b>	<ul style="list-style-type: none"><li>• Poor treatment over many decades</li><li>• Fears about contamination from Lakeside Industrial Park</li><li>• Pattern of inappropriate expropriation and tax sales: the community was 'moved back for a bag of potatoes'<sup>7</sup></li><li>• Pressure from governments for black residents to sell prime land<sup>8</sup></li></ul>
<b>Disappearing Community</b>	<ul style="list-style-type: none"><li>• Few opportunities to build, so residents left Beechville</li><li>• Properties were rezoned from residential (e.g. industrial park)</li><li>• City makes it easy for developers to build, but hard for residents</li><li>• The community signs have moved, and the boundary of Beechville has shrunk</li></ul>
<b>Community Heritage</b>	<ul style="list-style-type: none"><li>• Protecting graves is a community priority</li><li>• Homes and businesses have disappeared</li><li>• Remaining buildings are critical to community identity</li><li>• Archaeological sites at and near the Lovett Lake lands are important</li></ul>
<b>Community Design and Integration</b>	<ul style="list-style-type: none"><li>• Concerns about traffic</li><li>• New subdivisions are not meant for long-standing residents of Beechville</li><li>• New subdivisions do not connect to or integrate with the community</li></ul>

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<sup>7</sup> The Chronicle Herald. Weekend Focus: Historic Black Community of Beechville Disappearing. August 9<sup>th</sup>, 2014.

<sup>8</sup> The Chronicle Herald. August 9<sup>th</sup>, 2014.

<b>Ridgecliffe School</b>	<ul style="list-style-type: none"> <li>• Community believed they would have access to the school</li> <li>• Expensive to rent the school; limited access to outdoor spaces</li> </ul>
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**DISCUSSION**

Council directed staff to identify impacts to Beechville’s African Nova Scotian community and Beechville’s heritage resulting from the development of lands next to Lovett Lake. To respond to Council’s motion, staff met with ANSAIO and determined a series of meetings should be held with members of Beechville’s African Nova Scotian community. A separate meeting was also held with the Developer and Area Councillor to outline the process. ANSAIO hosted the first meeting on June 27<sup>th</sup>. Planning and Development staff did not attend this meeting. ANSAIO hosted a follow-up meeting on August 22<sup>nd</sup>, which Planning and Development attended. An independent facilitator ran the August meeting. In response to Council’s May 9<sup>th</sup> motion, this meeting was to discuss the development and potential impacts on Beechville’s African Nova Scotian community and Beechville’s heritage. Appendix D includes the notes from both meetings, prepared by ANSAIO.

The table below presents potential impacts of development, organized by theme, reviewing all public participation.

**Potential impacts of development**

<b>Heritage Impacts</b>	<ul style="list-style-type: none"> <li>• Graves and Baptismal Path must be protected</li> <li>• Applicant is open to transferring land and graves</li> <li>• Provincial regulation protects grave sites</li> <li>• Policy options to protect or acquire special sites</li> </ul>
<b>Community Character</b>	<ul style="list-style-type: none"> <li>• Community members may view development as continuing a slow-motion razing and displacement of Beechville</li> <li>• Opportunities to celebrate Beechville’s community heritage</li> </ul>
<b>Disconnected Communities</b>	<ul style="list-style-type: none"> <li>• Newer neighbourhoods appear disconnected</li> <li>• Newer neighbourhoods are often not affordable</li> <li>• Opportunities to improve design and connections</li> <li>• HRM has limited planning options to encourage or require inclusive and affordable housing</li> </ul>
<b>Lovett Lake</b>	<ul style="list-style-type: none"> <li>• Policy options to ensure that water quality is protected</li> <li>• Council can require lake buffers and stormwater management</li> <li>• Parkland dedication can help ensure lake access</li> </ul>
<b>Employment, Housing and Services</b>	<ul style="list-style-type: none"> <li>• New development can create new opportunities</li> </ul>
<b>Transportation</b>	<ul style="list-style-type: none"> <li>• Proposal would provide new streets, new sidewalks and new trail connections</li> <li>• More residents could result in new/ improved transit service</li> <li>• Likely lead to more car trips</li> <li>• Increased traffic could worsen the mediocre pedestrian environment on St. Magargets Bay Rd.</li> <li>• Road connection to Bayers Lake could lead to truck traffic</li> </ul>
<b>Erosion of Trust</b>	<ul style="list-style-type: none"> <li>• Poor development and/ or a poor process would further erode trust between the community and HRM.</li> </ul>

During the meeting on August 22<sup>nd</sup>, two issues emerged as critical for the community. One is how the proposed development will impact community heritage and culture. The second is how members of the African Nova Scotian community will be included in the planning process in a meaningful way – they want real consultation that influences decision making. A major fear is that the process will be ‘business as usual’, where their concerns will not be addressed.

Many residents desire a new or refurbished community centre through this development. This could serve as a place to display historic artifacts, to gather and to play, and to tell the story of Beechville. Many residents feel this centre should be owned by HRM and run by the community. This centre would be a tangible way to support the community heritage that residents worry is being lost. HRMs Parks and Recreation Department is in very early phases of planning for a new community centre in Beechville – Lakeside – Timberlea. No site has been chosen, but the community’s comments have been forwarded to Parks and Recreation staff. Other community concerns include:

- Impact of tall buildings on the aesthetics of the community;
- Lack of affordable housing;
- Increased traffic congestion and a lack of sidewalks and crosswalks along St. Margarets Bay Road;
- Large development could overcrowd local schools; and
- Decreased access to the lake

### **Jurisdiction**

Many members of the African Nova Scotian community of Beechville distrust the Municipality. Community members feel that African Nova Scotians have been repeatedly mistreated, by developers and by government, over many decades. The planning process alone cannot respond to all the identified concerns; the Beechville African Nova Scotian community has concerns many of which are broader than land use and development issues and rooted in systemic discrimination.

To rebuild trust with the Beechville African Nova Scotian community means the Municipality must listen carefully to the community and empower individuals from this community to participate directly in the process. Staff’s role in this planning application is to fully understand the residents’ concerns and work directly with the Beechville African Nova Scotian community through a community liaison group established as part of the proposed Public Participation Program. Staff will work to ensure that community concerns and values are addressed through the policies to the greatest extent possible, and that Council understands the issues at hand and how they are addressed.

Due to the very nature of the planning approvals process, no specific outcome can be guaranteed to either community members or the developer. Staff can commit to supporting and facilitating an open, transparent and collaborative process, and work to make progress on those issues identified by the African Nova Scotian community that can be addressed through the planning process. Planning tools exist to deal with: community design; parks and public spaces; stormwater and environmental protection; streets; transit; transportation; and protecting built heritage. HRM also has planning tools to encourage affordable housing types, although they are limited.

Some concerns are beyond the scope of the planning process, and some are outside HRM’s jurisdiction. Attachment G includes a table that summarizes areas of jurisdiction relative to matters of interest to residents of Beechville. A version of the table was available to residents at the June and August meetings held by HRM.

For example, the Province is solely responsible for the Nova Scotia Land Registry, which records land titles. Disputes over land title are a civil matter, and if necessary are heard and decided by Provincial Courts. The planning process is not designed to respond to claims that land was expropriated or sold inappropriately. The planning process is designed to regulate development, not to adjudicate land title. Land titles are primarily a legal issue, dealt with by the civil courts. The Province also has sole jurisdiction over burials and graveyards. As noted before, an archaeological assessment has identified graves on the Church property

and on the subject property. Burials and graveyards are protected by the *Cemeteries and Monuments Protection Act*. Attachment G has more information on protections for burials and graveyards.

ANSAIO will also continue to work with Beechville residents, with the goal of identifying ways to address concerns that are beyond the scope of the planning process. It is important that Regional Council, HRM staff and the broader community come together to continue to make progress on the issues raised in this report.

### **COMMUNITY ENGAGEMENT**

If Regional Council chooses to initiate the SMPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. In February of 1997, Regional Council approved a public participation resolution. It outlines the process for proposed SMPS amendments that are local in nature. The resolution requires, at a minimum, staff to hold a public meeting, along with any other measures necessary to obtain public opinion. Staff recommend to Council that the scope of this application requires more than the minimum level of public engagement.

A key finding resulting in this supplementary report is that community members feel their voices have not been heard in the past, and fear they may not be heard through this process. Staff suggest the level of community engagement is active participation, achieved through a series of meeting with a Beechville African Nova Scotian community liaison group, broader public meetings and a Halifax and West Community Council meeting.

Staff has proposed a public participation program, shown in Attachment C. This program is based on the program suggested in the May 2<sup>nd</sup> staff report. In response to community feedback, staff has recommended adjustments to the participation program including:

- 1) The applicant will prepare a Heritage Impact Statement for the Beechville Baptist Church; and
- 2) A Beechville African Nova Scotian Community Liaison Group will be established to work directly with HRM staff, including a meeting to map assets in the general study area, including cultural and heritage assets, and opportunities for public parkland and community amenities.

The goal of the community engagement will be to ensure that all community members have clear information on the planning process and the development proposal, have a chance to review and discuss studies and reports, and have a chance to provide direct feedback that influences land use policy.

Amendments to the SMPS for Timberlea/ Lakeside/ Beechville and SMPS for Halifax will potentially impact the following stakeholders:

- Residents and property owners in Beechville and surrounding area;
- Beechville Baptist Church (a Municipal heritage property);
- Members of the African Nova Scotian community, within Beechville and across HRM;
- Property owners and tenants in the Bayers Lake Business Park; and
- Other HRM business units

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2017 / 2018 operating budget for C320 Policy and Strategic Initiatives.

### **RISK CONSIDERATION**

In addition to the risks discussed above, there are two significant risks associated with undertaking a planning process in Beechville. First, undertaking a planning process could further erode trust between the African Nova Scotian community and HRM. Second, applicants have repeatedly made promises or agreements with the community, contingent upon development. While HRM has not been a party in these

agreements, there is a risk that community members may feel misled by HRM if agreements made by other parties are not respected, or if development does not proceed.

