

HALIFAX REGIONAL MUNICIPALITY

MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL MINUTES

June 22, 2011

REVISED

PRESENT: Councillor David Hendsbee, Chair
 Councillor Barry Dalrymple
 Councillor Steve Streach

STAFF: Mr. David Greener, Municipal Solicitor
 Ms. Krista Tidgwell, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:07 p.m. in the Lake Echo Community Centre Gym, Lake Echo.

2. APPROVAL OF MINUTES

MOVED by Councillor Streach, seconded by Councillor Dalrymple that the minutes of the May 25, 2011 be approved, as presented. MOTION PUT AND PASSED.

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

Change to the Order of Business as follows:

Items 4.1, 9.1.1, 9.3.1, 10.1.2, 10.1.1, 10.1.3, 7.2, 7.1, 9.3.2, remaining agenda.

MOVED by Councillor Dalrymple, seconded by Councillor Streach that the Order of Business be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET

A copy of the Marine Drive, Valley and Canal Community Council Status Sheet was before the Community Council for review.

4.1.1 River Road

Councillor Hendsbee advised that he had met with residents and property owners along River Road to provide an update on the paving of the top end of the publicly listed street. There will be a future meeting with the Private Road Property Association respecting future maintenance of the remaining portion of River Road.

Item to remain on the Status Sheet.

4.1.2 Case 01278 – Application to Amend Planning Districts 8 & 9 MPS and LUB (see Item 7.1)

Matter addressed under Item 7.1, item removed from the Status Sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS

**7.1 Case 01278: Application to Amend Planning Districts 8 and 9 MPS/LUB
(deferred November 22, 2010)**

Matter addressed later in the meeting, see page 7.

**7.2 Fence Permit Application #102842 – 91 Glasgow Road (deferred March 30,
2011)**

Matter addressed later in the meeting, see page 8.

8. HEARINGS – NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence

**9.1.1 Theresa Scratch, Director of Second Lake Regional Park Association
dated May 22, 2011 re: Second Lake**

A copy of Ms. Scratch's correspondence dated May 22, 2011 was before the Community Council.

It was noted that North West Community Council is also in receipt of Ms. Scratch's May 22nd correspondence. Future updates will be provided by the Marine Drive, Valley and Canal Community Council to North West Community Council respecting this matter.

MOVED by Councillor Dalrymple, seconded by Councillor Streach that the Marine Drive, Valley and Canal Community Council receive Ms. Theresa Scratch's correspondence dated May 22, 2011 respecting Second Lake. MOTION PUT AND PASSED.

9.2 Petitions – None

9.3 Presentations

**9.3.1 Sue Logan and Tylor Wood on behalf of the citizens of Leslie Road re:
Proposed Cell Tower on Leslie Road**

A report prepared by the citizens of Leslie Road entitled: Proposed Cell Tower on Leslie Road was before the Community Council.

A copy of the presentation entitled: Public Opposition to Leslie Road Communication Tower was provided for the file.

Ms. Sue Logan and Mr. Tylor Wood, on behalf of the citizens of Leslie Road, delivered a presentation to the Community Council. Highlights were as follows:

- EastLink's proposal:
 - fails to consider interests of the Province, HRM and Leslie Road residents
 - is in contrast to Provincial Park investments
 - does not satisfy land-use bylaws
 - is not supportive of a healthy residential community
 - is not supportive of HRM's three criteria regarding placement of communication towers: visual impact, aesthetics and compatibility with community
- HRM should not approve the proposed tower; therefore setting precedent for future proposals to consider all stakeholders

Councillor Hendsbee confirmed that a petition, submitted by the citizens of Leslie Road during the February 3, 2011 Public Information Meeting, has been received by the Clerks Office respecting this matter.

9.3.2 Beth Hoffman-Kerpel re: Porters Lake Community Transit

Matter addressed later in the meeting, see page 9.

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 16875: Rezoning for Mixed Use Building – 4316 Highway 2, Wellington (Give First Reading)

Matter addressed following Item 10.1.2, see page 6.

10.1.2 Case 16620: Telecommunication Tower, Leslie Road, East Lawrencetown

A staff report dated June 2, 2011 was before the Community Council.

Councillor Hendsbee clarified that the civic address identified in the June 2nd staff report should read 185 Leslie Road, *East Lawrencetown*.

Mr. Darrell Joudrey, Planner, Community Development, delivered a presentation to the Community Council.

Councillor Streach questioned whether EastLink has indicated that they are willing to review alternate site locations. Mr. Joudrey clarified that the Community Council would forward a recommendation to Industry Canada with a copy of the June 2, 2011 staff report. Once a negative recommendation is sent to Industry Canada, it is known as an impasse. HRM and EastLink would enter into discussions, with Industry Canada acting

as a facilitator, to review existing information and any new information that can be brought forward, including the possibility of a new site. Councillor Hendsbee clarified that Industry Canada will acknowledge the Community Council's recommendation; however, Industry Canada will make the final decision and can overrule a decision of the Community Council and/or the Municipality as a whole.

