



**NORTH WEST COMMUNITY COUNCIL
MINUTES
January 16, 2023**

PRESENT: Councillor Deagle Gammon, Chair
Councillor Pam Lovelace, Vice Chair
Councillor Lisa Blackburn
Councillor Paul Russell
Councillor Tim Outhit

STAFF: Andrew Gough, Solicitor
Krista Vining, Acting Deputy Clerk
Catie Campbell, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 7:02 p.m., and recessed at 9:12 p.m. Community Council reconvened at 9:19 p.m. and adjourned at 9:32 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 7:02 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

2. APPROVAL OF MINUTES – December 12, 2022

MOVED by Councillor Russell, seconded by Councillor Outhit

THAT the minutes of December 12, 2022 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions: None

Deletions: None

As provided for in section 37 (1) of Administrative Order One, *Respecting the Procedures of the Council*, Councillor Outhit requested that Item 18 Public Participation be considered before item 10.1.1 Case 23293: Development Agreement at Beaver Bank and Windgate, Beaver Bank.

MOVED by Councillor Outhit, seconded by Councillor Lovelace

THAT the agenda be approved as presented.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS

8.1 North West Community Council – 2022 Annual Report (Revised)

The following was before Community Council:

- Staff report dated January 11, 2023

MOVED by Councillor Lovelace, seconded by Councillor Blackburn

THAT North West Community Council table the revised 2022 Annual Report as presented.

MOTION PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 23293: Development Agreement at Beaver Bank and Windgate Drive, Beaver Bank

The following was before Community Council:

- Staff report dated November 21, 2022
- North West Planning Advisory Committee memorandum dated April 7, 2022
- Staff presentation dated January 16, 2023
- Applicant presentation dated January 16, 2023
- Correspondence from Lynn Lantz, Shelly Grant

Darrell Joudrey, Planner II gave a presentation and responded to questions of clarification from Council.

The hearing opened at 7:28 p.m.

The Chair invited the applicant to come forward and address Community Council.

Cesar Saleh, WM Fares Architect, Applicant gave a presentation and responded to questions of clarification from the Community Council.

Thea Langille, Principal Planner responded to questions of clarification from the Community Council and spoke to the permit applications process and expiration dates for development agreements.

The Chair reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

Ted Parisee, Beaver Bank spoke to traffic concerns and the Beaver Bank Bypass. Parisee highlighted that there needed to be stronger infrastructure in place prior to future development and expressed concerns regarding capacity of local schools, medical centres and the need for proper water treatment.

Victor Cobb, Beaver Bank spoke to traffic concerns and the Beaver Bank Bypass, noting the city needed to develop an environmental plan, conduct a traffic study and implement a plan to address development in the area. Cobb asked questions regarding HRM's consultation with transportation stakeholders.

David Barrett, Beaver Bank spoke to traffic concerns and HRM's emphasis on the downtown core. Barrett raised concerns regarding planning strategies and collaboration within communities. Barrett highlighted issues with virtual public participation meetings.

Walter Regan, Sackville Rivers Association spoke to the Little Sackville River watershed and the impact of runoff on water quality. Regan requested that the development should include access to the Second Lake Provincial Park and storm water runoff should remain on site, including treatment for storm water, oil runoff and onsite sewage retention. As well, Regan noted landscaping should be incorporated in the development. Regan emphasized the need for stronger traffic infrastructure for the Beaver Bank Road and Windgate Drive intersection.

Lisa Dowe, Beaver Bank spoke to concerns regarding traffic and property disclosure statements, as well, the ownership of the land for the proposed development, noting the PID for the property was not owned by the Holy Trinity Church but AG Properties Holdings. Dowe questioned the zoning of the development.

Margaret Slate, Beaver Bank spoke to traffic concerns and the lack of municipal water and sewer services on Corey Road.

Doreen Carter, Beaver Bank spoke to traffic concerns and encouraged that traffic infrastructure should be built in tangent with the development. Carter asked questions regarding the pastoral ownership of the development and acknowledged the need for housing.

