

MARINE DRIVE, VALLEY AND CANAL
COMMUNITY COUNCIL
MINUTES
November 30, 2005

PRESENT: Councillor David Hendsbee, Chair
 Councillor Steve Streach
 Councillor Krista Snow

STAFF: Mr. Randy Kinghorn, Municipal Solicitor
 Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:07 p.m. in the Riverline Community Centre, 80 Grono Road, Dutch Settlement with sixty eight members of the public in attendance.

Councillor Hendsbee outlined the process for a Community Council meeting.

2. APPROVAL OF MINUTES - October 26 and November 8, 2005

MOVED by Councillor Streach, seconded by Councillor Snow, that the minutes of October 26 and November 8, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

MOVED by Councillor Snow, seconded by Councillor Streach, 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. HEARINGS

8.1 PUBLIC HEARINGS

8.1.1 Case 00428 - Development Agreement for Paddy Excavation, Waverley

- A staff report dated November 17, 2005, on the above noted, was before Council.
- Correspondence from Brandi Quann and Jody Roberts, Ann Langille and Warren White was circulated to Council.

Mr. Andrew Bone, Planner, presented the staff report to Council.

Councillor Hendsbee called three times for those wishing to speak either in favour of or

opposition to the development agreement.

Dave Clarke, Waverley, expressed concern that there would be expansion of the property. **Jennifer Bridgman**, Waverley, stated her residence is in the vicinity of the property. The traffic currently speeds along the road by the gate. The curves on the road make it impossible to see in either direction. The gated section is unsafe and she expressed concern with traffic swerving into her or her neighbours house. It will make an unsafe condition even more unsafe. There is a lot of noise coming from the yard currently and this will produce more noise. She suggested there should be a fence erected.

Faye Langille, Waverley, advised a number of years ago a petition was taken against the widening of the road.

John Baker, Waverley, questioned the idea of putting a gate in there and wondered what size truck capacity it was based on. He expressed concern with flat bed trailers having enough turning room.

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

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

DECISION OF COUNCIL

MOVED by Councillor Streach, seconded by Councillor Snow, that the Marine Drive, Valley and Canal Community Council:

- 1. Repeal the existing development agreement (Attachment "E") of the October 26, 2005 staff report which is registered as Document Number 45782 in Book Number 5645 at Pages 84 to 95 in the Registry of Deeds for Halifax subject to the signing of the attached agreement (Attachment "A").**
- 2. Approve the revised development agreement as set out in Attachment "A".**
- 3. Require that the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Streach noted that this adheres to the MPS and is within the rights of the applicant. He noted concerns have been expressed regarding signage.

Mr. Bone, Planner, advised street signage would be under HRM. Staff will look at any request and he will make request to traffic services.

Councillor Streach referenced the weight restrictions and staff advised there is existing truck traffic on these roads and it is not anticipated the development agreement will increase truck traffic, noting It is just using a different entrance.

Councillor Streach requested staff examine the hours of operation to see if they are being respected.

MOTION PUT AND PASSED UNANIMOUSLY.

8.1.2 Case 00505 - Triple A Convenience Store, 2652 Lawrencetown Road

- A report dated September 28, 2005, on the above noted, was before Council.

Mr. John MacPherson, Planner, presented the staff report to Council.

Councillor Hendsbee called for those wishing to speak either in favour of or in opposition to the proposed amendment.

Dan Johnston, Lawrencetown, spoke in favour of the application.

Mike Gregg, Lawrencetown, spoke in favour of the application.

Don Jenkins, Lawrencetown, spoke in favour fo the application.

Alicia McMillan, Lawrencetown, received clarification of where the fence would be located as well as hours of operation.

