

WESTERN REGION COMMUNITY COUNCIL
MINUTES

July 24, 2006

PRESENT: Councillor Stephen D. Adams, Chair
Councillor Reg Rankin
Councillor Gary Meade

STAFF: Mr. Randolph Kinghorne, Municipal Solicitor
Ms. Chris Newson, Legislative Assistant

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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 Rankin, seconded by Councillor Meade, that the minutes of June 26, 2006 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions: 12.1 Signalization Brookside/Route 333 - Councillor Rankin
12.2 Correspondence from Mr. Coolen re: Armdale Rotary - Councillor Rankin

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

Councillor Meade advised that staff have indicated they are working on one report relative to all service boundary expansion requests. This item is to remain on the Status Sheet.

4.1.3 Shiloa Road - Councillor Rankin

Councillor Rankin advised that he is waiting for a response from a Shiloe Road resident. Item to remain on the Status Sheet.

4.1.4 Exhibition Park - Wood Storage

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council request a response from staff regarding when the wood chips will be removed from the Exhibition Park location and the deadline for the removal. MOTION PUT AND PASSED UNANIMOUSLY. Item to remain on the status sheet.

4.1.5 Lack of Second Exit in Highland Park

Councillor Meade advised that staff are reviewing this matter. Item to remain on the Status Sheet.

4.1.6 Construction of an Accessory Building on Property with Extreme Grades (Tantallon)

Councillor Meade advised that a staff report has been requested. Item to remain on the Status Sheet.

4.1.7 LUB Amendment - Definition of Service Station

Councillor Meade advised a staff report has been requested. Item to remain on the Status Sheet.

4.2 Provincial Issues:

4.2.1 Provincial Classification of Roads

Councillor Rankin advised that the information received is apparently the best technical information available. Item to be removed from the Status Sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARING:

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

- A staff report dated June 8, 2006 was before Community Council.

Mr. Luc Ouellet, Planner, presented the report.

The Chair reviewed the guidelines for the public hearing then called for any speakers for or against the proposal.

Public Speakers:

Conrad M. Marsh, Lakeside

- Advised that he is acquainted with the business owner. He expressed his comments at the April public information meeting and reiterated that he is in support of the business.

Donnie MacDonald

- Advised that he is 100% in favour of the business and that it is just one of the services needed in Timberlea. He commented that it is good to have a hair salon within walking distance.

Sissy Payne, Timberlea

- She advised that she is a regular customer at the salon and appreciates that she does not have to travel to town to have her hair done.

Wayne Rogers, Halifax

- He inquired what other businesses would be allowed under this zoning if the operation leaves or terminates. He mentioned problems with another rezoning application in the Goodwood area which was supposed to be for a CHUM tower but is now for something else. He inquired if that could happen in this case.

Mr. Luc Ouellet, Planner, responded that the C1 zoning is a commercial zone residential area with limited uses. He added that there are only two types of commercial uses permitted; personal service (hair, tanning or massage salons) and variety (corner) stores. There is already a variety store across the street from this site and chances of another at the same location would be slim.

The Chair called three times for anyone wishing to speak for or against the proposal, hearing none, on a motion **MOVED by Councillor Meade, seconded by Councillor Rankin the public hearing was closed. MOTION PUT AND PASSED.**

MOVED by Councillor Rankin, seconded by Councillor Meade that Western Region Community Council approve the rezoning of 2321 St. Margaret's Bay Road, Timberlea, as shown on Map 1 in the staff report dated June 8, 2006, from R-1 (Single Unit Dwelling) Zone to C-1 (Local Business) Zone.

Councillor Rankin commented that the public has responded very positively to this application. He added that two expert opinions, from the Consultants and HRM staff, have satisfied any concern he may have had in regard to traffic issues. Further, this commercial enterprise will serve a community need. He concluded his comments by

indicating there is no good reason not to approve the application as all requirements have been met.

MOTION PUT AND PASSED UNANIMOUSLY.

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 Prospect Road Community Centre

- A staff report dated July 18, 2006 was before Community Council. Mr. Jan Skora, Coordinator, Real Property Planning, was in attendance.

MOVED by Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council endorse the recommendation of the Site Selection Committee for the Prospect Road Recreation Centre that the facility be located on the land known as the HRM Western Commons located specifically on the tract of land located between the Prospect Road Elementary School and the Prospect Road Fire Hall. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Meade requested clarification on the name of the fire hall; Prospect Road Fire Hall or Hatchet Lake Fire Hall.

11. MOTIONS - None

12. ADDED ITEMS

12.1 Brookside Road / Route 333

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council request the Provincial Department of Transportation be requested to consider signalization improvements at the Brookside entrance and Route 333 location. MOTION PUT AND PASSED UNANIMOUSLY.

12.2 Armdale Rotary - Original Design

- A letter, dated July 12, 2006 from area resident Mr. Coolen, was submitted by Councillor Rankin.

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council request HRM Transportation staff review the information provided in Mr. Coolen's letter in regard to the original design intent for the Armdale Rotary, which included overpasses, and; that staff provide comment/response to the Community Council on this matter for the August 28, 2006 meeting.

