

TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF MINUTES - October 24, 2005	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	Status Sheet Items	4
	HRM Issues	4
4.1.1	Councillor Meade - Regional Council Information Report re: Station Road Sewage Problem	4
4.1.2	Councillor Rankin - West Dover Area, Request for Land Transfer to HRM	5
4.1.3	Petition - Express Bus Services from Exit 5 to Downtown Halifax	5
4.1.4	Water Service Boundary - St. George Blvd., Kingswood	4
4.1.5	Proposed Amendments to MPS and LUB for Mainland South and Former District 5 re Watercourses	5
4.1.6	Distinguishing Distinctive Communities in Phone Book (MT&T)	5
4.1.7	Fire Services - Proposed Service Standards	5
4.1.8	Entrance to Silver Birch - Lake of the Woods Estates	5
4.1.9	Councillor Meade - Review of Three-Way Stop in Glen Arbour	5
4.1.10	Councillor Meade - Public Hearing Notification in Rural Areas	6
4.1.11	Councillor Rankin - Protocol for Runners on the St. Margaret's Bay Road ...	6
4.1.12	Indian Lake Golf Course	6
4.2	<u>Provincial Issues</u>	6
4.2.1	Re-evaluation of Request for Traffic Lights - St. Margaret's Village	6
4.2.2	Councillor Adams - Illegal Dumping: Look-off on John Brackett Drive	6
4.2.3	Lack of Second Exit in Highland Park	6
5.	MOTIONS OF RECONSIDERATION - NONE	8
6.	MOTIONS OF RESCISSION - NONE	8
7.	CONSIDERATION OF DEFERRED BUSINESS - NONE	8

8.	PUBLIC HEARINGS	8
8.1	Public Hearing	8
8.1.1	Case 00640: Development Agreement - 7990 St. Margaret's Bay Road, Ingramport	8 - 35
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	35
9.1	Correspondence	35
9.2	Petitions	35
9.3	Presentations	35
10.	REPORTS	7 & 35
10.1	STAFF REPORTS	7 & 35
10.1.1	Approval of 2006 Meeting Schedule	7 & 35
10.2	MEMBERS OF COUNCIL	7 & 35
10.2.1	Building Communities Fund	7 & 35
10.2.2	Signage - Sambro Loop	7 & 35
11.	MOTIONS - None	7 & 35
12.	ADDED ITEMS	8 & 36
12.1	Community Signage in the Western Region - Councillor Rankin ..	8 & 36
12.2	Re-naming of Sambro Ballfield - Councillor Adams	8 & 36
13.	NOTICES OF MOTION	36

14. PUBLIC PARTICIPATION 36

15. NEXT MEETING 36

16. ADJOURNMENT 36

1. CALL TO ORDER

The meeting was called to order at 7:04 p.m in the Black Point Fire Hall, 8579 St. Margaret's Bay Road, Black Point.

2. APPROVAL OF MINUTES - October 24, 2005

Deferred (minutes were not available).

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

Additions: 12.1 Community Signage in the Western Region - Councillor Rankin
12.2 Re-naming of Sambro Ballfield - Councillor Adams

Move: Item 10. REPORTS to be dealt with immediately following the approval of the agenda.
Item 12. ADDED ITEMS to be dealt with prior to the Public Hearing and following item 10. REPORTS.

Deferred: Item 4.1 Status Sheet Items deferred to the January 23, 2006 meeting.

MOVED by Councillor Rankin, seconded by Councillor Meade, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

Deferred during the approval of the agenda. See page 4, Item 3.

4.1 HRM Issues

4.1.1 Councillor Meade - Regional Council Information Report re: Station Road Sewage

Problem

Deferred during the approval of the agenda. See page 4, Item 3.

4.1.2 Councillor Rankin - West Dover Area, Request for Land Transfer to HRM

Deferred during the approval of the agenda. See page 4, Item 3.

4.1.3 Petition - Express Bus Services from Exit 5 to Downtown Halifax

Deferred during the approval of the agenda. See page 4, Item 3.

4.1.4 Water Service Boundary - St. George Blvd., Kingswood

Deferred during the approval of the agenda. See page 4, Item 3.

4.1.5 Proposed Amendments to MPS and LUB for Mainland South and Former District
5 re Watercourses

Deferred during the approval of the agenda. See page 4, Item 3.

4.1.6 Distinguishing Distinctive Communities in Phone Book (MT&T)

Deferred during the approval of the agenda. See page 4, Item 3.

4.1.7 Fire Services - Proposed Service Standards

Deferred during the approval of the agenda. See page 4, Item 3.

4.1.8 Entrance to Silver Birch - Lake of the Woods Estates

Deferred during the approval of the agenda. See page 4, Item 3.

4.1.9 Councillor Meade - Review of Three-Way Stop in Glen Arbour

- An Information Report dated November 22, 2005 was before Community Council.

Deferred to the January 23, 2006 meeting.

4.1.10 Councillor Meade - Public Hearing Notification in Rural Areas

- An Information Report dated November 23, 2005 was before Community Council.

Deferred to the January 23, 2006 meeting.

4.1.11 Councillor Rankin - Protocol for Runners on the St. Margaret's Bay Road

- An e-mail dated November 23, 2005 was before Community Council.

Deferred to the January 23, 2006 meeting.

4.1.12 Indian Lake Golf Course

Deferred to the January 23, 2006 meeting.

4.2 Provincial Issues

4.2.1 Re-evaluation of Request for Traffic Lights - St. Margaret's Village

Deferred during the approval of the agenda. See page 4, Item 3.

4.2.2 Councillor Adams - Illegal Dumping: Look-off on John Brackett Drive

Deferred during the approval of the agenda. See page 4, Item 3.

4.2.3 Lack of Second Exit in Highland Park

Deferred during the approval of the agenda. See page 4, Item 3.

It was previously agreed, during the approval of the agenda, to deal with item 10. REPORTS at this time. See page 4, Item 3.

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Approval of 2006 Meeting Schedule

- A copy of the 2006 Western Region Community Council meeting dates was before Community Council.

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council 2006 meeting schedule be approved as presented. The meeting dates are: January 23, February 27, March 27, April 24, May 29, June 26, July 24 (if required), August 28, September 25, October 28, November 27, December 18, 2006. MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL

10.2.1 Building Communities Fund

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council approve the allocation of the Building Community Funds for District 18 as follows: redirect the previously allocated \$12,500 from the Graves Oakley Park to the Harrietsfield Elementary School. MOTION PUT AND PASSED.

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council approve the allocation of the Building Community Funds for Districts 22 and 23 as follows: \$15,000 each for the Sir John A. MacDonald football field and \$7,500 each toward a new sidewalk from the school to the library. MOTION PUT AND PASSED.

10.2.2 Signage - Sambro Loop

- An e-mail dated November 22, 2005 from Sgt. Mike Spearns, HRP (Halifax Regional Police) was before Community Council.
- An e-mail dated November 22, 2005 from Mr. Neil Sinclair, Technician with the provincial Department of Transportation and Public Works - Central District, was before Community Council.

Councillor Adams advised that Sgt. Mike Spearns has indicated the provincial Department of Transportation has agreed to place signage (re: speed limits) in the Sambro Loop area. The area will be assessed with the use of radar to determine the impact.

Councillor Adams requested this item be added to the status sheet.

It was previously agreed during the approval of the agenda to deal with item 12. ADDED ITEMS at this time.

