

WESTERN REGION COMMUNITY COUNCIL
MINUTES

March 31, 2008

PRESENT: Councillor Reg Rankin, Chair
Deputy Mayor Stephen Adams
Councillor Gary Meade

STAFF: Mr. Martin Ward, Solicitor
Ms. Melody Campbell, Legislative Assistant

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1. CALL TO ORDER

The 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.

1. APPROVAL OF MINUTES - NONE

MOVED BY Councillor Meade, seconded by Deputy Mayor Adams, that the minutes of November 13, 2007, and February 25, 2008, be approved. MOTION PUT AND PASSED.

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

Additions:

- 12.1 Case 01138: Housekeeping Amendments - Subdivision of Semi-Detached Dwellings, Planning District 5
- 12.2 Deputy Mayor Adams - Allocation of Building Communities Fund - to be dealt with as Item 7.2

Changes:

- 10.2.1 Councillor Meade- Allocation of Building Communities Fund - to be dealt with as Item 7.3

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

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

7.1 Community Funds - Councillor Rankin

MOVED BY Councillor Rankin, seconded by Deputy Mayor Adams that Community Funds be allocated to repair crib work adjacent to the Terrance Bay Fish Plant. MOTION PUT AND PASSED.

7.2 Community Funds - Deputy Mayor Adams

MOVED BY Deputy Mayor Adams, seconded by Councillor Meade that Community

Funds be allocated as follows: \$3750.00 to Ketch Harbour Community Wharf; \$2500.00 to Sambro School Playground; \$3750.00 to Harrietsfield Community Playground. MOTION PUT AND PASSED.

7.3 Community Funds - Councillor Meade

MOVED BY Councillor Meade, seconded by Deputy Mayor Adams that \$10,000.00 in Community Funds be allocated to the Maskwa Aquatic Club. MOTION PUT AND PASSED.

8. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 01060 Rezoning - Westwood Hills Subdivision, Upper Tantallon

Correspondence was received from the following residents in regard to Case 01060: W. Harnish and D. Thibodeau

Mr. Brian White, Planner, presented the report dated, February 8, 2008, Case 01060: Rezoning, Westwood Hills Subdivision, Upper Tantallon to Council.

Councillor Rankin explained the guidelines for public hearings. He explained that the guidelines will apply to the two public hearings on this evening's agenda. Councillor Rankin then opened the public hearing calling for any speakers for or against the proposal.

Mr. Dennis Thibodeau, Westwood Hills, addressed Council advising that he supports the application to rezone Westwood Hills to RA-1. Over the past year, the "road reserve" was used as an access road for heavy trucks, making the subdivision noisy due to truck traffic and excavation. Despite the ongoing issues, he supports the application to rezone to RA-1, believing that the subdivision as a whole will benefit from the change and residents in general will be better serviced by knowing what type of development will be permitted in the future.

Mr. Dorman Skinner, Nottingham Drive, advised that he approves that the area will be able to have still have day care and home based business. Mr. Skinner advised that he was not given this consideration in the past. The Chair advised that this is not connected to a prior application. Mr. White advised that the matter before Council is a down zone with the removal of light industrial and commercial. Business will be permitted as noted in the report.

Councillor Rankin called three times for any additional speakers, hearing none the following motion was placed.

Moved by Deputy Mayor Adams, seconded by Councillor Meade that the Public Hearing be closed. MOTION PUT AND PASSED.

Councillor Meade advised, for clarification, that the gravel pit is outside the area that is being considered.

MOVED BY Councillor Meade, seconded by Deputy Mayor Adams, that Western Region Community Council:

- 1. Approve the rezoning, as shown on the revised Map 1, from the MU-1 (Mixed Resource) Zone to the R-A1 (General Residential) Zone; and**
- 2. Approve the amendments to Appendix "C" of the Planning Districts 1 & 3 (St. Margarets Bay) Land Use By-law, presented as Attachment "A" of the report dated February 8, 2008, to allow two existing day cares as existing business uses within the Westwood Hills subdivision.**

MOTION PUT AND PASSED.

