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1. CALL TO ORDER

Councillor Adams, Chair, called the meeting to order at 7:00 p.m. in the Thomas Raddall Room, Keshen Goodman Library, 330 Lacewood Drive, Halifax.

2. APPROVAL OF MINUTES - May 31, 2010

MOVED by Councillor Lund, seconded by Councillor Rankin that the minutes of May 31, 2010, as presented, be approved. MOTION PUT AND PASSED.

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

Addition: 12.1 Upper Tantallon at the Crossroads - Councillor Lund

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Sambro Fishery - Zoning, Noise By-Law and Operation

A report is expected for the August meeting.

4.1.2 Street Lighting/Safety Concerns - Hammonds Plains Road (Pockwock to Westwood)

- An Information Report dated June 16, 2010 was before the Community Council.

Councillor Lund requested that the matter be referred to the North West Community Council as the area was now located within the jurisdiction of the North West Community Council.

Item to be removed from the status sheet.

4.1.3 Rosalie Street - Speed Humps

- An Information Report dated June 1, 2010 was before the Community Council.

Councillor Rankin advised that an Information Report had been received and the matter may be removed from the status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 01357: Telecommunications Tower at 7617 St. Margaret's Bay Road, Ingranport (*Deferred from March 22, 2010*)

- C A Supplementary Report dated June 8, 2010 was before the Community Council.
- C A Staff Report dated February 24, 2010, was before the Community Council.
- C A letter dated April 22, 2010 from Mr. James Fryday was before the Community Council.

Mr. Miles Agar, Planner, presented the Supplementary Report. He advised that staff are suggesting a positive recommendation be forwarded to Industry Canada for this application. The sound planning principles for applications requesting construction of a telecommunication tower have been reviewed and staff have determined that the proposed location is a significant distance from the closest dwelling. A Functional Plan in regard to telecommunication tower applications is being created and intended to provide a clear process.

Councillor Lund explained that he had spoken with Rogers Communications Inc. and received clarification on their site selection process for telecommunication towers. The process involves GPS coordinates for each potential site being reviewed by the Engineers. Only three (3) of the potential twenty (20) sites were chosen for further consideration. This information is outlined in an e-mail dated April 2010, included in the staff report.

In response to a question by Councillor Adams, Ms. Kelly Denty, Supervisor, Planning Operations, Community Planning, advised that it is quite common for municipalities to do the consultation process for telecommunication tower applications. Mr. Agar explained that there are clear procedures in place for the western part of Nova Scotia and one other municipal area.

Councillor Adams commented that he would prefer Community Councils and HRM staff not be involved in the consultation process as it takes up a lot of staff time and Industry Canada will place the telecommunication towers where they want regardless of the recommendation from a Community Council.

MOVED by Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council waive the Rules of Order in regard to giving Notice of Motion of Rescission. MOTION PUT AND PASSED.

MOVED by Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council rescind the May 31, 2010 motion as follows:

MOVED BY Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council acknowledge receipt of the request by Rogers Communications Inc. for the construction of a new 90 metre guyed telecommunication tower at 7617 St. Margaret's Bay Road (PID #40560948), Ingramport, as shown on Map 1 and Attachment A of the staff report dated February 24, 2010; and,

- 1. Advise that they do not support, nor approve of, the proposed site for a telecommunications tower for the reasons outlined in the report prepared by Mr. James Fryday.***
- 2. Request that Industry Canada be contacted and requested to:***
 - a) Consider moving forward with the recommendations put forward by Mr. James Fryday in his report titled "Cell Tower Proposal Ingramport".***
 - b) Recognize the need to have a study on migratory bird pathways with respect to guy wires.***
 - c) Organize the public meetings and public hearings with respect to issues such as communications towers.***

MOTION PUT AND PASSED.

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council forward a positive recommendation to Industry Canada supporting the proposal by Rogers Communications Inc. for the construction of a new 90 metre guyed telecommunication tower and accessory building at 7617 St. Margaret's Bay Road (PID#40560948), Ingramport, as shown on Map 1 and Attachment A of the February 25, 2010 staff report.

Councillor Lund advised that he would forward a letter to Industry Canada outlining the area residents concerns with the proposed telecommunication tower site and include a copy of the report prepared by Mr. James Fryday.

MOTION PUT AND PASSED.

8. HEARINGS

8.1 VARIANCE HEARING

8.1.1 APPEAL OF THE DEVELOPMENT OFFICER'S DECISION TO REFUSE AN APPLICATION FOR A VARIANCE AT CIVIC 968 HERRING COVE ROAD, HALIFAX.

- A staff report dated July 19, 2010 was before the Community Council.

Mr. Andrew Faulkner presented the report. He noted that most lots in the area have similar setbacks. The Applicant applied for the appeal when his request for a permit was denied.

Councillor Adams explained the procedures for Variance Hearings then called the Applicant forward at this time.

Mr. Blaine James, property owner, explained that he decided to build a carport on his property due to trees dripping sap over his cars. He was not aware of the requirement to apply for a permit, otherwise, he would have applied prior to commencing construction. A By-Law Enforcement Officer arrived at his property within four hours of the construction commencing and advised him that a permit was required. Mr. James immediately stopped construction and went to obtain a permit. His permit request was denied as the variance was denied.