12. ADDED ITEMS

12.1 Community Signage in the Western Region

Councillor Rankin expressed concern that there may not be funds to complete the community signage program in the western region due to an assumption that there was adequate signage in the community. **MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council strongly urge Civic Addressing staff to reconsider and re-instate adequate funds in the 2005/2006 budget to complete the signage project in the Western Region. MOTION PUT AND PASSED.**

12.2 Re-naming of Sambro Ballfield

- An Information Report dated November 21, 2005 was before Community Council.

MOVED BY Councillor Rankin seconded by Councillor Meade that the Western Region Community Council recommend that the Sambro Ballfield be renamed as the James MacPhee Softball Field. MOTION PUT AND PASSED.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Case 00640: Development Agreement - 7990 St. Margaret's Bay Road, Ingramport

- A Report dated October 13, 2005 was before Community Council.

The following submissions were received by fax, e-mail or regular mail in regard to the public hearing on Case 00640:

- An e-mail dated November 23, 2005 from Judy Barnes.
- An e-mail dated November 23, 2005 from Michelle Grace-Mesa re: letter forwarded from Ron & Paulette Carriere (October 22, 2005).
- Fax dated November 23, 2005 from Errol Sharpe.
- Fax dated November 23, 2005 from Susan MacRae.
- E-mail dated November 22, 2005 from Michelle Grace-Mesa re: comments from Brian Todd, National Sailing Coach of Canada (June 1, 2005).
- E-mail dated November 22, 2005 from Michelle Grace-Mesa re: e-mail from Gerry Giffin (June 1, 2005).
- E-mail from Suzanne Townsend dated November 22, 2005.
- Fax letter dated November 19, 2005 from Louise, Keifer and Morgan Latremouille.
- Briefing document dated November 9, 2005 (date stamped by HRM Planning Services Heritage Property Program on November 14, 2005) re: Review of Environmental Screening Assessment: June 2004 by Jacques Whitford for Destiny Developments.
- Copy of letter dated October 2004 from HEART OF THE BAY St. Margaret's Bay Stewardship Association (no signature) - accompanied the Briefing Document dated November 9, 2005.
- A copy of the Survey Results of Ingramport/Boutilliers Point area residents dated

November 10, 2005 from the Steering Committee for Concerned Citizens of the area (no signature).

- E-mail from Liz Sweet dated November 25, 2005.
- E-mail dated November 24, 2005 forwarded from Michelle Mesa from Maureen Moore.
- E-mail from Mark Hammond, Director of Photography, Hammond Productions, forwarded from Destiny Homes via fax on November 28, 2005.
- E-mail from Pat Routhier, Executive Sales Manager, Weekenders Canada, dated November 28, 2005 forwarded from Destiny Homes on November 28, 2005.
- Fax dated November 28, 2005 from Alexander MacDonald, CPAWS (Canadian Parks and Wilderness Society - Nova Scotia Chapter).
- Faxed letter received November 28, 2005 from Jim Carwardine.
- E-mail received from Martin C. Ward dated November 25, 2005.
- E-mail dated November 25, 2005 from Dr. Beth McIsaac Bruce including her submission for the Public Hearing submitted on behalf of Beth McIsaac Bruce and Marie McIsaac.
- E-mail received from Suzanne Townsend dated November 28, 2005 (her submission for the Public Hearing).
- Fax received November 28, 2005, letter dated November 25, 2005 from Lyle (Chip) Sutherland, McInnes Cooper.
- Faxed letter received November 28, 2005 from Heather Petton. (No date on letter).
- Faxed letter received November 24, 2005 from Leslie Ann Stephen (letter dated November 20, 2005).
- E-mail received November 26, 2005 from Terry Corkum, RCMP, Head of St. Margaret's Bay.
- E-mail received November 26, 2005 from Jim Smith dated November 25, 2005.
- E-mail received from Destiny Developments, Greg Hammond with attachments including aerial view of proposed development, sea view of proposed development and attachments re: 13 watt fluorescent downcast lights and lobster farms along Scotland's coastline.
- E-mail forwarded by Michelle Mesa dated November 26, 2005 re: e-mail from Marilyn Purdy, Prudential Properties Specialists dated November 13, 2005.
- E-mail forwarded by Michelle Mesa dated November 26, 2005 re: e-mail received from Terry Corkum, RCMP, dated August 26, 2005.
- E-mail forwarded by Michelle Mesa dated November 26, 2005 re: e-mail received from Mr. & Mrs. Ron Carriere dated October 22, 2005.

- Fax letter dated November 25, 2005 from Grand View Motel & C from Carol and Claude Meldrum.
- E-mail dated November 27, 2005 from Michelle Mesa re: e-mail dated November 27, 2005 to Terry Corkum from Michelle Mesa.
- Faxed copy of an e-mail dated November 25, 2005 from Bob Steeves to Michelle Mesa and to Chris Newson.
- Faxed copy of an e-mail received November 28, 2005 from Michelle Mesa re: e-mail dated September 21, 2005 from Peter Yeoman to the Premier.
- Faxed copy of an e-mail dated November 26, 2005 from Michelle Mesa re: e-mail dated November 25, 2005 from James Taylor sent by Christine Haas to Michelle Mesa.
- Faxed copy of an e-mail dated November 28, 2005 from Michelle Mesa re: e-mail received from Ash Janmejaj, Shijii Marble & Granite, dated November 25, 2005.
- Faxed copy of a letter from Michelle Grace-Mesa (no date) requesting support for the development and encouraging the recipient(s) (unnamed) to send their comments by fax, e-mail or attend the public hearing on November 28, 2005.
- Copy of a letter from Destiny Developments, dated November 25, 2005 and signed by Michelle Grace-Mesa.
- Copy of a package (letter and photos) sent "To Whom It May Concern" dated September 12, 2005 from Destiny Developments and signed Michelle G. Mesa and Gregory J. Hammond.
- Faxed copy of comments submitted by Dr. Paul F. Brodie, Research Scientist (fax dated November 24, 2005).
- Faxed copy of a Newspaper article entitled "Cramming a development into a quiet nook and cranny" - handwritten note indicates the article is from the Chronicle-Herald, page A11 dated November 23, 2005.
- Copy of an e-mail forwarded by Michelle Mesa dated November 15, 2005 from Brian Todd, Canadian Sailing Team Coach, dated June 1, 2005.
- Two copies of newspaper articles from the Chronicle - Herald / Mail Star: 1. "Townhouse plan a sore point" by Greg MacVicar, 2. "It's a question of scale" by Paul F. Brodie.
- Faxed copy of a message to Jan Gibson, Municipal Clerk dated November 28, 2005 from Jane Matheson requesting to be added to the speakers list (dated November 27, 2005) for the public hearing.
- Faxed copy of a message from Cynthia Martin dated November 24, 2005 and received November 28, 2005 requesting permission to speak/present at the public hearing.

