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**1. CALL TO ORDER**

Councillor Rankin, Chair, called the meeting to order at 7:02 p.m. in the C. Estabrooks Hall, Hubley Community Centre, 4408 St. Margaret's Bay Road, Lewis Lake.

**2. APPROVAL OF MINUTES – April 23, 2012 and May 11, 2012**

April 23, 2012

The Legislative Assistant noted that the Table of Contents for the April 23, 2012 minutes required reformatting to correct page numbering.

**MOVED by Councillor Lund, seconded by Councillor Adams that the minutes of April 23, 2012, as amended, be approved. MOTION PUT AND PASSED.**

May 11, 2012

**MOVED by Councillor Lund, seconded by Councillor Adams that the minutes of May 11, 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 16559: Open Space Design Development Agreement – Three Brooks Subdivision, Granite Cove Drive, Hubley

12.2 Information Report – Herring Cove Advisory Steering Committee – Final Report

Move: Item 12.2 to be dealt with prior to the public hearings – Councillor Adams

Submissions received for the public hearings, Item 8.1.1 and 8.1.2, were circulated to the Community Council.

**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**

**4.1 Status Sheet Update**

**4.1.1 Village Road Speed Limit Reduction**

An Information Report dated April 23, 2012 was received. Matter to be removed from the Status Sheet.

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

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

The Community Council agreed to deal with Item 12.2 at this time.

**12.2 Information Report – Herring Cove Advisory Steering Committee – Final Report**

The May 16, 2012 Information Report was before the Community Council.

Councillor Adams explained that the Herring Cove Advisory Steering Committee (HCASC), created by the Western Region Community Council, was the first of its kind in HRM and will be a model for future committees. The mandate of the Committee was to protect and further the interest(s) of the community of Herring Cove in regard to six (6) projects as outlined in the Committee's May 16, 2012 final report. The Community Council acknowledged the work of the Committee and thanked them for their dedication to the community of Herring Cove.

**MOVED by Councillor Adams, seconded by Councillor Lund that the Western Region Community Council send a letter of acknowledgement and thanks to all members of the Herring Cove Advisory Steering Committee thanking them for their service and the completion of their mandate.**

Councillor Rankin suggested that other members of Council be copied, as well as the MLA's, in regard to this Committee being a model for future committees.

**MOTION PUT AND PASSED.**

**8. HEARINGS**

**8.1 Public Hearings**

**8.1.1 Case 16559: Open Space Design Development Agreement – Three Brooks Subdivision, Granite Cove, Hubley** *(First Reading Given April 23, 2012)*

The following documents were before the Community Council:

- March 17, 2011 Halifax Watershed Advisory Board Report
- May 21, 2012 Supplementary Staff Report
- April 3, 2012 Staff Report on Case 16559: Open Space Design Development Agreement – Three Brooks Subdivision, Granite Cove Drive, Hubley
- E-mail dated May 17, 2012 from Ms. Emily Olofsson
- Two e-mails dated May 23, 2012 from Mr. Michael Chapman

Ms. Jillian MacLellan, Planner, presented the staff report. She noted that Location One may need to be moved as the building permit would have to meet the Land Use By-Law and buffer requirements; the location of the dwellings is an approximation. Ms. MacLellan noted minor amendments, as outlined on page 2 of the May 21, 2012 Supplementary Report, in regard to clarification of requirements for wetland/water courses. The HRM owned property, Parcel RR-2, will have to be sold to the developer prior to a Development Agreement being registered with the Province. If the Western Region Community Council approves the proposed Development Agreement, the agreement cannot be signed until that property is sold/conveyed to the Developer. There have been no substantial changes to the application since the public information meeting that was held on February 3, 2011. A report has been provided by the Halifax Watershed Advisory Board. Staff recommends approval of the proposed Development Agreement.

Ms. MacLellan responded to questions of clarification from members of the Community Council.

Councillor Rankin reviewed the public hearing process then opened the public hearing calling for speakers to come forward at this time.

