

A public hearing of Truro Town Council was held Monday, April 2, 2007, at 1:00 PM in the Council Chambers of the Truro Civic Building.

Present: Mayor W.R. (Bill) Mills; Deputy Mayor C. Cox; Councillors S. Byers, D. Bennett Cook, G. MacArthur, B. Kinsman and R. Tynes

In Attendance: CAO J. Langille, Acting Director of Public Works A.J. MacKinnon, Director of Finance R. Putnam, Director of Planning J. Fox, Parks and Recreation Director D. MacKenzie, Police Chief K.C. MacLean, Fire Chief T. Bremner and J.T. Rafferty, Town Solicitor

Mayor Mills announced that prior to the beginning of the Public Hearing two short presentations would be made.

**Presentation – M.H. McGill**

On behalf of Council and staff, Mayor Mills presented Mr. Mike McGill with a gift in recognition of his recent retirement after 35 years working with the Town of Truro. Mayor Mills thanked Mr. McGill for his many years of dedicated service and commitment to the Town Of Truro and wished him and his wife Jane all the best.

**Presentation – Fire Chief T. Bremner**

Fire Chief T. Bremner made a presentation to Ms. Denise Bonn in recognition of her recent actions during a fire that occurred at her place of work. Fire Chief Bremner explained that on March 13, 2007, Ms. Bonn discovered that a fire had started in a resident's apartment at Parkland Estates and her quick response aided in preventing loss of life and property. Fire Chief Bremner also noted that Ms. Bonn had received fire and safety training from the Truro Fire Service while attending the Truro Campus of the Nova Scotia Community College. On behalf of Council and Staff, Mayor Mills presented Ms. Bonn with a Truro Fire Service Citizen Commendation Award to acknowledge her efforts in helping to prevent what could have been a very serious emergency situation.

**Development Agreement Application – 16 Park Street**

Town Solicitor J. Rafferty declared a conflict of interested related to the discussion and exited the Council Chambers. Solicitor Jack Innes, of the McInnes Cooper law firm in Halifax, stood in as Solicitor for the Town during this portion of the public hearing.

Council was advised that the Public Hearing had been advertised as required.

The CAO read correspondence from J. Bigelow, Secretary for the Town Planning Advisory Committee, regarding an application from Ron Wallace Realty Limited to enter into a development agreement to permit the construction of 114 residential units in three multiple unit buildings at 16 Park Street. The Committee was in support of the application and recommended that Council consider entering into a phased development agreement for the proposed project. The CAO also read correspondence from Mr. Ron Wallace requesting that Councillor R. Tynes be removed from the decision making process due to a perceived conflict of interest. The CAO reminded Council that as discussed at the March Public Meeting, it was not within the authority of Council to make a decision relating to a conflict of interest on the part of any Council member. Mayor Mills stated that Councillor R. Tynes had expressed at that time that there was no conflict of interest on his part.

Director of Planning J. Fox reviewed with Council the staff report dated March 19, 2007, relating to the application from Ron Wallace Realty Limited. The staff report noted that "the most significant concerns identified during a review of this proposal . . . are the height and scale of the proposed buildings and the intensity of the land use when compared to existing residential areas to the south of the subject properties," but it was felt that these issues had been adequately addressed by the applicant. The proposal had been reviewed by the Deputy Traffic Authority who felt that the development would have a minimal impact on traffic in that area. J. Fox also reviewed with Council the results of the public participation survey mailed to property owners within 750 feet of the subject property; of the respondents 26 were opposed, 12 were in favour and 4 had no opinion.

Upon concluding their review, Planning Staff determined that the proposed development is consistent with the Town's *Municipal Planning Strategy*. Staff recommended that Council enter into a phased development agreement to permit the proposed development as outlined in the report.

Following the presentation of the staff report, Mayor Mills introduced Mr. Glen Boone who was present to speak on behalf of Mr. Wallace. Mr. Boone provided a presentation to Council which described in greater detail the proposal's architectural features, site plans, trees and landscaping, as well as any potential impact the development would have on adjacent properties.