- E-mail dated November 28, 2005 from Alan Kimberley, P. Eng (retired).
- Copy of news brief (for immediate release) dated April 13, 2004 entitled "Group Urges HRM to stop developing St. Margaret's Bay to death", including contact names: David Wimberly, Geoff Le Boutillier, SMB Stewardship Association and John McCracken.
- Submission from Robert Conrad, St. Margaret's Bay Tuna Fisherman's Association, Hubbards entitled "It's All About Elsie".
- Submission dated April 12, 2004 to Mayor Kelly and Councillors re: Interim Growth Controls for HRM (Entitled: Pollution and Coastal Zone Management: A Case Study of Shellfish Bed Closures in St. Margaret's Bay, Nova Scotia) from Shauna Barrington, Shannon Long & Susan Thompson, Master of Environmental Studies Candidates, School for Resource & Environmental Studies, Dalhousie University.
- Submission (undated) from Dr. Petra Mindie and David Wimberly re: PSP (red tide/Paralytic Shellfish poisoning) outbreaks.
- Submission from Rene Lavoie, Ph.D.
- Submission from Anne Dunsworth dated November 28, 2005.
- Submission from Cynthia Martin dated November 28, 2005.
- Submission (of Presentation) dated November 28, 2005 from Rhonda Oakley.
- Submission from Dr. Paul F. Brodie dated November 24, 2005.
- Faxed copy of a letter from CPAWS (Canadian Parks and Wilderness Society Nova Scotia Chapter) to Jan Gibson from Stephen M. and Alexander MacDonald (Acting Chapter Coordinator) for Laura Bennett, Chair, CPAWS Nova Scotia Ocean Committee dated November 28, 2005.

Councillor Adams reviewed the guidelines for the public hearing. He clarified for a member of the public, who objected to the five minute time limit for speakers, that the five minute time limit was upheld by the Utility and Review Board (UARB). He explained the time limit was to ensure that all who wish to speak have the opportunity to present their comments.

Mr. Luc Ouellet, Planner, presented the report. He explained that the purpose of the public hearing was to consider an application by Destiny Developments concerning a development agreement to permit at 7990 St. Margaret's Bay Road: townhouse units, an accessory building, private amenities (swimming pool, pool hut, two gazebos), a marina building, a break water, boat launch, finger piers and slips for docking facilities. He provided further detail as outlined in the staff report.

Questions of Community Council:

Mr. Luc Ouellet, Planner, in response to Councillor Meade, advised that the existing development agreement of 1991, amended in 1995, permits the following: a 50 seat restaurant, a 30 seat lounge, 20 guest accommodation suites (hotel), a conference room, a marina with breakwater and floating finger piers, boat storage building, fuel storage and pumping facilities, single unit dwelling with attached garage, 4 cottage-style accommodation suites (outlined on page 3 of the staff report).

Mr. Ouellet further clarified for Councillor Rankin that the current proposed marina has the same number of slips as the original development agreement.

Councillor Adams opened the public hearing calling for any speakers for or against the development agreement for Case 00640.

Public Speakers:

1. Paul Brodie, Research Scientist, Resident of Boutiliers Point

Mr. Brodie submitted his written presentation for the record. His comments included concern with the need for water treatment systems to be retrofitted to existing wells adjacent to the site and that observed climatic variability and changing rainfall patterns have not been factored into the water recovery estimates for the immediate area. He expressed grave concern with the supply of potable water being drawn down by the proposed development and the high possibility of saline intrusion.

In response to Mr. Brodie's comments, Councillor Adams advised that the Halifax Regional Water Commission will be made aware of his concerns. Councillor Adams also clarified that he is not the Chair of the Halifax Regional Water Commission although he has been a member of the Halifax Regional Water Commission Board for a few months.

2. Jim Fryday, Area Resident

- He commented that it is his opinion that the site is unsuitable for a marina and particularly unsuitable for a marina combined with a breakwater.
- The Ingram River is designated as a significant habitat and species area. He expressed concern with the fish habitat in the estuary if the marina/breakwater

were developed. He added that documents have been provided to HRM on this matter.

- The preservation and conservation of the natural environment, which is under constant pressure from the impact of developments, is a key priority to the preservation of the quality of life of HRM residents.
- He questioned what, in the proposed development, enhances the preservation, protection and conservation of the Ingram River Estuary? Area residents are totally opposed to the concept of pouring concrete lobster houses on the bottom (he referred to the results of a community survey).
- He referred to Transport Canada's guide to boaters in which boaters are encouraged not to disturb estuary and wetland areas nor to disburse any grey water/sewage or bilge in these areas as they are environmentally sensitive. He added that the Ingram River/estuary is the largest, most significant feeder system in St. Margaret's Bay and he personally finds it appalling that a marina/breakwater is being considered at this location. He further commented that it would be atrocious for Council to allow it to occur.
- The Community Steering group has provided a community and environmental critique to Council.
- A breakwater/marina at this location is contrary to the Department of Natural Resources (DNR) policies as solid breakwaters can have a significant impact on the coastal environment.
- The proposed board walk has a non-specified width. The old DNR report mentioned a mid-tide water mark of 30'.
- Local fishermen need the output of the estuary for their survival. Many fishermen have lost fishing gear. (Many residents in attendance at the meeting are wearing pieces of net in support of the local fishermen).
- Mr. Fryday concluded his comments expressing that the whole concept of a marina/breakwater at this location defies logic and science.

3. Errol Sharpe, Boutiliers Point

- He expressed concern with parking and traffic as 63 cars might be on the site at any given time yet the proposal allows parking for only 29 cars, a serious under estimation.
- Upwards of 120 cars per day could leave the development from the residential dwellings alone plus those cars using the marina. As many as 220 cars could enter and leave the site on a busy day. He suggested that a traffic light will eventually be required/requested at this site.
- Traffic overflow will have people parking on the sides of the roads.

- He indicated that he has personally waited over four minutes at the end of the Boutiliers Point Road to get onto the # 3 Highway.
- Traffic travelling west making a left-hand turn onto the site will have to stop to allow east bound traffic to go through and this will stop west bound traffic up to the curve of the road just before the passing lane. He added that accidents are sure to happen.
- The small community serenity, that attracts many tourists to the area, will be forever shattered. The tourists can choose not to come but local residents will have to grin and bear it.
- There are two accesses to the site which are supposed to minimize the impact of traffic but this will cause major traffic congestion along the route.

4. Cathy Greig, Ingramport

- She advised that she lives next to the proposed development site.
- She quoted from Mayor Kelly's State of the Region address of Monday, June 20, 2005 wherein he indicates that HRM values advice from businesses and citizens and that this advice is invaluable to Council in setting priorities and goals. She indicated that the local survey, advice from local residents, indicates that the residents are not in support of the following:
 - the Department of Natural Resources leasing crown land
 - the proposed breakwater in the estuary
 - the public are not comfortable setting a precedent for high density development on St. Margaret's Bay
 - the public are concerned with traffic and light pollution.
 - the public are concerned that the development may affect water quality/quantity in the area.
- She advised copies of the spreadsheet (survey results) are available upon request.
- There is strong indication from the residents that they do not want this development. Residents want development that is compatible with the coastal village.
- The citizens said no in 2004 and 2005 and are saying NO again to this proposed development as a housing increase of over 20% is drastic for this area.

5. Tony Seed, Spryfield

- Editor/Publisher of SHUNPIKING magazine, SHUNPIKING magazine has a strong

base of readers in this community and he, as Editor/Publisher, is responding to their concerns.

- He advised that he is opposed to the proposed development as it will have an impact on the watershed and the environment and will affect residents, professional/recreational fishermen and scuba divers. This will be an irrevocable loss to the social economy and natural environment.
- Development of this size will eventually have significant impact on the south shore and its islands. The coastal community will be impacted by Florida style condo clavers and ocean infrastructure to the inter-tidal line with potentially severe consequences through coastal erosion to ecologically sensitive estuaries and water tables which contribute to protecting people from natural disasters.
- The development plan provides for a leasing agreement to “non-resident owners”, a term for “absentee landowners”. Such landowners have been buying coastal properties throughout Nova Scotia and driving up property taxes and residents are having difficulty maintaining land that has been in their families for generations.
- All parties in this development seem to be in significant conflicts of interest; the Terrain Group, which represents Destiny Developments, and Jacques Whitford who carried out the Environmental Screening Assessment for Destiny Developments in June 2004. Both are investors in the Greater Halifax Partnership. Councillor Reg Rankin is on the Board of Directors of the Greater Halifax Partnership and is one of the Councillors voting on this development. Hector Whitford, of Jacques Whitford, is an HRM Economic Strategy Committee member who made a presentation to Council on September 20 on the Economic Development Strategy.
- There are definite flaws in the environmental report and the political process.
- Five minutes is not sufficient time to present comments on the issue.
- He encouraged everyone to oppose this development.

