

WESTERN REGION COMMUNITY COUNCIL
MINUTES

August 22, 2011

PRESENT: Councillor Stephen Adams, Chair
Councillor Reg Rankin

REGRETS: Councillor Peter Lund, Vice-Chair

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

Table of Contents

1.	CALL TO ORDER.....	3
2.	APPROVAL OF MINUTES	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	3
4.	BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET	3
	4.1 STATUS SHEET	3
	4.1.1 Herring Cove Sewer and Water Project	3
5.	MOTIONS OF RECONSIDERATION	3
6.	MOTIONS OF RESCISSION	3
7.	CONSIDERATION OF DEFERRED BUSINESS	3
8.	HEARINGS.....	3
	8.1 Public Hearings	3
	8.1.1 Case 16713: Development Agreement – Herring Cove Village.....	3
	8.2 Variance Appeal Hearings.....	6
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS	6
	9.1 Correspondence.....	6
	9.2 Petitions.....	6
	9.3 Delegations	6
	9.3.1 UJAAMA.....	7
10.	REPORTS	7
	10.1 STAFF.....	7
	10.2 HERRING COVE ADVISORY STEERING COMMITTEE	7
11.	MOTIONS.....	7
12.	ADDED ITEMS.....	7
	12.1 Acquisition of Drysdale Lands.....	7
13.	NOTICES OF MOTION	7
14.	PUBLIC PARTICIPATION	8
15.	NEXT MEETING DATE	8
16.	ADJOURNMENT	8

1. CALL TO ORDER

Councillor Adams, Chair, called the meeting to order at 7:00 p.m. in the Community Meeting Room, 2nd Floor, Captain William Spry Centre, 10 Kidston Road, Spryfield.

2. APPROVAL OF MINUTES – June 27, 2011 and August 2, 2011

MOVED by Councillor Rankin, seconded by Councillor Adams that the minutes of June 27, 2011 and August 2, 2011, as presented, be approved. MOTION PUT AND PASSED.

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

Additions: 12.1 Councillor Rankin: Acquisition of Drysdale Lands.

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

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

4.1 STATUS SHEET

4.1.1 Herring Cove Sewer and Water Project

No update available. Item to remain on the status sheet.

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 16713: Development Agreement – Herring Cove Village

The July 19, 2011 staff report was before the Community Council.

Mr. Miles Agar, Planner, presented the report. He then responded to questions of clarification from members of the Community Council.

Councillor Adams explained the procedures for public hearings then opened the public hearing calling for any speakers for or against the proposal.

Nathan Rogers, Professional Planner with Genivar, applicant for this case. He explained that although the previous application was not deemed in conformance with the Herring Cove Area Settlement and Servicing Strategy (HCSSS) the revised proposal is consistent with the HCSSS. The proposal provides an opportunity for a new development in the Herring Cove area that clusters single family homes in a suitable location on two public streets, Nora Warren Drive and Reginald Court, fully serviced with sanitary sewer and water services. The proposal includes a pumping station as well as a retention pond for storm water management. There is opportunity for a substantial amount of conservation land that may, in conjunction with the proposed neighbourhood park, act as a trailhead to access the provincial crown lands subject to discussions with the province.

Ronald Harnish, Ketch Harbour Road, advised that he was in support of the proposal however he had concern with the removal of a turning circle. His understanding of the terms of a subdivision is that when you run into another piece of land you give right of way through a turning circle as currently there is no actual access to that extra land. The turning circle should remain. He also questioned the need for the storm water management pond and the large piece of land required for it when the storm water could be directed to the two brooks.

In response to the questions raised by Mr. Harnish, Mr. Agar explained that the road design was investigated by the HRM Engineering Department and was determined to be adequate. The road was designed with enough space for a vehicle to turn around at the end of the short street and will also provide a connection to the property line. In regard to the storm water management pond, it is an engineering requirement for the pre and post development storm water flows to be matched so that the brooks are not surged with storm water. The storm water management pond will capture the extra bit of surface run off from the asphalt right of ways.

Charles Baker, Fall River, explained that his family has owned the proposed development property since the 1930's and he grew up there. His family has been and continues to be good stewards of the land. The two proposed public streets were named after his parents, Nora and Warren Baker and his Uncle Reginald. The storm water management pond has been reviewed by HRM's Engineering department and the desire is to protect the brooks by preventing water from rushing into them. He is now ready to move forward with the development.

DA Morrison, Halifax, advised that she has attended approximately four meetings in regard to the proposed development and is anxious for the development to commence as she would like to build a home.

Patricia Chant, Herring Cove Road, explained that she lives next to the proposed development and will lose the privacy she currently has. She expressed concern with water that currently pools near her property at the location where the pipes are proposed to be located and questioned where that water will go once the roads and pipes are put in. She inquired when the street lights would go in as she will no longer require the light on her property if there will be street lights crossing over.