Councillor Rankin requested that the letter be copied to the Councillors.

MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTIONS - None

14. PUBLIC PARTICIPATION

Wayne Rogers, Halifax

- Requested an update on the status of the Western Region Community Stewardship Association. He further inquired why the Western Region Community Council did not provide staff with a time line for the formation of the Committee.
- Requested clarification that HRM would not issue a permit for an easement, as per the June 13th motion of Regional Council, if the provincial Department of Environment and Labour decided an environmental assessment was not required for the piece of land in Goodwood (in regard to the proposed Asphalt Plant).

In response to Mr. Rogers, Councillor Rankin commented that the Western Commons Stewardship Committee is the prevue of the entire Regional Council and not only the Western Region Community Councillors. He added that public input has prompted Community Council to put forward the following motion: **MOVED by Councillor Rankin, seconded by Councillor Meade that staff (Peter Bigelow) provide a response to Western Region Community Council for the August 28th meeting in regard to the status of the Western Common Stewardship Committee and that staff be directed to have the Western Commons Stewardship Committee in place by the fall of 2006.**
MOTION PUT AND PASSED.

Councillor Rankin clarified for Mr. Rogers that if the environmental assessment is not done by the province, no easement will be granted for the land in Goodwood.

Dan MacAvoy, Hatchett Lake

Requested confirmation that all of Regional Council will view the motion of June 13th as being clear that no easement will be granted without all conditions being met. He commented that the wording of the motion is not clear and expressed concern that other

Councillors could pass a motion to allow the permit without the easement as it is open to interpretation.

Councillor Adams read the Regional Council motion of June 13th into the record indicating that the decision was a unanimous vote of Council in support of the motion.

Regional Council Motion of June 13, 2006:

Property Matter - Temporary Construction Easement - Former Water Transmission Line and Industrial Lands - Goodwood

MOVED by Councillor Rankin, seconded by Councillor Adams, that Council:

- 1. Authorize the Mayor and Municipal Clerk to enter into a temporary construction agreement with Mr. Lloyd MacLellan to cross municipal lands to permit the construction of a permanent public street serving a future heavy industrial park in Goodwood;**
- 2. The easement will be subject to receiving an acknowledgment from the Provincial Department of Environment and Labour that should an application for an asphalt plant come forward that an environmental impact assessment be carried out and further that public consultation be included as part of the permitting process.**
- 3. The easement be subject to receiving acknowledgment from the Department of Transportation that an appropriate transportation review is in place taking into account the nature of the intended uses including a proposed asphalt plant, and that the review includes the advisability of the installation of acceleration/deceleration lanes and traffic signals at the intersection of Evergreen Road and Prospect Road.**
- 4. The easement will be subject to municipal construction standards with final street design to be approved by the municipality in exchange for considerations outlined in the May 30, 2006 report.**
- 5. The report may be released to the public upon ratification of Council.**

MOTION PUT AND PASSED UNANIMOUSLY.

Mr. Randolph Kinghorne, Municipal Solicitor, upon reviewing the motion, added that it appears very straightforward. He responded to the public that Council could request an acknowledgement from the province but ultimately the province controls their own destiny. Mr. Kinghorne commented that the law does not bind the Crown.

Councillor Rankin explained that Mayor Kelly has forwarded letters to the provincial

Ministers, including the Department of Environment and Labour, requesting that they communicate with HRM Council in a timely manner confirming their position on this matter.

Mr. Jeff Ripley, Brookside Road

- He requested confirmation as to the location of the easement. He added that he believes the easement would be before the Pipeline Road, accessing off Evergreen Lane.

Councillor Rankin responded that the easement would be at the former waterline adding that he is not certain there would be access from elsewhere. He requested staff confirm with Mr. Ripley as soon as possible the location of the easement. Mr. Jan Skora, Coordinator, Real Property Planning, responded that he will contact the resident. Councillor Adams commented that the only access to the Industrial Park, which would house the asphalt plant, would be through this easement.

Mike Lamplush, Prospect Road

- In regard to the third recommendation in the Council motion of June 13th which mentions traffic signals, he commented that he hopes the provincial Department of Transportation and Public Works (DOT) will take into consideration the impact of upwards of 100 trucks per day going to the site and that this would also be contingent on the easement.
- He inquired if the traffic study would be available to the public.
- He added that you would not put traffic lights (signals) on a major thoroughfare. The Prospect Road has a lot of traffic. There will be two traffic studies done along the Prospect Road including the Brookside Intersection at Route 333.

Councillor Adams explained that there has been no zoning change as this area has been zoned I-3 since the early 1980's.

Councillor Rankin responded that, in their study, the Department of Transportation (DOT) will review the advisability of exit lanes and acceleration/deceleration lanes. He added that the request has been sent from the Mayor's Office to the Honourable Angus MacIsaac, Minister of Transportation and Public Works.