6. Cynthia Martin, Meisners Point Road

- Managing Editor of a national publication on Property Tax and author of a book on Urban Planning and various other articles.
- The planning strategy (for this proposed development) contravenes the Municipal Planning Strategy.
- She commented that thirty days is not enough time to review a 144 page report.
- It is ironic that the (public hearing) meeting is being held on dumping day when the fishermen have been setting traps all day and now have to sit through this meeting.
- This proposal is not consistent with the terms/values in the proposed Regional

Plan, Cultural Heritage Values model nor HRM's Natural Sustainability analysis.

- This proposal is specifically in violation of the Municipal Planning Strategy MRR4 and MRR7 as:
 - It violates/grossly contrasts with existing design and scale and is not compatible to any degree with nearby land use.
 - The impact of traffic and site characteristics do not make the location suitable for the scale in density.
 - There is substantial potential for adversely affecting nearby residential uses.
 - The layout and design of the facility is highly inconsistent with local use.
 - Staff comments are likely based on the flawed environmental assessment of Jacques Whitford.
 - There are contradictory statements regarding pump out facilities.
 - According to IMR and IM9 the proposal does not comply with planning by-laws/regulations nor HRM's new regulations for infill.
- She commented that it is difficult to accept that the Developer does not know what the townhouses will sell for as this defies all logic as you should know the expected revenue as per any business plan. HRM and the Developer stand to gain much revenue from this proposal. This proposal is a LULU - Local Unwanted Land Use.
- Development such as a small nursing home would be acceptable.
- She referred to various reports on HRM's website regarding natural sustainability which identifies areas for improvement. She also referred to the Cultural heritage model and asked why HRM would commission these reports if they are not using them and asked why this community is not important to HRM?
- She urged all decision makers to review all aspects of this proposal.

7. Martin Ward, Meisners Point Road

- The proposed breakwater will intrude into the Ingramport River mouth and will permanently alter the character of the bay and the community. The dimensions of the breakwater will be 230' long, measured from the low tide mark, and 32' wide on the sea floor extending 1/4 to 1/3 of the way across the river and will be permanent.
- The plan does not show what the breakwater would like from the entire basin and it would be good to see an aerial photo showing how far across the bay the breakwater would come.

- The breakwater will be built on public property not Destiny Development land.
 - The staff report largely ignores the impact of the breakwater or passes responsibility off to other levels of government.
 - The Department of Fisheries and Oceans (DFO) review is confused with a study. There was no comprehensive environmental study done by any level of government. The DFO spokesperson said he was only dealing with the fishery. The DFO reviewed the Developer's Engineer's proposal to use lobster cones/tepees.
 - The staff report rejects five out of the six Watershed Advisory Board's recommendations.
 - The staff report indicates that the Province is "watching" this matter but if this development agreement is approved, the Province may grant the water lot. Both HRM and the Province have to deal with the issue of the breakwater and its impact on the estuary, the bay, the community and it cannot be ignored.
 - Virtually the entire community opposes this development. The Community Council is obligated to take the community's opposition into account.
 - The 1991 development agreement, which has not been discharged, had no sunset clause yet there is a very good legal argument that fifteen years is an unreasonable amount of time for the original development agreement to have not been acted upon.
 - He urged Community Council to get it right and either reject this proposal or scale it down.
- 8. John Boulet, Local Business Owner and Developer. Resident of Fox Point**
- There is already an approved (development) plan. If the developer wants to spend \$1 million to de-tune his plan to make it less of an impact then he should be permitted to do so.
- 9. Beth McGee, Seabright**
- Presented information prepared by Dr. Susan Douglas, PhD, Bio-chemist.
 - Ms. McGee's comments were in regard to habitat destruction indicating that the proposed marina will lead to destruction of the fish habitat.
 - Compensation is restricted to lobster fishing only and with unproven technology (cement lobster cones). She indicated documentation regarding this matter was provided to Councillors.
 - The lack of thoroughness by the Department of Fisheries and Oceans (DFO) is unacceptable.

- HRM's Planning Department is accepting the DFO report and placing the water (estuary/Ingram River) in jeopardy.
- The Halifax Regional Watershed Advisory Board (HRWAB) made six recommendations with all but one on refuelling being rejected. (The six recommendations were read into the record).
- Destiny Development's initial proposal was to infill a 370' section of shoreline which would destroy the habitat. Now, the proposal is not to infill but for a boardwalk extending to the mid-tide mark.
- She expressed concern for the future of this precious environment.
- She commented that the Western Region Community Council should reject the proposal based on a flawed DFO report and a Planning Department report that dismisses five out of six recommendations made by the HRWAB.

10. Andy Willis, Real Estate Broker, Ingramport Bay Resident

- Expressed concern with the potable water supply and future sales (of Condominiums) due to restrictions.
- He indicated that he lives across from the proposed site and has concerns with the site plan and the location of wells.
- A similar development in Chester area failed after two years due to an inadequate water supply.
- He commented on the estimates by Jacques Whitford regarding water supply indicating that his own calculations of the water supply based on 17 units, 4 people per unit = 600 units of potable water per day.
- Concern was expressed with the area water tables specifically for the existing homes in the Black Point area as the development's wells will suck the community dry. Most of the water on site is chlorine contaminated. This causes a concern for resale value.
- He concluded by stating that the community clearly disapproves of this proposed development.

11. Judy Walsh, St. Margaret's Bay Road, Ingramport

- She indicated that she is a member of the Steering Committee who opposes this development.
- There are valid reasons why this development proposal should not be approved.
 - It would be a detriment to the St. Margaret's Bay area.
 - The development goes against the wishes of the vast majority of residents.

This is shown by the result of the petition circulated in the community.

- Concern was expressed with the increase in traffic this development would bring. She indicated that increased traffic levels on the highway would increase accidents.
- She indicated that reference was made that some area residents are in support of this development but that those in support are not as vocal as those opposed. This sentiment was not reflected in the petition.
- The idea of the marina being a “community within a community” degrades the historic coastal village of this area.
- The entire development disregards the recommendations of the Halifax Watershed Advisory Board.

12. Salem Coolen Jr.

- Has held a lobster licence since 1941 and has fished the local waters since 1952, currently having 375 traps. He is opposed to filling in the shoreline and the concept of the concrete lobster houses as lobsters will not live in concrete houses.
- He expressed concern with the impact this development will have on his ability to catch bait near Ingramport. This development will be near the shallow water.
- He explained that he has 24 nets, one of which was damaged by a boat that took three months to replace (net purchased from Thailand) at a cost of \$300. More pleasure boats in the area, attracted by the marina, would increase the risk of damage to the nets.
- He indicated that he works with the Department of Fisheries and Oceans (DFO) tagging cod fish and is proud to be working with DFO but would like for DFO to work with him.

