

WESTERN REGION COMMUNITY COUNCIL
MINUTES

June 26, 2006

PRESENT: Councillor Steve Adams, Chair
Councillor Reg Rankin
Councillor Gary Meade

STAFF: Ms. Sheilagh Edmonds, Legislative Assistant
Ms. Donna Keats, Solicitor

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1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

2. APPROVAL OF MINUTES

MOVED by Councillor Meade, seconded by Councillor Rankin, the minutes of April 24, 2006 and the special meeting of May 30, 2006 be approved. MOTION PUT AND PASSED.

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

The following items were added to the agenda:

- 12.1 LUB Amendment - Definition of Service Station (Councillor Meade)
- 12.2 Right Hand Turn at Kingswood Drive/Hammonds Plains Road (Councillor Meade)

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

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET:

4.1 HRM Issues:

4.1.1 Regional Council Information Report re: Station Road Sewage Problem.

No update. This item is to remain on the Status Sheet.

4.1.2 Water Service Boundary - St. George Blvd., Kingswood

No update. This item is to remain on the Status Sheet.

4.1.3 Shiloe Road - Councillor Rankin

Councillor Rankin noted that he is awaiting a response to a letter that was sent to a key property owner which has potential for resolving the situation one way or another.

4.1.4 Playground - Beechville Estates

An Information Report dated May 17, 2006 was submitted. This item to be removed from Status Sheet.

4.1.5 Exhibition Park - Wood Storage

No update. The Legislative Assistant was requested to follow up with staff for a response. This item is to remain on the Status Sheet.

4.2 Provincial Issues:

4.2.1 Lack of Second Exit in Highland Park - Councillor Meade

Councillor Meade noted that as of April 1, 2006 this matter has been turned over to the Municipality. This is to remain on the Status Sheet and moved under 'HRM Issues' as item 4.1.6.

4.2.2 Chebucto Head Road - Maintenance - Councillor Adams

Councillor Adams advised that this item can be removed from the Status Sheet.

4.2.3 Provincial Classification of Roads - Councillor Rankin

Information regarding the Provincial Department of Transportation and Public Works Highway Design Standards was submitted.

Referring to the submitted information, Councillor Rankin asked that clarification be provided in regard to interpreting the data. This item is 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 Fence Permit Application - 83 Silver Maple Drive, Timberlea

C A staff report dated June 6, 2006 was submitted.

Mr. Rick Brown, Supervisor, Permits and Inspections Western Region, addressed Community Council and outlined the application to permit the erection of a fence at 83 Silver Maple Drive, Timberlea.

In his presentation, Mr. Brown advised that in response to a complaint regarding the erection of a fence at 83 Silver Maple Drive, staff investigated and found that a fence had been erected without a permit. Staff instructed the owner to apply for a permit, and subsequently, an application had been received to construct an 8' high fence. Anything exceeding 6.5' in height requires Community Council's approval. Mr. Brown noted that confirmation of structural adequacy has been received from a professional engineer.

The Chair called three times for anyone wishing to speak on this matter; hearing none, on a motion **MOVED by Councillor Rankin, seconded by Councillor Meade, the Public Hearing was closed.**

MOVED by Councillor Rankin, seconded by Councillor Meade that Western Region Community Council authorize staff to issue a permit to erect the fence at 83 Silver Maple Drive, Timberlea. MOTION PUT AND PASSED.

PUBLIC HEARING:

8.2 Case 00888: Development Agreement - 1434 and 1440 St. Margarets Bay Road, Lakeside

C Notice of Motion for this matter was given at a meeting of Community Council on May 30, 2006.

C A staff report dated May 10, 2006 was before Community Council for its consideration.

Mr. Luc Ouellet, Planner 1, addressed Community Council and outlined the request by Lakeside Child Care Centre Inc. to discharge the development agreement for 1440 St. Margaret's Bay Road, and to enter into a new development agreement to permit a day care for up to 70 children at 1434 St. Margaret's Bay Road and 1440 St. Margaret's Bay Road, Lakeside, as contained in the May 10, 2006 staff report.

Key highlights of Mr. Ouellet's presentation are as follows:

- the proposed agreement would enable the day care to permit up to 70 children, from 35
- at 1434 St. Margaret's Bay Road five parking spaces with one space being reserved for the tenant of the apartment is being proposed

- at 1440 St. Margaret's Bay Road 13 parking spaces with one of the parking spaces reserved for the tenant of the apartment is proposed; access and egress along the front of the property will be restricted with planters or concrete barriers; landscaping and tree retention at the rear of the property; and, includes a fenced play area that also screens the development from adjacent residences

The Chair called three times for anyone wishing to speak on this matter; hearing none, on a motion **MOVED by Councillor Meade, seconded by Councillor Rankin the public hearing was closed.**

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

1. **Approve the development agreement, included as Attachment A of the May 10, 2006 staff report, to permit a day care for up to 70 children at 1434 and 1440 St. Margaret's Bay Road, Lakeside;**
2. **Subject to the development agreement coming into effect, discharge the development agreement referenced as Municipal Case Number 00827 (Attachment B to the May 10, 2006 staff report); and**
3. **Require that the development agreement be signed within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations - None

10. REPORTS:

10.1 STAFF REPORTS:

10.1.1 Revision of Boundary Area for Harrietsfield Williamswood Community Centre Area Rate

A staff report dated June 6, 2006 was submitted.