**Jenifer Tsang, Applicant, Sunrose Land Use Consulting**, introduced Ms. Lauren Chouinard, Maritime Testing, and Mr. Steve Williams of Mac Williams Engineering. She then provided a brief overview of the project that commenced twenty (20) years ago and has now reached its final stage. The proposed shared driveway is intended to be paved and is slightly smaller than a public road under the old rules for Private Roads. HRM and the Department of Environment are satisfied that adequate controls are in the development agreement recognizing the wetlands and environmental features. There will be condominiums with a Condo By-Law to address matters such as the maintenance of the wells. The policy would allow density of up to thirty-one (31) units on this site, however; only twenty-five (25) units are being proposed as it better suits the site. Ms. Tsang offered to respond to any questions.

In response to a question raised by Councillor Lund, Mr. Steve Williams, Mac Williams Engineering, explained that the surface water will be directed away from the private road (shared driveway) to the wetlands in order to recharge the wetlands; the remaining surface water will be directed to the lake itself.

**Vince O'Hanley, Granite Cove Drive**, expressed concern in regard to enforcement of the By-Laws and how to ensure accountability by the Developer and future owners.

In response to concerns raised by Mr. O'Hanley, Ms. MacLellan explained that with any development in HRM a building permit is required. The permit requires the location of the building to be shown and if there is a land use compliance issue HRM's By-Law Enforcement would check into the matter. HRM Officials would also be checking during the stages of construction.

Mr. Martin Ward, Solicitor, explained that if there were to be a breach of the Land Use By-Law and/or breach in agreement, the recourses would be to obtain an injunction from the courts to prevent the breach, or, to prosecute after the fact.

**Wayne Chapdelaine**, advised that he was speaking in opposition to the development. He noted that there are three specific areas of wetlands and that the elevation of the peninsula was not shown. There is a vertical rise on bedrock in the Phase 3 area that is narrower than shown on the map. He disagrees with the study that was done as he has walked the area and it appears to be a continuous wetland from the lake to Phase 2 and is wet at all times of the year. There is a twenty metre buffer now proposed around the Phase 3 wetland but it will impact where the road is located. He expressed concern with the proposed shared driveway in regard to fire protection as he has not been able to determine the width of the driveway and whether or not there will be space for fire trucks to turn. The lake is not accessible from the peninsula in relation to fire protection. He noted a decrease in fire protection for the area due to the move of the Hubley fire station to Tantallon.

Ms. MacLellan clarified that the width of the shared driveway is seven (7) metres with no right of way and is outlined in Attachment C of the report. The proposed shared driveway has been reviewed and approved by HRM Fire Services. The design of the driveway will be reviewed by fire services for each phase of the development to ensure it is compliant with fire services requirements. Section 3.5.4 (b) of the Development Agreement speaks to the issue.

**Klaus Hollman, Granite Cove Drive**, expressed concern with the water level being tested for Phase 1 but not for Phases 2 and 3. He inquired why testing was not done for all units to ensure there would be enough water. If it was determined that there was not enough for twenty-five (25) units then spread out the ten (10) units to make it more suitable. The area is wetland but is not all shown as wetland. The impact of the development would be too great for the area.

Ms. MacLellan clarified that the proposed agreement would only allow for ten units. Future development would require a supplementary groundwater assessment. In regard to purchasing any of the units in the development, the development agreement would be registered onto the property. The provincial Department of Environment has agreed to the delineation of the wetlands as outlined.

**Michael Chapman**, expressed concern with the density of the proposed development and the impact on the environmental nature. There has been financial investment in cleaning up the lake and he would prefer to see more environmental assessment done prior to development in order to determine whether the lake could sustain this level of development or what could be sustainable. Twenty-five (25) condos would have septic systems, lawns and potential for fifty (50) cars and would max out the small peninsula in the middle of the lake. He was pleased to see the buffer proposed for the wetlands / boundaries, however; there were areas in Phase 3 where he was up to his knees in

water. He has looked at the soils and wetland plants and still has concerns with the wetland delineation.

