

WESTERN REGION COMMUNITY COUNCIL

MINUTES

July 23, 2012

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

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

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1. CALL TO ORDER

Councillor Rankin, Chair, called the meeting to order at 7:02 p.m. in the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES – June 25, 2012

MOVED by Councillor Adams, seconded by Councillor Lund that the minutes of June 25, 2012, as presented, be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Supplementary Report – Case 16770 – Development Agreement, St. Margaret's Square, Highway 3, Upper Tantallon
- 12.2 Revised Terms of Reference for the St. Margaret's Bay Coastal Planning Advisory Committee
- 12.3 In Camera - PERSONNEL MATTER: Appointments to the St. Margaret's Bay Coastal Advisory Committee
- 12.4 Bowater Mersey Land Purchase – Councillor Lund
- 12.5 The Mersey Lands – Councillor Lund
- 12.6 Information Item 1: Telecommunication Tower, Old Sambro Road – Councillor Adams
- 12.7 Enabling Amendments to Applicable Documents to Permit Subdivision of Lot - Councillor Rankin.

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

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET - NONE

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Public Hearing

8.1.1 Case 17755: Zoning Clarification, 16 Mills Drive, Goodwood (First Reading given June 25, 2012)

Mr. Miles Agar, Planner, presented the report for Case 17765 in regard to zoning clarification for 16 Mills Drive, Goodwood. He then responded to questions of clarification from members of the Community Council.

Councillor Rankin, Chair, explained the public hearing process then called for speakers to come forward at this time.

Dan MacAvoy expressed concern that the existing Construction and Demolition (C&D) operation could expand if the rezoning were approved as the operator could potentially take on additional lands in the area that were already zoned R-3. He commented that residents want the area to look nice and not be as industrial as it is and perhaps they were mistaken to have opposed an earlier proposal for a land recovery park around the area.

By request of the Community Council, Mr. Agar clarified that expansion beyond this section would be subject to a separate planning process.

John Cascaden, resident of MacDonald Lakes Subdivision on the Prospect River system, expressed concern with industrial properties throughout HRM not being required to have a storm water management plan with comprehensive regulation that ensures water sampling takes place directly following severe rain events when runoff occurs. Industrial activity creates particulate dust that could be washed into culverts / lakes / streams / local waterways. He requested that any water sampling that is done be of public record.

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

MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council approve the rezoning of a portion of 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 staff report.

Councillors Adams and Rankin commented that the existing C&D operation is not in dispute as it has been in existence since the 1970's. The issue is a housekeeping matter as this section of land was missed on the 2002 map.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS - NONE

10. REPORTS - NONE

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Supplementary Report – Case 16770 – Development Agreement, St. Margaret’s Square, Highway 3, Upper Tantallon

The July 17, 2012 Supplementary staff report was before the Community Council.

Mr. Paul Sampson, Planner, presented the supplementary report for Case 16770 for the proposed development agreement, St. Margaret’s Square, Highway 3, Upper Tantallon. Mr. Sampson reviewed the revisions to the development agreement as outlined in Attachment A of the July 17, 2012 supplementary report such as architectural changes to the exterior of the proposed buildings and slight change to building footprints.

Councillor Lund commended the applicant for taking into consideration the proposed revisions including inclusion of a public space. He then requested clarification on the following:

- Building C - what is the grade separation/elevation difference
- Building E – was consideration given to turning the pad so the building length would be parallel to the street
- Signage – clarification requested on difference between what is being proposed and the existing Sign By-law.
- Hydrological study – has the study been completed
- Retaining walls - will a plan for retaining walls be submitted, including material to be used, as part of the detailed landscape plans
- “Traditional architectural character” - further clarity requested on the terminology and its criteria

In response to concerns raised, Mr. Sampson clarified that:

- he is uncertain as to the elevation difference for Building C
- following the May 28th public hearing, staff met with the applicant and discussed the possibility of changing location of the proposed building – no change in location is being proposed
- the Sign By-Law has not been changed and no change is being proposed
- Section 3.6 of the Development Agreement speaks to hydrological aspect
- Section 3.8.4 of the Development Agreement speaks to retaining walls
- Determining the “traditional architectural character” is a judgement call

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

- 1. Approve the proposed revised development agreement, presented as Attachment A to the July 17, 2012 report, to permit three new commercial**

buildings within the St. Margaret's Square development, Highway No. 3, Upper Tantallon; and,

- 2. Require the agreement be signed by the property owner within 120 days, or an extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

The issues for clarification brought forward by Councillor Lund will be forwarded to staff for response.

MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council request that staff review policy MU-16(A) of the Municipal Planning Strategy for Planning Districts 1 and 3 in regard to the term "traditional architectural character" of buildings for large scale developments and provide criteria used to define the terminology, as referenced in the Supplementary Report of July 17, 2012 for Case 16770. MOTION PUT AND PASSED.

Councillor Lund thanked the applicant for the donation of lands to the province that are to be added to the wilderness area.

12.2 Revised Terms of Reference for the St. Margaret's Bay Coastal Planning Advisory Committee

This item was dealt with later in the meeting. See page 10.

12.3 In Camera: Personnel Matter: Appointments to the St. Margaret's Bay Coastal Advisory Committee

This item was dealt with later in the meeting. See page 10.

12.4 Bowater Mersey Land Purchase

MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council write a letter to the Premier of Nova Scotia and the Minister of Natural Resources and local MLA Denise Petersen-Rafuse, encouraging the Province, in its effort to protect 12% of the province by 2015 and to foster sustainable forest management by, with and for the benefit of Nova Scotians, to purchase the 40,000 hectare parcel known as the "St. Margaret's Bay District" lands currently being sold by Resolute Forest Products of Quebec.

Councillor Lund explained that he and Councillor Rankin had attended a public meeting on this matter last week. The lands in question have, for generations, been the mainstay of culture and economy and used for various recreational opportunities.

Councillor Rankin added that the spirit of the motion is to enable the province to gain public (crown) ownership of the land as the land is in possible peril by its imminent sale; time is of the essence in this instance.

Councillor Rankin then offered an opportunity for members of the public in attendance to provide comment on the proposed motion.

Geoff Leboutillier suggested that the full 40,000 hectares be accessible for recreational use with approximately 1/3 of the land to be contributed to the 12% for protected area and 2/3 for forestry and limited mining as has been the use for the last few hundred years. Keep the land as open as possible.

Beth McGee, Seabright, commented that she would like to see the province purchase this land and keep it in public ownership to provide continuity from the Five Bridges Lake to Lunenburg and Hants County. The lands have significant ecological value.

Councillor Rankin clarified that the purchase of this land would provide connectivity to lands already designated protected areas; and, that the comments provided be added to the motion to provide a wide scope.

David Goth, former resident of Masons Point, expressed the following concerns with the proposed motion:

- Lack of public notice that this matter was to be discussed this evening
- Concern with the exact terms of the motion and the need for the proposed 1/3 and 2/3 designations to be defined
- No costs have been considered in regard to the proposed motion in relation to the current provincial debt and the potential of adding to the debt by this land purchase
- The lands are used as forestry lands and the proposed motion has not allowed for industry/private sector to have input

Councillor Rankin commented that the proposed motion is simply a request for the province's consideration.

A vote was then taken on the motion that now reads as follows: **MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council write to the Premier of Nova Scotia, the Minister of Natural Resources and the local MLA, encouraging the Province, in its effort to protect 12% of the province by 2015 and to foster sustainable forest management by, with and for the benefit of Nova Scotians, to purchase the 40,000 hectare parcel known as the "St. Margaret's Bay District" lands currently being sold by Resolute Forest Products of Quebec to ensure the land is kept in public ownership, with 1/3**

dedicated to protected lands and 2/3 for traditional uses such as forestry, to enable provision of connectivity with adjacent designated protected lands of ecological value. MOTION PUT AND PASSED.

12.5 The Mersey Lands

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

- A) Request that staff prepare a report, within sixty (60) days, confirming permitted MR-2 land uses within the HRM portion of the 40,000 hectare parcel belonging to Resolute Forest Products known as the “St. Margaret’s Bay District”, situated both north and south of Highway 103 in the western region of HRM. The report should consider the following:**
- 1) That regulations in the Regional Plan Policies be brought forward to prohibit and/or better discourage residential or commercial development;**
 - 2) Consider that uses be restricted to open resource or recreational use, or, as protected areas under the Province’s Wilderness Area Protection Act (WAPA);**
 - 3) Consider increasing the minimum residential lot size to five (5) acres and increasing the length of road frontage required from 100’ to 250’.**
 - 4) That the roads be private roads built to HRM standards.**

Discussion ensued on the proposed motion with Recommendation B, as follows, being added to the motion.

