

NORTH WEST COMMUNITY COUNCIL  
MINUTES

July 8, 2013

PRESENT: Councillor Brad Johns, Chair  
Councillor Steve Craig  
Councillor Matt Whitman

REGRETS: Councillor Tim Outhit, Vice-Chair  
Councillor Barry Dalrymple

STAFF: Ms. Kirby Grant, Solicitor  
Ms. Thea Langille, Planning Supervisor  
Mr. Tyson Simms, Planner  
Mr. Shayne Vipond, Planner  
Mr. Quentin Hill, Legislative Assistant

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**1. CALL TO ORDER**

Councillor Johns called the meeting to order at 7:20 p.m. at the Upper Hammonds Plains Community Centre, 2041 Hammonds Plains Road.

**2. APPROVAL OF MINUTES – NONE**

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

Additions: 13.1 Fenerty Lands – Middle Sackville

**MOVED by Councillor Whitman, seconded by Councillor Craig that the agenda be approved as presented. MOTION PUT AND PASSED.**

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

**5. STATUS ITEMS**

**6. MOTIONS OF RECONSIDERATION – NONE**

**7. MOTIONS OF RESCISSION -NONE**

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

**9. HEARINGS**

**9.1 Case 18304: Amendment to the Bedford Land Use By-law to permit Banks and Financial Institutions in the CGB (General Business District) Zone, Bedford**

A report dated May 1, 2013 and correspondence from Councillor Outhit was before Community Council.

Mr. Tyson Sims, Planner, provided a presentation before Community Council. Mr. Simms noted that the property is located near the intersection of Bedford Highway and Dartmouth Road. Mr. Simms noted that if the proposed Land Use By-law amendment is approved all CGB properties would permit banks and financial notification.

Discussion ensued with staff responding to questions of clarification.

Councillor Johns reviewed the public hearing procedures and opened the public Hearing.

The Chair called three times any speakers; there being none it was **MOVED by Councillor Craig, seconded by Councillor Whitman that the public hearing close. MOTION PUT AND PASSED.**

Councillor Johns noted that Councillor Outhit had contacted him and indicated that he had read the report and was favorable of the project moving forward.

**MOVED by Councillor Craig, seconded Councillor Whitman that North West Community Council approve the proposed amendment to the Bedford Land Use By-law, as contained in Attachment A of the staff report dated April 9, 2013.**

**MOTION PUT AND PASSED.**

## **9.2 Case 18044 Amendment to Development Agreement for Shining Water Marine at 146 Nautical Way, Tantallon**

The following items were before Community Council:

- A staff report dated May 30, 2013.
- Correspondence from Roland and Pat Swim dated July, 2013.

Mr. Shayne Vipond, Planner provided the presentation to Community Council. He advised that in 1991, a development agreement was approved to allow a marina in accordance with policy MU-9 of the MPS for Planning Districts 1 and 2. Mr. Vipond explained that Shining Waters Marine was requesting amendments to their existing development agreement to:

- Expand outside boat storage areas
- A licensed lounge within the dining room and outdoor patio
- Conversion of floor area to accommodate additional offices
- New signage
- New tree plantings to screen the marina

Mr. Vipond stated that a public information session was held to hear concerns of neighbouring properties.

Councillor Johns reviewed the public hearing procedures and opened the public hearing.

**Ms. Sandra Clark**, stated that her property is the closest to the marina. She expressed concern that there was no clear square footage of the boat areas. She noted that in the previous agreement they were clearly indicated and the marina expanded beyond. She also wanted to know if there was going to be a buffer to protect the water area. She noted that in general she was supportive of the marina.

**Ms. Patricia Swim**, indicated that she also lived very close to the marina. She stated that there is considerable amount of noise coming from the boat storage areas due to clanging of ropes and rigging of the masts. She recommended that the boats should have the masts removed while in storage. She noted that the staff report indicated there would be trees planted to contain the sound, but she stated it would take a long time before the tree line became an effective sound barrier. Ms. Swim also raised concern about the licensed lounge area and recommended that the lounge close by midnight to curtail any drinking related issues.

**Mr. Roland Swim**, is the husband of Ms. Swim. He requested that the facility have no electronic live music on the outside patio areas. He raised concern regarding boats that are currently being stored in the 20 meter buffer area. He noted that boats stored in the buffer area could be leaking contaminants into the water course. Mr. Swim noted that he and Ms. Swim lived there for 38 years, before the marina was built.

**Ms. Julie Stover**, commended the marina and recognized their support of the community. She advised she is an adjacent land owner. She stated that they have concerns about the noise coming from the property. She stated that there are currently storing boats already in areas that have not yet been approved. She said the new signage looks great and had no issue with the retail space. She expressed concern around the liquor license being permitted for the site.

