

WESTERN REGION COMMUNITY COUNCIL

MINUTES

June 25, 2012

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

STAFF: Ms. Dali Salih, Planner
Ms. Jillian MacLellan, Planner
Mr. Shayne Vipond, Planner
Mr. Miles Agar, Planner
Mr. Martin Ward, Solicitor
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. TABLING OF ANNUAL REPORT

The Western Region Community Council Annual Report for 2011/12, dated June 13, 2012, was before the Community Council.

MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council accept the annual report as presented. MOTION PUT AND PASSED.

3. PUBLIC PARTICIPATION

Councillor Rankin invited members of the public, who wished to comment on the annual report, to come forward at this time.

No members of the public came forward.

4. APPROVAL OF MINUTES – May 28, 2012

MOVED by Councillor Adams, seconded by Councillor Lund that the minutes of May 28, 2012, as presented, be approved. MOTION PUT AND PASSED.

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

Additions:

- 14.1 Correspondence dated June 22, 2012 from Industry Canada Spectrum Management Operations Branch re: Case 17166 – 105 Ketch Harbour Road, Herring Cove, NS
- 14.2 Councillor Rankin –Open Net Pen Salmon Aquaculture

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

6. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET – NONE

7. MOTIONS OF RECONSIDERATION – NONE

8. MOTIONS OF RESCISSION - NONE

9. CONSIDERATION OF DEFERRED BUSINESS – NONE

10. HEARINGS - NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE

12. REPORTS

12.1 STAFF

12.1.1 Case 17167: Telecommunication Tower at 2699 Old Sambro Road, Williamswood

The June 14, 2012 report was before the Community Council.

MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council inform Industry Canada that they are not in support of the proposal by Bragg Communications Inc. (EastLink) to erect a new, 60 metre (200 foot), self-supporting telecommunication tower and associated equipment cabinet located at 2699 Old Sambro Road, Williamswood, as shown on Attachment A of the June 14, 2012 staff report.

Councillor Adams expressed concern with the process for telecommunication tower applications in that public consultation is indicated to be important yet the decision is to be based on the land use policies / by-laws. Telecommunication towers should be developed in industrial / business areas rather than residential zones. There are P5 (Special Facilities) zones in Planning District 5 (Chebucto Peninsula Plan Area) that would permit telecommunication towers. He explained that in a previous decision on another telecommunications tower application, the Community Council had advised that they were not in support of the proposed location, however; Industry Canada responded that they would be proceeding with the tower at that location. The process is grossly unfair to the residents, HRM staff, and the Community Council. The visual/aesthetic impact of the towers in residential areas and potential impact on property values is a concern.

Councillor Rankin noted that the site for the proposed tower is zoned R2 which is a two unit residential zone.

Councillor Lund commented that the Applicant had been requested to seek an alternate location and requested that the recommendation include the request for consideration of an alternate site. The motion will now read as follows:

MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council inform Industry Canada that they are not in support of the proposal by Bragg Communications Inc. (EastLink) to erect a new, 60 metre (200 foot), self-supporting telecommunication tower and associated equipment cabinet located at 2699 Old Sambro Road, Williamswood, as shown on

Attachment A of the June 14, 2012 staff report, and; request that an alternate location, as previously requested, be considered. MOTION PUT AND PASSED.

12.1.2 Supplementary Report - Case 16559: Open Space Design Development Agreement - Three Brooks Subdivision, Granite Cove Drive, Hubley

The June 5, 2012 Supplementary Staff report was before the Community Council.

MOVED by Councillor Rankin, seconded by Councillor Adams that the Western Region Community Council confirm their approval of Case 16559 of May 28, 2012 by approving the following motion:

- 1. Approve the Development Agreement as contained in Attachment A of the Supplementary Report dated May 21, 2012, to allow for a Classic Open Space Design Development Agreement off Granite Cove Drive, Hubley, subject to the sale of the Road Reserve lands by HRM; and,**
- 2. Require that the development agreement be signed by the property owner within 240 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise this approval shall be void and any obligation arising hereunder shall be at an end.**

Councillor Rankin explained that staff had made an error in commenting previously that thirty-one (31) lots had been previously approved for this parcel of land when in actuality the number was thirteen (13) lots. The error was not in relation to the criteria, nor the proposal put forward by the applicant that the decisions are based upon, therefore; the Community Council is not dissuaded from its May 28, 2012 decision and will continue to support the proposal.

Mr. Martin Ward, Solicitor, commented that the question before the Community Council is whether or not that error would have any effect on the decision made and whether or not they should revisit that decision. The answer to that is no. It would not matter how many lots as the decision is based on adherence to the Municipal Planning Strategy.

In response to a question by Councillor Adams, staff explained that the application could be refused based on anything listed in the policy criteria such as Sections 15/16.

In response to a question by Councillor Lund, staff advised that the proposal does meet all applicable policies and criteria.

In response to a request for clarification by Councillor Rankin, staff advised that the policy criteria, Section 16, permits one unit per acre in density. The proposal before the Community Council is less than one unit per acre, therefore; the proposal meets the density requirement.

MOTION PUT AND PASSED UNANIMOUSLY.