Following the presentations Council was given the opportunity to ask questions of staff and the developer. Councillor R. Tynes raised concerns related to a possible increased risk of flooding and the density of the proposed development in relation to the surrounding neighbourhood which is primarily low density. Councillor D. Bennett Cook raised similar concerns, stating that the density of the proposed development is not in the best interest of the community and would potentially create a negative impact on local residents' access and egress due to the increased number of people living in the area. A. MacKinnon stated that in his opinion as Deputy Traffic Authority the proposed development would not create any traffic congestion problems. In regard to an increased risk of flooding, A. MacKinnon stated that he did not feel the proposed development would be an issue. Deputy Mayor C. Cox and Councillor B. Kinsman agreed with concerns that the development would cause increased traffic congestion in an area that is already subject to high traffic volumes due to the high school, stadium, ball fields and soccer fields. A. MacKinnon stated again that he was comfortable with the projected traffic volumes. Deputy Mayor C. Cox stated that although the proposed development would be adequately floodproofed and protected from damage, the water displaced by the buildings could cause increased flooding problems for surrounding properties.

Following Council's discussion members of the public were given the opportunity to ask questions. Ms. Sheryl Bartlett, who owns property on Park Street, asked what responsibility the Town would bear to provide compensation to home owners in this area if increased flooding is caused as a result of the proposed development, and would this have an affect on tax rates. Mr. Jack Innes stated that when a decision is made by Council to approve a development proposal and this decision is made in good faith based on the advice of staff, then in the event of an "Act of God" such as flooding, Council would not have a legal responsibility to provide compensation. It was noted that in the past the Town of Truro has not compensated flooding victims, compensation has been provided through provincial funding.

Mr. Robert Jordan, a resident of North Street, expressed his concerns regarding the infilling process that would be followed to floodproof the proposed development which would consist of material being brought in from outside the area in order to raise up the buildings. J. Fox stated that this process is permitted for the purposes of floodproofing the property in accordance with the Town's *Land Use By-law*.

Mr. Rocky Jones, a former resident of Truro, spoke on behalf of his mother who still resides on Cross Street. Mr. Jones expressed concerns related to pedestrian and traffic issues, the density of the proposed development, the possibility of increased flooding and the possibility that additional access to the property could be provided by way of a private driveway off Ford Street.

Councillor S. Byers expressed her concerns that continued development in this area of the floodplain will presumably cause increased displacement of flood waters which will spread further into town and possibly create flooding in areas where there has not been flooding before.

Ms. Lynn Jones, a former resident of Truro and sister to Mr. Rocky Jones, spoke on behalf of her mother who resides on Cross Street. Ms. Jones expressed concerns in regard to a possible increased risk of flooding, the density of the proposed development and the implications of changing the face of the community in the Ford and Cross Street area, which has been an African Nova Scotian community for generations.

Mr. Francis Collins, a resident of Ford Street, spoke regarding existing traffic and flooding concerns and stated that increased development in this area will only increase these problems.

On behalf of the applicant, Mr. Glen Boone attempted to address the concerns raised by those who spoke. Mr. Boone stated that the developer has worked with staff to ensure that all guidelines, policies and criteria have been adhered to.

Mayor Mills closed this portion of the public hearing and moved to the next item on the public hearing agenda.

**Development Agreement Application – Empire Loop Mini-home Park**

Town Solicitor J. Rafferty resumed his seat in the Council Chambers.

Council was advised that the Public Hearing had been advertised as required.

The CAO read correspondence from J. Bigelow, Secretary for the Town Planning Advisory Committee, regarding an application from Eastcan Trading Limited to enter into a development agreement to permit the development of mini-homes on the remaining 38 lots of the Empire Loop mini-home park. The Committee was in support of the application and recommended that Council consider entering into a development agreement to permit the completion of the Empire Loop mini-home park development.

Director of Planning J. Fox reviewed with Council the staff report dated March 29, 2007, relating to the application from Eastcan Trading Limited. J. Fox also reviewed with Council the results of the public participation survey mailed to property owners within 750 feet of the subject property. Upon concluding their review Planning Staff determined that the proposal is consistent with the Town's *Municipal Planning Strategy*. Staff recommended that Council enter into a development agreement to permit the proposed development as outlined in the report.

Following the review of the staff report, Council held a brief discussion related to the application. It was noted that the proposed development is simply a continuation of the existing park and there are no concerns from a servicing point of view.

Mr. Raymond Rieksts, owner of Harmony Groves Home Sales, asked questions relating to the Town's proposed schedule for construction in the mini-home park and a time frame for when the company can begin moving homes onto the new lots. It was agreed that Mr. Rieksts would meet with the Director of Planning, the acting Director of Public Works and the Development Officer to confirm the details for the infrastructure work in the mini-home park.

Mayor Mills made a final call for discussion on the issue. There being no other questions or comments, Mayor Mills closed the public hearing and moved to the public council portion of the meeting.

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W. R. (Bill) Mills  
Mayor

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J. K. Langille  
CAO