During the discussion, the following points and suggestions were raised:

- A review of alternative sites and technical scans indicates that consideration could be given to selecting an alternate site than the one being proposed on Leslie Road
- Further investigation should be given to an access road and power line corridors, which is an investment that may be required to find a more remote and isolated site
- By selecting an alternate site, the tower would still be in the view plane of the horizon; however, it would not be an obstructive object right in the street line of Leslie Road
- If a telecommunication tower is to be located in the East Lawrencetown region, residents are prepared to accept the tower, but would prefer its placement in the back land of the region

MOVED by Councillor Dalrymple, seconded by Councillor Hendsbee that Marine Drive, Valley and Canal Community Council forward a negative recommendation to Industry Canada in relation to the proposal by Bragg Communications Inc. for a proposed 76.2 metre self supporting telecommunication tower and associated equipment shelters at 185 Leslie Road, East Lawrencetown.

Reference was made to the concerns raised by residents during the February 3, 2011 public information meeting, the petition submitted by the citizens of Leslie Road and the presentation given earlier in the meeting by Ms. Logan and Mr. Wood.

Councillor Streach indicated that although he appreciates comments made by the residents and members of the Community Council, he could not support the motion. He commented that it is important to remember that there is always going to be a "not in my backyard" scenario. People want and demand technology that is available. Councillor Streach encouraged EastLink to consider the comments made, as well as encouraged residents to give due consideration as to what is being asked and the end result.

MOTION PUT AND PASSED.

Item 10.1.1 was addressed at this time.

10.1.1 Case 16875: Rezoning for Mixed Use Building – 4316 Highway 2, Wellington (Give First Reading)

A staff report dated June 6, 2011 was before the Community Council.

MOVED by Councillor Dalrymple, seconded by Councillor Streach that Marine Drive, Valley and Canal Community Council Give First Reading to the rezoning of 4316 Highway 2, Wellington from R-1A (Single Unit Dwelling Zone) to C-2 (Community Commercial Zone), as identified in Attachment A of the June 6, 2011 staff report, and schedule a public hearing.

The Community Council directed staff to arrange the public hearing date through the Clerks Office.

MOTION PUT AND PASSED.

Public Hearing date to be determined.

10.1.3 Initiate Preparation of the Cole Harbour Open Space Land Use Plan

A staff report dated May 27, 2011 was before the Community Council.

Mr. Robert Jahncke, Manager of Real Property Planning, Infrastructure and Asset Management, provided an overview of the May 27th staff report.

MOVED by Councillor Streach, seconded by Councillor Dalrymple that Marine Drive, Valley and Canal Community Council direct staff to prepare an Open Space Plan for the Cole Harbour Estuary Study Area. MOTION PUT AND PASSED.

Items 7.2 and 7.1 were addressed at this time.

7.2 Fence Permit Application #102842 – 91 Glasgow Road (deferred March 30, 2011)

A staff supplementary report dated June 3, 2011 was before the Community Council.

A submission, including photos, from Mr. Christopher Smith, was presented to the Community Council.

Councillor Hendsbee indicated the Department of Environment has completed an onsite investigation regarding the determination of the watercourse and staff is awaiting written confirmation. He noted that based on this investigation, permits would be required respecting the modification to a watercourse, as well as further support to the base of the fence may be required.

Councillor Hendsbee noted receipt of Mr. Smith's submission for the record, which included photos and a subdivision plan respecting a surveyor's certification for Mr. Smith's property, clarifying the position of the fence.

MOVED by Councillor Streach, seconded by Councillor Dalrymple to defer Fence Permit Application #102842 to allow for written confirmation to be provided by the Department of Environment respecting the watercourse as it relates to the fence.

MOTION PUT AND PASSED.

**7.1 Case 01278: Application to Amend Planning Districts 8 and 9 MPS/LUB
(deferred November 22, 2010)**

A staff supplementary report dated April 8, 2011 was before the Community Council.

An email from Ms. Maureen Ryan, Senior Planner, Community Development, to Councillor Hendsbee dated June 22, 2011 respecting an update on the Lake Echo and Porters Lake watershed studies was submitted for the record.

Mr. Darrell Joudrey, Planner, Community Development, delivered a presentation of the supplementary report after which staff responded to questions from members of the Community Council.

