

HALIFAX REGIONAL MUNICIPALITY

MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL MINUTES

FEBRUARY 22, 2012

PRESENT: Councillor David Hendsbee, Chair
Councillor Barry Dalrymple, Vice Chair
Councillor Steve Streach

STAFF: Mr. Randolph Kinghorne, Municipal Solicitor
Ms. Krista Vining, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF THE MINUTES – January 25, 2012.....	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.....	3
4.	BUSINESS ARISING OUT OF THE MINUTES	
	4.1 Status Sheet Review.....	3
5.	MOTIONS OF RECONSIDERATION – NONE.....	3
6.	MOTIONS OF RESCISSION – NONE.....	3
7.	CONSIDERATION OF DEFERRED BUSINESS – NONE.....	3
8.	HEARINGS	
	8.1 Public Hearing	
	8.1.1 Case 17055: Development Agreement – 164 Cross Road, Ostrea Lake	
	(i) Staff Report	
	(ii) Halifax Watershed Advisory Board Report.....	3
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
	9.1 Correspondence – None.....	4
	9.2 Petitions.....	4
	9.3 Presentations – None.....	4
10.	REPORTS – NONE.....	4
11.	MOTIONS – NONE.....	4
12.	ADDED ITEMS	
	12.1 Information Item 1 - Information Report dated January 16, 2012 re: Case 17517 LUB Amendments to Permit Increased Footprint and Height for Accessory Buildings, Musquodoboit Valley and Dutch Settlement ..	5
13.	NOTICES OF MOTION – NONE.....	5
14.	PUBLIC PARTICIPATION.....	5
15.	NEXT MEETING DATE – March 28, 2012.....	6
16.	ADJOURNMENT.....	6

1. CALL TO ORDER

The meeting was called to order at 7:11 p.m. at the Upper Musquodoboit Community Hall, 8344 Hwy 224 Sheet Harbour Road, Upper Musquodoboit.

2. APPROVAL OF THE MINUTES – January 25, 2012

MOVED by Councillor Streach, seconded by Councillor Dalrymple that the minutes of January 25, 2012 be approved, as presented. MOTION PUT AND PASSED.

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

This matter was moved up on the agenda at the request of the Clerk.

- 12.1 Information Item 1 - Information Report dated January 16, 2012 re: Case 17517 LUB Amendments to Permit Increased Footprint and Height for Accessory Buildings, Musquodoboit Valley and Dutch Settlement

MOVED by Councillor Dalrymple, seconded by Councillor Streach that the Order of Business be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

A copy of the Marine Drive, Valley and Canal Community Council Status Sheet was before the Community Council for review.

No update was provided.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. HEARINGS

8.1 Public Hearing

- 8.1.1 Case 17055: Development Agreement – 164 Cross Road, Ostrea Lake**
(i) Staff Report
(ii) Halifax Watershed Advisory Board Report

The following was before the Community Council for consideration:

- Staff report dated December 21, 2012
- Report from the Halifax Watershed Advisory Board dated September 30, 2012
- Submissions from Cpl. Andrew Cole, Deputy Fire Chief Brad Marks, Annette Hart, Michael Stone and Cindy Williams

In response to correspondence received respecting the location of the Public Hearing for Case 17055, the Community Council sought clarification on the rules of procedure for Public Hearings. Randolph Kinghorne, Municipal Solicitor advised that Community Council could choose to defer the Public Hearing to another meeting date. However once the Public Hearing has commenced, Community Council must move forward through the process. He further indicated that the Public Hearing could be deferred if the Community Council ran out of time to hear from all the speakers on the list, but that there would not be an opportunity for additional speakers, outside of the names on the list, to speak on the matter at the continuation of the hearing.

The Chair asked if there was anyone present wishing to speak regarding Case 17055. It was noted that representatives of the applicant were present at the meeting.

Solicitor Kinghorne cautioned the Community Council to consider the possible impact on the applicant with a deferral.

Mr. Kurt Pyle, Supervisor, Planning Applications and Heritage clarified that if the Public Hearing were to be deferred, advertisement for the rescheduled date would require the same two week notification/advertisement process and therefore, a rescheduled meeting date would be approximately three weeks from tonight's meeting.