This application involves proposed SMPS amendments, which are at the discretion of Regional Council. SMPS amendments are not appealable to the Nova Scotia Utility and Review Board. Information about other risks and other implications of adopting the proposed amendments are contained in the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

### **ALTERNATIVES**

1. Regional Council may choose to initiate the consideration of Secondary Municipal Planning Strategy (SMPS) amendments that differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose to initiate a public participation program that differs from the process outlined in this report. This may require a supplementary report from staff.
3. Regional Council may choose not to initiate the process to consider a set of amendments to the Secondary Municipal Planning Strategy (SMPS). A decision of Council not to initiate a process to consider amending the Municipal Planning Strategies is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

### **ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning

Attachment A: Applicant's Concept Plan  
Attachment B: General Study Area Map  
Attachment C: Proposed Public Participation Program  
Attachment D: Public Meeting Notes – Summer 2017  
Attachment E: Minutes from the Public Information Meeting (2012)  
Attachment F: Minutes from the Public Hearing (2014)  
Attachment G: Review of Jurisdiction

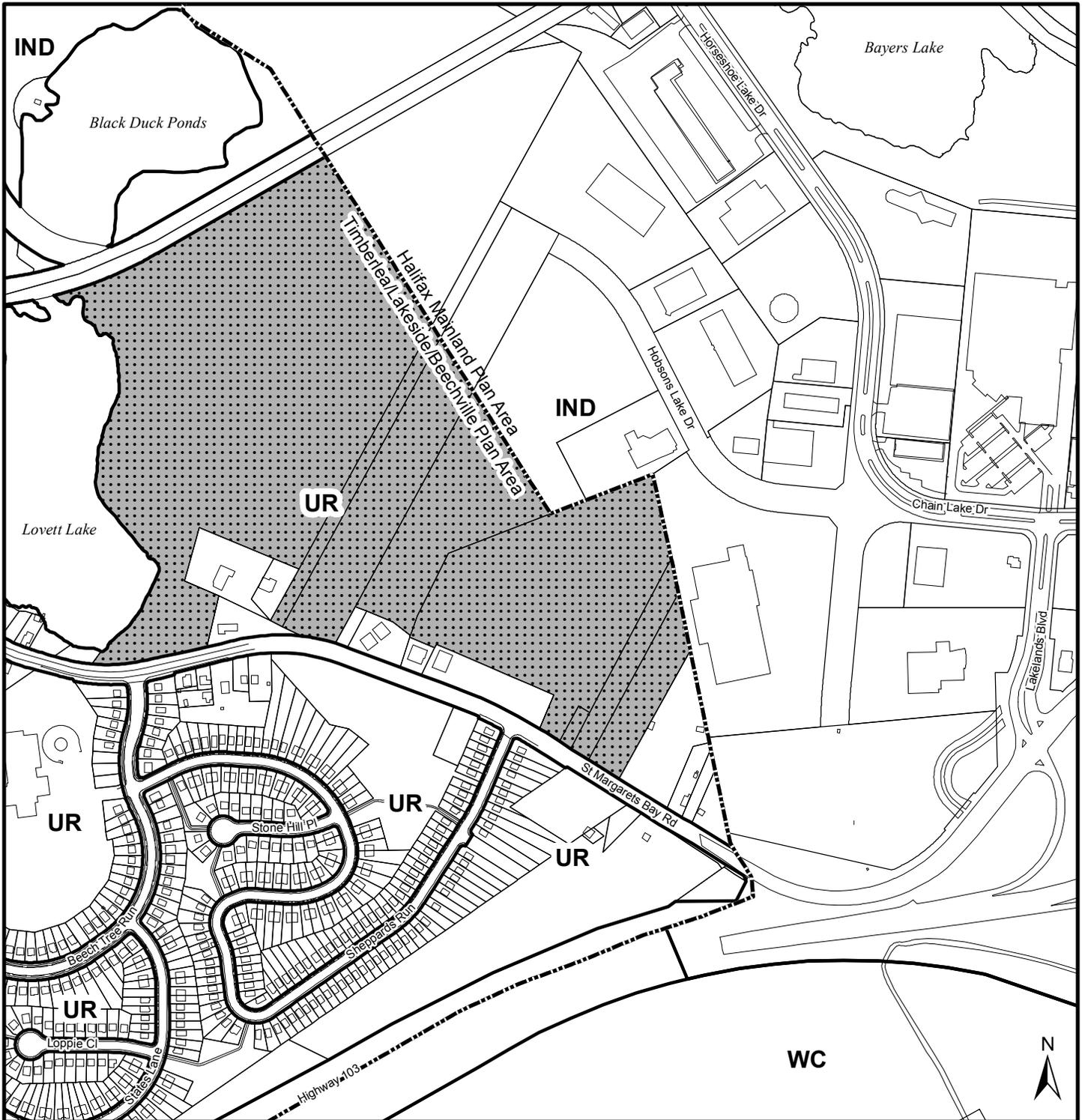
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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Sean Gillis, Planner II, 902.490.6357

Report Approved by: Kate Greene, Manager, Policy and Strategic Initiatives, 902.225.6217

Report Approved by: Kelly Denty, Acting Director, Planning and Development, 902.490.4800



**Map 1 - Generalized Future Land Use**

Lovett Lake  
Beechville

**HALIFAX**

 Subject Properties

**Timberlea/Lakeside/Beechville Designations**

UR Urban Residential  
IND Industrial

**Halifax Designations**

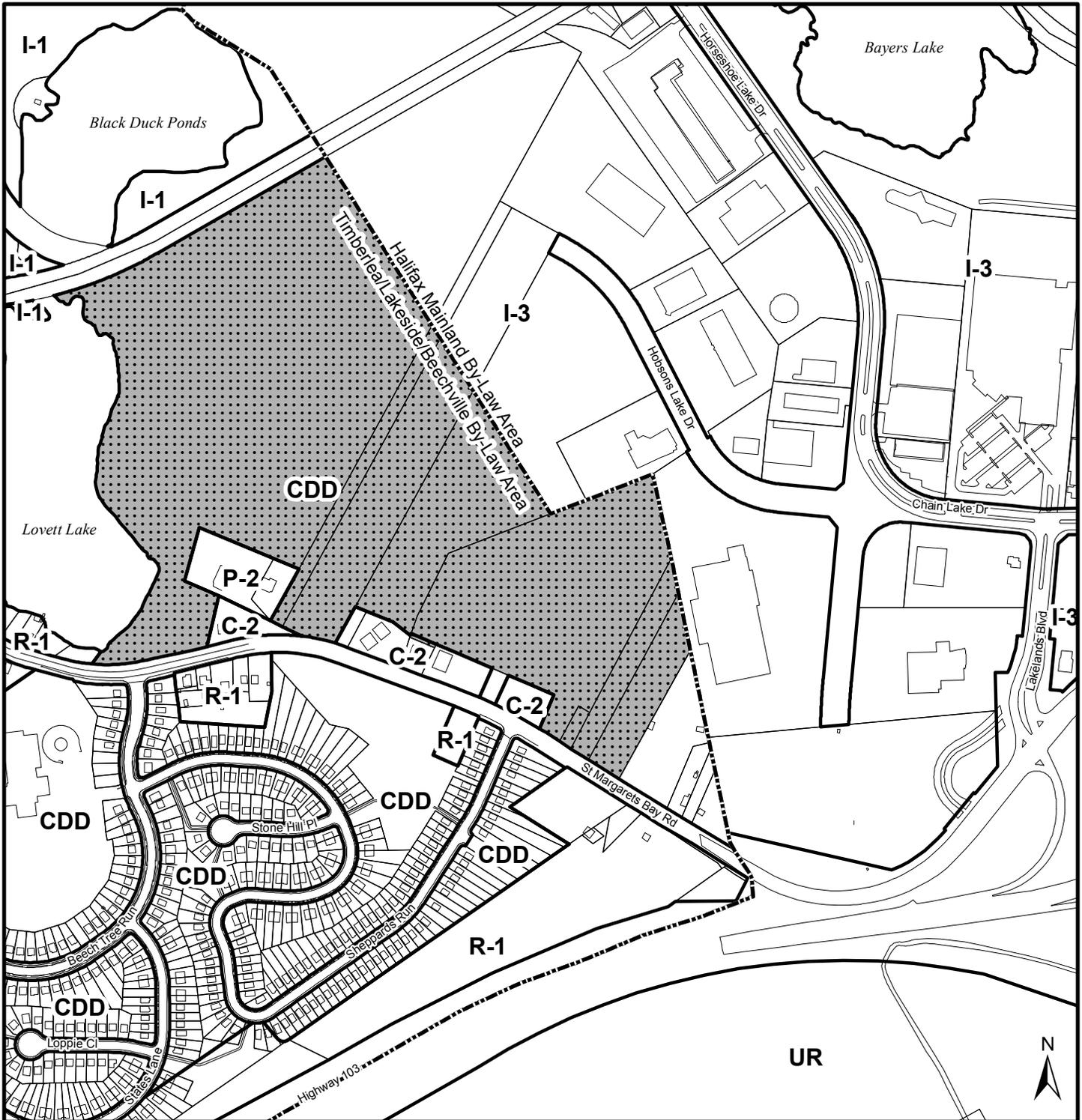
IND Industrial  
WC Western Common



Timberlea/Lakeside/Beechville  
Plan Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



**Map 2 - Zoning**

Lovett Lake  
Beechville

**HALIFAX**

 Subject Area

- Timberlea/Lakeside/Beechville Zones**
- R-1 Single Unit Dwelling
  - C-2 General Business
  - I-1 Light Industry
  - P-2 Community Facility
  - CDD Comprehensive Development District

