

HALIFAX REGIONAL MUNICIPALITY

WESTERN REGION COMMUNITY COUNCIL

MINUTES

March 22, 2010

PRESENT: Councillors Stephen Adams, Chair
Reg Rankin, Vice-Chair
Peter Lund

REGRETS: None

STAFF: Mr. Tyson Simms, Planner
Ms. MacKenzie Stonehocker, Planner
Mr. Miles Agar, Planner
Mr. Luc Ouellet, Planner
Ms. Randa Wheaton, Planner
Mr. Roger Wells, Supervisor, Regional and Community Planning
Mr. Martin Ward, Solicitor
Ms. Chris Newson, Legislative Assistant

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16. ADJOURNMENT 8

1. CALL TO ORDER

Councillor Adams, Chair, called the meeting to order at 7:00 p.m. in the Thomas Raddall Room, Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES - Special Meeting of March 2, 2010

MOVED BY Councillor Rankin, seconded by Councillor Lund that the minutes of the special meeting of March 2, 2010, as presented, be approved. MOTION PUT AND PASSED.

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

Additions: 12.1 Public Access to Terence Bay Lighthouse - Councillor Rankin
12.2 Cell Towers in Terence Bay Area - Councillor Rankin

MOVED BY Councillor Rankin, seconded by Councillor Lund 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

- A report dated March 15, 2010 was before the Community Council.

MOVED BY Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council defer the establishment of the St. Margaret's Bay Coastal Corridor Advisory Committee pending the outcome of several other planning related initiatives currently underway or planned in the greater Upper Tantallon area.

Mr. Roger Wells, Supervisor, Regional and Community Planning, confirmed for Councillor Rankin that the studies currently underway should be complete within a year and a half; the coastal corridor matter would then become the subject of the next year's forum. Staff is working with the St. Margaret's Bay Stewardship and Tourism groups to review the Terms of Reference for the watershed study that would then lead into the visioning exercise for the Exit 5/Tantallon area. Cooperation from the Municipality of the District of Chester would be required for the coastal corridor matter as the area would extend into that jurisdiction and along the Aspotogan Peninsula. Councillor Lund advised that the Hubbards area watershed study was complete and the Hubbards Area Business Association/Aspotogan Trust were commencing a visioning exercise that should be part of the coastal corridor matter.

MOTION PUT AND PASSED.

4.1.2 Sambro Fishery - Zoning, Noise By-Law and Operation

A report is expected for the May 17, 2010 meeting.

4.1.3 Street Lighting/Safety Concerns - Hammonds Plains Road (Pockwock to Westwood)

No update. Councillor Lund requested that the report, when available, also be circulated to the North West Community Council as a portion of District 23 is now within the jurisdiction of the North West Community Council.

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 01328: Rezoning - 1426 St. Margaret's Bay Road, Lakeside

- A report dated February 8, 2010 was before Community Council

Ms. MacKenzie Stonehocker, Planner, Western Region, presented the report.

Councillor Adams reviewed the public hearing procedures then opened the public hearing calling for speakers for or against the proposal.

Mr. Scott Weatherby, Representative of New Cap Inc., Applicant, explained that New Cap Inc. owns and operates Q104 and Cool FM; their national office is based in Burnside (Dartmouth). New Cap Inc. has owned the subject property for over twenty years. They ceased use of the radio transmitter towers at 1426 St. Margaret's Bay Road in July 2009 and no longer require the I-4 zoning. The towers have been dismantled, for safety purposes, and the land is now idle. To be consistent with the remaining section of the property and the majority of abutting parcels of land, it was plausible to apply to rezone the property to R-1 zoning. New Cap Inc. appreciates the concerns raised by adjacent property owners, however; they have always been good neighbours and are not proposing any development on the property. New Cap Inc. is requesting to rezone the area in question to R-1, the base zone for the urban residential designation. Since no subdivision development is being proposed as part of this application, it would be premature to discuss any subdivision regulations at this time.

Mr. Derek Cann, Lakeside, commented that he appreciates the request to rezone the property from industrial to R-1, however; he expressed concern with the property being advertised for sale at \$1.25 million noting that it would be naive to think that the eighty (80) acres would not be subdivided as the cost of the property was very high for just one home. He inquired whether staff have had any show of interest in zoning the property

for subdivision. He also expressed concern with traffic flow, specifically in the narrow, tight curve area at the Munro Subdivision, inquired as to the intent for traffic flow and whether the intended Collector Road would wrap around and come in at the Suffrage Building area. In regard to wetlands/watercourses, he expressed concern that the (future) Developer would be credited for returning the wetland/bog area as greenland/parkland and suggested that the wetland and no- build areas be identified immediately so the (future) Developer would not be given credit for giving those areas back to the community.

In response to Mr. Cann's concerns, Ms. Stonehocker advised that:

- staff have not received calls/expressions of interest relating to the property
- the lack of sewage capacity in the existing system is common knowledge, therefore; there is a lack of ability to subdivide
- there is a right-of-way at the end of Balsam Circle, however; it was uncertain whether it would meet current engineering standards
- she had no knowledge of an intended Collector Road
- the watercourses/wetlands would be considered through the subdivision process as part of a development agreement
- wetlands and watercourses are not accepted as parkland; HRM may accept them as conservation land but the Developer would not be credited for parkland.

Councillor Rankin noted that a written submission had been received from Ms. Jennifer Rogers, 1445 St. Margaret's Bay Road, in regard to this matter. Ms. Rogers' expressed concern with water runoff onto the road and into Grand Lake.