MOVED by Councillor Streach, seconded by Councillor Dalrymple that Marine Drive, Valley and Canal Community Council defer the Public Hearing for Case 17055: Development Agreement – 164 Ostrea Lake to a subsequent meeting for which the date is to be determined. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence – None

9.2 Petitions

9.3 Presentations – None

10. REPORTS – NONE

11. MOTIONS – NONE

12. ADDED ITEMS

12.1 Information Item 1 - Information Report dated January 16, 2012 re: Case 17517 LUB Amendments to Permit Increased Footprint and Height for Accessory Buildings, Musquodoboit Valley and Dutch Settlement

Staff responded to questions of clarification regarding amendments to permit increased footprint and height requirements for accessory buildings for the Musquodoboit Valley and Dutch Settlement area, as addressed in the January 16, 2012 staff information report.

Reference was made to similar amendments made in other Districts throughout HRM. In Cole Harbour, Westphal, Eastern Passage and Cow Bay the Land Use By-law was amended to allow accessory buildings up to a height of the main dwelling on the site and a footprint up to 80% of the floor area (maximum of 1,250 square feet). At the Public Information Meeting held, a number of residents indicated that 1,200 square feet would be an improvement on the 750 square feet permitted.

Clarification was provided that if an accessory building were to be attached to the main dwelling it would become part of the main dwelling. Residents are permitted to build up to 35% of the lot area but would be subject to height limitations.

Councillor Streach recognized MLA Gary Burrill and MP Scott Armstrong who were in attendance.

13. NOTICES OF MOTION – NONE

14. PUBLIC PARTICIPATION

Mr. Dugald Archibald, Upper Musquodoboit indicated that he would like to see the square footage of accessory buildings doubled for rural areas.

Staff responded to questions regarding the number of accessory buildings permitted on one lot and height requirements.

Mr. Mark Henley, Upper Musquodoboit, supported reasonably sized accessory buildings.

Mr. Doug MacLean, Upper Musquodoboit, echoed his support toward the other two speaker's comments, noting that he had no concerns as long as the accessory building is not interfering with neighbour's enjoyment of their property or view.

Staff clarified that HRM is only responsible to protect public view plains, not private. As well, accessory buildings are not permitted to be placed in the front of a resident's main dwelling.

Mr. Matthew Archibald, Upper Musquodoboit agreed with previous comments made on accessory buildings.

Councillor Streach advised that the next step for Case 17517 would be to move to toward a public hearing process. He noted that he would consult with staff respecting the suggested square footage discussed this evening for a report back to the Community Council for first reading. Further he would discuss the details with staff and the community on how best to proceed with a public information meeting.

Mr. Mark Henley, representative Upper Musquodoboit Community Hall Committee provided an overview of the upgrades/renovations done to the Upper Musquodoboit Community Hall and how it is benefiting the community.

Appreciation was expressed to the Committee for their efforts with the Upper Musquodoboit Community Hall.

MLA Gary Burrill provided comment on the arterial and secondary roads in the rural area in relation to maintenance. In response to a question raised by Councillor Hendsbee on cost-sharing for G, H or I Class Streets, Mr. Burrill referenced the Cost Shared Agreement for "J" Class Streets.

MP Scott Armstrong provided an update on the ending of the Long Gun Registry and the upcoming Federal budget and the Deficit Reduction Action Plan.

Mr. Armstrong further spoke on the Irving Ship Building Contract which gives Nova Scotia the opportunity to build economically for the next generation. In response to a comment made, Mr. Armstrong advised that the Federal government will be working with the Province to ensure that resources and training are in place to keep people living and working in Nova Scotia. As well, the Federal government has invested \$60 million in infrastructure and is working with the Federation of Canadian Municipalities (FCM) to assist with top priorities.

15. NEXT MEETING DATE – March 28, 2012

16. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Krista Vining
Legislative Assistant

INFORMATION ITEMS

1. Information Report dated January 16, 2012 re: Case 17517 LUB Amendments to Permit Increased Footprint and Height for Accessory Buildings, Musquodoboit Valley and Dutch Settlement