

WESTERN REGION COMMUNITY COUNCIL

MINUTES

September 20, 2010

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

REGRETS: None

STAFF: Mr. Martin Ward, Solicitor  
Ms. Chris Newson, Legislative Assistant

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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 of the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

**2. APPROVAL OF MINUTES - July 26, 2010**

**MOVED by Councillor Rankin, seconded by Councillor Lund that the minutes of July 26, 2010, as presented, be approved. MOTION PUT AND PASSED.**

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

Additions: 12.1 Request for Temporary School Bus Stop at Prospect Road  
Community Centre - Councillor Rankin

**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**

Councillor Adams advised that he will arrange a meeting with staff on this matter. Item to remain on the status sheet.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. HEARINGS**

**8.1 Public Hearings**

**8.1.1 Case 15910 - Rezoning - Moody Lake, Williamswood**

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

Written submissions from the following persons were before the Community Council: George and Brenda Bell, Peter Eastwood and Pierre Vanasse.

Mr. Miles Agar, Planner, presented the staff report. He then provided the following

information in response to questions of clarification from Members of the Community Council:

- the Regional Plan exercise created the new PA (Protected Area) zone; a zoning that was intended for larger tracks of conservation land, mostly under public ownership, to protect natural corridors, however; some privately owned land could be included.
- the lots in question are quite isolated compared to the larger tracks of land in the Pennant Corridor
- the origin of the rezoning request initiated with HRM Planning staff in response to a concern expressed by the Nova Scotia Nature Trust (NSNT) regarding the PA zoning. The NSNT advised staff that it was not their intent to permanently steward the land in question as they obtain land not only for conservation purposes but also for sale to generate revenue to obtain more appropriate land.

Councillor Adams noted that whether or not the property owner intended to permanently steward the land or not was beyond the scope of the rezoning issue.

- the area in question, to a degree, is designated Rural Commuter under the Regional Plan
- Brans Way is an easement with a driveway constructed on top; some of the lots to the south are accessed through this route
- the subject lots were created in 1966
- the Crown lands are located to the west

Councillor Lund expressed concern that the province would not approve a septic system for the small lots and that a request for a variance would most likely be required in order to develop the lots.

In response to a concern raised by Councillor Lund on whether or not the property could be sold while the previous owners were still living, Mr. Agar explained that the agreement was between the previous and current owners and was not part of the policy issue.

Councillor Adams explained the rules and procedure for public hearings then called for anyone wishing to comment on the matter to come forward at this time.

**Susan Kendall, Sarah Ingraham Drive, Williamswood**, inquired what options the Nova Scotia Nature Trust would have if the request for rezoning was not approved as they do not intend to permanently steward the land. Moody Lake is not a big lake and most neighbours are concerned with the impact to Moody Lake if the rezoning is approved and development, as per the R2 zoning, occurs. It is irrelevant that this type of zoning was okay in 1966 as, hopefully, the Environmental Laws have changed. She expressed concern that a proper analysis has not been done in regard to the environmental impact development would have on the lake; more information and a professional opinion is needed on the condition of Moody Lake and how it relates to

other lakes in HRM and whether three more lots could be developed.

**George Bell, Moody Park Drive, Williamswood** advised that he concurred with the first speaker and expressed concern that the orphaned piece of land was to be added to an over developed lake area. He has not seen environmental studies of the lake in regard to coliform levels and whether or not experts feel the lake could take more development; these questions should be answered first.

**Sergio Manzoni, Sarah Ingraham Drive, Williamswood**, advised that he just bought a lot and was aware of the distances (separations) he can go. The lots in question are a protected area and a change to the R2 zone would give the potential for six families there which does not make sense as there is no room for septic fields. He questioned why the matter was even being brought forward as any development today should follow the law of the day and not the past.

**Dave Taylor, River Walk, Williamswood**, noted that the biggest issue is the size of the lots which are less than half the size required for a building lot. He explained that he works in construction and does septic systems and there is no way any of the three lots would be supplied with a proper septic system.

**Richard Belyea, Sarah Ingraham Drive, Williamswood**, referenced written comments submitted by Pierre (Vanasse) and the serious concerns raised with the water quality of Moody Lake. There are four pages of questions that need to be answered. He advised that the area is downstream from a recycle centre. He reviewed a recent sampling of the water quality and the sampling system shows half a dozen items and Moody Lake was the highest of all the lakes the city owns which is a concern. The outfall area for Moody Lake showed coliform levels 100 times higher than the acceptable limit. He questioned where the substance was coming from and advised that he would feel better hearing from an expert who could explain, in laymen's terms, whether the results were good or bad. To access the lots, two private roads must be crossed. He questioned whether the rezoning should be approved due to the access issue as there is a requirement to have access for fire services.

