

WESTERN REGION COMMUNITY COUNCIL
MINUTES

October 22, 2007

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

STAFF: Mr. Brian White, Planner
Ms. Kelly Denty, Supervisor, Planning Applications
Mr. Martin Ward, Solicitor
Ms. Chris Newson, Legislative Assistant
Ms. Melody Campbell, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 7:05 p.m. in the Thomas Raddall Room of the Keshen Goodman Library, 330 Lacewood Drive, Halifax.

1. APPROVAL OF MINUTES - September 11, 2007

MOVED by Councillor Meade, seconded by Councillor Rankin, that the minutes of September 11, 2007 be approved as presented. MOTION PUT AND PASSED.

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

- Additions:**
- 12.1 Construction of New Playground and Bicycle Park in Maplewood Subdivision - Councillor Meade
 - 12.2 High Speed Internet Service for East Dover / Prospect Community Centre: Request for Meeting with MLA - Councillor Rankin
 - 12.3 Bell Aliant Long Distance Exchange St. Margaret's Bay / Sackville - Councillor Meade

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

3. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

At this time, the Community Council agreed to a verbal presentation from Dr. Dusan Soudek, Vice-Chair of the newly formed Wilderness Commons Advisory Committee.

Dr. Soudek advised that the Wilderness Commons Advisory Committee (WCAC) has had two meetings and conducted one field trip. WCAC is working closely with HRM staff Mr. Jan Skora and Mr. Peter Bigelow.

Councillor Meade added that the minutes from the WCAC meetings are linked as an Information Item to the October 22, 2007 Western Region Community Council agenda.

4.1 Status Sheet Items

4.1.1 HRM Issues

(i) Case 01060: Rezoning - Westwood Hills Subdivision, Upper Tantallon

- An Information Report dated September 11, 2007 was before the Community Council.

Report received. Item to be removed from the status sheet.

(ii) Village Road (Herring Cove) Speed Limits

- An Information Report dated September 6, 2007 was before the Community Council.

Report received. Item to be removed from the status sheet.

4.1.2 Provincial Issues - NONE

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 01070: Land Use By-Law Amendment for Watercourse Setbacks and Buffers, Planning District 5

- A Staff Report dated September 6, 2007 was before the Community Council.

Ms. Kelly Denty, Supervisor, Planning Applications, presented the report. In response to a request for clarification from Councillor Adams, Ms. Denty confirmed that, as per the Herring Cove Service and Settlement Strategy, there would be a 100' buffer from the highwater mark, however; if the property could not accommodate a 100' buffer, it could be reduced to a 50' minimum to accommodate homes in the Cove itself. The preference is for a 100' buffer but if that precludes someone from building, the buffer could be reduced to 50'.

Councillor Adams, Chair, reviewed the guidelines for public hearings. He then opened the public hearing calling for any speakers for or against the proposal.

Public Speakers:

Dusan Soudek, Halifax

Advised that he is a member of a Nova Scotia Canoe/Kayak Club that is very interested in keeping riparian setbacks and buffers along coastal areas free of silt etc. He, and the canoe/kayak club, support buffers as wide as possible.

Beth McGee, Seabright

Commented that she is the Chair of the Five Bridges Heritage Trust; a group which also supports the protection of buffers for riparian zones. They are in support of the amendment.

Tom Dempsey, Owner of property on John Brackett Drive, Herring Cove

He advised that property along that side of the (Herring) Cove was not developed as there was not adequate space for onsite sewage disposal. The buffer zone will keep people from utilizing their property. He commented that it was wrong in 2001 to extend the buffer as it was/is an infringement on the property owner's rights to develop their property within reason. He advised that, although it does not affect him, he does not support re-implementing the amendment now. He added that it would be difficult to enforce upon the property owners in the area.

Ross Evans, Member of the Watershed Advisory Board

He advised that he, and the Watershed Advisory Board, strongly support the amendment.

Dr. Lindy Weilgard, John Bracket Drive, Herring Cove

She commended HRM for reinstating the buffer. Ms. Weilgard advised that it was she and her husband who found the error. She is disturbed that it took a community citizen to find the mistake. She added that she will not benefit from this amendment. The property owner next to her does not have to abide by this amendment and will be able to develop his property with a 100' buffer as he applied for his permit prior to the error being rectified although the Municipal Government Act (MGA) indicates that a permit shall not be issued until 150 days after the proposed amendment. She added that the buffer has already been violated as he has constructed a retaining wall. Ms. Weilgard commented that she is in support of the buffer being reinstated but that it does not help if past mistakes are not rectified; some property owners will benefit and others will not.

J. Dempsey, Herring Cove

Advised that Herring Cove is a (historic) fishing community and does not want to see it changed to high-rises and condominiums. Would like to keep the heritage look of the Cove for future generations.