- Halifax Mainland Zones**
- I-3 General Industrial
  - UR Urban Reserve



Timberlea/Lakeside/Beechville  
By-Law Area

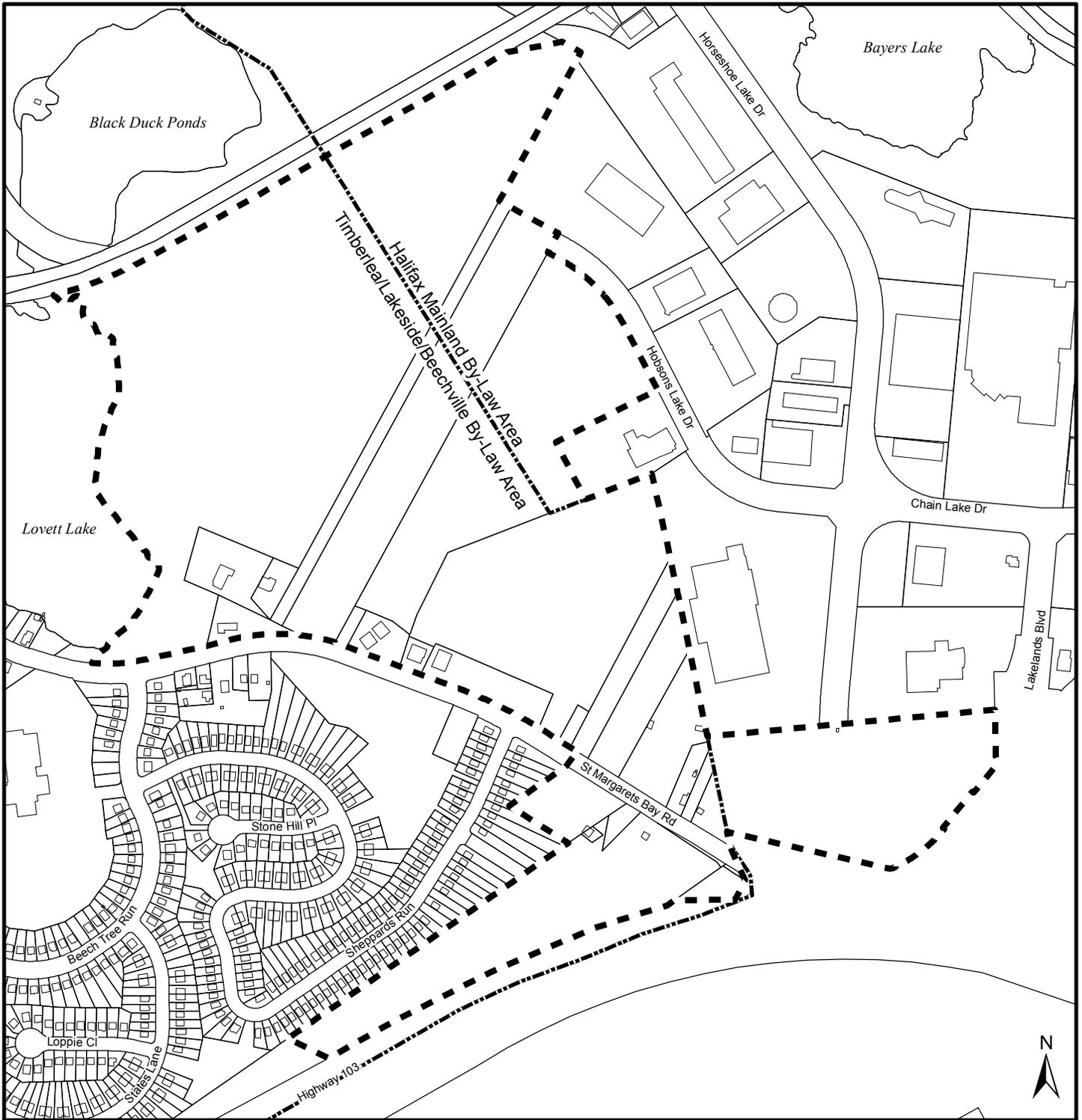
This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.  
  
The accuracy of any representation on this plan is not guaranteed.

# Attachment A - Applicant's Concept Plan



P:\2015\15-021 Lovett Lake Estates\01 Drawing\1\CPM\2015-021 Lovett Lake Estates.dwg 25-Jan-17 11:52:23 PM Plot Size: 11000 x 15000 mm

	CONSULTANT
	<p><b>LOVETT LAKE</b></p> <p>BEECHVILLE, NOVA SCOTIA</p>
<p><b>LEGEND</b></p> <p>PROPERTY BOUNDARY</p> <p>SINGLE FAMILY</p> <p>TOWNHOUSE</p> <p>SEMI-DETACHED</p> <p>MULTI UNIT</p> <p>PARK</p>	<p>DATE</p> <p>JAN 26, 2017</p> <p>PROJECT NO.</p> <p>15-021</p> <p>SCALE</p> <p>1:5000</p>



## Attachment B - General Study Area

Lovett Lake  
Beechville

 General Study Area

Timberlea/Lakeside/Beechville  
By-Law Area

**HALIFAX**



The accuracy of any representation on this plan is not guaranteed.

## Attachment C

**Proposed Public Participation Program** for Secondary Municipal Planning Strategy amendments for lands located in Beechville, near Lovett Lake (Case 20226)

**Purpose:** To gather feedback from residents and community groups about possible amendments to the planning documents for Timberlea / Lakeside / Beechville and for Halifax. Staff will work with the HRM African Nova Scotian Affairs Integration Office (ANSAIO) to ensure the African Nova Scotian community in Beechville is engaged. The process will look at creating a full set of planning policies and land use regulations for land in Beechville and in Bayer's Lake Business Park. The General Study Area is shown in Attachment B of this report. The process will establish policy consistent with the Regional Municipal Planning Strategy, for consideration by Regional Council. This proposed process is the minimum engagement that the Municipality will conduct.

HRM will post proposal details, technical studies, and the record of the community engagement process on the halifax.ca website. Information will also be shared through traditional communications methods and through community based resources including church bulletins (directing people to Halifax.ca), community newsletters, and copies may be made available in public community spaces. HRM will invite nearby property owners and Beechville residents to public meetings, by regular mail. HRM will invite public comment via mail submissions, online submissions, and by email.

**Process:** A program for public engagement is required under the *HRM Charter* to allow community input on any SMPS and corresponding LUB amendments. At a minimum, the public participation program will include five phases as outlined below:

### **Phase 1 (Information Sharing)**

- Working with the African Nova Scotian Affairs Integration Office (ANSAIO), staff will establish a Beechville African Nova Scotian Community Liaison Group (CLG) and host a meeting to review the CLG role and overview the process
- Staff will also host a broader public information meeting in Beechville to present the application and process. The applicant will present their proposal and answer any questions about their project.

### **Phase 2 (Mapping Assets and Opportunities)**

- Staff will host a second CLG meeting dedicated to mapping assets and opportunities within the General Study Area, including but not limited to: (1) cultural and heritage assets; (2) opportunities for public parkland and for community uses.

### **Phase 3 (Initial Policy Framework and Conceptual Design)**

- Staff will host a second public meeting in Beechville. This will be a workshop with the community to create initial goals, policy and concepts for the subject site and General Study Area. This workshop will also focus on incorporating the assets and opportunities coming out of the community mapping exercise in Phase 2.

### **Phase 4 (Technical Analysis)**

- Following Phase 3, additional review of the General Study Area will by the applicant will include:
  - Additional analysis related to identifying and mapping assets and opportunities within the General Study Area, including but not limited to: (1) cultural and heritage assets; (2) opportunities for public parkland and community uses;
  - The applicant providing an updated traffic impact study and transportation analysis that considers all modes of transportation;
  - The applicant providing studies on piped services, as required by Halifax Water and the Municipality;
  - The applicant providing a Heritage Impact Statement discussing how development may impact the property of the Beechville Baptist Church;

- The applicant providing an analysis of potential environmental impacts on Lovett Lake and any other impacted water bodies, including a wetland study and an analysis of available water monitoring data;
- The applicant providing analysis and recommendations in relation to stormwater management
- Additional studies may be required, based on the findings of Phases 1, 2, 3 and 4. At the end of Phase 4, staff will present the findings of technical studies and engagement to the CLG and the Halifax and West Community Council.

**Phase 5 (Developing a New Policy Approach)**

- Following this staff will begin to draft potential policy and regulations for the subject site and for the General Study Area. This work will be based on the public participation program and the technical studies. This policy would be consistent with the Regional Plan's characteristics for Urban Local Growth Centres. Policy will address several issues, which may include:
  - lot sizes, building heights and appropriate density;
  - appropriate land uses;
  - appropriate heritage considerations, especially near the Beechville Baptist Church;
  - building design and urban design;
  - transportation options, including walking, cycling, transit and street connections;
  - phasing of development, based on servicing capacity and transportation impacts;
  - parks, natural areas and buffers for water bodies;
  - detailed infrastructure planning; and,
  - stormwater management best practices and standards for the quality and quantity of run-off generated by development.
- When staff has finished drafting potential policy and regulations, they will hold a meeting with the CLG and another meeting with the community. These meetings will provide an opportunity to receive public feedback on the potential policy and regulations. After this meeting, the standard application review process will take place, as outlined in the HRM Charter.

**(General Study Area Note)**

Staff has proposed a General Study Area, shown in Attachment B of this staff report. The study area is preliminary, and may change based on the findings of public engagement and technical studies.