During the discussion, the Community Council raised the following points, concerns and suggestions:

- There is significant alteration to the character and ratio of the number of mobile homes or other residential dwellings being proposed versus the initial proposal which was proposing upwards of 200 to 300 units
- A public information meeting should be held to review significant changes now being proposed within the subdivision application
- There should be a parallel process of moving forward with the application in conjunction with the Porters Lake and Lake Echo watershed studies
- Consideration should be given to implementing a new Mobile Home Park By-law, either a new plan or an amendment to the old By-law to allow for the new housing standard CSA A277
- Concern respecting densification of affected areas throughout HRM, not just District 3
- It is not appropriate to take no action and defer development that could occur in the community as-of-right, as well as allow for future development of a different kind through a mobile home park (i.e. a new proposal for open space design development on a portion of the property)
- The Municipal Planning Strategy and Land Use By-law for Districts 8 and 9 would have to be amended to allow the area to be redefined to include a mobile home park
- Allowing this process to move forward would still provide residents with the opportunity to express their views and concerns through the public information meeting and potentially two to three public hearings

Councillor Hendsbee reviewed Ms. Ryan's email dated June 22, 2011 respecting an update on the Lake Echo and Porters Lake watershed studies and submitted it for the record.

Councillor Hendsbee stepped down as Chair at 8:13 p.m. and Councillor Dalrymple assumed the Chair.

Members of the public sought to comment regarding the matter with Councillor Dalrymple advising that this was not a public hearing.

Councillors Hendsbee and Dalrymple clarified the status of the planning processes and public hearing requirements in regard to Case 01278.

MOVED by Councillor Hendsbee, seconded by Councillor Streach that Marine Drive, Valley and Canal Community Council:

- 1. Request a Public Information Meeting be held to review with the public the significant changes being proposed within the subdivision application;**
- 2. Recommend to Regional Council that consideration be given to implementing a new Mobile Home Park By-law, either as a new plan or an amendment to the old By-law to allow for the new housing standard CSA A277 to be future consideration; and**
- 3. Recommend that Regional Council amend the Municipal Planning Strategy and Land Use By-law for Districts 8 and 9 to allow the area to be redefined to include a mobile home park.**

MOTION PUT AND PASSED.

Councillor Hendsbee resumed as Chair at 8:20 p.m. and Councillor Dalrymple took his seat.

It was noted that the public information meeting is proposed to be scheduled for July/August 2011, pending additional information from the applicant.

Item 9.3.2 was addressed at this time.

9.3.2 Beth Hoffman-Kerpel re: Porters Lake Community Transit

An overview of Ms. Hoffman-Kerpel's presentation, with attached spreadsheet of the Porters Lake Ridership, was before the Community Council.

It was noted that Ms. Hoffman-Kerpel was not in attendance and no further action was taken.

11. MOTIONS – NONE

- 12. ADDED ITEMS – NONE**
13. NOTICES OF MOTION – NONE

14. PUBLIC PARTICIPATION

Mr. Michel Gaudreau, Co-chair, Citizens for Responsible Development in Lake Echo, expressed concern regarding HRM's Topsoil Review By-law permitting process in relation to the properties associated with Case 01278. He provided a number of examples where removal permits were not issued and the lack of site inspections, and requested that the Community Council investigate and report back to the community. Mr. Gaudreau further requested that the Community Council ensure that no taxpayer dollars are expended on the study of alternative treatment technology for the Lake Echo watershed study. Copies of Mr. Gaudreau's requests were submitted for the record.

Mr. Randy Price, Lake Echo, spoke in support of a visioning exercise for the Lake Echo community. He commented that the intent of the exercise is to allow the community to find its own way forward without pressure from outside agencies, developers, as well as individuals pressing for development that may or may not be in the best interest of the community. He strongly requested that consideration be given to allowing a visioning exercise for the community of Lake Echo.

Mr. Shane Sutherland, Leslie Road, Lawrencetown, expressed concern with respect to the proposed location of the telecommunication tower on Leslie Road. He commented that there is a difference between corporate responsibility and corporate gain, and questioned whether the Community Council supports companies that locate their services where there is a benefit to the community, or where it is most convenient and affordable for the company. Mr. Sutherland indicated that he is in support of the development but not the proposed location. He noted that the alternate location in the forest already has infrastructure in place and the proposed location on Leslie Road would be a waste of resources.

Mr. Lenord Gouthro, Mountain View Estates, Lake Echo, spoke in support of mobile home parks within the community and expressed concern regarding the lack of support for senior residents. Mr. Gouthro indicated that he moved into a mobile home after becoming ill and unable to upkeep his home. He commented that mobile homes are great and does not believe they degrade the community.

15. NEXT MEETING DATE – July 27th & August 31st (if required)

Following a brief discussion, the Community Council requested the Clerk confirm the member's meeting schedules for the months of July and August. Next meeting dates to be determined.

The Community Council agreed to hold their next meeting in District 2.

16. ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Krista Tidgwell
Legislative Assistant

INFORMATION ITEMS – NONE