**Mr. Rick Wooley**, is husband of Sandra Clark. He stated he wanted to make sure that there was a 30 meter buffer strip between the boat storage and the waterway. He stated that the owner and staff at the marina are good people and the facility is good for the community. He also requested that no Video Lottery Terminals be permitted on the site.

**Mr. Peter Lund**, St. Margaret's Bay advised that he spoke in favour of the amendments to the site. He echoed many of the same concerns previously discussed. He stated that he knew that the marina obtaining a liquor license was to help the marina host events without continually making an application for each event. He noted that the noise by-law had no ability to stop the noise of the rigging. He stated that there was enforcement under MU-9 to remove the masts.

**Mr. Conrad Fernandez**, stated that he shared many of the concerns raised and advised that he has children who swim. He noted that he was most concerned about the possibility of boaters at the marina operating boats under the influence.

**Ms. Rebecca Sultan**, 41 Ponds Lane, wanted to know if the marina owners sought alternatives to obtaining a lounge license such as renters of the facility getting a special events license or their own insurance.

**Mr. Ken Rowe**, owned property of the north corner near the marina. He stated he did not want to hear any noise after 2 am. He expressed concern about the demand for moorings in the area. He advised the water is very shallow in the area. He stated that it is dangerous at night and in the fog when coming into the harbour.

The Chair called three times any speakers; there being none it was **MOVED by Councillor Craig, seconded by Councillor Whitman that the public hearing close. MOTION PUT AND PASSED.**

**Mr. Peter Vokey**, applicant, addressed some of the comments and concerns. He advised that the lounge license was obtained to make it easier for the marina to host events. He noted that the liquor license was not something that stayed with the property if they ever sold the property. Mr. Vokey advised that to keep the noise down they had implemented a policy that all halyards must be secured and if they did not comply the marina would secure it and bill the boat owner.

Staff and Mr. Vokey responded to questions of clarification from Community Council.

Councillor Whitman stated he was pleased to see that the marina was being proactive in preventing noise coming from the stored boats. He also expressed support for limited hours of alcohol being served on the property.

**MOVED by Councillor Whitman, seconded Councillor Craig that North West Community Council:**

- 1. Approve the proposed amending agreement, presented as Attachment A of the staff report dated May 24, 2013; with an amendment that the Licensed Lounge be subject to daily hours of operation of 8 a.m. to 1 am.**
- 2. Require the amending agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**10. CORRESPONDENCE, PETITIONS & DELEGATIONS- NONE**

**11. REPORTS-NONE**

**12. MOTIONS- NONE**

**13. ADDED ITEMS**

**13.1 Fenerty Lands-Middle Sackville**

Councillor Johns requested advice from staff regarding the Fenerty Lands around Springfield Lake. He requested information how the land owner (Fenerty Developments) would initiate the process of removing some of the lots to another area.

Ms. Thea Langille, Supervisor, Planning Applications, advised that the best method would be for the property owner approach staff to begin the process. She stated that if it was initiated by Council, staff do not have the ability to get the information they needed for the proposal to do a full evaluation. She noted that Council could initiate it, but it could take longer and she also noted that knowing the particular situation, she highly encouraged Mr. Fenerty to initiate the process on his own and staff would work with him on that process.

**14. NOTICES OF MOTION- NONE**

**15. PUBLIC PARTICIPATION**

**Mr. Nick Antoff**, Waterstone, wanted to know if there were any updates on the Truck By-law. He stated that he would like to see a public participation on the matter. He stated he has a contract with HRM for a drainage easement on his property. He noted that he pays taxes on the easement; he stated that he would like to talk with HRM about that contract that he has with them and maintenance issues, since Halifax Water is charging ditch maintenance fees.

Councillor Johns advised that he hoped to have some update on the truck by-law to bring up at the next meeting. He also stated that Mr. Antoff might wish to arrange a meeting with Jamie Hannam from the Water Commission regarding the drainage issue.

**Mr. Peter Lund**, agreed that there needed to be an update and look at the truck by-law. He stated that there might need to be an educational component to the matter. He expressed concern that questions raised at the public information meetings do not make it into the staff reports. He also explained that Halifax Watershed Advisory Committee is going to be tasked with looking at criteria around storm water management and lot grading bylaws. He indicated that SU -21 should be dealt with by the Halifax Watershed Advisory Committee because it's all interrelated and it might be helpful for Community Council and Regional Council to have it reviewed by the Watershed Advisory Committee and provide their comments to Community Councils and Regional Council.

Councillor Johns thanked Mr. Lund for his comments and requested that the Clerk forward the information regarding the Regional Plan and water sheds to appropriate staff.

**16. NEXT MEETING DATE – August 12, 2013.**

**17. ADJOURNMENT**

The meeting was adjourned at 9:02 pm.

Quentin Hill  
Legislative Assistant