Paul Hart, Hammonds Plains spoke to issues in the Hammonds Plains area and encouraged HRM to construct a development plan for Beaver Bank. Hart asked questions regarding the development's

building materials and where the materials would be sourced. As well, Hart sought clarification on who owned the land surrounding the development.

Lyle Mailman, Beaver Bank spoke to the Regional Plan review and the by-laws in the Beaver Bank area, noting that many developments were being built as-of-right. As well, highlighted that Corey Road needed to be taken into consideration for traffic measures. Mailman raised concerns related to traffic, the Beaver Bank Bypass, water, sewage and the use of the second piece of land adjacent to the proposed development.

Robert Barret, Beaver Bank spoke to traffic concerns and schools' capacity. Barret suggested that the municipality should delay development to allow for the province to reach amenity requirements. As well, Barret emphasized the need for the development to be affordable that reflects the community demographic. Barret raised concerns with the public participation format for public hearings.

MOVED by Councillor Lovelace, seconded by Councillor Russell

THAT North West Community Council waive the rules of order section 9(b) Appendix "A", Administrative Order One, *Respecting the Procedures of the Council*, to permit a public participant to speak a second time.

MOTION PUT AND PASSED.

Parisee asked questions regarding the developments rental pricing and sought clarification regarding potential traffic control measures for the Beaver Bank Road and Windgate Drive intersection.

The Chair called three times for any other members of the public wishing to speak on the matter, there were none.

The Chair invited the applicant to respond to questions raised by the public.

Saleh provided clarification on the development process and planning and technical components. The technical component requires specific consultants to be hired and technical work would be done in consultation with and approved by HRM staff. The technical component considers zoning by-laws, which allow for this type of development, and the building permit process. Saleh noted that during the technical component, any issue identified must be resolved or the project could not advance. Saleh highlighted that trail access could be accounted for in the construction. As well, Saleh clarified that the Holy Trinity Pastoral Unit was no longer the owner and that there was no requirement for the developer to incorporate affordable housing. Saleh noted that the timber for construction would be locally sourced and highlighted that the developer bought two pieces of land that were both considered for the development but chose the current land as it was within the service boundary range.

MOVED by Councillor Blackburn, seconded by Councillor Lovelace

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 8:37 p.m.

Joudrey responded to questions of clarification from the Community Council and the public. Joudrey noted that a traffic impact study was conducted as required by HRM design guidelines for future developments, which passed the requirements. There had been no mention of new traffic infrastructure for the Beaver Bank and Windgate Drive intersection or the Beaver Bank Bypass. Joudrey noted that the Regional Plan would be coming under review and there were no moratoriums in this planning area. Moratoriums were implemented in the Regional Subdivision By-law, and that affordable units were not part of the development agreement process.

Langille noted that there was no moratorium in the Sackville Plan in respect to resident development, however, there was a dividing line along Windgate Drive where there was a new planning zone, referred to as Schedule J that includes Beaver Bank, Hammonds Plains and Upper Sackville, where the moratorium exists. As well, Langille noted that there was no request for re-zoning in front of the Community Council but a proposal for development in a public forum. Langille highlighted that the parcel of land referend by the public, and was provincially owned.

MOVED by Councillor Blackburn, seconded by Councillor Lovelace

THAT North West Community Council:

- 1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated November 21, 2022; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

As set out in section 34 of Administrative Order One, *Respecting the Procedures of the Council*, a motion was required to extend the time of the meeting.

MOVED by Councillor Outhit, seconded by Councillor Russell

THAT North West Community Council extend the time of the meeting past 9:00 p.m.

MOTION PUT AND PASSED.

The question was called on the main motion:

MOTION PUT AND DEFEATED.

Andrew Gough, Solicitor provided an overview on the procedures following a defeated development agreement, indicating that the Community Council must provide reasoning.