In response to concerns raised by Mr. Chapman, Ms. MacLellan explained that the original Three Brooks Subdivision concept was for thirty-five (35) lots and the current density is less than when the project was approved in 2003. The Developer could have continued as of right development with thirty-five (35) lots, however; has chosen to do a classic open space design for conservation reasons. The application has been reviewed by the Halifax Watershed Advisory Board who provided many recommendations, some of which cannot be regulated by a Development Agreement. There will be a requirement for stormwater management and sedimentation/erosion control as well as fencing along the buffer during construction to ensure as little disturbance as possible to the wetland/lake.

Councillor Rankin noted that written submissions had been received from Mr. Chapman.

Councillor Lund commented that a watershed study is being conducted for the Upper Tantallon area at Exit 5 and at the Crossroads similar to that done for the Fall River area, as referenced by Mr. Chapman in the written submission received, and should be coming to a public information meeting within the next month or so.

**David Wimberley, Head of St. Margaret's Bay**, suggested that the Development Agreement not include anything that would limit the ability to build sustainable dwellings such as accommodations for solar power options, including the ability to trim trees if they grow too big in order to protect the solar aspect, or heat pumps. The right to clear a section of land to build home scale vegetable and ornamental gardens should also be considered. He suggested an advanced sewage treatment system rather than traditional septic systems/fields for the area due to the limited amount of land and the boggy area. There is potential for the fields to flood which would be difficult to monitor and leachage could enter the watercourse. He noted that there are many little coves/lakes in the area that are becoming dead zones which is why he has raised these concerns for consideration.

Councillor Rankin clarified that HRM does not have the jurisdiction to impose regulations in regard to building energy efficient homes, although it may be suggested.

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.**

Ms. Tsang, representative for the Developer, advised that she had no final comments.

In response to questions raised by Members of the Community Council, Ms. MacLellan provided the following information:

- the delineation of the wetlands will be looked at before the road is

- constructed as the project design has to be shown prior to road construction
- the design of the septic system is wholly under the jurisdiction of the provincial Department of Environment
  - there is no requirement to monitor the water quantity of existing dwellings or those already constructed
  - a groundwater assessment has been completed for Phase 1 for ten units; if the ten units are constructed and the Developer wishes to move forward they could apply for a groundwater assessment for Phase 2
  - parking is not permitted along the shared driveway
  - if a Phase 2 groundwater assessment result showed that there was not sufficient water for all units, then Phase 3 would not commence
  - due to a shared septic system and shared driveway versus a private road, the proposed development would create less disturbance to the area.

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

- 1. Approve the Development Agreement contained in Attachment “A” of the April 3, 2012 staff report and amendments to Section 3.7.1(b) of the Development Agreement as outlined on page 2 of the Supplementary Report dated May 21, 2012, to allow for a Classic Open Space Design Development Agreement off Granite Cove Drive, Hubley; 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 commented that the proposed development agreement would be subject to approval by HRM for the Road Reserve as outlined in the Supplementary Report (*Section 7.3.2*). He commented that this development would have considerable less impact than what was originally proposed, therefore; he was in support of approval on behalf of the public interest.

**MOTION PUT AND PASSED.**

The meeting recessed at 8:18 p.m.

The meeting reconvened at 8:27 p.m.



### **8.1.2 Case 16770: St. Margaret's Square Development, Highway 3, Upper Tantallon**

The following documents were before the Community Council:

- June 20, 2011 Halifax Watershed Advisory Board Report
- May 4, 2012 Staff Report
- May 28, 2012 Submission from Mr. John Leon
- E-mail received May 28, 2012 from Ellen Helmke, President, St. Margaret's Bay Chamber of Commerce, Shelley Webb, St. Margaret's Bay Tourism Association, and Robert Ziegler, Chair, St. Margaret's Bay Stewardship Association.
- E-mails received May 28, 2012 from Paula Fredericks, Michael C. Fredericks, Lynn Brooks, Joan M. Walke, Donna McInnis, Jim McMillan, Jim Carwardine, Myrna M. Gillis, Glenn Hutt, Valerie Finney, Carol Ann Storzuk, and Cathy Guest.

Mr. Paul Sampson, Planner, presented the report for Case 16770. He explained that the Phase C, D and E buildings are being considered as part of this Development Agreement. The Phase C and D buildings are proposed for the same site as the existing Lawton's Plaza; the site for the proposed Phase E building is currently a vacant lot.