## **Attachment D – Public Meeting Notes – Summer 2017**

### **June 27<sup>th</sup> Community Conversation, Hosted by HRM African Nova Scotian Affairs Integration Office**

32 community members attended this meeting. There were questions and concerns raised by the community regarding the process. These questions were captured in various forms during the engagement process. Community members were grouped and the six groups were asked to discuss and come up with 5 key concerns about the proposed amendments and the development process at large:

#### **Concerns**

##### Group 1

- Concerns about the “decay of the historical black heritage”
- Unsafe Roads and Traffic issues
- Overcrowded schools – pressure to build new schools or other measures to address the overcrowding of schools
- Over population of the community – community is too small for this magnitude of development

##### Group 2

- Traffic concerns
- Concerns about the cultural and community impact
- Lack of community facilities e.g. Community Centre
- What is affordable housing? Whose standards are being used to determine affordability?
- Lack of economic growth particularly for the ANS community post development

##### Group 3

- Preservation of ANS identity (particularly the Beechville identity – community does not want to be called something else e.g. Lovett lake)
- How did Armco acquire the extra land (in comparison to the amount of land indicated in the 2014 development agreement)? And how did Armco acquire the original land in the first place?
- Police Enforcement – how does that look with the scope of this development?
- Guaranteed jobs for people from the community from this development process?
- NS Government should grant HRM Natural Person Power (NPP). This will help prevent a situation where HRM Charter and the MGA continues to impede the ability of the municipality to make changes without having to continuously request legislative amendments from the province.
- What does economic power look like for the ANS community? How do ANS factor into the commercial development aspect of the process? Can the people benefit economically through ownership of stores, businesses, etc?

##### Group 4

- Community and Cultural Impact
- Recreation Centre where community members can be a part of
- Cultural and Heritage centre for housing artifacts and other heritage items discovered during this development process

- Affordable Housing
- Gentrification of the ANS community
- Traffic
- Proper/Acceptable Buffer Zone between church and development site (cemetery space, baptismal path etc.)

#### Group 5

- Traffic Assessment required
- Quality of Life and Access to the lake
- Environmental Impact Assessment
- Heritage and Cultural Impact
- What is there for our seniors – Housing for seniors
- Access to and from the development site

#### Group 6

- Impact of high rise buildings on the aesthetics of the community
- Noise Pollution
- Cultural Impact
- Over population of school
- Policing concerns
- Environmental concerns

#### Questions

- Where did Armco get the extra land and who did they buy it from?
- Can we stop them from building?
- What year in the existing identified Urban Growth Areas are we in?
- What happened to the artifacts that were discovered during initial excavation?
  - a. Wayn Hamilton from the Provincial Office of African Nova Scotian Affairs spoke to the discovery of these artifacts, but for the community to have them back, there are currently no place to house these artifacts, and also how to interpret the stories surrounding them and the sites of discovery.
- Can we have community members to go with archeologists/heritage folks to the site when excavated items are being identified.
- Can we have or have we had a cultural impact assessment conducted?
- Is the old road from St. Margaret's Bay part of the site?
- Can a heritage assessment stop the development completely?
- Is there a 3D model of the proposed development?
- Can the original development agreement be revisited?
- Can we adopt a Community Benefit Agreement as part of the process?
- Can we have a say in the height of proposed high rise buildings?
- What effect would blasting have on homes, church, and surrounding properties. Has there been any kind of environmental/blasting impact assessment?
- How do we have more legal grounds as a community through this process? (What does a CBA look like for us)?
- Are there going to be more archaeological assessment conducted?
- If the community says stop, does the development stop?
- Who is the historic/archaeologist attached to the development?

- How are the heritage folks within HRM involved in the process? Who are they?
- The parking lots in front of the church and the baptismal path, how are they connected to the proposed amendments?
- Community feels the August 1<sup>st</sup> staff report requirement is too premature, can this be extended?
- Where is Beechville on the Map? (community is concerned that original Beechville is shrinking).
- If we can make the agreement and pitch our own community plan to this process, how do we go about it? (This again is connected to the CBA)

### **Some Key Quotable Statements**

“It is important that we stick together in this process like gums. I am tired of crying every time I see a tree cut down”

“What is consultation, what does it mean? Does it mean talking to one or two people? It’s about talking to everyone, we are the community”

“We want a legal standing, we can be a model for all other communities”

“If this moves forward we need to look for an assurance because council can vote on what we don’t like based on the recommendation by staff since the planners determine the growth areas”

“If the community says stop, does the development stop”?

“Is there anything we can do to push back on August 1<sup>st</sup>? We are not ready for this”

“We need to know which councillor is on our side”

“Can heritage assessment stop development?”

“NS government should grant HRM Natural Person Power”

“How did Armco acquire the extra acres”?

“We didn’t count then as a part of the community when they had the original town council meeting because we were 100 meters away from where the development was”

## **August 22<sup>nd</sup> Public Meeting, Discussion on Community Concerns about proposed ARMCO Development Agreement/Amendments**

Attendance: 20 Community Members in attendance  
3 Staff from ANSAIO & 1 from Diversity and Inclusion  
7 HRM staff from Planning and Development  
2 External Facilitators

### **Purpose:**

To facilitate meaningful conversation between the African Nova Scotian Community in Beechville and the Planning and Development department of HRM, based on the resolution of HRM Council May 9<sup>th</sup> 2017, regarding a request to amend an existing development agreement by Armco Capital to HRM.

This meeting is focused on three important things:

1. Exploring community concerns related to heritage and culture.
2. Engaging ALL stakeholders in examining efforts to facilitate a trusting relationship.
3. Exploring methods to ensure the community input in the planning process is incorporated/validated.

### **Icebreaker exercise:**

Facilitator Lynn Jones began the session with a game of cultural heritage bingo. The purpose of the game was to initiate conversation between all the parties in attendance and as well to create a real-life example of what needs to happen during consultation, including the challenges of the process. At the end of the game, the facilitator asked the participants to share things they realised during the exercise.

The general responses are as follows:

- ❖ It was easy to fill in the “generic answers” that generally applied to almost anyone
- ❖ It was difficult to fill in the responses that required you to be from the community of Beechville.
- ❖ It was easier getting the answers regarding Beechville if you knew the people who came from the community.

This exercise reaffirmed the need for proper community consultation. It also underscored the fact that an ‘outsider’ will never be aware of the interests, the histories and features of a community unless they have conversations with the right people. For anyone to adequately consult with a community and be inclusive in their engagement process, there is a need to establish relationships with community members, and get information that otherwise one would never have been privy (or have access) to.

### **Breaking down engagement & Trust Building**

The group was broken down into different tables consisting of community members and HRM personnel. The groups were then given the task of identifying obstacles and solutions to positive community engagement. The goal of this exercise was to:

- Help build trust, honesty; openness; “do what you say and say what you will do”, and respect
- Hindrances to building trust: Negativity; deceit; exclusion and insensitivity
- Building bridges: excuses can be overcome by taking ownership of the issues at hand; hidden agendas can be overcome by “sticking to the facts”, clear and consistent documentation and transparency
- Impacts of building bridges: greater trust, responsibility; setting expectations (shared or personal) that can be used as a measure of progress

The groups identified the following obstacles and solutions:

<b>Factors hindering Relationship</b>	<b>The Bridge to better relationship</b>	<b>Factors helping relationship</b>
Hidden Agenda X 2	Taking Ownership (No excuses)	Relationship Building X 2
History (Repeated Pattern of deceit)	<b>State facts as they are:</b> <ul style="list-style-type: none"> <li>• Allow people to make informed decisions based on your facts</li> <li>• Don't sugar coat what you say</li> <li>• Need for proper documentation</li> <li>• Transparency</li> <li>• Remain truthful all the time</li> </ul>	Willingness to learn and understand
Exposure and Background	<b>Need for education on both sides</b> <ul style="list-style-type: none"> <li>• Sometimes we don't understand how the city departments do their work</li> <li>• Sometimes the departments don't understand the community</li> </ul>	Do what you say and say what you do
Lack of Concerns for community interest	Utilize grassroots liaison to bridge the gap between the community and the city	Clear communication X 3
Lack of information and lack of consultation	Better understanding of history	Mutual Understanding X 3
Exclusion	Need for community to better understand the process and how this will affect the community	Open and Honest (the good, the bad, and the ugly)
Not doing what you said you would do		Levelled Viewpoints (all perspectives are level as we move through the process. All opinions are valid).
Excuses		Honesty

Making Assumptions		Respect
Lack of Understanding		Patience
Not thinking before you speak		Be Accessible (people should be able to reach you)

The group then went on to identify what needs to happen to move from what hinders positive community engagement, to what ensures positive community engagement. The following tools were identified to remedy this flawed process:

- ❖ Ownership – taking responsibility for HRMs negative practices towards community engagement.
- ❖ Sticking to the facts as well as being transparent during the process.
- ❖ A continuous education process – teaching and learning about communities as well as the best ways of ensuring better community engagement.

**What happens when we build trust?**

- There will be clearer expectations
- Ownership and Responsibility by everyone involved
- We will be moving towards progress
- Better direction for all
- Brings creativity to the process

**Community perception on culture and heritage**

**Tangible culture and heritage of importance**

- Beechville Baptist Church
- Refurbish the community centre (the historical segregated school building)
- Install sidewalks
- Protect Lovett Lake
- Preserve cemeteries and traditional burial grounds
- Preserving the artifacts unearthed by the Department of Natural Resources – have them returned to the community where they belong
- Investigate/ tell the story of the burned down settlement inter-generationally nicknamed “The Burnt”. It became an area where children played and where historic artifacts were recently discovered
- Community members would like to be able to swim in the Lake as they used to – it is believed that the lake has been shrunk and polluted by the adjacent Lakeside Industrial Park so much so that contaminants may pose a health risk to people and the natural habitat
- Church is the most important building in the communities
  - Houses activities and groups
- There used to be a school/community centre, now just the church, or you have to go to Lakeside

## **Intangible culture and heritage of importance**

- Keeping/ protecting the community name of “Beechville” – maintaining historic community boundaries
- Annual Beechville Days celebrations
- Oral histories – stories, wisdom and experiences shared by elders
- Practices: Craft making and Blue Berry picking (in the past at the old-school grounds was a common practice among the young school-going age. Blueberries were sold to residents to raise money for school supplies)
- Family traditions – gatherings at which meals were shared
- Honoring the memory and significance of the “Beechville Rockets” softball team
- Church Anniversary celebrations
- Indoor Baptisms
- Reviving community picnics (historically hosted at J Albert Walker Field, Halifax Commons and Point Pleasant Park)
- Beechville Days
- Baptism in the lake
- Lake – how it’s used
  - People used to pick berries. Lots of communities are losing their berries because of concrete from development
- Dancing/dances
- Beechville is there, but not there
  - Area is identified as “St Margarets Bay Road” instead of Beechville
  - Used to be Beech Hill
  - Area that was considered Beechville was cut back when Lakeside and Timberlea were developed

## **Round table Process**

In groups, each table was tasked with discussing and building on the concerns on culture and heritage that were raised in the June 27<sup>th</sup> Beechville Community Meeting. The discussion points were all placed under 6 major topics from the June 27<sup>th</sup> meeting.