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

- 1. That the boundary for the Harrietsfield Williamswood Community Centre area rate be revised in accordance with the map in Appendix B of the June 6, 2006 staff report to include only the communities of Harrietsfield and Williamswood effective with the 2006-07 fiscal year.**
- 2. The 2006-07 Business Plan and Operating Budget for the Harrietsfield Williamswood Community Centre attached to the June 6, 2006 staff report.**
- 3. That the area rate for the 2006-07 fiscal year be set at \$0.019 per \$100 of residential and resource assessment within the mapped area depicted in Appendix B of the June 6, 2006 staff report.**

MOTION PUT AND PASSED.

10.1.2 Case 00867: Rezoning of 2321 St. Margaret's Bay Road

A staff report dated June 8, 2006 was submitted.

MOVED by Council Rankin, seconded by Councillor Meade that Western Region Community Council give First Reading to the proposed rezoning and schedule a public hearing for July 24, 2006. MOTION PUT AND PASSED.

10.1.3 Revision of Boundary for Westwood Hills Residents Association Area Rate

C A staff report dated June 14, 2006 was submitted.

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

- 1. That the boundary for the Westwood Hills Residents Association area rate be revised to include the properties identified in Appendix B of the June 14, 2006 report effective with the 2006-07 fiscal year.**
- 2. The 2006-07 Business Plan and Operating Budget for the Westwood Hills Residents Association attached as Appendix E of the June 14, 2006 staff report.**
- 3. That the area rate for the 2006-07 fiscal year be set at \$50 per property within the mapped area depicted in Appendix B of the June 14, 2006**

staff report.

MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL:

10.2.1 Street Name Change - Willowdale Terrace, Halibut Bay - Councillor Adams

Councillor Adams explained that staff proposed changing the name of Willowdale Terrace in Halibut Bay to Duck Point Lane because there were two other similar names in HRM. One of the residents, Mr. Ronald Bell, objected to the name of Duck Point Lane and requested that the name be changed to Ashley Drive. Councillor Adams noted that Mr. Bell has, for the past eight years, paid for all the snow removal for the lane and has submitted copies of invoices in support. Further, Mr. Bell was able to speak to three out of four of his neighbours on this issue and none had any objection to his request for the name of Ashley Drive. He was unable to contact the fourth neighbour as she rents her property. Councillor Adams indicated that for these reasons he supported Mr. Bell's request.

MOVED by Councillor Rankin, seconded by Councillor Meade by that the street name of Willowdale Terrace, in Halibut Bay be changed to Ashley Drive. MOTION PUT AND PASSED.

10.2.2 Construction of an Accessory Building on Property with Extreme Grades (Tantallon) - Councillor Meade

MOVED by Councillor Meade, seconded by Councillor Rankin that staff prepare an information report on the challenges faced by the property owner at 53 Nottingham Drive, Tantallon in the construction of an accessory building on a property with extreme grades. Furthermore, staff provide a discussion of the options available to provide more flexibility with building height and extreme grades. MOTION PUT AND PASSED.

11. MOTIONS - None

12. ADDED ITEMS:

12.1 LUB Amendment - Definition of Service Station (Councillor Meade)

Councillor Meade noted that it came to his attention that, currently, in Hammonds Plains if someone wanted to construct a garage without the gas pumps, they are not permitted to do so.

MOVED by Councillor Meade seconded by Councillor Rankin that staff initiate a planning process to consider a land use by-law amendment to amend the definition

of service station to permit stand alone auto repair without the sale of gasoline or lubricants. MOTION PUT AND PASSED.

12.2 RightHand Turn atKingswood Drive/Hammonds Plains Road (Councillor Meade)

At the request of Councillor Meade, **Community Council agreed** to forward a request to staff to consider including in next year's budget, funding for the installation of a right-hand lane on Kingswood Drive at Hammonds Plains Road.

In addressing the matter, Councillor Meade advised that traffic on Kingswood Drive gets backed up due to people making left-hand turns onto Hammonds Plains Rd. He indicated there was enough room on Kingswood Drive that a right-turning lane could be accommodated.

13. NOTICES OF MOTIONS - None

14. PUBLIC PARTICIPATION:

Mr. Wayne Rogers, Landsdown Drive

Mr. Rogers noted that he had a number of issues with the Otter Lake Landfill and expressed concern that he has tried for the past four months to get a response from Don Mason, the Executive Director for the Community Monitoring Committee. He also noted that he wrote to Councillor Rankin and Peter Bigelow about the dumping of garbage and wood storage around the exhibition park area.

The following people addressed Community Council with concerns over a proposed asphalt plant for the Goodwood area:

Mr. Wayne Rogers, Landsdown Drive

C expressed concern that he only recently received a notice advising that public input was being sought in regard to the placement of an asphalt plant, and that interested residents were to respond to Dillon Consulting and to the Department of Environment.