Mr. Sampson then responded to questions of clarification from Members of the Community Council and provided the following information:

- the Community Council could determine that an expansion over 10%, in regard to the proposed potential expansion of Building E from 9,600 square feet to 17,000 square feet (Section 3.4.2 (b) and Section 6.1(a) of the Development Agreement, would be a substantive amendment, and thereby require a public hearing, rather than the proposed non substantive amendment as outlined in the above noted sections of the proposed Development Agreement.
- the only difference from information presented at the Public Information Meeting and that proposed this evening was: 1. the reduction in size of Building E from 17,000 square feet to 9,600 with the option to expand to 17,000 as originally planned, 2. The Phase C building is permitted to be two storeys with a total square footage of 34,000 with the current proposed option to expand the ground floor level as long as the second storey was reduced in size to maintain the total 34,000 square feet. For example, a 24,000 square foot ground floor would result in a second storey of no more than 10,000 square feet.

Councillor Lund expressed concern with the topography/elevation/existing grade of the site and whether or not one building may dwarf another.

Councillor Rankin reviewed the public hearing process then opened the public hearing calling for speakers to come forward at this time.

**Mr. Cesar Saleh, W. M. Fares Group**, representing the Applicant, provided a brief history of the project from 2006 to the present. Mr. Saleh explained that the plans for commercial development had been reviewed by HRM and the provincial Departments of Environment and Transportation and Infrastructure Renewal and approved for as of right use. A stormwater management system was included for the entire site. The three buildings under consideration, C, D and E, had been approved and would have been built as of right, however; due to the uncertain economy development was delayed. In August 2010 the policy changed and a Development Agreement was now required for buildings over a certain square footage. The proposed three buildings will include service shops at the ground level and office space on the second level. The flexibility in square footage is due to interest in more service at the ground level. If the Community Council chooses to make the expansion of a building a substantive amendment to the Development Agreement, the Developer would be in agreement as the market is anticipated to have more interest in ground level use. Buildings C and D are pad ready with septic already constructed. Building E, proposed as 17,000 square feet and then reduced to 9,600 square feet due to a change in market demands, will go back to 17,000 square feet. The buildings will not be built unless there are tenants for them. Following the Public Information meeting, the Developer has worked with HRM staff on the Development Agreement. The buildings have been designed with a traditional style with the building elements and scale more reflective of the residential neighbourhood rather than commercial. Mr. Saleh then reviewed the requirements as stipulated in the Development Agreement for lighting (LED Standards), signs, trees and improvements to pedestrian circulation. The walkway at Canadian Tire will be expanded to the existing concrete driveway for safe access. Sewage treatment, as per the Development Agreement, is required to be level two prior to any construction. A portion of land will be given to the Department of Natural Resources to help establish the Five Bridge Lake Wilderness Area. Mr. Saleh asked for the community's and Community Council's support in approving the proposal as the site is one of the best sites to respond to potential commercial growth due to its location and existing infrastructure.

**John Leon** advised that he had acted as Chairman of the Tantallon Crossroads Steering Committee, a group formed in 2008 as a result of land being cleared for the St. Margaret's Square. Mr. Leon explained that community forums had been held between 2008 and 2011. The result of the forums, in regard to the as of right development in place for the area, was that a Development Agreement be required for any building over 7,500 square feet as well as a series of new zones for Tantallon at the Crossroads. (Case 01157 and Case 16424). There is a difference in interpretation of the criteria put in place by the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) amendments of 2009. A document outlining the concerns of the Committee has been submitted to the Community Council. The concerns include: Clause A - that the architectural style be such that it reinforces the traditional built form, Clause J, which directs Planners to consider any other matter relating to the impact on the general community. He believes that Clause J has been neglected and that the staff report does not touch on the community forums that were held.

Councillor Rankin advised that a written submission received from Mr. Leon was before the Community Council.

