

HALIFAX REGIONAL MUNICIPALITY

WESTERN REGION COMMUNITY COUNCIL

MINUTES

NOVEMBER 23, 2009

PRESENT: Councillor Adams, Chair
Councillor Reg Rankin, Vice-Chair
Councillor Peter Lund

STAFF: Mr. Luc Ouellet, Planner
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER / ELECTION OF CHAIR

The meeting was called to order at 7:00 p.m.

Councillor Adams was elected Chair of the Western Region Community Council for the 2009/10 term.

2. APPROVAL OF MINUTES - October 26, 2009

MOVED BY Councillor Rankin, seconded by Councillor Lund that the minutes of October 26, 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 Case 01332: Amendments to the Regional Subdivision By-Law and the MPSs and LUBs for Timberlea/Lakeside/Beechville and Halifax.
12.2 Sambro Fishery - Zoning, Noise By-Law and Operation - Councillor Adams

Deletion: 10.2.1 Appointment of Western Region Community Council Representative to the Grants Committee.

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 St. Margaret's Bay Coastal Advisory Committee - Proposed Terms of Reference/Composition

Councillor Lund advised that staff have indicated the report will be available for the next meeting.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. HEARINGS

8.1 Public Hearing

8.1.1 Case 01318: LUB Housekeeping Amendments, Sandy Cove Road Area, Terence Bay

- A report dated October 9, 2009 was before Community Council.

Written submissions were received from the following persons: Lynette Reid, Marc Patry, Michelle Forrest, Mark Kelly, Wayne Thomas, David Adler, Shelley Thomas and William Grant.

Councillor Adams explained the rules of procedure for public hearings.

Mr. Luc Ouellet, Planner, presented the report. He noted that the easement to the lighthouse, recognized in favour of the federal government, would not be affected by the rezoning as that area would remain a Conservation area; the remainder of PID#40874141 would be rezoned MU-1.

Councillor Lund requested clarification on the exact location of the five properties in question and the boundaries of the sections to be rezoned.

Councillor Rankin requested clarification on whether the zoning would reinforce all rights and privileges regarding access to the right of way.

Councillor Adams opened the public hearing calling for any speakers for or against the proposal.

Mr. Brian Bailey, Attorney for property owner Mr. Bob Kehayes, advised that his client had no concern with members of the public using the right of way to access the lighthouse and that he has not, and would not, stop anyone from accessing the lighthouse area. He noted that there was some confusion over who actually owned the land where the path was located as his client understood his property to be south of the right of way. Mr. Bailey explained that he and his client had no issue with maintaining the P-3 zoning for the access area.

Mr. Rod Green, Terence Bay, clarified that there were no dwellings currently located in the conservation area. Community Council should consider the quadruple bottom line of the social, economic, environmental and cultural impact of development. Approval of the rezoning would not provide an economic return in this situation as it would be for one private property owner. The social component was the greatest significant factor for the community and there was no index or measurement for social health. He expressed concern with the possibility of losing public access to the coastal area which could result in decreased pride in the community. Mr. Green advised that he walks daily along the area to the lighthouse and that the community walks along the shore, kayaks and fishes in the area. In regard to culture, the historic significance of the Terence Bay area with its mix of nationalities has provided a rich mixture of cultures who have remained in the area. He expressed concern with environmental impacts along the coast.

Ms. Valda Kemp, representing the SS Atlantic Heritage Park, explained that public access to the lighthouse area has been the cause of controversy over the years with *No Trespassing* signs appearing at times. The community wants the tourists and hiking groups who visit the area to feel comfortable accessing the site. She suggested that a definite plan with zoned access to the lighthouse, in case the current owner were to sell,

was imperative. Due to the closure of many businesses, stores and restaurants in the area, tourism was very important to the community.

Mr. Freeman Dryden, member of the SS Atlantic Heritage Society Board, expressed concern that public access to the lighthouse and trail area could be denied at any time although the path has been used by residents of Lower Prospect / Terence Bay for 150 years. He noted concern for the condition of the path due to residual encroachment. Mr. Dryden requested that the meeting be adjourned until such time as staff were able to provide a more accurate map as the scale of the map in the report was inaccurate; the property boundaries had not been identified (no PID numbers or names shown) and the location of the lighthouse and path were not indicated.

Ms. Michelle Forrest circulated a photograph of the area. Quoting references to HRM's Regional Planning Strategy (RPS) and the federal Canada's Ocean Strategy (COS), she encouraged Community Council and HRM to take the opportunity to recognize and document the environmental and cultural/heritage resources of the area trails, coastal area and the Terence Bay lighthouse. She advised that the Harlequin Duck, an endangered species, has been sighted in the area although this information and reference to the historic Terence Bay lighthouse were not mentioned in the staff report. The RPS advises that, for the general well being of the region and its citizens, it was preferable for the coastal trail and lighthouse assets to remain accessible to the public and that scenic landscapes and coastal villages be preserved for future generations. Both documents (the RPS and COS) suggest that coastal communities be actively involved in the development, promotion and implementation of promoting public education on the history and ongoing practices of fishing and navigation at sea. Unrestricted access to the Terence Bay lighthouse and nearby coastal landscape are essential to ecotourism and the environmental education that is part of ecotourism.

Ms. Forrest noted that many elders in the community, direct descendants of the first settlers, carry cultural memory and community knowledge of the coastal village, its landscape and land uses and have archival material that could be produced. She suggested that HRM work with the residents of Terence Bay to develop conservation easements to ensure that the needs of private property owners could be reconciled with the larger cultural and environmental community considerations that make HRM a desirable destination and that it remain a desirable destination for generations to come.

