

# HALIFAX REGIONAL MUNICIPALITY

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## MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL MINUTES JANUARY 23, 2002

PRESENT:                   Councillor Keith Colwell  
                                  Councillor Steve Streach

ABSENT  
WITH REGRETS:           Councillor Gary Hines

STAFF:                    Mr. Barry Allen, Municipal Solicitor  
                                  Ms. Julia Horncastle, Assistant Municipal Clerk

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**1. CALL TO ORDER**

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

**2. APPROVAL OF MINUTES - November 19 and 28, 2001**

**MOVED by Councillor Streach, seconded by Councillor Colwell, that the minutes of November 19 (Joint HECC and MDVCCC) and November 28 (Regular Meeting), 2001 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**MOVED by Councillor Streach, seconded by Councillor Colwell, that the Order of Business be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING OUT OF THE MINUTES - NONE**

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. PUBLIC HEARINGS**

**8.1 Case 00348 - Application by HRM to amend the Land Use By-Laws for Eastern Shore (East) and Eastern Shore (West) to allow tourist cottages to be built as of right**

- A report from the Marine Drive, Valley and Canal Planning Advisory Committee, dated November 23, 2001, on the above noted, was before Community Council.
- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated October 26, 2001, on the above noted, was before Community Council.

Mr. Mitch Dickey, Planner, outlined the staff report noting that under the existing land use by-law requirements, tourist cottages are considered to be a form of campground and a commercial recreation use. He advised this has raised concerns relative to the time and expense involved in a development agreement process within Eastern Shore (West) and excessive requirements for watercourse setbacks in Eastern Shore (East). The process can be streamlined through amendments to the land use by-laws without the need for any

MPS changes.

In response to Councillor Colwell, Mr. Dickey advised that the cottages would have to be built to National Building Code standards to a point where they would receive an occupancy permit. He noted they would also have to be licensed under the Provincial Tourist Accommodation licensing regulations.

Councillor Colwell called for those wishing to speak either in favour of or in opposition to the amendments.

**Betty Ann Aaboe-Milligan**

Ms. Betty Ann Aaboe-Milligan questioned what would be the criteria if someone wanted to build a rustic backwoods cottage. In response, Mr. Dickey advised they would have to meet minimum standard requirements and the building code. It would also have to meet health and safety requirements and would require a certain amount of finishing noting, electricity would not be a necessary requirement. It would have to meet CSA requirements.

On question regarding septic requirements, Mr. Dickey advised an alternate septic system could be used if approval for use is received.

**Ted Webber**

Mr. Ted Webber questioned if there was anything to prevent a cottage from becoming a year round use. In response, Mr. Dickey advised there is an annual permit issued from the Province and if someone decided to make it a year round use it would have to be subdivided onto a lot same as any dwelling.

**Dave Dwyer**

Mr. Dave Dwyer expressed concern with the “as of right” aspect of the amendments and stated there is a need to protect the watersheds noting, a developer may not be aware of watershed protection. He suggested “as of right” developments near water should be forwarded to the Watershed Advisory Board for review and recommendation.

**Mr. Curran**

In response to Mr. Curran regarding the definition of “as of right”, Mr. Dickey advised an “as of right” development is one that does not require Council approval or public consultation and does not have to go through the public hearing process. He noted a development does have to meet all approvals and standards even if it is “as of right”.

**Len Wilson**

In response to a question regarding what regulations would apply in Lake Charlotte, Mr. Dickey advised the MU zoning would apply which requires a twenty five foot setback from watercourses and would require to be on one acre lots. He advised no building or a combination of buildings can be more than 5,000 square feet on one lot and the Department of Environment regulated the water and septic systems. On further question, Mr. Dickey advised the Department of the Environment would determine what type of septic system would be required.

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

**MOVED by Councillor Streach, seconded by Councillor Colwell, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**Decision of Council**

**MOVED by Councillor Streach, seconded by Councillor Colwell, that the Marine Drive, Valley and Canal Community Council approve the amendments to the Land Use By-Laws for Eastern Shore (East) and Eastern Shore (West) as shown in Attachments 2 and 3 of the staff report dated October 26, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Petitions - None**

**10. REPORTS**

**10.1 Case 00412 - Application by Aliant Telecom Inc. to install a self support communication tower at PID #40669798, located on the west side of Kings Road on Grand Lake in Wellington**

- A report and recommendation from the Marine Drive, Valley and Canal Planning Advisory Committee, dated January 17, 2002, on the above noted, was before Community Council.
- Correspondence from Councillor Gary Hines, dated January 23, 2002, in support of the application was read into the record and submitted to the Community Council.

**MOVED by Councillor Streach, seconded by Councillor Colwell, that the Marine Drive, Valley & Canal Community Council forward a positive recommendation to**

**Industry Canada supporting the proposal by Aliant Telecom Inc. to construct a free standing tower at PID #40669798 on Kings Road, Wellington, as illustrated on Map 1 of the staff report dated December 21, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

## **10.2 Public Consultation - Proposed 2002/2003 Budget**

- A copy of the overhead presentation was circulated to Community Council.
- A copy of the questionnaire was circulated to Community Council.

Mr. Bruce Fisher, Budget Coordinator, and Mr. Gordon Roussel, Financial Coordinator, overviewed the as proposed for the 2002/2003 Fiscal Year addressing the following:

- Overview of HRM's current finances;
- The outlook for 2002/2003;
- The budget consultations;
- Overview of HRM's current budget;
- Overview of HRM's operation;
- Where the money is spent;
- What HRM pays to the Province and to Education;
- Gross Capital Budget;
- Amount of Debt;
- HRM Priorities;
- Expected Costs and Expected Revenues for 2002-2003;
- Impact of Inflation on HRM;
- Impact of Growth on HRM;
- Tax Base;
- Commercial and Residential Assessment;
- Impact on the average household for 2001-2002.

Following the presentation, Councillor Colwell opened the meeting for comment by those present. The following concerns were expressed:

- NS Power not having to pay taxes;
- There is a lack of recreation facilities;
- Playgrounds are deteriorating and not being replaced;
- The residents are not receiving the expected service levels;
- Policing is not adequate to meet the needs of the Marine Drive area;
- Street paving does not seem to be a priority;
- Concerns expressed regarding the amount of time it takes for secondary roads to be plowed following a snowstorm.

Councillor Streach, on behalf of Community Council, thanked staff for their presentation

and encouraged members of the public to fill out the questionnaire and forward it to HRM.

- 11. **MOTIONS - NONE**
- 12. **ADDED ITEMS - NONE**
- 13. **NOTICES OF MOTION - NONE**
- 14. **PUBLIC PARTICIPATION**

Mr. Curran expressed concern with the lack of speed signs down West Porter's Lake Road and Crowell Road.

**MOVED by Councillor Colwell, seconded by Councillor Streach, that the Marine Drive Valley & Canal Community Council send a letter to the Department of Transportation requesting the installation of speed signs down West Porter's Lake Road and Crowell Road. MOTION PUT AND PASSED UNANIMOUSLY.**

A resident expressed concern with the amount of time it was taking to have a number of streets paved in the area of Invary and Greenough Court. In response, Councillor Colwell advised that there has been ongoing dialogue with the Province but he could not provide a definite time frame as to when the work would be carried out.

- 15. **NEXT MEETING**

To be determined.

- 16. **ADJOURNMENT**

**MOVED by Councillor Streach, seconded by Councillor Colwell, that the meeting be adjourned at 8:45 p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**Julia Horncastle  
Assistant Municipal Clerk**