Melissa Baker, Herring Cove Road, explained that she is currently renting near the proposed development and is eager to build a home with a yard for her young family. Her family roots are from Herring Cove and she has found it frustrating that she has not been able to build and reinvest in the area.

Anita Guillan, Cowie Hill, commented that she had attended the previous public hearing and was in support of the plan and eager to buy property in the area.

Laurie Baker, owner Valerium Group Inc., commented that it is time to move forward with the proposed development. In regard to the current economic situation, small housing development creates employment for trade's people, and; anyone who purchases a home becomes a big consumer. The development will also create a good tax base for HRM.

Paul Warden, Herring Cove Road, requested clarification on the following:

- in regard to the removal of the cul-de-sac at the end of the shorter road, what is meant by "easement"
- could the permitted auxiliary units be sold separately from the home
- in regard to the water ways and density, since building is permitted around the waterways, the density would truly be that of "usable" land with a density of 3 units per acre which is closer to the permitted 4 units per acre
- where will the exhaust lines run for the sewer pumping station/blue lagoon; will the infrastructure be underground.

In response to the questions raised by Mr. Warden, Mr. Agar provided the following information:

- an easement is essentially a deeded access; the proposed piece of land would have deeded access that would allow public vehicles to turn around
- the sale of an auxiliary dwelling unit separately from the home is not contemplated as part of this agreement, however; in general terms, the lot would have to be condominiumized including creation of a Condominium Corporation for the lot. It may be legally possible but would be subject to an agreement and may be challenging.
- in regard to density and units per acre, the planning policy speaks to the "net area" which is what is left over after the on site wetlands are removed. The policy does not speak to what is a water course so "net acreage" means the entire property.

- the underground infrastructure is typically located in the right of way; there is an exception here for the purposes of looping services. There will be an easement in favour of HRM and Halifax Water, who will own the pipes after they are built, that will allow sewer/water/stormwater to be filtered through the easement. The proposed walkway in the area is being reviewed; the HRM Engineering Department has said that the walkway is not a requirement.

Greg Shacklock, Ketch Harbour Road, inquired whether the pumping station would be large enough to accommodate future development. He questioned whether the easement for the infrastructure was included in the road frontage for proposed house on Herring Cove Road and how much road frontage there was for that property.

In response to questions raised by Mr. Shacklock, Mr. Agar explained that the pumping station is a requirement of this particular development and has been designed to service this particular development to pump sewer from the lower elevations to the main line on the Herring Cove Road. The home along the Herring Cove Road will have a lot frontage of just over 60'; an easement is not a parcel of land.

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

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

1. **Approve the proposed development agreement, presented as Attachment A of the July 19, 2011 staff report, 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. Approve the proposed development agreement.**

MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence – NONE

9.2 Petitions – NONE

9.3 Delegations

9.3.1 UJAAMA

A copy of the UJAAMA presentation was before the Community Council.

Mr. Burnley Jones, with Ms. Carol-Anne Wright Parks in attendance, presented on behalf of the Ujaama Association. Mr. Jones noted that an ongoing project to create an Ujaama Council is being developed in the African Nova Scotian community to be able to deal with government and business on behalf of their community for an integrated, unified approach to community economic development. He noted support for the HRM African Affairs Office and encouraged that involvement from the African Nova Scotian Community be included so that the strategy may be developed together and not designed by people from outside the African Nova Scotia community. The priority of the Ujaama Association is to have programming tied to evaluation; the community needs funding in order to develop programs. He requested support to research and obtain statistical information on the African Nova Scotian community in order to plan programming, and; support to make the HRM Office of African Affairs functional and relevant to the African Nova Scotian community.

In response to a question by Councillor Rankin, Mr. Jones confirmed that a proposal in regard to financial resources would be forthcoming for research to obtain a good socio-economic portrait of the African Nova Scotian community that will assist in the planning of programs.

Councillor Adams thanked Mr. Jones for his presentation.

10. REPORTS

10.1 STAFF - NONE

10.2 HERRING COVE ADVISORY STEERING COMMITTEE - NONE

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Acquisition of Drysdale Lands

MOVED by Councillor Rankin, seconded by Councillor Adams that the Western Region Community Council request a staff report from HRM's Capital Asset Planning, Infrastructure and Asset Management exploring the acquisition of the Drysdale lands recently rezoned to residential either by purchasing the lands or through a land swap process in order to ensure a better measure of protection/conservation of those lands in perpetuity. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Warden commented on the Ujaama presentation noting his support for the initiative to understand the demographics, however; he expressed concern that whenever boundaries are drawn between race/creed it may create divisions.

15. NEXT MEETING DATE – September 26, 2011

16. ADJOURNMENT

The meeting was adjourned at 7:53 p.m.

Chris Newson
Legislative Assistant

INFORMATION ITEMS - NONE