Kevin Rhyno, Herring Cove

Advised that, in principal, he is in agreement with the buffer zone. He added that Herring Cove is not a pristine river; there is a commercial fishing industry, creosote logs and raw sewage in the Cove. The situation is different from that of a river as this is a tidal area and has been developed commercially for 100 years with only three or four commercial fisheries now remaining in the Cove. He added that he would be most affected by the amendment as he owns property that is not 100' wide but is 100' long along the water. With a 50' variance, he may be able to develop on that land. He expressed concern with receiving a bill for sewer services, or with others receiving a bill for sewer services, only to be told they cannot build on their property.

Councillor Adams clarified that HRM Engineering and Planning Staff have advised that if you cannot build on the lot, if a single lot does not accommodate a single family home, the owner will not be charged a Local Improvement Charge.

Councillor Adams then gave the third and final call for any speakers for or against the proposal. There being no further speakers, it was **MOVED BY Councillor Meade,**

seconded by Councillor Rankin that the Public Hearing be closed. MOTION PUT AND PASSED.

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council approve the proposed amendments to the Land Use By-Law for Planning District 5, as identified in Attachment "A" of the staff report dated September 6, 2007. MOTION PUT AND PASSED.

8.1.2 Case 01020: Rezoning of 1268 St. Margaret's Bay Road, Beechville

- A Staff report dated August 7, 2007 was before the Community Council

Mr. Brian White, Planner, presented the report.

In response to Councillor Rankin, Mr. White advised that he does not have information from the public information sessions in regard to the intention of the applicant. He confirmed that, pursuant to procedure, if the applicant stated upon application for the building permit that his intentions were of a commercial nature, he would have been denied a building permit at that time. He added that the applicant is before the court system in regard to an infraction of the By-Law with a trial date pending for mid-November.

Councillor Adams reviewed the guidelines for public hearings then called for any speakers for or against the proposal to come forward at this time.

Public Speakers:

Ms. Germaine Howe-Bundy, Beechville

Inquired when the court date would be and also requested that the issue of a plan for the Beechville/Timberlea area be presented at the next Community Council meeting.

Mr. Fred Pope, Applicant, advised that the court date is set for November 22, 2007.

Mr. Brian White, Planner, advised that the Municipal Planning Strategy for future community development is a public document which he will provide to Ms. Howe-Bundy.

Mr. Fred Pope, Applicant, Brookside

Mr. Pope submitted the following for the record: a letter from a former tenant at the property in question dated May 31, 2007, photos of the property in question and a letter of support from S & M Roofing & Contracting Ltd. dated October 17, 2007. Mr. Pope advised that the apartment has been vacant since the last tenant left in June and has had difficulty renting the property.

Councillor Adams gave the third and final call for any speakers for or against the proposal. There being no further speakers, it was **MOVED BY Councillor Meade, seconded by Councillor Rankin that the public hearing be closed. MOTION PUT AND PASSED.**

The meeting recessed at 7:51 p.m. and reconvened at 7:55 p.m.

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council approve the rezoning of 1268 St. Margaret's Bay Road (PID #40160541 and PID #40049660), Beechville, as shown on Map 1 of the staff report dated August 7, 2007, from the R-1 Zone to the I-1 Zone.

Councillor Rankin expressed concern that the applicant appears to have abused the process by apparently intentionally disregarding the uses permitted by the current zoning of the property by taking steps to have a number of variances made and the zoning changed to facility his commercial intentions. Councillor Rankin advised that it is clear in his communication and documentation and the part of staff that there was no clearance for the applicant to proceed. The community depends on the provisions in the planning strategy. He requested that the HRM Solicitor be vigorous in the pursuit of our laws. This issue will be addressed in court on November 22, 2007.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Area Rate for Glen Arbour Homeowner's Association

- A staff report dated October 5, 2007 was before the Community Council.

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council approve an area rate of \$65.00 per property to be applied against the properties within the mapped area depicted in Appendix A of the staff report dated October 5, 2007 effective with the 2008-09 fiscal year for the purpose of funding the activities of the Glen Arbour Homeowner's Association. MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL - NONE

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Construction of a New Playground and Bicycle Park in Maplewood Subdivision

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council approve the transfer of \$25,000.00 from the Hammonds Plains Common Area Rate account C170 to Maplewood on the Lakes Area Rate account C190 for the construction of a new playground and bicycle park in

Maplewood Subdivision. MOTION PUT AND PASSED.

This item to be forwarded to Regional Council for final approval.

12.2 High Speed Internet Service for East Dover / Prospect Community Centre - Meeting with MLA

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council request a meeting be arranged with MLA Judy Streach to discuss the following issues: 1. High speed internet for East Dover, 2. Prospect Community Centre. MOTION PUT AND PASSED.

12.3 Bell Aliant Long Distance Exchange - St. Margaret's Bay / Sackville

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council request a letter be sent to Bell Aliant Long Distance requesting the elimination of the long distance exchange to/from St. Margaret's Bay and Sackville. MOTION PUT AND PASSED.

13. NOTICES OF MOTIONS - NONE

14. PUBLIC PARTICIPATION

No members of the public came forward at this time.

15. NEXT MEETING - November 26, 2007

16. ADJOURNMENT

The meeting adjourned at 8.05 p.m.

Chris Newson
Legislative Assistant