Councillor Adams gave the third call for any 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 the Western Region Community Council approve the proposed rezoning of a portion of 1426 St. Margaret's Bay Road from I-4 (Transmitter) to R-1 (Single Unit Dwelling), as identified in Attachment A of the report dated February 8, 2010.

Councillor Rankin noted that in regard to HRM planning policies, there was no reason not to approve the application. The property may be reverted to the same zoning as an abutting land use. The portion of land at the rear of the property is zoned R-1 and this proposal would amend the parcel to be one entity. Staff cannot guarantee what the future will be and noted that he would be surprised if further subdivisions were approved due to there being only two hundred (200) units remaining in regard to sewage capacity at the Lakeside Treatment facility. In regard to the Munro Subdivision, there does not appear to be an opportunity to link up to a reserve road, however; there would be a second exit for any subdivision that would exceed two hundred (200) units. He did not feel that staff would consider a second entrance from Munro Subdivision at the location mentioned due to the existing poor line of sight at that location. Councillor Rankin noted that there were significant wetlands in the area. HRM requires a buffer zone of twenty

(20) metres from any wetland regardless of its size. There would also be a requirement for provincial Department of Environment approval in regard to wetland areas.

MOTION PUT AND PASSED.

8.1.2 Case 15850: Rezoning - Prospect River Court, Prospect

- A report dated February 8, 2010 was before the Community Council.

Mr. Tyson Simms, Planner, Community Development, presented the report.

Councillor Adams explained the process for public hearings then called for any speakers for or against the proposal.

Ms. Coral Veinot, resident of Prospect River Court, requested clarification on how the rezoning would affect her land ownership and/or taxes she pays.

Councillor Adams gave the third call for any 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 the Western Region Community Council approve the rezoning of those portions of 23, 27, 31, 35 and 39 Prospect River Court, as shown on Map 2 of the report dated February 8, 2010, from the P-3 (Conservation) Zone to the RA-1 (Residential A-1) Zone. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS - NONE

10. REPORTS

10.1 Staff

10.1.1 Case 01357: Telecommunication Tower at 7617 St. Margaret's Bay Road, Ingrauport

- A report dated February 24, 2010 was before the Community Council

Mr. Miles Agar, Planner, assisted by Ms. Randa Wheaton, Senior Planner, Community Development, presented the report. Mr. Agar and Ms. Wheaton provided the following information in response to comments/concerns raised by members of the Community Council:

- the proposed tower would be 43 metres from the nearest property line
- there is no specific policy that establishes setbacks for telecommunications towers; HRM staff would assess whether the tower would hit something if it were to fall, therefore; the height of the tower

- would be considered as well as whether or not it was located far enough from a residential building so that it would not cause damage if it were to fall
- a municipality, such as HRM, has no jurisdiction over the frequency emission issue, it is the jurisdiction of Industry Canada

Councillor Rankin expressed concern with the lack of criteria or policy in regard to the placement of telecommunication towers other than if the tower were to fall it not hit a manmade structure. He commented that if the Federal government were simply seeking an opinion, staff should use wording such as “no objection to” rather than submitting a report recommending approval. He explained that it was difficult to respond to the concerns of the residents when there was no policy or criteria to reference.

MOVED BY Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council defer decision on this matter as per Alternative 2, outlined in the staff report dated February 24, 2010, pending clarification from Rogers Communications Inc. on the following:

- **what are the locations of the twenty other sites considered by Rogers Communications Inc. for the telecommunications tower**
- **what criteria was used to determine the proposed site was the best site for the telecommunications tower**
- **what criteria is used in selecting a site for a telecommunications tower**
- **response to community concerns, including those noted by Mr. James Fryday in his document “*Cell Tower Proposal Ingramport*”, requested prior to a decision being made by the Western Region Community Council.**

Councillor Lund advised that he was not comfortable providing a response on this matter until the above noted questions had been answered. The proposed site is situated along a very scenic route, including popular walking trails, and residents of the area have expressed concern with the proposed tower’s visibility from Highway 3 and local trails. Councillor Lund requested that Mr. James Fryday’s document “*Cell Tower Proposal Ingramport*” be submitted as part of the public record.

Councillor Rankin questioned why staff would word the recommendation as follows: “*..forward a positive recommendation to Industry Canada..*” instead of “*..have no objections to..*” considering that the Community Council has no jurisdiction or authority in the matter of telecommunication towers as it is a Federal government jurisdiction. He noted that regardless of whether the Community Council was in support or not, the tower could still be placed at this location. The wording of the recommendation as shown in the staff report gives the false impression to the community that the Community Council has the ability to recommend for or against the proposal and that is misleading as the Community Council is only able to offer comment on the proposal.

MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Public Access to Terence Bay Lighthouse

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council request staff to continue working to ensure public access to the Terence Bay lighthouse in the Sandy Cove Road area as well as efforts to eliminate trespassing on private property by constructing a trail to the site.

Councillor Rankin has offered to assist staff with the trail, if possible, through Capital Grant Funding.

MOTION PUT AND PASSED.

12.2 Cell Towers in Terence Bay Area

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council request staff to contact the owners of the two cell towers in the Terence Bay area to advise them of the issue of white, pulsating light being cast over the dwellings in Prospect Village from the cell towers and request that the owners rectify the situation.

Councillor Rankin explained that the towers had red lights on them but once the weather turned bad the lights became pulsating, white lights.

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 - April 26, 2010

16. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Chris Newson
Legislative Assistant

Information Items - NONE