13. Michelle Adams, St. Margaret's Bay Road

- She commented that she lives near where the Ingramport River exits into the Bay.
- She expressed concern that there was no environmental review done regarding the location of the marina.
- She commented that less than 20% of pleasure crafts in Nova Scotia have holding tanks. The remainder will dump raw sewage in the water along with the buildup in the tanks (pump out facility).
- Pollution could decrease the population of area shellfish.

- Some comments were mentioned regarding those opposing the development being landowners who want to keep the land for themselves. The marina will be used by people who do not pay user fees. She commented that commercial eel fishermen, kayakers, lobster fishermen come through her property as well as recreational fishermen.
- She added it is difficult to dive with boaters around and the bilge/sewage.
- She questioned why the proposal would be accepted now when it was refused in 1991. Adding that there was no Sunset Clause for the first development proposal.
- She commented that every development starts out as a good idea but we learn from our mistakes. Just because it was permitted in the past does not mean it should automatically be approved.
- The well being of the masses should be considered. It is up to the elected officials to listen to us (the public). Have a development with size and location acceptable to all.

The Chair called for a ten minute recess at 8:30 pm. The Chair re-convened the meeting at 8:40 pm.

Councillor Rankin responded to an earlier comment regarding a perceived conflict of interest due to his membership on the Greater Halifax Partnership. He clarified that there is no conflict of interest as he was appointed to the Greater Halifax Partnership by Regional Council and he is not accountable to that membership. He added there is membership from the private sector on the Greater Halifax Partnership and he does not know all of the over 100 members.

14. Anne Dunsworth, Boutiliers Point

- She commented that access to the Environmental Assessment (study/report) that the developer hired Jacques Whitford to complete had to be obtained through the Freedom of Information Act.
- She expressed concern that the lobster habitat will be destroyed.
- She questioned how the Environmental Assessment study could be legitimate (objective) when the Jacques Whitford firm stood to gain from this.
- She added that Jacques Whitford is a member of the HRM Economic Strategy and head of the Terrain Group who is fronting Destiny Development. She explained that members of the HRM Greater Halifax Partnership, of which Terrain Group and Jacques Whitford are members, receive a host of benefits including preferred status in requests for proposals and participation in the decision making process

of initiatives. She indicated that private investors, including Terrain Group and Jacques Whitford are projected to give \$1.6 million to the GreaterHalifaxBusiness partnership.

- She questioned whether Councillor Rankin were in a conflict of interest as he is a member of the Greater Halifax Partnership.
- She further questioned whose interests were being represented here and indicated that it was difficult to trust anyone involved with this development.
- She questioned why the Councillors would consider approving this project considering the number of concerns that have been raised.
- She concluded by commenting that the Councillors are here to represent the voters not business.

15. Rick Frougton, Liberal candidate for Chester/St. Margaret

- He commented that he is more interested in the process as many in the community do not know all the facts related to this issue. He requested clarification on the process regarding how and when the decision will be made on this proposal.
- It is evident by the attendance at this meeting that there is concern with this development and there is tension in the room.
- He commented that Councillors need the input from residents to make a decision.
- He indicated that he is not against development but kids, health and the environment are the main concerns.

Councillor Adams explained the process indicating that the decision will be made by the three members of the Western Region Community Council. The options are to approve the proposal, to not approve the proposal or to defer the matter.

16. Ian Tullock, Naval Architect, Fox Point

- He commented that a 31 berth marina has the potential to discharge sewage in greater volume than the proposed housing development. He added that there is no law on the books prohibiting a boat from discharging bilge into an estuary.
- He indicated that pump out units, whether available on site or a yacht club, will not be used. There are very few holding facilities for sewage that can receive pump out and those that are in existence are non-functional. The net result of this will be the estuary and surrounding area will be subject to waste matter floating like you would see in Halifax Harbour.

17. Jane Matheson, West Dover, Provincial NDP Candidate for Chester/St. Margaret's Bay

- She indicated that she is a member of the St. Margaret's Bay Stewardship Association.
- She commented that she is concerned with the role of the elected officials as all levels of government have a responsibility to protect the environment and natural resources. The Municipal government has a unique responsibility from planning/land use perspective to ensure the fair treatment of all citizens.
- The public owns the sea, the seabed and ground surface water. The public do not want this development as there will be damage to the environment and natural resources which will impact on those residents who rely on the natural resources for their livelihood.
- She questioned why it would be permitted to use public resources for private profit.
- She added that Councillors have a responsibility to respect the spirit of the law and to protect the public interest. Consideration for all of St. Margaret's Bay should be taken into account as this will set a precedent to the entire area.. Elected officials should do everything they can to protect the public interest.

18. Rhonda Oakley, Ingramport

- Ms. Oakley submitted her written presentation for the record.
- Her family (and possibly others) chose to move to the Ingramport area due to the low population density, lack of institutions/businesses, proximity to the shoreline and its relatively pristine state. The proposed development agreement would be in direct opposition to the attributes that drew her family to the area.
- The proposed development will disturb the habitat of seabirds, block coastal views and possibly deny the local deer access to shoreline nutrients such as salt.
- People are drawn to live in the area due to the peaceful, tranquil nature and placid recreation (fishing/kayaking) opportunities which is not compatible with high powered water craft.
- The EAC (Ecology Action Centre) commented that much work needs to be done to ensure the protection of the Nova Scotia coastlines. Nova Scotians are demonstrating the urgent need to establish a responsible agency to implement a plan to protect the quality of life along the coast and to ensure the coastline remains a valuable resource for all Nova Scotians.
- There is a hazardous curve near the south side of the proposed site and combined with the speed of motorists it may cause a problem for those exiting the

site.

- A monument has been erected across from proposed site identifying the significant historical site of the Miller's Lumber Company. Many current residents are descendants of the Miller Lumber Company. The area should be preserved/protected as a significant history of the culture of Ingramport.
- The potential for environmental damage is a verifiable reality.
- She appealed to Community Council to allow local residents to prepare a proposal for a buffer zone against unwanted enterprise as residents want to protect the coastline and natural resource for all Nova Scotians and are prepared to work with HRM toward that end.
- She submitted documents regarding the Environmental Impact.

19. Rene Lavoie, Marine Biologist, Diver, 34 year Resident of the area

- Opposed to this development. The marina should not proceed because it encroaches on public access to the water along Highway 103. Once it is built it will be several hundreds tons of rock there to stay. There should be careful consideration given before the development goes ahead.
- There will be an impact on water circulation, ice formation, sedimentation, fish/lobster/crab migration, water pollution from spilled water/gas from boats, air pollution from exhaust fumes and anchored sail boats on windy days will add to noise pollution.
- He expressed concern with the destruction of the fish habitat commenting that only lobster were considered but there is a long list of species inhabiting the area. The proposed 40 lobster shelters is grossly inadequate to replace the lost habitat. He questioned what is the ratio, how was the efficiency of shelters measured, where would the structures be placed and according to what guideline and whose supervision? He requested the shelters not be placed where the food supply would be limited. He inquired if mitigation would be required before, during or after the development.
- HRM and all Provincial departments involved should take their duties to the public very seriously and do not lease the water lots.

20. Dev (Devone) Moore, St. Margaret's Bay Road

- He expressed concern with the proposed development indicating that it has inappropriate density and multiple unit dwellings are not considered appropriate for the St. Margaret's Bay area. The MPS does not specify desired density. The staff report indicates that the density is not compatible with the area and on that reason alone the proposal should be rejected. Staff have compared this

development to other multi-unit dwellings in the area (Attachment H) but a former hotel does not serve as an example of housing density. One unit per acre permits approximately five houses. The proposal indicated that in order to pay for the breakwater, the developer needs to build multiple units.