**Yadviga Gawetski, Old Sambro Road, Williamswood**, explained that she had considered donating land to the city upon her demise, however; as a result of the issue of permanent stewardship, she now has concerns as there is no guarantee that the land would be protected. She acknowledged that sometimes land has to be sacrificed for progress and she understood the Nova Scotia Nature Trust's intent to trade this land in order to protect a larger portion of the province's natural habitat. She was also of the understanding that a portion of land would be traded to provide public access for kayaking. She advised that she would not want anyone building close to her and hopes that no one will build on this land, however; if the Nova Scotia Nature Trust is planning something bigger and better for the environment then perhaps this (application) is a smart move. She understands that everyone wants to go green but after talking to residents of the Moody Park area she was advised that there are no bus stops nearby so the residents cannot take the bus. Protection of the environment has to be

consistent. The Nova Scotia Nature Trust has to do more to show that they want to protect the environment. She questioned whether it was common sense or greed and money motivating the change to develop these lands. A decision has to be made on what is really important and what is to be achieved. Is the request benefitting the entire community of Williamswood or just private citizen advantage. She questioned whether the family of the people who donated the property would be in agreement to the land being sold for development. She noted that if she were to donate land so that it would be protected and then that land was sold her family would be devastated. She also questioned how the land could be sold while the previous owner was still living. Ms. Gawetski noted her support for the residents.

In response to a question by Councillor Rankin, Mr. Agar advised that members of the Nova Scotia Nature Trust had intended to participate in the public hearing but were unable to be in attendance.

Councillor Rankin noted that the issue was not entirely unique as there were similar situations across the province. Certain planning issues from pre-1980 may have been grandfathered but not the environmental standards. The jurisdiction of the environmental standards is with the provincial government and it is uncertain what the province would do in regard to the small lots.

Mr. Agar explained that the provincial regulations were beyond the scope of this application.

Councillor Rankin noted that the application could not be turned down due to the lot size as that would be a decision for the province under their regulations.

Councillor Lund concurred that it was unfortunate similar situations existed across Nova Scotia as some lots were approved and developed in the 1960's, or earlier, that, by today's standards, are considered too small. The municipality's hands are tied in regard to the lot size and whether or not they could be developed. It is unlikely that anyone would be able to build on those lots as the provincial regulations are stringent in regard to setback distances from the house to the property lines and the lake as well as the provincial requirements for septic systems. The lots appear to have been approved with water access only which would necessitate the need for an easement across private property to access the land.

The Community Council meeting recessed at 7:37 p.m.  
The Community Council meeting reconvened at 7:40 p.m.

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

**MOVED by Councillor Rankin , seconded by Councillor Lund that the Western Region Community Council not approve the rezoning of PIDs 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 staff report dated June 30, 2010.**

Councillor Adams noted that the decision to refuse the rezoning request was due to:

1. the number of unanswered questions and the lack of information brought forward;
2. the fact that the Nova Scotia Nature Trust was not in attendance to state their case;
3. the rezoning request had been initiated by HRM staff not the Nova Scotia Nature.

The Western Region Community Council recommends that the PA (Protected Area) Zone should remain.

**MOTION PUT AND PASSED.**

The Community Council recessed at 7:41 p.m.  
The Community Council reconvened at 7:43 p.m.

**8.1.2 Case 16241 - Rezoning - Lovett Lake, Beechville**

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

Ms. Mackenzie Stonehocker, Planner, presented the staff report. She noted that the properties in questions were included in the previous rezoning due to a mapping error. The CDD zone has a minimum five acre requirement, therefore; CDD is not appropriate zoning for these lands.

Councillor Adams explained the rules and procedures for public hearings then opened the public hearing calling any speakers to come forward at this time.

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

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

**8.2 Variance Appeal Hearing**

### **8.2.1 Variance Case No. 16283, 169 Ashdale Crescent, Timberlea**

A staff report dated September 13, 2010 was before the Community Council.

Ms. Connie Sexton, Development Technician, presented the staff report.

Councillor Adams reviewed the procedures for variance appeal hearings then opened the hearing.