Ms. Danielle Cottam, speaking on behalf of Ms. Moira Cottam who was also in attendance, commented that the map shown was deceptive. The path in question went through her property and she would prefer to have a zoned path with clear boundaries and a boardwalk to protect the bog. She has posted signs along her property requesting people stay to the lighthouse side and out of her backyard. Ms. Cottam advised that the saltwater bog was being damaged and the Department of Environment explained to her that the costs to repair the bog would be the property owner's expense. She expressed concern for the ducks that frequent the area. Ms. Cottam submitted a list of questions for staff's response.

Mr. William Grant, advised that a portion of his property would be affected by the rezoning amendment. He advised that he had no problem with the park zoning as it reflected the realities of the time. Mr. Grant concurred that the issue of public access

had to be addressed in case ownership of the property were to change and to ensure the area was clearly and legally protected. The back portion of his property may be interpreted to be part of the Crown Land access area as it had not been used in almost 100 years. He submitted a survey, for viewing by the Community Council, completed in 2002 by a group of property owners who met with the Canadian Coast Guard in regard to the boundaries and location of the lighthouse. He acknowledged the importance of continued public access to the beach and cove area and that this was an opportunity for HRM to “get it right” by addressing the source of controversy. Mr. Grant commented that it would be improper to approve the proposal without community consultation.

Ms. Pam Corell commented that the proposed rezoning from conservation to mixed use was a problematic issue and contrary to the interest of public good as the only land in the community with coastal access was the stretch of land from the Sandy Cove lighthouse to the Lower Prospect Road. The area has valuable ecological features and several endangered plant species. She noted that the trail had been used for over a century and it was crucial that public access be maintained.

Ms. Shelley Thomas, Chair of the Resource Opportunity Centre in Terence Bay, Chair of the Prospect Road Community Centre and Board Member of the Terence Bay Lighthouse Committee, advised that the Terence Bay Lighthouse Committee’s mandate has been to maintain public access to the lighthouse. The Committee has maintained the pathway and grounds (easement granted to the Coast Guard) of the Terence Bay lighthouse and remains in contact with the Coast Guard in regard to the exterior condition of the lighthouse. The Western Region Community Council’s decision may have a direct impact on whether there will be access to the heritage site. The Committee is made up of life long residents of the area who are devoted in their pursuit for public access to the site and are not against the land owners developing the property; the Committee wants to maintain public access.

Mr. Larry Smith, Chair of the Coastal Community Economic Development Cooperative, inquired where the building would be located on the P-3 property; whether the owner had specific plans for the two little coastal areas and whether the P-3 zoning could be applied only to the portion where the owner will locate his residence.

Mr. Bailey explained that his client’s intention was to have a residence located a little further back from the existing cottage and that the location would be in the pyramid section of the map as noted earlier in the meeting.

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

MOVED BY Councillor Rankin, seconded Councillor Lund that the Western Region Community Council defer the matter pending a Supplementary Report providing clarification on the following:

- 1. Confirmation of the public access area to the lighthouse and coastal pathway with clear identification of those boundaries with a map to include PID numbers, clear property boundaries and the location of the lighthouse (aerial photograph requested);**

2. **Means to ensure the public access would be maintained in perpetuity to the lighthouse and coastal pathway;**
3. **Clarification on whether the Crown right of way through the area (access to lighthouse and coastal pathway) gives entitlement to the public to use that right of way;**
4. **Identification of wetland areas, such as the saltwater bog, for conservation;**
5. **Possibility of rezoning the portion of property identified as the access to the lighthouse and coastal pathway to conservation zone.**

MOTION TO DEFER PUT AND PASSED.

Community Council recessed at 8:07 p.m.

Community Council reconvened at 8:11 p.m.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS - NONE

10. REPORTS

10.1 Case 01186: Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-Law (LUB)

- A report dated October 14, 2009 was before Community Council.

MOVED BY Councillor Lund, seconded by Councillor Adams that the Western Region Community Council recommend Regional Council give first reading and set a public hearing date for the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) as provided in Attachments A and B of the staff report dated October 14, 2009. MOTION PUT AND PASSED.

10.2 Appointment of Western Region Community Council (WRCC) Representatives

10.2.1 Grants Committee

This item was deleted from the agenda as the current term did not expire until November 2010. See page 3.

10.2.2 Membership Selection Committee

MOVED BY Councillor Lund, seconded by Councillor Adams that Councillor Rankin be appointed as the Western Region Community Council representative to the Membership Selection Committee. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Case 01332: Amendments to the Regional Subdivision By-Law and the MPSs and LUBs for Timberlea/Lakeside/Beechville and Halifax

- A report dated November 5, 2009 was before the Community Council.

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council recommend Regional Council give first reading and set a public hearing date for the proposed amendments to the Regional Subdivision By-Law, and the Timberlea/Lakeside/Beechville and Halifax Municipal Planning Strategy and Land Use By-Law as provided in Attachments A, D and E of the report dated November 5, 2009. MOTION PUT AND PASSED.

12.2 Sambro Fishery: Zoning, Noise By-Law and Operation

MOVED BY Councillor Adams, seconded by Councillor Lund that the Western Region Community Council request a joint staff report from Legal and Planning Services outlining any precedents set in regard to ongoing fish plant operations where a Reefer Unit (for air controlled atmosphere) would be considered a normal use and any required amendments to the Land Use By-Laws or the zone to allow the fish plant to function normally.

Staff were requested to engage affected neighbours in the vicinity of the Sambro Fishery during the preparation of the report.

MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No members of the public came forward at this time.

15. NEXT MEETING - January 25, 2010

16. ADJOURNMENT

The meeting adjourned at 8:16 p.m.

Chris Newson
Legislative Assistant