- Water Density has not been addressed in the report (potential for 31 families and 31 boats). The increased density will also affect traffic.
- The report does not address the fact that (financial) resources for this property have not been determined.
- He is waiting for a FOIPOP request from the Department of Natural Resources regarding the water resources.
- He requested that the Western Region Community Council consider completely dismissing this proposal or take option 3, as outlined in the staff report, and schedule a public meeting if the proposal is amended.

21. Suzanne Townsend

- A written submission was received and circulated to Community Council.
- She commented that she is a former employee of Jacques Whitford.
- She expressed concern with the following:
 - The site is far from the Route 103 exit and the road is already crowded from the influx of residents over the last ten years who commute to Halifax/Dartmouth. In the summer, tourist traffic is at a crawl and in winter there are icy road conditions and often slow and inadequate snow removal service.
 - There will be cars / trucks / trailers and ATV's on one side of this site and motor boats, water machines and parties on the other side. All this in a tiny space. Living near the water can be a very noisy place. Sound travels very well over water and there will probably be a constant turn over of unhappy tenants and the Developer will not be around to face the trouble with tenants..
 - There will be longer term affects on tourism as this development is out of context with the community. Some subdivisions from Tantallon to Hubbards are hidden away in the woods. This proposal will severely impact tourism along the lighthouse route.
 - There will be a marina built in Shining Waters therefore another marina at this location is not needed.
 - This development will set a precedent and more development will follow throughout province. This stretch of land is a popular place for all. This

proposal is ill planned and ill placed.

22. Judy Taggart, Rivers Road

- She lives near where the river flows into the ocean and does not mind people crossing her property to swim because the Bay belongs to the people.
- She commented that everyone is against the development.
- She added that the community has to grow but not like this. She suggested that the community should plan the development as it is not up to the elected officials to give away crown land.
- She urged the Community Council to have a conscience when making their decision and asked that they put themselves in the resident's place.

23. Kevin Clarke, Ingramport

- He commented that he is not anti-development but development has to be scaled to fit with the neighbourhood but this proposal does not.
- Notification of residents is inadequate as notifying those within 200' of the proposed site is good for Halifax but not in St. Margaret's Bay.
- The development agreement should have been void when they subdivided off the lot line (25% of the land mass).
- He gave examples of the density of other developments in the area which have all been three to four units and this proposal is not comparable. If this development agreement is approved others will follow.
- The Land Use By-Law indicates the uses for an I1 zoning and refers to MU2 uses which states that commercial uses are not permitted. That means no marina's.
- He reminded the Councillors that they answer to the public.

24. Beth MacIsaac Bruce, Ingramport

- She advised that she is also expressing comments and concerns on behalf of her mother Marie MacIsaac. They are both opposed to the breakwater as it will impact directly on their beachfront, will harm the fish, will shift sands and create unknown impacts to the area and wildlife.
- They are both opposed to the marina as a 31 berth marina is unacceptable. There will be increased boating traffic, more noise and pollution and a residential area should not be encumbered in that way.
- The staff report suggests that the development is in keeping with the area but there are no such high density developments in this area.
- They are opposed to the sewage treatment proposal as they swim and fish in the

water.

- The HRM planning report does not address the negative impact of the breakwater/marina on the fish habitat or the environment, nor that there are no similar high density developments in the area and no provision for remedial action if the sewage treatment plant does not function adequately and the potential increase in boater traffic is not considered significant. The recommended setback of the development from the water (100 m) is not appropriately considered.
- The previously noted opposition to this development has not been given much "weight". She read from a letter written by her mother in April 2005 indicating that the MacIsaac family have owned the land for over 40 years and it is a piece of the family's cherished heritage. The proposed commercial/residential development will permanently destroy the fundamental aspect of St. Margaret's Bay. She encouraged that the proposal not be approved as the residents who live here appreciate the quiet water, serenity and scenery.

25. Jim Cowardine, Seabright

- He indicated that he is a Member of the Board of Directors for the St. Margaret's Bay Stewardship Association and he is the Chair of the Watershed Environmental Task Force.
- He clarified for those in attendance that HRM can only consider submissions as they fall under HRM jurisdiction and salt water issues are not under HRM jurisdiction. He encouraged all residents who submitted information/comments regarding salt water to forward those comments to the Province or the Department of Fisheries & Oceans and the Department of Natural Resources.
- He commented on the number of people in attendance at this meeting (approximately 500 people) and the number of man hours that are not accounted for by HRM in the efforts to defend one company's desire to build on a pristine shoreline. The residents need a group that could collectively manage the government stakeholders (all three levels of government) that affect the whole of St. Margaret's Bay.

26. David Wimberley

- He commented that he is outraged that so many people have had to repeatedly come together to try to defend their way of life and the precious environment against private enterprise that does not have the resident's best interests at hand.
- He added that government has to come together with the residents and support the local people and environment in order to become sustainable.

- He commented that in ten years time the Commuter lifestyle will be dead when people cannot afford to live in the townhouses and the Breakwater will still be there.
- He commented that these three Councillors voted for a development in Spryfield even though the public did not want it indicating that the residents have to demand that their bureaucrats tell the truth and requested accountability in government.
- He added that the St. Margaret's Bay Stewardship Committee and environment group asked that St. Margaret's Bay stop being developed to death. He commented on an area fishermen who is not able to catch the hundreds of tuna he once caught in the Bay area and that he now has to go outside the Bay area to find fish. He expressed concern with the lobster fishery and commented on the lack of sewage treatment being a problem with paralytic shell fish poisoning closing the cove. He expressed concern with the circulation being cut off if a Breakwater is installed.
- He expressed further concern that with just two or three pets regularly defecating in the area it will close the shellfish industry.

Councillor Adams clarified for the record that the Councillors here this evening did not vote for the Spryfield decision, it was the Chebucto Community Council not the Western Region Community Council. He further clarified that the decision was upheld by the Utility and Review Board.

27. George Backman, Meisener's Point Road

- Commented that he grew up in St. Margaret's Bay and walked the clean shoreline.
- Does not want to have dirty sewage in the Bay.
- Commented that when you bring high density boaters in they will use facilities, throw bottles over the side etc.
- He indicated that he rows on the Bay and he can see the bottom, it is crystal clear. He asked that the Councillors take that into consideration.
- In regard to the Breakwater he indicated that the land belongs to the people. He suggested people send e-mails to the Department of Natural Resources as they are the ones who have the say.
- He commented that the Breakwater will affect the area including fishing and the shoreline.
- He commented that he is not against development but this is not what is needed in this community. He suggested something be put in that will be good for the

community and profitable for the owners .

- He inquired as to how many moorings/buoys will be out in the Bay adding that the noise and lights should be considered as well as comments of the people who spoke on this matter.
- He requested that the Councillors search their hearts and vote the way they would if the development were in their backyard.