**Mr. Roland Pothier, property owner**, explained that the size of the proposed garage was not only to accommodate two vehicles but also to provide a second level workshop area. His lot configuration is different from others in the area although all lots are similar in size. Mr. Pothier circulated photographs of his property, the adjacent neighbour's and other corner lot properties in the area. He noted that the proposed attached garage would replace the two detached sheds and be more appealing to the neighbourhood.

In response to a question by Councillor Rankin, Mr. Pothier advised that his adjacent neighbor had no objection to the proposed garage.

Councillor Lund noted that there was a rock wall and garden buffer area between the two properties. The adjacent house is accessed from another street and has a large backyard, therefore; it did not appear that the 4' setback would impact the neighbouring property.

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

**MOVED by Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council overturn the decision of the Development Officer and approve the request for the variance.**

Councillor Rankin explained that the role of the Community Council was to consider specific situations. In this instance, the variance would be more pleasing to the neighbourhood. If the garage were detached it could be located closer to the property line, therefore; he was in support of overturning the Development Officer's decision.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE**

**10. REPORTS**

**10.1 Staff Reports**



**10.1.1 Case 16282: Discharge of a Development Agreement - 5250 St. Margaret's Bay Road, Upper Tantallon**

A staff report dated September 3, 2010 was before the Community Council.

Mr. Miles Agar, Planner, presented the staff report.

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

- 1. By resolution, approve the discharging agreement, presented as Attachment A of the staff report dated September 3, 2010, for lands located at 5250 St. Margaret's Bay Road, Upper Tantallon.**
- 2. Require the discharging 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.**

Councillor Lund explained that after speaking with the property owner and staff, he was in support of discharging the Development Agreement as a Development Agreement is attached to a property in perpetuity and it must be discharged in order to change the land use zoning. He noted that he would be bringing forward a motion to Regional Council in regard to the area Municipal Planning Strategy as the MU-2 zoning is basically as-of-right, something the area residents no longer want. Councillor Lund added that the new owner will maintain the residential appearance of the building and do some landscaping.

**MOTION PUT AND PASSED.**

**10.2 Members of Community Council**

**10.2.1 Request for Left Turn Indicator at Prospect Road and St. Margaret's Bay Road**

**MOVED by Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council write to the provincial Minister of Transportation and Infrastructure Renewal requesting improvements to the intersection at the St. Margaret's Bay Road and Prospect Road such as a left turn indicator or traffic lights.**

Councillor Rankin explained that he has received numerous calls and e-mails from constituents over the last few years requesting a left turn indicator at the intersection.

He has previously forwarded information on the matter to the Deputy Minister of Transportation and Infrastructure Renewal. He requested that the matter also be forwarded to the HRM Transportation and Public Works group.

**MOTION PUT AND PASSED.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Request for Temporary School Bus Stop at the Prospect Road Community Centre**

**MOVED by Councillor Rankin, seconded by Councillor Lund that the Western Region Community Council contact the Superintendent of the Halifax Regional School Board and the provincial Minister of Education requesting a temporary school bus stop at the Prospect Road Community Centre for students of the Prospect Road Elementary School who attend the Community Centre's afterschool program.**

Councillor Rankin explained that the budget approved walking trail between the Prospect Road Elementary School and the Prospect Road Community Centre would not be completed until the spring of 2011. In the interim, a temporary school bus stop is requested to alleviate the necessity of the elementary school children walking along the Prospect Road to access the Community Centre. The elementary students attend an after school program, similar to the Excel program, at the Community Centre due to a waiting list for the school offered program.

The Prospect Road Community Centre's request for the temporary school bus stop had been declined by the Director of Operations for the Halifax Regional School Board, therefore; Councillor Rankin requested that the Western Region Community Council appeal to the Superintendent of the Halifax Regional School Board and the Minister of Education to exercise Section 9.2 of Student Transportation Policy and approve the temporary bus stop for the safety of the students.

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

Mr. Reg Jones, Hammonds Plains, commented that it was great to see democracy in action.

**15. NEXT MEETING - October 18, 2010**

The October meeting will be held in the Captain William Spry Centre, 10 Kidston Road, Spryfield. The public hearing for Case 01280: Development Agreement - Herring Cove Village will be held during the October meeting.

**16. ADJOURNMENT**

The meeting was adjourned at 8:12 p.m.

Chris Newson  
Legislative Assistant

**Information Items** - NONE