8.1.2. Case 01061 - Rezoning of lands located on Sarah Ingraham Drive, Williamswood

Correspondence was received from the following residents in regard to Case 01061:

Oliver Maass

Jeffery Touplén

Franco Tarulli, The Chebucto Lakes Society

A petition with 59 names was presented requesting to Stop Rezoning of Protected Area to a Single Unit Dwelling Case Number 01060.

Mr. Brian White, Planner, presented the report dated, February 7, 2008, Case 01061: Rezoning of lands located on Sarah Ingraham Drive, Williamswood to Council.

Councillor Rankin reiterated the guidelines for public hearings and called for those wishing to speak for or against the rezoning.

Mr. Maddalena, Solicitor for the Murphys, presented to Council. He concurs with the staff report and application. Steele Develops has complied with the criteria. The request is that the property be rezoned R-1 Zone which is more restrictive than the R-2 zone.

Mr. Rene Gallant was on the record requesting that written submissions be read to the public. Councillor Rankin advised that these documents will become public record but are not read out to the public during the public hearing.

Mr. Franco Tarulli, Williamswood, Vice President of Chebucto Lakes Society advised that the Chebucto Lakes Society does not agree with the recommendation. Land exchanges occur where there is a clear benefit to the Province. The land can be brought forward for a development agreement. Council's hands are not tied. There may be a Provincial violation as indicated on Page 6 of his submitted report. There was no public consultation. HRM is duty bound by public interest. As noted in the MPS,

maintenance of wilderness areas rates first in priority, and requires public input. Williamswood residents want preservation and want the area to remain rural in nature. This is a high priority for Williamswood residents. One more rezoning will take Williamswood down the detrimental path of lakes that are listed as closed.

Ms. Darlene Stone, 53 Moody Park Drive, advised the map is not correct, one section that is listed as protective area is not a protected area. She pointed this out at the last meeting, and it is still not correct. Deputy Mayor Adams asked Mr. White what is considered a Protected Area. Mr. White advised that a Protective Area could be owned by trusts, conservation groups or could be crown land. These lands are created through the Regional Plan and are a protected area. The Zone permits trails only, no buildings are permitted. Mr. White added that this land is not part of the Terrance Bay Wilderness Area. Ms. Stone advised that she donated these lands to the Nova Scotia Nature Trust as trade land leave as is until her or her husbands death.

Ms. Brenda Bell, 79 Moody Park Drive had a question in regard to the Nova Scotia Government Ad requesting residents share input to protect and preserve our water - the objective is clean and sustainable waterways. She inquired if the Municipal Government is on the same page. Preservation of these acres would support the Nova Scotia Government's objective. Ms. Bell advised that the lake is under stress. There are no amphibians, insects, frogs, and loons no longer nest at the lake.

Mr. Rene Gallant, Williamswood, added that there are no mayflowers or birds at the lake. He noted that the staff report makes comments about environmental assessment. He stated that on Page 15 of the report, the province is doing rigorous review of environmental considerations and further on Page 17, Mr. White writes that he does not agree that there was no environmental assessment. Mr. White advised that he stands by those comments. Mr. White added that the environmental assessments were not attached to the report, as this is a Provincial matter. A summary was supplied, and this is over an above what is required in the HRM report.

Mr. Earl MacLean lives near protected area on the non-water side. He is concerned that more and more water properties are being held up for development. More development will add to property values. He advised that water testing should be redone. He expressed concern that four more pieces of land are being held up. Mr. MacLean added he does not see any harm to the lake.

Deputy Mayor Adams asked Dr. Tony Blouin, Manager, Environmental Performance (Water), about the findings in the lake testing. Dr. Blouin advised there was testing done in summer and fall of 1997, one in 1998, one sample in 2007. There was no significant changes in water quality. The water was slightly more coloured in 2007. Staff are continuing to get spring, summer and fall samples in 2008. Councillor Rankin asked Dr. Blouin if this development could adversely affect the water quality. Dr. Blouin advised that there should be no difference in the lake as it relates to this development.

