

WESTERN REGION COMMUNITY COUNCIL
MINUTES

June 22, 2009

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Reg Rankin
Councillor Peter Lund

STAFF: Mr. Martin Ward, Solicitor
Ms. Chris Newson, Legislative Assistant

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1. **CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. **APPROVAL OF MINUTES - May 22, 2009**

MOVED BY Councillor Lund, seconded by Councillor Rankin, that the minutes of May 25, 2009, as presented, be approved. MOTION PUT AND PASSED.

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

Additions: 12.1 Letter of Appreciation to Masthead News - Councillor Rankin
12.2 Congratulatory Letters to Newly Elected MLA's - Councillor Rankin

MOVED BY Councillor Rankin, seconded by Councillor Lund that the agenda, as presented, be approved. MOTION PUT AND PASSED.

4. **BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET**

4.1 **Status Sheet**

HRM Responsibilities

4.1.1 **Land Acquisition - Blue Mountain Area**

- An Information Report dated June 5, 2009 was before Community Council.

In response to Councillor Lund, Mr. John Charles, Planner, advised that over half the land within the park area was publically owned by the Province. HRM owns a small portion of land near the southern tip that is part of the Bayers Lake Business Park Functional Plan area.

Item to be removed from status sheet.

4.1.2 **St. Margaret's Bay Coastal Advisory Committee - Proposed Terms of Reference**

Councillor Lund noted that he and Councillor Rankin had attended a meeting with staff in regard to this matter on June 10, 2009. An Information Report is expected for the July meeting.

Provincial Responsibilities

4.1.3 Provincial Street Resurfacing - Prospect Bay Road

The Legislative Assistant was requested to obtain an update from the Department of Transportation and Infrastructure Renewal in regard to this matter.

4.1.4 Malfunctioning Sewage System - Birch Lee Trailer Park

- An e-mail dated June 17, 2009 was before the Community Council.

Mr. Don Feldman, District Manager, Nova Scotia Department of Environment and Labour, advised in his e-mail of June 17, 2009 that the upgrades to the sewage treatment facility were expected to be complete around the end of June.

Item to be removed from the status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 01077: Development Agreement - 2810 Prospect Road, Whites Lake

- A report dated March 18, 2009 was before Community Council.
- A Supplementary Report dated June 3, 2009 was before Community Council.

The Public Hearing for this matter was held and closed on May 25, 2009. A Supplementary Report was requested to respond to concerns raised by members of the public and Community Council during the public hearing. The Supplementary Report was received and the matter was now before Community Council for rendering of the decision.

Mr. Luc Ouellet, Planner, presented the Supplementary Report that addressed concerns raised during the public hearing in regard to stormwater management, groundwater assessment and traffic issues

In response to questions from the Community Council, Mr. Ouellet provided the following clarification:

- The first occupancy permit would most likely not be approved until the first of the sixteen units was ready to be occupied; generally not until the project was almost complete.
- In regard to future water shortage problems for residents living across from this development, there will be a Stage 2 Ground Water Assessment. There is no method to guarantee water would always be available.

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western

Region Community Council waive the rules of order and permit members of the public and Developer to comment on whether their concerns have been addressed in the Supplementary Report. MOTION PUT AND PASSED.

Councillor Adams called for any speakers wishing clarity on the Supplementary Report. No speakers came forward at this time.

MOVED BY Councillor Rankin, seconded by Councillor Lund that Western Region Community Council:

- 1. Approve the development agreement, as contained in Attachment A of the March 18, 2009 report, to enable a shopping centre consisting of two buildings at 2810 Prospect Road, Whites Lake.**
- 2. Approve the amendments to the March 18, 2009 development agreement as contained in Attachment A of the Supplementary Report dated June 3, 2009.**
- 3. Require that the development agreement be signed and returned within 120 days, or any extension thereof granted by Community Council on request of the Developer, from the date of final approval by Community Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 01178: Development Agreement - Glen Baker Drive, Herring Cove

- A report dated March 26, 2009 was before Community Council.
- A Supplementary Report dated June 12, 2009 was before Community Council.
- A report from the Halifax Watershed Advisory Board dated June 4, 2009 was before Community Council.

Mr. Brian White, Planner, presented the Supplementary Report. The reports may be viewed online at: www.halifax.ca/Commcoun/wrcc/agenda.html

Councillor Lund noted that the Supplementary Report addressed concerns raised and that the HRM Red Book (Engineering) standards have been met. There will be water quality testing of the brook pre and post development as per the proposed Water Quality Monitoring Functional guidelines soon to be before Regional Council for approval.

In response to Councillor Adams, Mr. White advised that:

- 30% of landholding would be retained in a vegetative state.
- There was only one small tributary to the MacIntosh Run located over 100' from the

nearest property line and over 100' from the nearest building.