### **1. “The decay of the historical Black heritage”**

#### **The Issues**

- ❖ Gentrification will usher a white middle class demographic into the community and push out the Black community as seen in other ANS communities.
- ❖ Destruction of intangible cultural aspects
- ❖ Loss of the first school house in Beechville – some people know where it was – centre only piece remaining
- ❖ Community historically off the #3 highway. Was only Black community where you came to a Black community before the White community.

- ❖ Feeling that the community was being hidden
- ❖ Feel that people are trying to get rid of this (Beechville)
- ❖ Loss of the Baptismal path – decay, can't find it
- ❖ Changing the name of the community: Lakeside to Beechville Estates to Beechville
- ❖ Back when mail was delivered to the community, the local post office used to scratch off the name Beechville and put in Lakeside. Community had to get the post office to stop this.
- ❖ The business park was not considered to be part of Beechville, community had to get them to add to the sign "in the community of Beechville"
- ❖ Concern that one side of the road is considered Lakeside while the other is considered Beechville
- ❖ Issue of the moving of the sign by the Munroe estates, where Lakeside starts now, this was once considered Beechville
- ❖ Loss of church lands
- ❖ Artifacts on Beechville were found when they built Beechville Estates
- ❖ First settlement of Beechville was on the Northwest Arm
- ❖ Community keeps getting moved – this is impacting the stories and history of the community
- ❖ Noted that depending on the name (Beechville or Lakeside) property taxes would be impacted
- ❖ What happened to the extension of the Munroe Subdivision
- ❖ Beechville heritage is under threat

#### Actions to preserve Community

- ❖ Partner with planning department so that they have someone from the community involved in all steps of the planning for the community
- ❖ Ensure name remains as Beechville
- ❖ Have affordable housing so people can stay in the community
- ❖ Educate people that Beechville Estates is NOT Beechville (larger than Beechville Estates)
- ❖ Address stereotypes related to Beechville
- ❖ Educate people that Beechville is on the main road, not a subdivision
- ❖ Put more limelight on the community
- ❖ Change the fact that the recreation centre does not benefit the community
- ❖ Ensure that plans for the community don't change when there is a change in government
- ❖ Find ways to have developers acknowledge the community
- ❖ Include the community in the development of the parks spaces, interpretive spaces, recreation centres etc.
- ❖ Develop a centre to house artifacts found when there is development– that this be done in consultation with the community. That this centre be a hub for the community and the developer financially contribute to this
- ❖ Address gentrification – e.g. naming of places/spaces that don't represent the community

- ❖ In development that includes commercial space, hire from the community

## 2. Identification of the cultural and community impact

- ❖ The naming of this development must not erase or distance itself from the African Nova Scotian community.
- ❖ Will there be an increase in housing prices around the development area?
- ❖ Will this development result in increased taxes for the current residents of the community?
- ❖ There were concerns raised that the identity of “Beechville” is under threat – shifting signage and boundaries cause frustration and confusion whereby for example, areas that were traditionally part of Beechville are referred to as Timberlea
- ❖ It was requested that cemetery spaces and the baptismal path be granted heritage protection
- ❖ Community members expressed appreciation for interest taken by the Municipality in Beechville’s culture and heritage

## 3. Preservation of ANS identity (particularly the Beechville identity – Community not wanting to be called anything else e.g. Lovett Lake)

- ❖ Whatever new area is developed must retain the name Beechville to maintain the identity of the community.
- ❖ Need for identification of the places at risk of being lost to development
- ❖ Beechville is its own community, independent of Lakeside. The name has changed over time

## 4. Need for a cultural ad heritage center for housing artifacts and other heritage items discovered during the development process.

### ❖ Who?

- The community should have a say on this. Therefore, a community benefit agreement needs to be implemented to hold everyone accountable. The developer should be responsible for building this not the community however, the community must have a significant say in what the structure should look like. The community needs to be fully involved in the planning and implementation. It should be what the community wants not what HRM or developer wants.
- We want a community centre that will be a “true” community centre. We don’t want a centre with lots of municipal red tapes that could create barriers to community access.

### ❖ What?

- The community centre should serve two purposes: (1) an interpretative centre where tangible and intangible artifacts can be displayed (2) a place for the community to gather – the hub of the

community. The recently cancelled Beechville day as a result of inclement weather would have been a go if the community had such space.

- A community centre that is easily accessible and is community oriented in its structure, staffing, and administration

❖ Where?

- The exact location is not an issue as long as it is in Beechville.
- Around the development site with the developer giving up some portion of acquired property for this purpose

❖ When?

- The need for such a centre is long overdue.

❖ How?

- Everyone needs to sit around the table – the community (not a few people), the developer and HRM
- Development agreement needs to incorporate the need to give back to the community
- In order to move forward, there is a need to build consensus, partnership and strong collaboration.

❖ The Impact

- The impact of such project would be significant
- It would be a place where there would be a lot of generational connection – youth learning about their history, culture and heritage from the elders. Elders working with the younger generation and learning from them to build a better community.
- The centre would be a hub where cultural experiences are well and alive in the community. A place to learn history, values and culture.
- This will be the “pride of the community”. Just like walking into the Black cultural centre makes you proud of being a black person, the Beechville Community/Interpretative centre would provide such esoteric feeling and pride.
- Beechville day would have an alternate venue in the event of inclement weather and won't have to be cancelled like we did this year leaving hundreds of kids disappointed.
- The recent AUBA conference could have been held in a location like this instead of going and renting a location outside of the community.
- It doesn't look good on HRM that we are still where we are today. HRM should have been doing this more than 20 years ago.
- We have seen so many broken promises, we've had sessions in the past that didn't go anywhere, we can only hope this is a step in the right direction.

## 5. Impact of gentrification on the ANS community

- ❖ Will the Black residents of the Beechville be able to afford the housing introduced by the developer or will they be economically segregated?
  - ❖ There should be clauses within the development that storefronts and business that show up employ African Nova Scotians from the community.
  - ❖ Citing the example of the North End of Halifax, tangible aspects of the cultural of Gottingen has changed and it no longer reflects the once thriving local Black community.
  - ❖ The streets names in Beechville Estates has black people last names but not the correct spelling. People living in Beechville Estates won't say they are from Beechville.
  - ❖ The feeling at the table is that developer stands to make more money if they don't associate their development with a black community.
  - ❖ Community wants the new development to have a stamp of Beechville on it. While you can't control who moves here, the developer can control how it is marketed and how properties are sold. So, don't get rid of the name Beechville.
6. Proper/acceptable buffer zone between church and development site (cemetery space, baptismal path, etc.)
- ❖ Development of beach and making it accessible to the public. Public access and a plaque commemorating were the baptisms occurred.
  - ❖ Baptismal path to the lake important. It is a heritage place. It was important in the past and continues to be important today

## **General Notes:**

### Concerns

- ❖ Transit is insufficient and the service is generally poor.
  - Community members expressed frustration about infrequent transit services, extensive trips and extensive waiting periods between bus schedule.
  - If you miss you bus for whatever reason, you must wait an hour for the next bus. Very easy to be an hour late for work regularly
  - Bus drivers are unsympathetic to passengers; they do not wait for people running for the bus, even when they know that the people catch that same bus every day, and knowing the next bus would only come in an hour.
- ❖ There were concerns raised about the lack of sidewalks.
  - particularly on the stretch of St Margarets Bay Road between the Church and the Munroe subdivision whereas the Lakeside Industrial Park has adequate sidewalks.
  - The area was also flagged as posing a danger to pedestrians and drivers due not only to a blind rise but due to the lack of a crosswalk and signage indicating hidden driveways.

## Questions

- ❖ Will the new development in the area warrant more frequent bus service?
- ❖ How can communities get greater transparency about the development application process? How can they learn more about how the planning process is undertaken and what their involvement entails?
- ❖ How can the community protect its culture and heritage from development?
- ❖ Are we going to be reflected in the development in terms of jobs, access, affordable housing? The community is worried that they never benefit from development projects that directly impact their community.

## Suggestions

- ❖ The road and traffic/sidewalks/transit should be dealt with if/when the development takes place
- ❖ The old school could be rebuilt as a heritage space for artifacts of Beechville
  - It could help to show young people about Beechville
  - Refurbish the community centre
- ❖ Affordable housing for people in the community, and for seniors
- ❖ The developer could provide assistance with the implementation of these suggestions

**Attachment E – Minutes from the Public Information Meeting (2012)**

**HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE No. 18078**

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**7:00 p.m.  
Monday, November 26, 2012  
Beechville Baptist United Church  
1135 St. Margarets Bay Road**

**IN ATTENDANCE:** Jillian MacLellan, Planner, HRM Planning Services  
Alden Thurston, Planning Technician, HRM Planning Services  
Jayne Anderson, Planning Controller, HRM Planning Services  
Greg Zwicker, GENIVAR  
Councillor Reg Rankin

**PUBLIC IN  
ATTENDANCE:** Approximately 36

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The meeting commenced at approximately 7:05 p.m.

**1. Opening remarks/Introductions/Purpose of meeting – Jillian MacLellan**

Jillian MacLellan opened the meeting by introducing herself as a planner for the Western Region with Halifax Regional Municipality (HRM), Councillor Reg Rankin and other HRM staff. Greg Zwicker, GENIVAR, the consultant working on behalf of the applicant. Ms. MacLellan thanked everyone for coming and noted that the meeting was being held to assess Case # 18078, a proposed residential development just adjacent to this property.

She gave the agenda for the meeting and reviewed the ground rules.