12.1.3 Case 17869 - Amendments to the Planning District 4 Land Use By-law to permit an Access Driveway for Wind Turbine Development on lands off River Road in Terence Bay

The June 5, 2012 staff report was before the Community Council.

MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council request that staff initiate the process to amend the Planning District 4 Land Use By-Law to rezone a portion of provincial land (PID 40122427) from the (P-3) Conservation zone to the (RE) Resource zone to enable the use of an existing access driveway for wind turbine development on the lands of Mr. Bernard Deal (PID 00384966), Terence Bay.

Councillor Rankin advised that this was the beginning of the process and that there would be two opportunities for the public to comment as follows:

- at the onset in the form of a public information meeting
- at the conclusion during a public hearing prior to the decision being made

He noted that the matter was in regard to the road owned by the Crown that is providing access to the subject property; a property that has already been zoned for a wind turbine. The province is amendable to this proposal.

Mr. Shayne Vipond, Planner, explained that once the proposal has been approved for initiation, a public information meeting would be held. The public would be notified of the meeting by means of a newspaper advertisement and public notification sent to residents within a two (2) kilometre area surrounding the site.

Councillor Rankin requested that River Road be captured in the notification list for the public information meetings. He also requested that all communication on the matter clearly indicate that the issue is in regard to the access road only.

MOTION PUT AND PASSED UNANIMOUSLY.

12.1.4 Case 17755: Zoning Clarification, 16 Mills Drive, Goodwood (First Reading)

The June 14, 2012 staff report was before the Community Council.

MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council give First Reading to the rezoning of a portion of 16 Mills Drive, Goodwood, from the I-1 (Light Industry) Zone to the CD-2 (C&D Materials Processing Facilities) Zone, as identified in Attachment A of the June 14, 2012 report, and; schedule a public hearing for Monday, July 23, 2012.

MOTION PUT AND PASSED.

13. MOTIONS - NONE

14. ADDED ITEMS

14.1 Correspondence dated June 22, 2012 from Industry Canada Spectrum Management Operations Branch re: Case 17166 – 105 Ketch Harbour Road, Herring Cove, NS

The June 22, 2012 correspondence was received.

14.2 Open Net Pen Salmon Aquaculture

Councillor Rankin advised that he had attended a recent meeting hosted by Salmon Industry groups from throughout the province of Nova Scotia. There is controversy surrounding the use of Open Net Pen Salmon Aquaculture and its impact on the environment. Noting that Community Councils are to consider local matters, and; based on the provincial government policies on community involvement/consultation, he put forward the following motion:

MOVED by Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council, on behalf of the local community, forward a letter to Premier Darrell Dexter and the Ministers of Environment/Fisheries & Ocean, referencing their policy of 2009 in regard to the ocean's finite capacity to absorb waste, and; request that the Province hold public consultation on land use issues including shoreline (water inlets) / conservation matters in regard to Open Net Pen Salmon Aquaculture prior to taking steps for the licensing of Open Net Pen Salmon Aquaculture on the shorelines of municipal Districts 18, 22 and 23 due to the high risk of contamination associated with this practice.

Councillor Rankin requested that the letter be copied to the St. Margaret's Bay Association, Ecology Action Centre and local MLA's.

MOTION PUT AND PASSED.

15. NOTICES OF MOTION - NONE

16. PUBLIC PARTICIPATION

Sandra Billings, Williamswood, advised that she appreciated the Community Council's decision not to support the proposed telecommunication tower at 2699 Old Sambro Road. She expressed concern with the process in regard to:

- the minimal amount of public notification for these applications
- the lack of notification of subsequent changes to the original proposals
- the lack of a second public meeting in regard to changes/re-submission by the Applicant

Ms. Billings commented that the neighbourhood should be made aware of what is occurring in their area in order for them to offer comment.

Councillor Lund commented that clarification of the process was required particularly in regard to notifying the public. He noted that three towers had recently gone up in his area and that he was unaware they were coming forward.

Councillor Rankin explained that there are over seventeen (17) municipal planning strategies and that some require public notice for such applications and some do not. He suggested that perhaps a generic application process could be created.

MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council request that Industry Canada, in consultation with HRM staff, come forward with a clear process for telecommunication tower applications including an improved public notification and consultation process. MOTION PUT AND PASSED.

Wayne Chapdelaine, Hubley, expressed concern with the approval of the Three Brooks Open Space Design Development Agreement and how the public hearing was handled. He noted that some residents feel the decision would have been different if the information had not been incorrect. He expressed concern with trying to obtain information from the provincial Department of Environment in regard to storm water and surface water runoff to the wetlands/lake as he feels that would constitute an alteration of the wetlands. The potential flooding of the wetlands due to the runoff is also a matter of concern as the flooding and any surface contaminants will enter the lake. He expressed concern that no water quality monitoring of the lake has been put in place.

Councillor Rankin requested that staff respond directly to Mr. Chapdelaine in regard to his concerns. He advised that the concerns expressed would be part of the public record.

17. NEXT MEETING DATE – July 23, 2012

18. IN CAMERA - NONE

19. ADJOURNMENT

The meeting was adjourned at 7:47 p.m.

Chris Newson
Legislative Assistant

INFORMATION ITEMS - NONE