28. Rick Hatten, Lives across the Bay from the proposed Development

- He indicated he is a Marine Engineer and has been significantly involved with floating Breakwaters/Docks.
- He is a member of the Bedford Watershed Advisory Board (BWAB) and Chair of their Technical Sub-Committee involved in water quality, a former member of the Bedford Planning Advisory Committee (for six years) and previously Chair of the Bedford Waterfront Development Corporation (six years).
- He inquired as to what rights a property owner has and questioned whether the property owner was required to accede to his neighbour to the point where he cannot make a living or, have the rules changed so that he cannot make a living.
- Regarding density, he commented that the proposed development is under six units per acre so it will go through.
- In regard to the Breakwater he indicated that he is a boater and racer and enjoys the Bay as it is a valuable resource that residents want to protect and maintain.
- He commented that there is no place to park on this side of the Bay adding that for that reason he would like to see the breakwater.
- He would also like to have full service capability with access to the water on this side of the Bay. He suggested that a marina be built to increase enjoyment of this Bay with a sign that says WELCOME TO OUR COMMUNITY.
- In regard to the sewage pump out, he indicated that there are no facilities in the Bay for sewage pump out and if Destiny Developments puts that in, it would be great.
- He responded to whether an additional 17 (residential) units would affect the aquifer and water quality. He commented that BWAB reviewed this and it is difficult to get those numbers as it is unknown what the aquifer looks like under HRM.
- He responded to comments regarding the integrity of Jacques Whitford indicating that Jacques Whitford is an expert and would not put out a false report.

29. John Matthews, Hubley

- Inquired if there was an official representative from the Department of Fisheries and Oceans (DFO) or BMI here this evening. *(There was no response.)*

30. Andrea Macbeth, Queensland

- She questioned what type of information was available regarding the tax revenue to be received by HRM as a result of this development.

Mr. Luc Ouellet, Planner, responded that tax assessments are not a criteria for development agreements and no such information is available.

- She referred to exhibits D, E and F which are floor plans and commented that the city would have discussed the value of this project.

Councillor Adams also responded that he has no idea what the tax revenue would be for this development as it is the provincial assessment that will place a value on that property. He further commented that the value does not come into play.

- She requested clarification on the process planning staff use when reviewing a project and inquired if that information were available to the public.

Mr. Luc Ouellet, Planner, responded that the policy/criteria are included in the staff report in Attachments A, B and C. He explained that staff look at the criteria not public opinion.

- She requested further clarification on the process to have a development assessed.

Councillor Adams explained the process as follows: The first step is to go to the Planning Department who will assess the proposal as per the MPS (Municipal Planning Strategy) and LUB (Land Use By-Laws). The Planning staff will indicate the zoning and what is permitted in that zoning. Mr. Luc Ouellet further clarified that an applicant would make an application to the planning department. He also explained that building permit/rezoning applications are not open to the public as they may contain confidential information not relevant for the public.

31. Andrew Fraser, Awalt Lane

- He referred to a letter from Chip Sutherland (colleague and fellow lawyer) that was previously submitted to the Municipal Clerk for the record. It expressed three

areas that need to be addressed: the lack of due process, the invalidity of the Development Agreements of 1991 and 1995 and incompatible density issues.

- He commented that citizens have had to scramble to respond to the 144 page report. There is not a real understanding of the information, for example, of whose jurisdiction is which, what does FOIPOP mean, how do we get information and why are we (the citizens) not getting more information, what are the dimensions of the breakwater?
- He added that it would be good to see a policy made that would respect the developer's rights, the community's interests and respect for the environment and be an example for the rest of the province/country on how to manage a property that borders on a delicate piece of land.
- Further, he does not accept that if they do not accept this proposal that they will be stuck with the 1991/1995 development agreement.
- The density is incompatible with the area as it is too dense.
- He encouraged the Community Council to lead by good example.

32. Ross Evans, Hammonds Plains

- Responded to a previous comment indicating that the Watershed Advisory Board does consider salt water. He added that a copy of the report is available on the HRM website.

33. Tory Safari, St. Margaret's Bay Road

- He lives adjacent to the proposed development.
- He expressed the following concerns:
 1. The 35' height (3 storey) is too high. This building would start at 25' from his driveway and is close to the water.
 2. Compensation (buffer zone): 10 trees of 2.5" diameter offered but they will take 75 -100 years for those trees to provide cover.
 3. Water supply: he questioned what if the water quality is damaged and/or there is not enough water, who would be responsible for compensating the residents in five years time?
 4. Noise: it is quite obvious that when you have approximately 55-70 people on 4.7 acres there will be noise. There will be boaters/dogs/cats/people/cars (in access of 75 cars in a given moment going in and out of the development) and you can expect a lot of noise and pollution (light and water pollution). The noise will travel across the Bay.

- 6. Parking for the site is excessive.
- People said no to this proposal two years ago and are saying no again today with the exception of a few. Please do not accept the development the way it is. Four or five houses on the 4.7 acres would be acceptable and anything beyond that would be excessive.
- Listen to the people. We elected you and we ask you to represent us.
- He clarified that they are not against development but would like to see a development that is reasonable for the community.

34. Dave McFarlane, Hydro-Geologist, Director of Water Resources Group for Jacques Whitford

He responded to comments regarding the water supply indicating that Jacques Whitford was retained by Destiny Developments to do a preliminary assessment of the feasibility of this development in regard to the water supply. The report, produced in May 2004, included results of the following work that was done: a site inspection, well inspection, water quality analysis of existing well, hydro-geological assessment, pump tests (water quality data is available on demand) and a general overview of the discharge in the area. The objective was to address the potential risks both to the development's water supply and to adjacent well users and identify any options available. The main affect on the wells would be subject to the proximity of the wells to the pumping well. The pumping rate of the development, hydro-geology between the pumping well and the level and ground water flow direction. The demand for this development will only be two to three gallons per minute. The groundwater will be coming from the 75 - 95 m high hill to the northwest of the development. Normally, for a development this size, you are looking for a high hydraulic head (a pushing force for the ground water). For this area, you will have 75 m of water pushing downhill and coming back up. This is what results in all the flowing artesian wells along the highway. In this particular case, there is a good probability of relatively fresh water. In regard to the impact on adjacent wells when pumping, the water will be flowing steeply downhill toward the ocean, most of the capture zone (where the water comes from) is in an uphill direction. Therefore, when pumping a well a low grade, most of the water is coming from the wooded area at the top of the hill as opposed to sideways along the shoreline. This system would be basically self limiting, if you pump too much you will hit saltwater. The likelihood of impact on any wells more than 50 - 100 m from the development is highly unlikely.

In response to an unidentified member of the public, he commented that if houses go up on that hill, any new wells would affect the overall situation. The current demands of the Destiny Development are approximately 2% of what the estimated aquifer is for the

Black Point to Ingramport area.

35. Rick Perkins, Meisners's Point Road, Ingramport

- He indicated that he lives just up from the proposed development.
- He commented that after two hours of running his garden house his water is unusable and that is without 17 condos sucking all the water out.
- He added that it is not like the city where there is an unending supply of water. The lawns in the area are brown in the summer as there is not an unlimited supply of water and they do not use water like they do in the city.
- He asked for a show of hands of how many people are opposed to this development and then asked for a show of hands for how many are for the development.
- He commented that the Councillors should listen to the community.

36. Maureen Moore, Meisners's Point Road

- She commented that the majority of people came tonight because they were interested in what was going on in the community and not necessarily because they were in opposition to the development.
- Change is inevitable and the positive aspects of development should be considered. The community is not like it once was, it is not a rural area, it is a suburban area. Things changed drastically once Highway 103 came in.
- She added that she is not against development but that no development should go ahead unless all levels of government, the planners and the community sit head to head at the table and find out what is going on.
- There have been amendments made to the original proposal that most people probably are not aware of. She commented that she expected to hear what those amendments were but she has not heard any mention of what is proposed for that area.
- She agreed that the community must be ever vigilant but that good development is needed. Technologically, the environment and the fish habitat can be taken care of as it is being done all over the world.
- She responded to a previous comment, regarding the lack of business in the area as one reason for drawing the person to live here, indicating that business is the backbone of the economy and business is needed for the local community. She added that she is sick of paying big taxes due to not having enough people around.
- She concluded her comments indicating that open dialogue among all parties

(regarding development) is required.