**2. Overview of planning process/Presentation of Proposal - Jillian MacLellan**

Ms. MacLellan stated that the purpose of the meeting was to identify the scope of the application and the planning process which the application will go through. She was also looking for feedback on any issues or concerns anything unique about this area we should be paying attention to when we are looking at this application. She noted that no decisions would be made here tonight we are here only for feedback. People were encouraged to contact Ms. MacLellan throughout the planning process. Ms. MacLellan further noted there will be a public hearing that is required before any decisions would be made.

Ms. MacLellan noted that the proposed development abuts Lovett Lake and also abuts the Beechville Baptist Church. She noted the residential development across the two industrial parks, the Lakeside and Bayers Road Industrial Park adjacent to the development. She further noted the proposed development is bordered by the Beechville Lakeside Timberlea Trail.

Ms. MacLellan noted the property is located in the Timberlea, Lakeside Beechville Plan Area and its designated Urban Residential in the Municipal Planning Strategy, and is zoned Comprehensive Development District, which is a CDD Zone in the Land Use Bylaw. Copies of the policy and zones were made available. Ms. MacLellan also pointed out that this property was zoned to the CDD in 2008, so it was only a couple years ago it was rezoned. This zone permits primarily residential uses, however, local commercial uses and community facilities and parks would also be permitted in relation to the residential uses. All development is pursuant to a development agreement. A development agreement is a contract between a property owner and the municipality and it talks about what type of land should be permitted on the property and where certain types of uses should take place.

The policy that allows staff and council to consider this type of development in the CDD Zone and subsequent development agreement are Policy UR-11 and UR-12. Copies of those policies were made available. The policies consider the types of land uses that are going to be permitted; the phasing of the development and it also looked at the function of the public land and how it works in relation to the rest of the neighborhood.

Ms. MacLellan provided a brief description of the development which included 306 single unit dwellings, a 0.87 acre commercial parcel, a public park and a linear trail connecting St. Margarets Bay Rd. to the multi-use trail.

Ms. MacLellan explained the planning application process. She explained, following the receipt of the application HRM will first hold a public information meeting. The intent of the public information meeting is to get an idea how people feel about the application, what concerns and what we should really paying attention to when looking at this application. HRM staff will continue their review, this application will be reviewed by our development engineers, HRM traffic, Development Officer and supply comments to planning staff. Ms. MacLellan explained that the application will be reviewed by the Halifax Water Advisory Board as the development is adjacent to Lovett Lake. Staff will then draft a development agreement will provide a report to council with staff's recommendations. Ms. MacLellan noted, before council can make a decision on the application a public hearing must be held. Ms. MacLellan explained that if one received notification regarding the public information meeting one would also receive a notification regarding the public hearing. If one didn't receive notification regarding the public information

meeting as long one provided their address on the signup sheet, one would be included on the mailing list for notification. Ms. MacLellan concluded by explaining that there is a 2 week appeal period after council renders their decision.

Ms. MacLellan turned the floor over to Greg Zwicker.

### **3. Presentation of Proposal – Greg Zwicker, GENIVAR**

Mr. Zwicker introduced himself and presented slides showing a little bit of the surrounding area, close to where the project is. He explained the context of the site highlighting Bayers Lake, the Mainland commons, Clayton Park, St. Margarets Bay Rd., Governors Lake and Lovett Lake.

He highlighted the different types of residential units in the project which include single unit dwelling, two unit dwelling and townhouses. He highlighted that no multi-units, no apartment buildings and no condos would be included as part of this development.

Mr. Zwicker noted that there is a substantial amount of parkland coming in. He highlighted a new piece of parkland out in front of the church and a trail along the waterfront hooking into the multi-use trail at the back, which one can take all the way out to Tantallon and also back into Bayers Lake.

Mr. Zwicker noted the key features of the project. He noted the subject area is 43 acres. There is one acre of commercial proposed at the main driveway which would be just past the end of the church driveway. He noted the development proposed 306 units, 155 are single, 151 townhouses which is about 20 persons per acre, which is the way HRM measures the density now for all their new master plan projects. He noted along the lake frontage there is 5 acres of parkland, which equals 14% of the land. He noted in an as-of-right development he would be required to provide 10% of the land as parkland.

Mr. Zwicker noted the development must be hooked up to the municipal water, sanitary and storm water systems. He noted there is a concern in this area with sanitary with the system that is in place today and explained as part of this development the sanitary system would go into the Bayers Lake pumping station into the Harbor Solutions Project. So it will take the land out of the local treatment system and sent it towards proper system the municipality has constructed.

Mr. Zwicker presented slides showing the types of housing, showing singles with similar design types, that we are planning here. Showing semi's, two units with similar types of design from Armco Projects.

Mr. Zwicker showed a couple of slides on sustainability around the environment and highlighted erosion type of silt control measures. He noted during construction measures will be taken to ensure that the sediment doesn't flow into the lake. Afterwards when the project is constructed the storm water will be collected and there will be some type of storm water retention pond to slow that water down and the silt come out of that and then the water will enter the lake from there.

Mr. Zwicker noted, the Metro Transit is running right out in front so people will be able to take the bus into work and home again. He also noted that Bayers Lake is the largest shopping center in the region and the day to day shopping, convenience and gas pickups along St Margarets Bay Rd.

Mr. Zwicker discussed the connection to that chain of Lakes trail as a huge opportunity, not for just this development but for people in the community to come down from Beechville Estates get onto that trail to either bike or walk back. The use of the multi -use trail and be able to go for hours on that. He noted there will be no loss with waterfront in private hands the entire stripe along the waterfront will be taken over by HRM and managed as parkland.

Mr. Zwicker presented a couple of pictures of what the trail may look like. He noted there are quite a few big trees in there and there is a sort of a man made footpath. It will be cleaned up and have proper trail specs.

He noted the only road access is coming in up on St. Margarets Bay Rd there is no connection through to Bayers Lake so no short cuts. He noted it is all going to be properly approved designed intersection that HRM engineers will have to sign off on.

Mr. Zwicker referred to an earlier meeting held in June was a developer initiated process. He noted this meeting (tonight's) is as part of the formal process. The one in June was put on by the applicant to get a few people out to talk about the project, what are the concerns. The plans have changed since then as good input was received at that meeting.

Mr. Zwicker stated that Armco has been speaking with the church members quite a bit about what has to happen around this property as it's a sensitive area and historically significant. He noted there are ongoing discussions with HRM engineers and Planning Department.

Mr. Zwicker described the overall community investment in this project and that it brings in 14% parkland and the construction of two tot lots. Armco is prepared to build a tot lot in this project but also to go back over to Beechville Estates and now are looking for a spot in there to further invest in that project to get a tot lot constructed. He highlighted the park along the lake, the connection through that trail and then a new trail head to St Margarets Bay Rd. A trail head is a place to park with 8 to 10 parking stalls.

Mr. Zwicker described Heritage Preservation aspect of the development and the intent to preserve the cultural value and historical significance. He noted the location of the Baptismal path which leads down from the graveyard down through the woods to the water and noted that that historical trail is still there. He explained the proposed development does not include roads going through there and that the area will be preserved and maintained so access from the church down to the water that connection will still be there. In that same area if there are some graves that have been located off of the church property down towards the lake, the proposed plan will allow for a piece of land to be turned over to the church so those graves will be brought onto church property and will be protected that way.

Mr. Zwicker noted that there has been quite a bit of screening coming up around the project so

again no development to the water side or the back. The park, trail and trees will be maintained. Back behind the community center there is some single families that abut the church property but they are up on the hill quite a ways back there. Putting some investment into that Baptismal Path and working with the church trying to figure out to what to do with that path. Does it need to be cleaned up, cut out some trees, leave it as it is? So that it gets usable and maintained and people are aware of it. So there is some investment proposed to fix up that trail.

Mr. Zwicker showed on the slide to discuss the trail development. He noted that he thinks it is a good asset not just for the project but for the surrounding community.

In closing, Mr. Zwicker summarized the development as a high quality residential development well planned, well thought out. He noted it is a planned community and not just mish mash of each little piece of land getting developed by different owners. The project recognizes the importance of the cultural and heritage around the church area and he highlighted that the developer has had an ongoing discussion with the church for a year or two now especially in relation to what happens around the church and the Baptismal Path. He further emphasized that the proposed development will be providing more parkland to HRM than would be required in an as-of-right subdivision.

Mr. Zwicker concluded that the developer hopes to have approval by Spring 2013 and anticipates that units will be available in late 2013 and 2014.

#### **4. Questions/Comments**

**David Banks, Sheppards Run** – He questioned the clear cutting months before predevelopment was issued by HRM. From pictures, this area contained a wetland with mature trees. He is unsure of the definition of an official wetland. He suspects that there has been some soil erosion from the lands above into that wetland which may have reduced its status as a wetland. He is concerned about the protection of the wetland and trees from the construction machinery during development and what steps are being taken by HRM and the developer.

**Ms. MacLellan** was unsure of what government department was responsible for tree cutting in that area. Going forward, Staff will take steps to protect environmentally sensitive wet areas. Halifax Water Advisory Board (HWAB) will give recommendation in relation to wet areas and this is something that Staff will continue to discuss with the applicant. **Mr. Zwicker** stated that their main objective is to protect the wetland from soil erosion and maintain the buffer as much as possible. The developer needs to follow Department of Environment (DOE) guidelines and receive their approval.

**Steve Zoi, Clayton Park** – He likes the plan and the trail around the lake. He would like clarification on the sewer system that is going to be pumped to Bayers Lake. Will it be isolated from the current city sewer system? Also, will the housing be similar to those on Beechtree Run? **Mr. Zwicker** said that the sanitary sewer would flow down to St. Margarets Bay Road, go to the existing treatment plant and out towards Governors Lake which flows into fresh water (DOE requires upgrades to that system).