Community Council identified the following reasons:

- Lack of traffic infrastructure to support the development with emphasis on the Beaver Bank Road and Windgate Drive intersection;
- Lack of available medical facilities, schools and other needed community amenities; and
- It was noted that the development does not fit the community landscape and there are potential environmental implications and issues surrounding storm water.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for items: 10.1.1 and 13.1.2.

For a detailed list of correspondence received refer to the specific agenda item.

11.2 Petitions – None

11.3 Presentation – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

13.1.1 Case 23720: Development Agreement for lands at 9 Crestfield Drive, Hammonds Plains

The following was before Community Council:

- Staff report dated December 21, 2022
- North West Planning Advisory Committee memorandum dated February 8, 2022

MOVED by Councillor Lovelace, seconded by Councillor Blackburn

THAT the North West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated December 21, 2022, to enable a 53-unit seniors housing development at the corner of Crestfield Drive and Hammonds Plains Road and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.2 Case 24205: Development Agreement for a Conservation Design Development on Hemlock Drive (PID 41180779), Upper Tantallon

The following was before Community Council:

- Staff report dated January 3, 2023
- Correspondence from Corddy Taylor, Carey Mullett, David and Danielle Hughes, W. Harnish

MOVED by Councillor Lovelace, seconded by Councillor Russell

THAT North West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated January 3, 2023, to allow a conservation design development on Hemlock Drive (PID 41180779) in Upper Tantallon and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.3 Case 24193: Development Agreement for 57 Sanctuary Court, Fall River

The following was before Community Council:

- Staff recommendation report dated December 12, 2022

Councillor Deagle Gammon stepped down from the Chair and Councillor Lovelace assumed the Chair.

MOVED by Councillor Deagle Gammon, seconded by Councillor Blackburn

THAT North West Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated December 12, 2022, to permit a change to the main use of the property from an equestrian business to a tree service business for 57 Sanctuary Court, Fall River, and schedule a public hearing.

Byungjun Kang, Planner II responded to questions of clarification from the Community Council.

MOTION PUT AND PASSED.

Councillor Deagle Gammon resumed the Chair.

13.1.4 Case 23405: Land Use By-law amendment for Sackville Plan Area

The following was before Community Council:

- Staff report dated December 29, 2022

MOVED by Councillor Russell, seconded by Councillor Lovelace

THAT North West Community Council give First Reading to consider approval of the proposed amendment to Section 4.1 of the Land Use By-law for Sackville, as set out in Attachment A of the staff report dated December 29, 2022, to allow for a larger maximum footprint for accessory structures on large residential lots and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.5 Case 20110: Request for additional time to sign the approved Development Agreement for an Open Space Design Development, Windgate Drive, Beaver Bank

The following was before Community Council:

- Staff report dated January 6, 2023

MOVED by Councillor Blackburn, seconded by Councillor Russell

THAT North West Community Council require that the development agreement for Case 20110 be signed by the property owner within 360 days (an extension of an additional 120 days from the original 240 days), or any extension thereof granted by Council on request of the property owner, from the date of final approval of said agreement by Council and any other bodies as necessary, including applicable appeal periods whichever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

Thea Langille, Principal Planner responded to questions of clarification from Community Council.

13.2 MEMBERS OF COMMUNITY COUNCIL – NONE

13.3 COMMITTEE UPDATES – NONE

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Walter Regan, Sackville Rivers Association spoke to 2023/24 budget concerns regarding trails and the active transportation section being underfunded, and suggested the budget be increase by \$6-7 million. Regan asked questions regarding the Pope Street site and the Sackville River flood plain zoning.

Lyle Mailman, Beaver Bank asked questions regarding the timeline and update for the resurfacing of Beaver Bank Road, suggesting it should be considered a budget priority.

19. DATE OF NEXT MEETING – February 13, 2023 (special) & February 27, 2023

20. ADJOURNMENT

The meeting was adjourned at 9:32 p.m.

**North West Community Council
Minutes
January 16, 2023**

Catie Campbell
Legislative Assistant