

HERRING COVE ADVISORY STEERING COMMITTEE
MINUTES

November 10, 2011

PRESENT: Brian Dempsey, Chair
John Greer
Ed Dempsey
Roy Dempsey
Don Martin
Councillor Steve Adams

REGRETS: Ross Heimpel
Gerard Fagan
Wallace Scallion

STAFF: Miles Agar, Planner
Chris Newson, Legislative Assistant

MINUTES ADMINISTRATIVELY APPROVED

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1. CALL TO ORDER

The Chair called the meeting to order at 2:00 p.m. in Community Meeting Room 2, Captain William Spry Centre, Spryfield.

2. APPROVAL OF MINUTES – September 22, 2011

MOVED by Mr. John Greer, seconded by Mr. Roy Dempsey that the minutes of September 22, 2011, as presented, be approved. MOTION PUT AND PASSED.

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

Additions: 8.1 Correspondence from Halifax Water dated October 28, 2011

The agenda, as amended, was approved.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Ratification of September 22, 2011 Motions

The Legislative Assistant advised that she had erred in calculating quorum for the September 22nd meeting and that all motions put forward on that date were now before the Committee for ratification.

MOVED by Mr. John Greer, seconded by Mr. Don Martin that the motions of September 22, 2011, as outlined in the minutes of September 22, 2011, be now ratified. MOTION PUT AND PASSED.

5. CONSIDERATION OF DEFERRED BUSINESS

5.1 Case 15890: Potential Amendments to the Municipal Planning Strategy and Land Use By-Law and Subdivision By-law in Relation to the Herring Cove Area Settlement and Servicing Strategy (HCASSS)

(i) Discussion

Mr. Miles Agar, Planner, circulated the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB). A map outlining the 100' buffer and a 50' buffer boundary for all water courses in the area was before the Committee to aid in discussion concerning future development in the Cove.

Mr. Brian Dempsey, Chair, noted that the intent is to have a 100' foot setback from any water course not just from the Cove. A long narrow lot may be developed with a reduced setback of 50' but not along the Cove area. He noted that there were thirteen

(13) references in the Herring Cove Area Settlement and Servicing Strategy (HCASSS) that outline maintaining the fishing village character and historic charm of the Cove. There is to be no new residential development inside 100' of the Cove.

In response to concerns raised by the Committee, Mr. Agar explained that, legally, staff must refer to the existing MPS and LUB for an area when considering development / variance requests. Efforts are now being made to ensure that what was outlined in the HCASSS document is accurately reflected in the MPS/LUB.

Mr. Ed Dempsey suggested a moratorium be placed pending approval of the proposed amendments to the MPS/LUB.

Mr. Dempsey noted that the HCASSS included a requirement for a lot to have a minimum 10,000 square footage in order to build along the Cove. He requested that the following be included in the MPS/LUB: in order to build new residential along the Cove the structure must be setback 100' from the water with a minimum 10,000 square foot lot with 60' frontage and require a Development Agreement process.

The Committee concurred that the reduction to a 50' setback along the Cove for commercial uses would be acceptable if: a) there was an existing commercial use at that site and b) the use assisted the fishing industry. An existing structure could be expanded for commercial uses, not for residential, through a Development Agreement process.

Mr. Agar explained that he was seeking clarification from the Committee on the issue of vacant/undeveloped existing undersized lots in the Cove area. He noted that most other areas of HRM with a water course buffer, and a lot that does not meet the configuration outlined in the MPS/LUB, offer an option for the matter to be considered through a Development Agreement process, including a public hearing, and dealt with on a case by case basis.

Mr. Agar requested clarification on whether or not commercial uses would be an as of right process or by Development Agreement. If the intent is to have the MPS/LUB as absolute as possible, specifics should be provided on the types of commercial uses that could be permitted such as fish sheds and specific types of local commercial such as gift shops. Mr. Agar suggested that the Committee meet to specify the sections of the HCASSS, in regard to the intent of maintaining the historic charm and fishing village character of the Cove, to ensure the communities' wishes are clearly carried forward.

The Committee noted that the commercial use would have to accommodate the fishing industry and be located closer to the water and not back on the land. The intended use would be for a bait shop or fish sales by a Fisherman with a fishing license.

Mr. Dempsey indicated that the pertinent sections of the HCASSS to be incorporated into the MPS/LUB are as follows: Page 3 (Section 1.1. and 1.2), Pages 5, 10 (Section

2.2.1 (4), 14, 15, 16, 17, 23, 33, 35, 40 (Section 4.3.8.2), 43 (Section 4.4.1), 50 (Section 4.4.4.2.3).

Mr. Agar added that the following sections could be referenced and clarified: Page 48 (Section 4.4.2.9 Heritage Resource: producing guidelines for the protection of the village character); Page 45 (Section 4.4.2.4 Storm Water) and Page 46 (Section 4.4.2.5 Coastal Lands including the water course buffers).

Mr. Dempsey requested that staff emphasis at the Public Information Meeting, to be held in the community of Herring Cove, that the proposed amendments to the MPS and LUB should have occurred in 2001 and explain that this process is to rectify that oversight.

Councillor Adams noted that the Herring Cove Area Settlement and Servicing Strategy had been referenced during the Regional Plan process.

6. CORRESPONDENCE, PETITIONS & DELEGATIONS

6.1 Correspondence

See Added Item 8.1, page 7.

6.2 Petitions – NONE

6.3 Delegations - NONE

7. REPORTS – NONE

8. ADDED ITEMS

8.1 Correspondence dated October 28, 2011 from the Halifax Regional Water Commission

A copy of the October 28, 2011 letter was before the Committee.

Discussion ensued on the correspondence from Halifax Water in regard to their authority to transport sewage sludge from one treatment facility to another, subject to any approvals required from the provincial Department of Environment. The Committee requesting the following information:

1. To view any/all documents providing authority to Halifax Water to transport external sewage sludge to the Herring Cove Sewage Treatment Plant.
2. To view the minutes from the Halifax Water Commission Board of Directors meeting in regard to the transport of external sewage sludge to the Herring Cove Sewage Treatment Plant.

3. Request clarification on what controls are in place to monitor the independent sewer trucks utilizing the Herring Cove Sewage Treatment Plant rather than the Aerotech facility.

Councillors Adams noted that Halifax Water advised him that the number of trucks accessing the Herring Cove Sewage Treatment Plant did not exceed what was originally intended when the plant was designed.

Halifax Water has advised that they will provide regular updates to both the Western Region Community Council and the Herring Cove Advisory Steering Committee in regard to the pilot project of transporting sewage sludge to the Herring Cove Sewage Treatment Plant.

9. ADJOURNMENT

The meeting was adjourned at 3:18 p.m.

Chris Newson
Legislative Assistant

INFORMATION ITEMS – NONE