The photos show that the carport posts are 28 feet from the pavement. He noted that there were other house on the Herring Cove Road with extrusions within 25' of the pavement and, in his case, there would be only posts at 28', not a building, therefore, he did not see that his construction was setting a precedent. Two neighbours have submitted letters advising that they have no issues with the construction. Others are now requesting that the construction be completed as, in its unfinished state, it is becoming an eyesore.

In response to questions of clarification from the Community Council, Mr. James provided the following additional information:

- C one neighbour has a ramp that extends 10' further than his carport posts and the ramp has been there for years
- C the carport is a little wider than intended due to the shape of the concrete doorstep that protrudes from the house necessitating moving the posts out in order to have adequate room
- C he takes pride in his property and looks after it
- C the construction is just a carport and will never be closed in.

Councillor Adams advised that he was in support of overturning the Development Officer's decision and approving the variance as the owner stopped construction immediately upon being advised of the permit and setback requirements and undertook the proper process. There was no intentional disregard of the land use by-laws.

MOVED by Councillor Rankin, seconded by Councillor Lund that Western Region Community Council overturn the Development Officer's decision and approve the variance. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS - NONE

10. REPORTS

10.1 Staff

10.1.1 Case 01280 - Development Agreement - Herring Cove Village

- A staff report dated June 7, 2010 was before Community Council.
- A report dated January 4, 2010 from the Halifax Watershed Advisory Board was before the Community Council.

MOVED BY Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council move Notice of Motion to consider approval of the proposed development agreement and set a public hearing date for September 20, 2010. MOTION PUT AND PASSED.

10.1.2 Case 01312 - Revised Amending Agreement - Brunello Estates Subdivision (formerly Westgate Community), Timberlea

- A Supplementary Report dated July 9, 2010 was before the Community Council.

In response to questions of clarification by Western Region Community Council, Ms. Denty provided the following information:

- C as a result of the cap put in place by the provincial Department of Environment in 2005, the development is limited to 280 units until a sewage capacity solution is found by Halifax Water and the province.
- C HRM is responsible for providing sewer capacity for the community.
- C a complete inventory was done for the entire area and the 180 units is just for this particular community.
- C it may be possible to revisit the sewage treatment plant matter for reasons such as new technology.
- C any future amendments would come to the Western Region Community Council
- C the regulatory body for Golf courses and wetlands is the provincial Department of the Environment.

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

- 1. By resolution, approve the revised non - substantive amendment to the Brunello Estates Subdivision (formerly Westgate Community) development agreement for Phase 1, as detailed in the Fifth Amending Agreement presented as Attachment A to the staff Supplementary Report dated July 9, 2010;**
- 2. Require that the Fifth Amending Agreement be signed by the property owner within 120 days, or any 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 MOTION.

10.1.3 Case 15910 - Rezoning - Moody Lake, Williamswood

- A staff report dated June 30, 2010 was before the Community Council.

MOVED by Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council give First Reading to the rezoning of PID's 40071177, 00648493, and 00648501 located on the western shore of Moody Lake in Williamswood from the PA (Protected Area) Zone to the R-2 (Two Unit Dwelling) Zone, as identified in Attachment A of the report dated June 30, 2010 and schedule a public hearing in September 2010. MOTION PUT AND PASSED.

10.1.4 Case 16241 - Rezoning - Lovett Lake, Beechville

- A report dated July 7, 2010 was before Community Council.

MOVED by Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council give First Reading to the rezoning of five properties between Lovett Lake and St. Margaret's Bay Road, Beechville (PID's 40049033, 40049504, 40049751, 40841744 and 40160871) from the CDD (Comprehensive Development District) Zone to the R-1 (Single Unit Dwelling) Zone, as identified in Attachment A of the staff report dated July 7, 2010 and schedule a public hearing in September 2010. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Upper Tantallon at the Crossroads

MOVED by Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council recommend that Halifax Regional Council request staff to prepare a report to initiate the process to consider amending the Municipal Planning Strategy and Land Use By-Law for Districts 1 and 3 (St. Margaret's Bay) to incorporate the recommendations of Community Forum III, "Vision to Reality", a concept plan for Upper Tantallon at the Crossroads. A copy of the Community Forum III: Vision to Reality report to be forwarded to Regional Council. MOTION PUT AND PASSED.

MOVED by Councillor Rankin, seconded by Councillor Rankin that the Western Region Community Council request a letter of appreciation and scroll be sent to Mr. John Leon in recognition of his, and the local citizens' efforts, in coordinating the third series of Community Forum Visioning exercise. MOTION PUT AND PASSED.

Councillor Lund also expressed thanks to Mr. Roger Wells, Supervisor, Regional and Community Planning and his team for their work with the Community Visioning exercise.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No members of the public came forward at this time.

15. NEXT MEETING

The Western Region Community Council cancelled their August 23, 2010 meeting and agreed to meet in September. The September date is to be confirmed.

16. ADJOURNMENT

The meeting was adjourned at 7:44 p.m.

Chris Newson
Legislative Assistant

Information Items

1. Annual General Meetings of Community Councils