- B) That Western Region Community Council write to the Premier of Nova Scotia, Minister of Natural Resources and the local MLA, requesting their consideration of a moratorium on the lands; and, that the province provide clarification on allowing subdivision of land into twenty-five (25) acre lots.**

MOTION PUT AND PASSED.

Discussion ensued on the Highway 103 twinning project and location of the interchange.

MOVED by Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council request that the province revisit their decision on the location of the interchange as part of the Highway 103 twinning project based on net public/economic value. MOTION PUT AND PASSED.

12.6 Information Item 1 – Telecommunications Tower Old Sambro Road

Councillor Adams expressed concern with the process for the siting of telecommunication towers. He referred to recent situations where one application was

an as of right installation that did not require public consultation and the second where public comment was provided but seemingly ignored by Industry Canada.

At this time, Councillor Rankin referred to the previous discussion under Item 12.5 and suggested that the issue of reviewing MR-2 permitted uses and consideration of resource only designation zoning of the Bowater Mersey Lands be forwarded to the Community Design Advisory Committee and staff for consultation. The following motion was then put forward: **MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council request that the issue of permitted MR-2 land uses within the HRM portion of the 40,000 hectare parcel belonging to Resolute Forest Products known as the "St. Margaret's Bay District", situated both north and south of Highway 103 in the western region of HRM be referred to the Community Design Advisory Committee and staff for consideration of this area as a resource only designation zone. MOTION PUT AND PASSED.**

12.7 Enabling Amendments to Applicable Documents to Permit Subdivision of Lot, Terence Bay

MOVED by Councillor Rankin, seconded by Councillor Adams that the Western Region Community Council request a staff report on the options to amend the applicable planning documents to enable subdivision of the Slaunwhite property at 38 Riverview Lane, Terence Bay, PID# 41191263, to create one additional lot without the street frontage required by the Regional Subdivision By-Law. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Ms. Lynn Slaunwhite submitted revised documentation in regard to Case 17869 to be circulated to staff and Members of Council for the public hearing.

Councillor Rankin explained that the public information meeting has been held and the matter will be coming forward for a public hearing. The documents may be submitted at this time; however, comment would be held until the public hearing.

15. NEXT MEETING DATE – August 27, 2012 (if required)

16. IN CAMERA

MOVED by Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council move In Camera at this time to deal with the Personnel Matter: Appointments to the St. Margaret's Bay Coastal Planning Advisory Committee. MOTION PUT AND PASSED.

The meeting recessed at 8:28 p.m.

The meeting reconvened at 8:34 p.m.

Items 12.2 and 12.3 were dealt with at this time.

12.2 Revised Terms of Reference for the St. Margaret's Bay Coastal Planning Advisory Committee

MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council approve the revised St. Margaret's Bay Coastal Planning Advisory Committee's Terms of Reference, attached as Attachment 2 to the July 19, 2012 report, with the following additional amendments:

- 1. Composition increased from six (6) community citizens to eight (8).**
- 2. The terms of service to be staggered for the initial appointments as follows: four community citizens to be appointed for a period of a three-year term; four community citizens to be appointed for a period of a two-year term; and, subsequent appointments for community citizen positions shall be for a two-year term.**

MOTION PUT AND PASSED.

12.3 Personnel Matter: Appointments to the St. Margaret's Bay Coastal Advisory Committee

This item was dealt with at an earlier In Camera meeting and was now before the Community Council for ratification.

MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council ratify the appointments to the St. Margaret's Bay Coastal Planning Advisory Committee as follows: for a three year term, Katharine Gamache, John Leon, Michael Murphy and Jean Mustain; for a two year term, Doug Miller, William Roberts, David McGregor and Michael Butler. MOTION PUT AND PASSED.

17. ADJOURNMENT

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

Chris Newson
Legislative Assistant

INFORMATION ITEMS

1. Letter from Western Region Community Council to Industry Canada re: Case 17167: Telecommunication Tower at 2699 Old Sambro Road, Williamswood
2. Letter from Western Region Community Council to Industry Canada re: Telecommunication Tower Application Process
3. Letter from Western Region Community Council to Premier Dexter re: Open Net Pen Salmon Aquaculture