**John Briggs**, commented that there is a sense that HRM has not taken a fulsome account of the community's input.

**Guy Arsenault, Haliburton Hills**, read a statement prepared by a group of organizations such as the St. Margaret's Bay Chamber of Commerce and Local Business Associations. They are not opposed to growth or development; they encourage it. When originally presented, the public reaction to the St. Margaret's Square proposal was negative and the group began to consider the issue of growth. Careful planning and community input could provide the area with development for greater economic success for residents and businesses alike. The area Tourism group assisted in articulating the community values to be implemented into the HRM Visioning / Planning for the area. The following concerns are the three major issues with the current proposal: 1. The detrimental effect of large scale development on small businesses in the community. 2. Strip-mall commercial type development can result in high vacancy. Recently a long time business centre was turned into residential property due to the lack of business tenants. 3. Public desire: to approve the development as presented would be contrary to what the community wants. He requested that the Community Council defer decision on this matter pending approval of the proposed By-Law amendments and that a meeting be held with community representatives and the Developer.

**Barry Zwicker**, commented that community input is valuable but there has to be a balance when companies are willing to invest financially in the community and take some risk that should be welcomed by the community. At a previous meeting someone had complained about vacant lots and now they will be filled. Reflection has to be given on who is paying the bills as we all want some things but there has to be some leeway as the company proposing the development is paying the bills and we cannot get everything we want. Mr. Zwicker advised that he was in support of the development.

**Robert LeRoche, Allen Heights**, commented that Bedford has become very dense and was once a village but has become what it is due to lack of vision when it started developing. He noted that it is good to be in a rural environment but he has to drive everywhere or take a twenty (20) minute bike ride. It would be good to have an area that concentrated the businesses with proper modification based on community input. There is no question that the proposed buildings are big and resemble a shopping centre and lacks an area for people to meet. It appears more as an area you go to buy something with your car and leave rather than a destination. The W.M. Fares Group has shown some foresight in regard to the interesting new concept and this would be a great occasion for them to show how they can push the envelope as shown by young architects and urban developers. He suggested the community meet with the developer to come up with some ideas by thinking outside the box such as concentrating on an area where people could sit down or an area such as a fresh produce stand. He advised

that he was torn between supporting the W. M. Fares development, with more input from the community, and thinking outside the box.

**Robert Seger, Chair of St. Margaret's Bay Stewardship Association**, recommended that the matter be deferred by the Community Council and that staff bring the Developer and community together to see what could be done to develop a community friendly development on this site. He noted that they are not opposed to development but rather pro development of a certain kind. He related the proposed development to the decline of the historic commons where farmers would graze their livestock on the common area and then some members of the community wanted to claim a larger share which then created a downward spiral in regard to competition for the commons. The community has been asking for a Coastal Village development in the By-Laws for over five years. The lifetime of these buildings is approximately fifty (50) years and a delay now to allow the community to contribute time and architectural expertise to develop a better plan is recommended. The Community Council has a difficult decision: saying no to the Developer would cost them time and money or saying yes to the proposal to perpetuate the strip-mall-ization of the area contrary to the community would cause economic damage, would not be in accord with architectural traditional built form, would undermine the heritage and culture and is a sharp rebuke to the community that would undermine their faith in public government and public consultation.

In response to questions by Councillor Adams, Mr. Seger explained that:

- the type of development preferred would be that outlined in the proposed amendments to the Land Use By-Law and Municipal Planning Strategy for a Coastal Village style development.
- it was his understanding that big box development and strip malls have eviscerated small towns.

**David Wimberley** advised that he was speaking on behalf of Transition Bay St. Margaret's which is part of the international transition movement that assists people in transitioning between change in environment/energy consumption patterns and the economy of past to tomorrow. He advised that the group is not anti-development as they support smart, genuine progress. There is agreement that buildings be built at this site, however; they would like to see forms that provide genuine opportunity for future resilience of the community. He referred to the coastal village character along the coast of Maine and New England, with prosperous little villages, that draw people. Strip malls are dying and killing communities. There is an opportunity here to make a coastal village. He requested that the matter be deferred and asked that the proposed By-laws in progress, that were supposed to have been made law by now, be considered. A Masthead News article in 2011 outlined what type of community was wanted. A Coastal Village concept would give true economic and environmental progress in land use, energy and drawing the community together. The proposed buildings in no way reflect the community character. External pathways/walkways are needed with possible access to the nearby park.