Mr. Maddalena closed the discussion with the following points. He advised that the Murphy's traded 105 acres for 4.5 acres adding that this is a community benefit. These lots should not affect the environment or the community in a detrimental way. The Watershed Advisory Board was not in favour of the application and they raised three

issues; environmental impact, public access and wildlife impact. In the Board's own report it is indicated that four lots will not have an impact on the lakes. In regard to public access, there will be a 30 foot wide access that is crown-owned, the right of access is not altered, arrangements can be made for development of access. In regard to wildlife impact, there is no evidence that wildlife will be affected. The 105 acres has been put into the Terrance Bay Wilderness Association.

Councillor Rankin called three times for any additional speakers, hearing none the following motion was placed.

Moved by Deputy Mayor Adams, seconded by Councillor Meade that the Public Hearing be closed. MOTION PUT AND PASSED.

Deputy Mayor Adams noted that this is quite a controversial issue with many points brought forward this evening. The environmental assessments are not a Community Council issue but a Provincial issue. Deputy Mayor Adams added that he stands by Dr. Blouin's recommendation that the lakes will not be affected.

MOVED BY Deputy Mayor Adams, seconded by Councillor Meade, that Western Region Community Council:

- 1. Approve the rezoning of lands identified as PIDs 41214099,, 41214115, 41214123, and 41214149 located on Sarah Ingraham Drive, Williamswood, as shown on Map 1, from the PA (Protected Area) Zone to the R-1 (Single Dwelling) Zone.**

MOTION PUT AND PASSED.

MOVED BY Deputy Mayor Adams, seconded by Councillor Meade, that Western Region Community Council request staff enter into negotiations with the developer to acquire additional access of rezoned lands at Sarah Ingraham Drive for more public access. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS - NONE

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 00962: Land Use By-law Amendment for Accessory Building Requirements on Steep Grade

Mr. Joseph Driscoll, Planner, provided a report dated March 17, 2008 to Council.

MOVED BY Councillor Meade, seconded by Deputy Mayor Adams that Western Region Community Council:

- 1. Reject proposed amendments to the Land Use By-law for Beaverbank,**

Hammonds Plains and Upper Sackville that provide flexibility to the height requirements for accessory buildings on properties with steep grades.

MOTION PUT AND PASSED.

10.1.2 Case 01129: Rezoning of lands located on 1601 Ketch Harbour Road, Sambro

Ms. Randa Wheaton, Planner, provided a report dated March 11, 2008 to Council.

MOVED BY Deputy Mayor Adams, seconded by Councillor Meade that Western Region Community Council:

- 1. Give First Reading of the proposed rezoning and text amendment as set out in Map 1 and Attachment A, respectively, and schedule a public hearing.**

MOTION PUT AND PASSED.

10.2 MEMBERS OF COUNCIL

10.2.1 Building Communities Fund - Maskwa Aquatic Club - Councillor Meade

As requested by Council, this item was dealt with as Item 7.3

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Case 01138: Housekeeping Amendments - Subdivision of Semi-Detached Dwellings, Planning District 5

Mr. Paul Sampson, provided a report dated March 26, 2008 to Council.

MOVED BY Deputy Mayor Adams, seconded by Councillor Meade, that Western Region Community Council:

- 1. Give First Reading to consider an amendment to the requirements for the subdivision of semi-detached dwellings in the Planning District 5 (Chebucto Peninsula) Land Use By-law, as shown in Attachment "A" and schedule a public hearing.**

MOTION PUT AND PASSED.

12.2 Building Communities Fund - Deputy Mayor Adams

As requested by Council, this item was dealt with as Item 7.2.

13. NOTICES OF MOTIONS - NONE

14. PUBLIC PARTICIPATION

Ms. Beth McGee, Seabright addressed Council in regard to the following issues:

1. She expressed concern regarding the buffer zone on the watercourse at the juncture of Highway 3 where a new Canadian Tire is being built. The developer is using fill and it is encroaching on the buffer zone. Councillor Meade advised that he will bring this forward to By-law enforcement.
2. Ms. McGee inquired as to how groups can access Community Funds. Councillor Rankin advised that these funds are primarily for Capital Projects. If Ms. McGee puts a request in writing to the Councillor, it could be considered.

15. NEXT MEETING

Next regularly scheduled meeting will be on Monday, April 28, 2008 at 7:00 p.m. in the Keshen Goodman Library.

16. ADJOURNMENT

The meeting adjourned at 8:34 p.m.

Melody Campbell
Legislative Assistant