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

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

DECISION OF COUNCIL

MOVED by Councillor Snow, seconded by Councillor Streach, that Marine Drive, Valley and Canal Community Council:

- 1. Approve the amendment to the Lawrencetown Land Use By-Law provided in Attachment A of the September 28, 2005 staff report.**
- 2. Approve the development agreement as detailed in Attachment B of the September 28, 2005 staff report.**
- 3. Require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods; otherwise, this approval shall be void and any obligations arising hereunder shall be at end.**

Councillor Hendsbee noted 71 letters had been received in favour of the application.

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 VARIANCE HEARING

8.2.1 Appeal of Development Officer's decision to refuse an Application for a Variance at 227 Pleasant Drive, Gaetz Brook

- A report dated November 23, 2005, on the above noted, was before Council.

Mr. Erin McIntyre, Development Officer, presented the staff report to Council.

Councillor Hendsbee called for any abutting property owners who wished to make a presentation on the application to come forward.

Mr. Green, applicant, stated the area is only one side of the street. The abutting properties are configured such that they can place an accessory building at the back. He advised he is on a corner lot. He received a building permit based on 20 ft. from roadway. He had a building plan issued to him and had everything in place to start building. He advised he does not have enough room on back or side of the home to build. The only functioning place is to put it at the front of the property. He advised his property is located on a deadhead road which will have no further construction nor will there be sidewalks on the road. He is on the lower end of a slope and not in site line of neighbours.

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

DECISION OF COUNCIL

MOVED by Councillor Snow, seconded by Councillor Streach, that the Marine Drive Valley and Canal Community Council overturn the development officers decision and grant the variance.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentations

9.3.1 Halifax Regional Library

Mr. Peter Doig, Regional Library Board, and Ms. Susan Mclean, Halifax Regional Library, made a presentation on the Halifax Regional Library programs and services.

The Councillors thanked Mr. Doig and Ms. McLean for their presentation.

9.3.2 Halifax Regional Cultural Plan

Ms. Betty Ann Aaboe-Milligan, Heritage Tourism Officer, made a presentation providing an update on the Cultural Plan.

The Councillors thanked Ms. Aaboe-Milligan for her presentation.

10. REPORTS

10.1 Case 00715 - Amendment to the Monarch/Rivendale Development Agreement, Beaver Bank

- A report dated November 16, 2005, on the above noted, was before Council.

MOVED by Councillor Snow, seconded by Councillor Streach, that Marine Drive,

Valley and Canal Community Council move Notice of Motion to consider amendments to the Monarch/Rivendale development agreement and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

11. MEMBERS OF COUNCIL

11.1 Councillor Snow - Land Donation Process - Non-Denominational Cemetery, Fall River

MOVED by Councillor Snow, seconded by Councillor Streach that staff provide a report on the process and procedure for HRM to donate land located on Church Street in Wellington, District 2, for the purpose of a non-denominational not for profit community cemetery to serve District 2, Waverley, Fall River and Beaver Bank. Further, a recommendation from staff be included in the report. MOTION PUT AND PASSED UNANIMOUSLY.

12. MOTIONS - NONE

13. ADDED ITEMS- NONE

14. NOTICES OF MOTION - NONE

15, PUBLIC PARTICIPATION

Ms. Jennifer Tsang, Planner, identified some items of concern with regard to Information Item #1, re lands of J. Jachimowicz.

MOVED by Councillor Snow, seconded by Councillor Streach, that:

- 1. Staff report on the initiation of the process of the acquisition of J. Jachimowicz lands.**
- 2. Staff examine the last sentence on page 3, paragraph 3 if the report and provide clarification on the statement made regarding National Car Rental.**
- 3. Staff initiate the process with the Province of Nova Scotia to obtain approval for more extraction from the Benery Lake and discharging more effluent into Johnson's Brook.**
- 4. Staff provide a report on the extension of the water service boundary to the**

airport and the lands of Mr. Jachimowicz

5. If approved, the extraction from Benery Lake include the communities of Grand Lake, Oakfield, Wellington, Fletcher's Lake, Goffs and Oldham.

16. NEXT MEETING

To be determined.

17. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Julia Horncastle
Legislative Assistant