**James Carwardine**, advised that he has been involved with the St. Margaret's Bay Stewardship Association planning exercise. He noted that this was not a new issue. In 1995 he was President of the St. Margaret's Bay Business Association and the big issue was that the Tantallon area was growing but they were not a village like the model presented for Hubbards. He noted that the various politicians in the room have also attended the meetings over the last four years and are witness to the type of thought and energy put forward by the community. Allowing what is proposed to come forward would obliterate the last four years.

**Geoff Le Boutilier** commented that he was in agreement with previous speakers and hoped the Community Council would make the right decision.

**Jim Legere**, commented that it would be a waste of the last four years if the Community Council did not listen to the voices of its constituents. Big business provides a great tax base but the area is more rural than urban. The Community Council works for the constituents and it is their job to make those wishes clear.

**Ella MacLean** commented that she agrees with the speakers and referred to the document that was submitted as an excellent technical document containing a professional review of the Development Agreement. There will be development and investment in this area with a development that fits the community's vision, however; approving the proposed development would cut off that vision. She recommended that the matter be deferred and all aspects of what the community wants incorporated to develop that vision be considered. She noted that staff did not speak to the section of the Development Agreement on "any other planning matters" (Clause J) as explained in the document submitted. The Developer has been trying to work with the community yet the issue now appears to be one of translation; how to translate the community's vision to the development. She expressed concern with the current pathways and trying to bike to the area with disjointed paths. The matter should be deferred so that it could be done right for the next fifty years so that the area will draw people as a destination.

**Shelley Webb, member of the St. Margaret's Bay Tourism Association** and member of the Working Group. She commented that from a tourism perspective, the Tantallon region is the gateway to Peggy's Cove, an icon of the Maritimes, and a gateway to St. Margaret's Bay. Upwards of over ½ million tourists visit Peggy's Cove in any given year with an economic contribution of \$1.8 billion dollars and when looking at the area through those visitor's eyes we do not want them to see a "disguised" strip mall. Any development that would negatively impact the visitor experience is of concern. A strip mall will not convey a coastal spirit. There is an opportunity for this region/developer to set the bar for community collaboration that reflects the wish of the residents and be a good business investment for the Developer. This environment is the envy of many others in the world, a paradise, and the community wants to keep it that way. Over one hundred and fifty (150) organizations and interest groups have participated in the community forums and their wishes should be acknowledged and respected in the decision made. Visitors could choose to travel to any destination therefore a welcoming environment with stunning streetscapes is desired.

**Denise Peterson-Rafuse, MLA for Chester St. Margaret's Bay and Minister for Community Services/Seniors**, commented that the province and HRM were extremely fortunate to have a community that is so dedicated and committed to their future vision. They have worked together over a four year period on this vision. It is the people's community and the community has been pushing for changes in the By-Law. With the changes proposed by the community, the strip-mall look could be softened and the coastal community vision developed. This is an opportunity to show Nova Scotia that you are innovators in terms of working with your public.

**Eileen Coady, St. Margaret's Bay, member of the Stewardship Association**, commented that the original residents of the area, the Aboriginals, would consider what would work best for the people for seven (7) generations prior to making a decision. She asked that the Community Council think of all people from all perspectives for the next seven generations.

**Sally Ross, Whynot's Cove**, advised that her family has owned property in Whynot's Cove since 1951 during which time she has seen many changes. She was more concerned with the tremendous impact the development would have on the environment and less concerned with the look of the buildings. There have been no large houses built in the Cove area in the last thirty (30) years, however; in the last five to seven years the algae bloom has increased. She can no longer fish in the Cove and this has come about since this development began. She requested that the impact on the watercourses be considered.