**Dennis Wright, Oliver Street** – He does not appreciate the clear cutting of the trees around the cemetery area and is strongly against any digging or blasting that may disturb the gravesites without being examined by a qualified archeologist. He would like to know who discovered, the mentioned unmarked graves by the Baptismal Path. Where and when were they discovered and who were they reported to? **Mr. Zwicker** mentioned that it was discussed with Armco by a church representative. Therefore, a study has to be done to make sure there aren't any graves beyond the church property. If there are, they need to be protected. **Mr. Wright** wants to ensure that is confirmed before digging starts in the area. **Mr. Zwicker** said beyond that, there is a piece of land with a park around that would go to the church. If a grave is beyond that square, it is going to be given to the church but still be in the HRM parkland with no roads or houses. **Mr. Wright** said that out of respect for the community's ancestors, he wants a qualified archeologist to study the area before it is disturbed. **Mr. Zwicker** stated there will be site research, testing and walking of the lands with someone from the congregation. **Mr. Wright** gets emotional every time he drives by the graveyard. Please take the time to look into this before proceeding.

**Wayne Hamilton, Dartmouth, works with African Nova Scotia Affairs** – He would like the community informed what criteria is used in making decisions. It was mentioned that the developer wants to make everyone aware of what is happening and pay special attention to Beechville. There is a lot of historical significance to the community and he urged that there be recognition from the developer. Developers change the dynamics of the physical space and when people come here they don't know the history of the community. Developers lose sight of that when there is a social profit attached to economic profit. How will our heritage be honored? What steps will be taken with regard to the burial sites? Whether they are there or not, a developer is required to do a Category C and if there are any archeological or heritage concerns, the developer is responsible to take care of it. He asked about the added 14% green space and how that was calculated and tot lots.

**A resident** – Has a traffic impact assessment been done? There will be an increase in traffic, Ridgecliff School and people walking the trail. **Ms. MacLellan** stated that the website includes the detailed site and traffic impact statement, or the information can be obtained by email or by hardcopy.

**Mr. Hamilton** - Does the lake become part of the recreational trail at some point in time? **Ms. MacLellan** stated that there are criteria and policy to follow when Staff review applications. Staff make recommendation to Council, who will make the overall decision. **Mr. Hamilton** would like to know the social construct around development.

**Craig Durling, Beechville Estates** – From the design, it looks like the connector to St. Margarets Bay Road is across the street from Beechtree Run which is a tricky place to cross. Therefore, a crosswalk would allow people walking and taking the bus to cross the road safely.

**Patsy Crawford, Hamilton Street** – There has been a lot of things that were promised and has never happened. Communities should be given preferences within their own community spaces.

**Bernadette Hamilton-Reid, Beechville** - What is the criteria for commercial property being in a community that has so much culture and heritage? Are those businesses going to be complimentary

or detrimental to the community? **Ms. MacLellan** replied that there is an opportunity to do that through the development agreement.

**Mr. Banks** – He wondered how much parking space would be need for a small store. The land is not suitable for anything big.

**Walter Hughes, Sheppards Run** – He asked about the time line of the project and the priority of the park. **Ms. MacLellan** believes the park development would be priority; however, that needs to be negotiated with the developer. **Mr. Zwicker** said the full build-out is probably eight to ten years. The developer would like the park to be part of Phase 1.

**Donna Symonds, Beechville** – How close will the access to the trail and parking be to the church? Will there be a park? **Ms. MacLellan** said there was talk about perhaps a park in Beechville Estates but that still has to be negotiated. **Ms. Symonds** asked how close the walking trail will be to the church and the cemetery. In the past, Department of Archeology has said, that before any digging takes place, a qualified archeologist scans the land with a unit to see if there are any graves. Any findings are recorded. In regards to a park, when Beechville Estates was developed When they were putting in Beechville Estate they were to put in a commercial park somewhere by the Irving, consensus was that people didn't want it due to increased traffic. Also, being so close to the church, noise may interrupt services. Are the residents going to have a say in what goes where and how they are set up? This community is isolated from Beechville Estates. There have been no discussions with our community about placement of houses. What is the affordability of these homes? She would like to see people former members of the community come back. **Ms. MacLellan** stated that the location of the parking areas and trails can be negotiated (ie. buffering). Tonight's meeting is to get the community's feedback as to the location of certain uses.

**Troyce Ashe** – If the community of Beechville doesn't approve, will HRM? **Ms. MacLellan** explained that Staff will write a staff report, which will include the proposed development agreement, and make recommendation to Council who in the end will approve or reject the proposal at the public hearing. There is an opportunity at the public hearing for the residents to speak before Council makes their decision.

**Mr. Ashe** – HRM has hired an African Nova Scotia person to address policy as it relates to the black community. How does the developer plan to work with this individual to assure the community members in Beechville, as African descendants, are part of this planning process? What can the developer give back to this community? The residents would like something on paper.

**Channing Davis** – She referred to HRM's Strategy, Page 19 – there is no voice on Council for the African community. **Ms. MacLellan** encouraged the residents to be in contact with her throughout the process so the community's interests are met. **Mr. Zwicker** mentioned that working with Chris Downy has widened the community circle.

**Chris Downy, Beechtree Run** – He said that ongoing discussions are out in the open to the community. There is a partnership with Armco, along with the church, and the impact of developing 300 homes would definitely be brought to the community. With regards to the parks and the like, that is something that the church is definitely on board with as far as if there are graves

on site then absolutely we would want those brought back in.

**Iona Duncan States, Lacewood Drive** – She has seen the community dwindle over the years because government will not allow the residents to develop their own land but they allow developers to create subdivisions and an industrial park. Society is going backwards and sees it as prejudice against the community. Beechville is isolated. The only thing left is the church, and that may be taken from us as well to entertain commercial property. Developers should be helping the residents to develop the community. Give some land to build decent houses and remain as a unit.

**Tara Taylor, Dartmouth** – She supports the community members. There has been a lot of talk and promises about Archeological digs and whatnot. When designing the site plans, consultants need to be hired. There has to be record that an archeological study was conducted. There hasn't been any documentation on those studies. There is testing available where the land can be scanned to determine if there are human remains in the ground. She previously contacted Mr. Zwicker to make sure this will be done.

**Ms. Hamilton-Reid** – She wanted to assure that HRM and the developer will consult with the African Nova Scotia Affairs representative for the community. Also, she would like some clarification from Mr. Zwicker regarding the homes behind the centre. **Mr. Zwicker** said that there are no homes behind the centre, he was referring to the park and the green space that goes around the church.

**Mr. Banks** – He referred to the HRM Urban Forest Master Plan and the benefits people are exposed to because of trees in the community. He does not like to see an area clear cut and mature trees being replaced with ratty ones. The Master Plan doesn't apply if there are no sewer and water services. In this case, the sewer and water services won't apply until after the development happens. Therefore, does the developer have to follow the Master Plan? Can the residents follow the process on-line? How will the wetland be monitored? How is the developer going to make space in that community for the planting of trees?

**Mr. Wright** – He referred to HRM's Economic Strategy, 2011 to 2016, Page 19 – no representation for the black community on Council. How does HRM and developers plan to work this part of the strategy to make it a reality for the African Nova Scotia community in Beechville? **Ms. MacLellan** will ensure to include the proper review agencies when reviewing the application. **Mr. Wright** said that most of his comments seem to already be built into the research. **Ms. MacLellan** said that the clear cutting on the property did not require HRM's approval. This particular proposal is still in the early stages and needs a more detailed review. **Mr. Wright** believes that something of this size should fit within the Master Plan. **Ms. MacLellan** said the project is not going on. **Mr. Wright** said the surroundings have been changed quite significantly and encouraged Ms. MacLellan to look more closely. He passes by the graveyard and finds it emotionally taxing. The community is not happy about this at all. He wants his voice heard and transparency is needed. The community is not being involved. Category C, Archeological Resource Impact Assessment and the proper channels are followed is crucial. This community was promised green space and a recreation centre which never came to be. He feels emotionally traumatized because of what HRM and developers have done.

**Ms. Hamilton-Reid** – Councillor Rankin has heard what the community thinks. She feels confident that Councillor Rankin will bring their concerns to the table and if the community needs to be at that public hearing for support, they will be. Council needs to be made accountable.

**Mr. Wright** – What is next in the process? **Ms. MacLellan** explained that the application will be reviewed and determine if more studies need to be conducted. **Mr. Wright** hopes that HRM takes into consideration what the community has expressed, that they are very passionate and would like to be part of what is built in the community. There is a gap between Beechville and Beechville Estates which has causes animosity towards the developers.

**Ms. Crawford** – She is concerned about the number of accesses and the impact of increased traffic in the area.

**Josh Crawford, Hamilton Street** – He would like to know what is being considered for the youth in the community in terms of a safe place to go such as a community centre. **Ms. MacLellan** will look into that further.

**Christine Ash, Beechville** – She asked for clarification on moving graves that were found off of the church property. **Mr. Zwicker** said there are no plans to move any graves. The known graves will be boxed off and given to the church. **Ms. Ash** wanted to assurance that this will be done to which Mr. Zwicker responded that the developer has to.

## **5. Closing comments**

Ms. MacLellan thanked everyone for coming and provided his contact information.

## **6. Adjournment**

The meeting adjourned at approximately 8:30 p.m.

**Halifax and West Community Council Minutes  
June 26, 2014**

*The meeting was called to order at 7:30 p.m., and Community Council adjourned at 9:35 p.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 7: 30 p.m.

**2. APPROVAL OF MINUTES – NONE**

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

Additions: 13.1 –Councillor Rankin : Change of Street Infrastructure: Birchdale Avenue/Ashdale Crescent

13.2 Councillor Adams: Offleash Dog Park Regatta Point

13.3 Councillor Mason: Information Report – Peninsula Gyms

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

**4. BUSINESS ARISING OUT OF THE MINUTES**

Councillor Rankin commented that status sheet item # 29, Off leash dog park District 12 that two sites were identified. One of the sites was in the Western Commons or in the Exhibition Park. He requested that the record note that consideration be given for the dog park at the Exhibition Park site as there seems to be support in the Community. He also requested that this information be conveyed to the appropriate staff.