C met with Dillon Consulting and was given to understand that there is a 60 day review period for any environmental assessment. However, he also heard that this particular project did not need an environmental assessment.

C was also given to understand that this process would be driven by HRM. It was submitted for review May 19, 2006, and the public were notified on June 20, 2006 that public input was being sought, and that all responses were to be submitted by July 10, 2006. Mr. Rogers expressed concern over this timeline adding that it was not enough time to research and respond appropriately to the submission

for an asphalt plant.

- C have also heard rumours that a rock crushing facility and metal recycling plant have been approved for the same site.

Mr. Dan McAvoy, Hatchett Lake

- C heard that the easement was voted at an in-camera session and asked for the names of those councillors who voted in favour of the easement.
- C questioned why the environmental assessment was in motion when no easement has been granted.
- C even though I-3 zoning permits heavy industry, it also says that something cannot be put in place which would cause a nuisance or hazard to the public, therefore a rock crushing plant or metal recycling plant could not be located on the site if it is a nuisance to the public.
- C advised that he was outraged that their Councillor did not find it necessary to tell the people of the community that the easement was for an Industrial Park.
- C an Industrial Park is locating in Goodwood, an area in which the residents consider to be a wilderness residential area.
- C suggested that the Western Common study was misleading because it showed the lands designated as recreation and wilderness.

Ms. Ilene Ulrich, Brookside

- C advised that she received a fax from Councillor Rankin that he was going to request public information sessions be held no earlier than September of this year so the community could be involved and informed of the situation. She requested confirmation of this.
- C noted that she sent an e-mail to the Councillors through the Clerk's Office asking that no motions be passed in regard to this matter; the Community does not want this considered until there is an opportunity for public input.
- C suggested that Community Council consider downzoning this area to Commercial as the community is growing extremely fast and this type of project would not be in the best interest of the Community.

Mr. Frank Johnstone, Old Coach Road, Goodwood

- C suggested that Community Council rezone the area.
- C has heard rumours and discussion that if the applicant gets approval, there would be traffic lights installed on the Prospect Road due to the heavy truck usage.

Mr. Jeff Ripley, Hatchett Lake

- C noted that the Department of Environment is involved with this matter; and pointed out that the zoning of the land permits an asphalt plant and suggested that the easiest part of the whole process for the applicant would be the HRM permits. The applicant needs the piece of property from Council in order to see it through.
- C noted that when Council voted on this issue, the residents of Prospect Road were not aware of it and they should have been informed. He requested Council vote the way the people of the community feel on this issue.
- C traffic on Prospect Road is very heavy; with the addition of heavy trucks, and the possibility of an accident of an overturned truck, this will only exacerbate the situation.

Ms. Beth MacGee, Seabright

- C concerned about the impact on the environment in the area with the proposal. There is a bog to the west of the property (Drysdale bog) which is over 25 hectares in size and should be commanding an environmental assessment. As well, there is a smaller bog to the north which 5.1 hectares.
- C concerned about the potential for groundwater contamination from an asphalt plant and contamination of the waters that lead into Big Indian Lake and all the way down the Prospect River system.

Ms. Mary Huntley, Old Coach Road

- C learned two days ago about the possibility of an asphalt plant in Goodwood and concerned about the impact this will have on the area.
- C would like to see the zoning change and requested Council to oppose any such application.

Mr. Bill Estabrooks, MLA - Timberlea Prospect

- C expressed concern about the role of a traffic survey - in his view a traffic survey will indicate that there should be no more development on Prospect Road until there are improvements to the road.
- C crucial to know the timeline for when the community can have its say on the issue.

In response to the concerns expressed, Councillor Rankin requested that, with the agreement of Community Council, the Legislative Assistant prepare and convey the concerns expressed this evening in writing to the Councillors by noon tomorrow, before Council discusses this matter.

Councillor Rankin further responded and advised that, 'byright' an individual can make application for an asphalt plant, and that it is the easement aspect of this matter where the Municipality is involved. He added that a staff report, which has been made public contains two clauses which Council will debate tomorrow. The first one is that, should an application come forth for an asphalt plant, an environmental review be carried out including public consultation. Secondly, that Department of Transportation would acknowledge to the Municipality that there will be a transportation study which will include the advisability of acceleration lanes going out, which would allow for another lane, and deceleration lanes, as well as traffic signals and acknowledgment that these things will be addressed.

Councillor Rankin noted that the concerns expressed by the residents have compelled many councillors to request that there be an environmental review and public consultation. He pointed out that it is his understanding this is not a requirement of Department of Environment, and is at the discretion of the Minister. Councillor Rankin also indicated that to try and shut down an application by rezoning, is not an option. With regard to public input, Councillor Rankin advised that should an application come before the Province, Regional Council is asking that the Province consider extending, at least, a portion of the public consultation to September, in addition to the summer.

15. NEXT MEETING

The next meeting was scheduled for July 24, 2006

16. ADJOURNMENT

The meeting adjourned at 8:07 p.m.

Sheilagh Edmonds
Legislative Assistant