Frank Johnstone, Goodwood

- Commented that he believes an Environmental Assessment needs to be done in regard to the Asphalt Plant/Industrial Park. He requested a definition/explanation as to what constitutes an environmental assessment including how many people are involved and how long the study would take.
- He further commented that the staff report indicated there was not sufficient infrastructure for residential roads but there appears to be sufficient infrastructure for up to 100 asphalt trucks and other industries that will come. It seems that asphalt trucks can be accommodated but not soccer Moms.

In response, Councillor Rankin commented that the Environment Act, which engages the province with the responsibility to perform those duties, outlines the Environmental Assessment. He added that Council included in its motion of June 13th the requirement for public participation.

Mr. Randolph Kinghorne responded that he will be in contact with Mr. Johnstone in regard to a definition of an Environmental Assessment. Mr. Johnstone provided his e-mail address to Mr. Kinghorne at this time.

Jack Mitchell, Bayside/Goodwood

- The quality of life in Goodwood is not the same as it used to be.
- There have been complaints that have not been addressed by HRM in regard to the MacLellan property such as dynamite trucks hauling explosives through the area. The trucks are not marked to alert the public that they are carrying explosives. He has received no response to his four phone calls to HRM in regard to this concern. People are upset with that and with HRM for not taking a role.
- He added that it was his understanding that an Industrial Park had to have a 1200' setback to the nearest property.
- He requested confirmation that if the easement does not go through, the asphalt plant will not go ahead.
- He further requested an explanation as to why Council discussed this matter at an In Camera session.
- He questioned why the Consultant was responsible for public participation and why HRM has not taken the lead in this matter. He added that the people of Goodwood are losing faith with HRM. He took part in 104 meetings over eight years and some laws have been completely changed and some of the new Councillors do not understand what has been happening.
- He commented that there was supposed to be a Western Common Stewardship Committee to help control what would happen here and now there is an Industrial Park going in the best recreational area.
- The asphalt fumes from the plant will make people sick. He experienced a similar situation with property he owns in Cape Breton.
- The elevation where the proposed Industrial Park will be is 2' higher than the Citadel Hill and there will be run-off to the bog. He added that it is ludicrous to think of putting an asphalt plant in this location.

Councillor Rankin responded as follows to comments raised by Mr. Mitchell:

- that land transactions, including easements, are discussed at In Camera sessions of Regional Council.
- He encouraged Mr. Mitchell to contact Mr. Dan English, CAO in regard to staff not returning his calls.
- HRM did not conduct a public review as it is not HRM's permitting process, it is the province. HRM has requested that the province conduct public participation.
- In regard to the setback, 400 m is a guideline. The environmental assessment may suggest that setback be raised in regard to the 74 acre Drysdale Bog. He

added that the Drysdale Bog was identified by the Nova Scotia Natural Resources Department as a significant water retention area and perhaps there could be a requirement for protection under the Environment Act.

Councillor Adams commented that if the easement is not approved, the Asphalt Plant will not be able to proceed.

Beth McGee, Seabright

- Advised that she was asked by Dillon Consulting, as Chair of the Heritage Trust, to meet with them. She wanted it made clear, for the record, that Heritage Trust attended that meeting with a clear proviso to Dillon Consulting that their attendance was not to be construed as part of the public consultation process and that their attendance at that meeting did not fulfill the requirement for public consultation.
- She obtained a document from HRM's Planning Department to try to make sense of the zoning in the Goodwood/business park and Bayers Lake area. The document shows I-3 zoning as a tract of land on the Prospect Road side of Pipeline Road. The material shows a subdivision on the other side of the MacLellan property. She inquired how far the I-3 zoning extended.

Councillor Rankin requested that HRM staff (Hilary Campbell, Sharon Bond, Rosemarie McNeill and the Development Officer) meet with Ms. McGee to respond to her questions regarding the zoning.

- She added that Drysdale Bog is a significant wetland occupying 74 acres. The MacLellan land proposal will go into that bog area and if it becomes contaminated there is no amount of money that could clean it up as it would go all the way down the Prospect River system.

Donna Pettipas, Prospect Road, Goodwood

- Requested that Councillor Rankin distribute her letter sent to him on July 6 in regard to the proposed Asphalt Plant in Goodwood.
- She is strenuously opposed to the asphalt plant adding that she served on the LUB (Land Use By-Law) Committee and remembered an HRM Staff person stating that there was nothing back there as the topography is such that you could never do anything as the land is rocky, boggy etc. so they suggested it be zoned I-3.
- She expressed concern for the quality of life in the small community of Goodwood and the fact that Goodwood has been inundated with inappropriate land use.
- She inquired if it were possible for HRM staff to prepare a report that would clearly delineate how that land came to be zoned I-3 in 1983.

Councillor Rankin requested that staff provide Ms. Pettipas with the required documentation including a map. Councillor Rankin commented that he has received numerous letters and that the Regional Council motion stands on its own merit. He

advised that as soon as a response is received in regard to the letters sent from the Mayor's Office he will communicate to his community.

15. NEXT MEETING - August 28, 2006

16. ADJOURNMENT

The meeting adjourned at 8:05 p.m.

Chris Newson
Legislative Assistant