37. Tim Veinot, Terrain Group

- He commented that he is responsible for the Sewage Treatment System for the development.
- He provided background as to what went into designing the system explaining that the system being proposed is a state of the art, tertiary level treatment system and among the best in the world.
- The levels of discharge will be very low, much better than what the Department of Environment requires.
- This zone is an industrial zone but this is a residential development and will have domestic wastewater which is easy to treat.
- He further commented that the Watershed Advisory Board did review this proposal with a lot of vigour. They have scientific minds and gave due diligence on this project. He added that this a reasonable project from a technical point of view for sewage treatment.
- The Consultants have followed the process. If members of the community have issues with the process, he encouraged them to go to those who make that process, the Department of Fisheries and Oceans and the Department of Environment.

38. Greg Hammond, Co-Owner of Destiny Development

- He commented on the unfortunate intimidation that has occurred in regard to this project. He added that many in the community are for the development and have sent in e-mails/faxes to the Councillors indicating support.
- A residential proposal will fit neatly into the community from an architectural viewpoint better than the historic use of the site which was a sawmill.
- He explained that there is a development agreement in place now for a large commercial development on the property (restaurant/lounge/resort/full service marina) that could be built as of right. It is zoned industrial but Destiny Developments prefers not to build industrial. The area is also zoned commercial with high impact but Destiny Developments prefers not to build that. Destiny Developments prefers to reduce the impact on community by making it residential.
- He added that the buildings will have natural land, natural wood siding, stone foundations and the heritage of the area (Miller's Landing) will be taken into consideration

- Economically, this development will be excellent for the area as it will increase tourism, residents supporting local business, summer jobs, local employment for the community and possibly new businesses.
- Regarding the Sewage Treatment Centre, the output from all 17 units would be cleaner than one single existing home in the area using the conventional sand septic system.
- Regarding the Marine Pump-out Facility: any boats that do have holding tanks and ability to pump-out will be able to pump out. That waste will be cleaned to below the minimum standards set by the Department of Environment and the cleaned water will be discharged back into the Bay. Boats would not be allowed by the Condominium Corporation to discharge anything at the site.
- Regarding the Breakwater: he referred to a photograph of the area indicating how far out the breakwater will go. The breakwater will be sheltered by the natural contour of the slope. Existing breakwaters in the area do not show any sign of sand/silt build-up. The breakwater is 1.3 km away from the mouth of the River.
- He referred to the numerous articles regarding an increase in lobster habitat by sixteen times with the proposed technology (information from Quebec, Scotland, USA).
- In regard to the density and architecture, he commented that they will fit in.

39. Lisa Cormier, Employee of Destiny Homes

She commented that upon listening to the comments this evening, it appears that there is a lot of mis-information. She explained that the development is not as big as it sounds. It is a beautiful design and the environment has been considered. There are very few areas (wharves) here to pull up a boat. She encouraged the Community Council to make a good decision based on the information they have received.

40. Liz Sweet, Ingramport

- Commented that she is a resident in the community but did not receive a copy of the questionnaire (survey) although it was previously stated that everyone in the community received a copy.
- She added that there have been wonderful comments made this evening but that the mutterings are disrespectful and shameful.

41. Greg Zwicker, Planner, Terrain Group

- Commented on the policies indicating that this project is to be considered under the MPS and current development agreement which permits a marina, resort, restaurant and cottages. In considering a new development agreement for this property there are three policies that apply: MRR2, MRR7, I9 which are all referred to in the staff report. This Community Council has to make a decision based on those three policies.
- He clarified that the breakwater is 1/7 or 1/8 of the way across Webber Cove not 1/3 or 2/3 as was previously commented (he referred to a photograph of the area).
- Regarding an earlier comment of a Conflict of Interest with Terrain Group and Destiny Developments, he explained that he is a Partner and Owner in the Terrain Group and he did not see a Conflict of Interest as Terrain Group has not invested any money in this development. He added that Terrain Group is a Consultant to Destiny Developments and whether this proposal is approved or not means nothing to Terrain Group.
- Regarding the lobster habitat, he added that several articles/studies have been submitted to the Councillors regarding the environment. There are facts/numbers that prove that a breakwater assists some lobster habitat.
- In regards to concern with traffic issues and the sharp turn, he indicated that the Department of Transportation and Public Works (provincial) did a review based on the number of vehicle trips per day coming from each unit and based on current and proposed traffic on the road in the future, DOT have approved access into and out of the site as shown on the plan.

42. Michelle Mesa, Destiny Development

- She explained that they worked hard with all levels of government/interested parties to put together a good proposal. She thanked everyone for their participation.

Councillor Adams called for any further speakers for or against this proposal. He gave the third and final call for speakers. There being no further speakers, it was **MOVED BY Councillor Rankin, seconded by Councillor Meade that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

During the ensuing discussion on the matter, the following comments were raised by the Councillors:

Mr. Greg Zwicker, Destiny Developments, responded to Councillor Meade that an

amendment to the proposed development agreement would be considered. He further responded that the project would still be viable even with the removal of the breakwater, finger piers and a reduction in the number of condo units.

Councillor Meade commented that he visited the site and expressed concern with the measurement of the breakwater indicating that the 230' measure is at low-tide and an additional 50' would have to be added for the highwater mark which would be 280'.

Mr. Zwicker indicated that he would like to be able to construct a crib wharf for the development as is allowed by the Department of Natural Resources. He clarified for Community Council that the crib wharf would be for the use of the residents of the development (access to their boats moored at the property) and not the general public. The wharf would not be available for rental purposes.

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council direct staff to negotiate with the developer for a reduction in the number of condo units and that the marina, public wharf, breakwater and finger piers be deleted from the proposal. A supplementary report is requested for the January 23, 2006 meeting.

Councillor Adams commented that a specific number of condo units should be mentioned in the motion. Councillor Meade responded that 17 condounits are too many and perhaps 12 condo units could be negotiated.

Ms. Mary Ellen Donovan, Municipal Solicitor, commented that the motion needs to be more specific. She added it appears there needs to be additional input from the developer before a more specific motion could be placed regarding a lesser number of condo units. Ms. Donovan added that Community Council could defer decision on the public hearing for further input from the developer regarding an acceptable number of condo units, following which, at its next meeting, the Community Council would take a position on the matter.

Ms. Donovan clarified that there would not have to be a second public hearing in respect to a lesser number of condo units.

The amended motion now reads:

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council defer decision on the matter pending further input from the developer regarding a reduction in the number of condo units and that the marina, public wharf, breakwater and finger piers be deleted from the proposal. A supplementary report is requested for the January 23, 2006 meeting. AMENDED MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations - None

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Approval of 2006 Meeting Schedule

This item was dealt with earlier in the meeting. See page 7.

10.2 MEMBERS OF COUNCIL

10.2.1 Building Communities Fund

This item was dealt with earlier in the meeting. See page 7.

10.2.2 Signage - Sambro Loop

This item was dealt with earlier in the meeting. See page 7.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Community Signage in the Western Region

This item was dealt with earlier in the meeting. See page 8.

12.2 Re-naming of Sambro Ballfield

This item was dealt with earlier in the meeting. See page 8.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Due to time constraints, no public participation was held at this time.

15. NEXT MEETING - January 23, 2006

16. ADJOURNMENT

The meeting was adjourned at 10:54 pm.

Chris Newson
Legislative Assistant