**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 18078: Development Agreement for Lovett Lake Village, Beechville**

The following was before Community Council:

- *A staff recommendation report dated June 2, 2014.*

Ms. Jillian McLellan, Planner presented the application from WSP Canada on behalf of Armco Capital Inc. to enable a mixed residential development and a local commercial use site on the lands on the Eastern side of Lovett Lake, Beechville.

In response to questions from Council, Ms. McLellan noted the following changes since the initial public information meeting:

- Reduced number of units
- Project to be completed in phases
- Reduction of cul-de-sacs
- Inclusion of the berm

The Chair called for the applicant to come forward and speak at this time. **Mr. Koresh Rad, Urban Planner with WSP Canada presented on behalf of Armco Capital.** He began by explaining the original application proposal was for 306 residential units and 150 of those would be single detached and the others would be townhouses and semi-detached units. He added that they were going to construct trail heads and some of the areas needed to be protected such as the baptismal path. The project now will have 253 residential units and the total density has gone down from 22 persons per acre to 20 persons per acre. Water and sewage will be connected to HRM services. Erosion and sediment control features are going to be included in the project for the protection of Lovett Lake. He added that they had done significant public consultation including door to door invitations, consultation with Beechville Baptist Church and HRM staff. He further advised that during the public information meetings, they had heard a lot of talk about the archeological significance of the area. The project had two archeological assessments done on the lands. They received approval from the provincial department of heritage to ensure they did the proper heritage assessments of the properties. They also named the streets as identified by the community. There is a strip of land also being donated from the Beechville Baptist Church to further ensure that none of the unmarked graves would be disturbed.

The Chair reviewed the rules of procedure for public hearings and opened the hearing for anyone wishing to speak.

**Mr. Chris Downey, Beechville** advised that he was at the public hearing to speak on behalf of the Beechville Baptist Church. He advised that a number of concerns regarding drainage and blasting had been forwarded to Ms. McLellan. He noted that there is concern regarding damage to the shared driveway access with the big trucks and the big trucks going through the area. It was further noted that the development is also causing wildlife to be stirred up with an increase of deer, racoon and rats in the area. In response to Councillor Watts, Mr. Downey advised there was significant support from the church to move the project forward and were comfortable with the archeological study.

**Mr. David Banks, Beechville** stated that he had two concerns. His first concern was around the calculation around open space for the development. He felt that there should be more open space provided. His second concern was that the reduction of trees in the area was a health concern. He added that the loss of the trees would also increase the air speed in the area.

**Mr. Eric Drury, Beechville** raised concern that the bus route was full every night. He questioned if HRM staff would be looking at increasing the number of Metro links running through the area.

**Mr. Dennis Wright, Beechville** advised that he did attend the public information meeting and was also familiar with the application before Council. He requested that it be noted that Munro subdivision is the oldest subdivision in the Beechville area and no one had been invited from the subdivision to the public information meeting. He stated that he was in touch with the developer and HRM staff when the archeological dig was scheduled in 2012 and was told he would be given any information from the assessment. He indicated that he has not been told anything from the archeological assessment and no idea if the unmarked graves have been located near the cemetery. He advised that it is a personal matter to him because he has ancestors buried in the area. He requested that no blasting or works to take place until the unmarked graves are located. He stated that he belongs to the non-profit society called Descendants of Beechville and they have a different stance on the proposed development than the Beechville Baptist Church.

**Ms. Tamara Ash, Beechville** stated that her main concern was that she felt most of the community was not made aware of the proceedings of the current meeting. She stated that most of the process has not been inclusive of the Munro subdivision. She noted that while the church is in agreement of the development there are other members of the community who are not. She felt that the community was being encroached on and want them to have their cultural identity respected.

**Mr. Channing Davis, Beechville,** he concurred with previous speakers that Munro sub-division were not consulted with the development. He was also a member of the Descendants of Beechville Society. He stated that in a community survey residents stated that they did not want a walking trail built over the baptismal path and wanted the baptismal path to remain as it was.

The Chair called three times for any further speakers. There being no further speakers, the Chair requested that the applicant come forward to address any of the comments brought forward during the public hearing.

Mr. Rad introduced Mr. Chris Miller to come forward on behalf of the applicant to address some of the questions surrounding the archeological assessment.

Mr. Miller advised that there had been an archeological assessment was done in 2009 and they had acquired the information when they purchased the property. He noted that when they held public information meetings there was further comment from the community about unmarked graves outside the church property. Since there was the possibility of burials outside the church property boundaries they decided to do a further extended assessment which was completed by Mr. Bruce Stewart. He obtained a permit from the province in 2013 and they had asked him to meet twice with the community. The Church board of trustees and womens executive as a group they could look to connect with the local community. The summary of the assessment findings showed there were no graves outside the church boundary. The CRM report was confirmed by the province as being accurate and the province identified that the recommendation related to the homestead site, that if the development was to affect the homestead site a further detailed archeological assessment would be required. In November 2013 the province accepted an interim report on the evaluation of the homestead site and the final work to complete the second permit is currently underway which includes the preservation of artifacts found on the site. Mr. Miller

further stated that they have shared any findings with the working group and could provide additional information with residents. He added that the reports become property of the province.

Councillor Watts questioned if there are any unmarked graves outside the church property and if there are would they be preserved.

Mr. Miller advised that in the findings of the two reports was that there were no unmarked graves outside the property. He added that the marked graves outside the church property would be given back as a parcel of land back to the church. He noted that there has been no blasting in the area but had been a removal of some trees, none of the trees have been removed from areas identified as parkland. Any soil that has been exposed has been hydro seeded.

**MOVED by Councillor Walker, seconded by Councillor Adams that the Public Hearing be closed.**

**MOTION PUT AND PASSED.**

Councillor Rankin requested clarification on the requirement of notification for the public hearing.

Ms. Maclellan outlined the area of notification of the public hearing on map 3 of the report. She added that staff are required to notify residents within 30 meters and could be different depending on the application. She also added that residents who attend the public information meeting would be notified if they signed up. She noted that for this application the notification area was expanded beyond the typical scope.

In response to questions from Council, Ms. Maclellan stated that the items of concern identified in the letter from the Church, the proposal would require a storm water management plan before it could go forward. She stated that the buffer would have to be vegetative along the church property. Any blasting will require a blasting permit and HRM has conditions around that permitting process. The large vehicles being used cannot be dictated through the development agreement process. She noted that the applicant has been working on the archeological assessment and findings are shared with the community, but that process is overseen by the province. There were no studies or reports done on the effect on wildlife in the area that she was aware of.

Councillor Rankin noted that the concerns raised by the community were recognized and that the municipality and developer were sensitive to those issues.

**MOVED by Councillor Rankin, seconded by Councillor Adams that Halifax and West Community Council:**

- 1. Approve the proposed development agreement as contained in Attachment A of the May 15, 2014 staff report; and**
- 2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the applicant,**

**from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Councillor Rankin submitted a list of amendments as requested by the developer for the record but noted that they could not be considered as they are substantive in nature.

Ms. Karen Brown, Solicitor clarified that the amendments put forward were substantive amendments and would require a new Public Hearing be advertised and held if Council decided to bring them forward.

Further discussion ensued.

**MOTION PUT AND PASSED.**

Councillor Rankin requested that the information received that was considered major amendments be forwarded to staff as part of the official record.

Ms. Brown noted that the information was never brought forward as amendments. They would be included in the record noting that Councillor Rankin introduced them at the meeting.

**8.2 VARIANCE APPEAL HEARINGS – NONE**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence – None**

**9.2 Petitions – None**

**9.3 Presentation – None**

**10. REPORTS**

**10.1 STAFF**

**10.1.1 Supplementary Report – Case 17491: Development Agreement Amendment for 2894 St. Margaret’s Bay Road, Timberlea**

The following was before Community Council:

- *A staff report dated June 10, 2014*
- *A motion memo for the consideration of Halifax and West Community Council on June 26, 2014*

Councillor Rankin advised that he cannot vote on the matter because he was not present at the joint public hearing with Regional Council on April 15, 2014. The Chair, in consultation with the Solicitor, noted that Councillor Rankin can speak on the matter after the vote has been held.

## Attachment G – Review of Jurisdiction

The table below was provided to Beechville residents who attend the June and August public meetings.

Issue	Responsible Party			
	HRM Planning & Development	Other HRM	Province of Nova Scotia	Provincial Courts
<b>Community Design</b>				
Land Uses	X			
Development Density	X			
Building Size and Type	X			
Parkland & Buffers	X	X		
New Community Facilities	X	X		
Existing Community Facilities		X		
<b>Housing Options</b>				
	X		X	
<b>Community Heritage</b>				
Land Transfers to Church			X	X
Heritage Registration	X			
Archaeology			X	
<b>Water Quality</b>				
Stormwater Management	X			
Lake Buffers	X			
Lake Water Quality	X		X	
Wetlands			X	
<b>Traffic and Transportation</b>				
Street layout and design	X	X		
New sidewalks, trails, bike paths	X	X		
Existing sidewalks and trails		X		
Transit routes and service		X		
<b>Burials and Graveyards</b>				
			X	
<b>Land Title</b>				
			X	X
<b>Public Engagement</b>				
	X	X		

### Burials and Graveyards

The Province has sole jurisdiction over burials and graveyards. As noted in the report, an archaeological assessment has identified graves on the Church property and on the subject property. Burials and graveyards are protected by the *Cemeteries and Monuments Protection Act*.

Staff from the Provincial Department of Communities, Culture and Heritage provided the following information about how burials are protected:

*“Burials are protected under the Cemeteries and Monuments Protection Act (CMPA) and archaeological resources under the Special Places Protection Act (SPPA). If human remains / burials*

*were found during the course of excavation all work would have to stop immediately and contact be made with our department (Coordinator of Special Places - myself). We have a defined human remains protocol that would then need to be followed. This includes contacting the RCMP, the project archaeologist, and other parties as appropriate depending on the nature of the find to develop an appropriate mitigation plan and development buffer for the area of suspected / confirmed burials.”*