**Shiela Keating, Head of St. Margaret's Bay, Architect and active participant in community forums** including the drafting of the document entitled "*A Community Response to W. H. Fares Development Agreement Application Case 16770 Revised*" submitted to the Community Council. In her twenty-year (20) experience as an Architect she has worked on many large scale mixed use developments and currently has a practice in the Bay area. She suggested that the Community Council consider all criteria put forward including that included in the document submitted and ask whether the Development Agreement meets the criteria. Her comments centered on style, character and scale of the development. Does the architectural design of the buildings reinforce the design, scale of traditional built form: according to HRM staff the interpretation of traditional built form was a subjective judgement call. In the proposed amendments to the existing MPS and LUB, and outlined in the document submitted, you can measure what is the traditional built form and scale. Scale is not just size but form and mass. A larger building could still reflect the style and desired character of a sea side community. The amendments put forward by the community describe the maximum straight length of walls; the proposed three buildings have lengths that far exceed what the amendments state. She noted that there are no mansard roofs in the community. The recommended footprint for the buildings is 10,000 square feet, not 17,000 as proposed. Ms. Keating advised that they were not against development, rather, they desire to create a coastal village streetscape.

In closing, Mr. Saleh, Applicant, expressed disappointment with the comments expressed in regard to collaboration with the Developer as over the last seven months no one has contacted him asking to meet or to put forward any suggestions. The technical document submitted was not shared with him nor was he contacted by any of the organizations involved with the Stewardship Association. Mr. Saleh advised that he appreciated the planning and visioning the community has been discussing, however; there are many limitations in relation to this site. The site is 80% developed; one building is fully occupied and the site is pad ready with parking already constructed. They will not dig up what is already there to bring it to the street front. The Developer has to work with what is already onsite. The proposed development is the balance of what was presented previously. He questioned how realistic it was to apply the community's vision to a development that is 80% developed. He requested that if the Community Council considers deferring the matter that they allow for Buildings D and E to go forward as there are tenants ready to occupy the building and a deferral could cost them the construction season and ultimately the tenants.

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.**

In response to questions of clarification raised by the Community Council, Mr. Kurt Pyle, Supervisor, Community & Recreation Services, explained that the proposed amendments to the Municipal Planning Strategy and Land Use By-Law could not be considered until approved by Regional Council.

Mr. Martin Ward, Solicitor, confirmed that the Community Council must base its decision on the current By-Laws/criteria and could not go outside that criteria.

**MOVED by Councillor Lund, seconded by Councillor Adams that the Western Region Community Council defer this matter for sixty (60) days pending HRM Staff reviewing comments and submissions received during the public hearing process in consultation with the Developer and requesting clarification, as required, on comments received from members of the public during the public hearing.** The report is to include clarification on the following:

- a) What is the architectural character of the community;
- b) Due to the existing grades and that proposed Building C would be a two storey building, Building C dwarf the existing Lawton's building; consideration to be given to alteration/reduction in size for Building C;
- c) Building E – if there is an increase in size to any of the buildings that it be considered a substantive amendment when it exceeds a 10% to 15% increase;
- d) Consideration be given to: common outdoor spaces; infiltration trenches to retain storm water; mansard roofs and any consideration to living space as opposed to adding to roof lines.

**MOTION TO DEFER PUT AND PASSED.**

**8.2 Variance Appeal Hearing - NONE**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence**

**9.1.1 E-mail dated May 17, 2012 from Ms. Emily Olofsson re; case 16559 – Open Space Design Development Agreement – Three Brooks Subdivision, Granite Cove, Hubley**

This item was dealt with under Item 8.1.1. See page 4.

**9.2 Petitions - NONE**

**9.3 Presentation - NONE**

**10. REPORTS - NONE**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Supplementary Report – Case 16559: Open Space Design Development Agreement – Three Brooks Subdivision, Granite Cove Drive, Hubley**

This item was dealt with under Item 8.1.1. See page 4.

**12.2 Information Report – Herring Cove Advisory Steering Committee – Final Report**

This item was dealt with earlier in the meeting. See page 4.

**13. NOTICES OF MOTION – NONE**

**14. PUBLIC PARTICIPATION**

No members of the public came forward at this time.

**15. NEXT MEETING DATE - June 25, 2012**

**16. IN CAMERA - NONE**

**17. ADJOURNMENT**

The meeting was adjourned at 10:32 p.m.

Chris Newson  
Legislative Assistant



**INFORMATION ITEMS**

1. Information Report – Village Road Speed Limit Reduction