Councillor Adams explained the Public Hearing procedures then called for any speakers for or against the proposal.

Mr. Kevin Marriott, Landowner/Developer of Project, thanked Community Council and staff for their consideration and work in regard to the project.

Mr. Charles Baker, Fall River, advised that he owned land in the area of the proposed development and that he was in support of the project as there was a need for developed lots with water and sewer. He noted that he hunts in the area of the MacIntosh Run and that there was approximately four thousand (4,000) acres of land between Herring Cove and Spryfield. The MacIntosh Run was a long distance away from the proposed development property and he could not see any impact to that watercourse unless a lot of stuff was dumped in the little brook.

Councillor Adams gave the third call for speakers, hearing none; it was **MOVED BY Councillor Rankin, seconded by Councillor Lund that the Public Hearing be closed. MOTION PUT AND PASSED.**

Councillor Adams left the Chair at 7:26 p.m. Councillor Rankin assumed the Chair at this time.

MOVED BY Councillor Adams, seconded by Councillor Lund that the Western Region Community Council:

- 1. Approve the proposed development agreement presented in Attachment A of the March 26, 2009 staff report and as amended in Attachment A of the Supplementary Report dated June 12, 2009; and**
- 2. Require that the development agreement be signed and delivered within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council or any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Adams resumed the Chair at 7:28 p.m.

8.1.2 Case 01197 - Rezoning - Intersection of Hammonds Plains Road and Gatehouse Run - Northeast Corner, Hammonds Plains

- A report dated April 20, 2009 was before Community Council including Attachment "E".

Mr. Miles Agar, Planner, presented the report. The report may be viewed online at

www.halifax.ca/Commcoun/wrcc/documents/Case01197Item8.1.2.pdf

Councillor Adams explained the Public Hearing procedures then called for any speakers for or against the proposal.

In response to Councillor Lund, Mr. Agar explained that there was a Nova Scotia Power easement for a transmission along the property. The only infrastructure planned for that area would be a parking lot. Nova Scotia Power has indicated they have no concerns with that infrastructure as long as there were no buildings within the easement. Nova Scotia Power had expressed some concern with a septic system in the easement. The Developer would be required to obtain a permit from the Nova Scotia Department of Environment for a septic system and design.

Mr. Brian Harvey, Representing ARMCO - Developer for Project, thanked Council and staff for their consideration and work in regard to the project noting that the challenges of the site had been worked through.

Councillor Adams gave the third call for speakers, hearing none; it was **MOVED BY Councillor Lund, seconded by Councillor Rankin that the Public Hearing be closed.**

MOVED BY Councillor Lund, seconded by Councillor Rankin that Western Region Community Council approve the rezoning of Lot G-5150 (PID 41185133) from MU-1 (Mixed Use 1) Zone to C-4 (Highway Commercial) Zone as illustrated in Attachment A of the report dated April 20, 2009. MOTION PUT AND PASSED.

8.1.3 Case 01264 - Rezoning - 59 Seafarers Lane, Whites Lake

- A report dated April 30, 2009 was before Community Council.

Mr. Brian White, Planner, presented the report. The report may be viewed online at www.halifax.ca/Commcoun/wrcc/documents/Case01264Item8.1.3.pdf

Councillor Adams explained the Public Hearing procedures then called for any speakers for or against the proposal.

Councillor Adams gave the third call for speakers, hearing none, it was **MOVED BY Councillor Rankin, seconded by Councillor Lund that the Public Hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor Rankin, seconded by Councillor Lund that Western Region Community Council approve the rezoning of 59 Seafarers Lane, Whites Lake, as shown on Map 1, from the RA-3 (Residential A-3) Zone to the RA-4 (Residential A-4) Zone. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS - NONE

10. REPORTS - NONE

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Letter of Appreciation to Masthead News

Councillor Rankin requested that the Western Region Community Council send a letter of appreciation to the Masthead News for their loyal coverage of the monthly Community Council meetings.

12.2 Congratulatory Letters to Recently Elected MLA's

Councillor Rankin requested that the Western Region Community Council send a letter of congratulations to the recently elected and re-elected Members of the Legislative Assembly representing the areas within and surrounding the Western Region Community Council districts.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No members of the public came forward at this time.

15. NEXT MEETING - Monday, July 27, 2009

16. ADJOURNMENT

The meeting adjourned at 7:43 p.m.

Chris Newson
Legislative Assistant

Information Items

1. Response from Minister Brooke Taylor, Department of Transportation and Infrastructure Renewal dated May 8, 2009 re: second left turning lane exiting Prospect Road onto St. Margaret's Bay Road.
2. Response from Minister Brooke Taylor, Department of Transportation and Infrastructure Renewal, Dated May 27, 2009 Re: Removal of Garbage/debris from Within the Highway Right-of-way and Removal of Unauthorized Signs.