

MARINE DRIVE, VALLEY AND CANAL
COMMUNITY COUNCIL
ANNUAL MEETING
NOVEMBER 26, 1997

St. Phillips Catholic Church Hall
Musquodoboit Harbour

PRESENT: Councillor David Hendsbee, Chair
Councillor Bill Dooks
Councillor Gordon R. Snow

STAFF: Kurt Pyle, Planner
Jennifer Tsang, Planner
Kelly Denty, Development Officer
Trevor Creaser, Development Technician
Barry Allen, Municipal Solicitor
Julia Horncastle, Assistant Municipal Clerk

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. with an invocation and welcoming remarks by Councillor Dooks.

2. APPROVAL OF MINUTES

MOVED by Councillors Snow and Dooks that the October 22, 1997 In Camera minutes and actions resulting be ratified. MOTION PUT AND PASSED.

MOVED by Councillors Dooks and Snow that the October 22, 1997 regular minutes be approved as circulated. MOTION PUT AND PASSED.

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

Additions

Councillor Dooks requested the following items:

1. Street Lights
2. Warning Light for Musquodoboit Harbour

Councillor Hendsbee requested - Update - North Preston Rezoning Process

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 Appeal of a Minor Variance Refusal - 440 Upper Lakeville Road, Upper Lakeville - File No. MVC-11-97-01

Mr. Trevor Creaser, Development Technician, presented the staff report outlining the chronology of events leading to and reasons for the refusal of the minor variance.

Councillor Hendsbee clarified that the dwelling has been downsized and asked if there was a shoulder and ditch between the road and the property. In response, Mr. Graves advised there is no ditch and the building, as is situated, is 31 feet from the sideline of the existing roadway. On further question, Community Council was advised the required setback from a waterway is 25 feet. Mr. Creaser advised the original building would have conformed and decks are a permitted encroachment, within the rear yard, under the Land Use By-law.

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

Mr. Graves, 34 Docker Street, Dartmouth, applicant, addressed Community Council advising that to his knowledge all regulations and codes had been applied and he was in compliance of all requirements to construct the addition. He advised the Department of Transportation has provided approval. He stated he had proceeded with work on the addition in advance of receiving final approval and issuance of a building permit. He stated the right of way is consistent with ten other buildings on the road and provided photographs showing those properties. He stated to make the corrections recommended would be very expensive and labour intensive.

Mr. John Shears, Head Jeddore, stated he was in favour of the granting of the minor variances as there are other buildings on that road that are built closer to the side of the road.

MOVED by Councillors Dooks and Snow that the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillors Dooks and Snow that the Minor Variance be granted to Mr. Graves for the property located at 440 Upper Lakeville Road, Upper Lakeville - File No. MVC-11-97-01. MOTION PUT AND PASSED.

8.2 File No. DA-F&S-10-95-17 - Application by Harold Nesbit to enter into a development agreement to permit the redevelopment of an existing cottage at Lot 37 Portobello Road on Lake William

Ms. Jennifer Tsang, Planner, presented the staff report advising the proposal is to increase the size of the residence and staff is recommending approval of the development agreement. She noted the PAC had asked whether the Department of the Environment

had felt additional specifications regarding the septic should be attached to the development agreement and upon contacting them they had advised the specifications that were attached were adequate. The second question was whether the Department of the Environment would have to issue a permit as part of this process advising the answer is no; however, the consultant for the septic system has to write a report and submit it to the Department of the Environment to confirm that it has been installed properly. Environment can either accept the report and/or do a site inspection and when they are satisfied it has been inspected properly they will inform HRM staff who in turn will issue an occupancy permit.

Councillor Hendsbee called for those wishing to speak either in favour of or opposition to the application. There were no speakers.

MOVED by Councillors Dooks and Snow that the public hearing close. MOTION PUT AND PASSED.

MOVED by Councillors Snow and Dooks that the Marine Drive, Valley and Canal Community Council approve the development agreement with Harold Nesbit to allow the redevelopment of Lot 37 Portobello Road on Lake William subject to the following changes: that section 4(3) be clarified to indicate that the analysis would be at the request of HRM on a random basis; reference be made to the sketches attached to Appendix D which show a cottage on the site as opposed to the proposed dwelling. Staff to clarify mapping. That the Community Council require that the agreement be signed within 120 days from the date of final approval by Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods, unless an extension thereof is granted by the Community Council at the request of the applicant, failing which this approval will be void and obligations arising hereunder be at an end. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Delegations

9.1.1 Eastern Shore Business Association

Mr. Ross Finley, Eastern Shore Business Association, made a presentation to Community Council reporting on the activities of the Association advising that in May, 1998 this community will be home to a trade and exposition called "the work home and play show". He stated the goal of the Association is to introduce and promote business to the residents. He advised of a promotion called "shore dollars" which is a local currency program uses for businesses along the Eastern Shore. He also advised there was an

infrastructure report in progress and would be presented upon completion.

Councillor Dooks thanked Mr. Findlay for his presentation and the Association for its efforts and hard work.

9.1.2 Mooseland Volunteer Fire Department re: Fire Rate Increase - Mooseland Area

Councillor Dooks advised he had met with the Mooseland Volunteer Fire Department for the purpose of increasing the area rate for fire from \$0.10 to \$0.20. He advised it was properly organized with an information meeting one night and a second meeting held to take a vote. He stated there were 37 people in attendance with 34 voting in favour of the area rate. He further noted there was discussion on placing the fire hall back in the hands of the community. He requested a letter be forwarded to Simpson McLeod, Real Estate and Facilities asking them to contact Chief Prest to explore the options of turning the fire hall over to the community advising an association will be formed to oversee the building and the fire department would rent space from that committee.

MOVED by Councilors Dooks and Snow that the fire area rate for the Mooseland Volunteer Fire Department be increased from \$0.10 to \$0.20 per \$100.00 of assessment. MOTION PUT AND PASSED.

9.1.3 David Dwyer - Former District 10 Ratepayers Association

Mr. Dwyer stated he was in attendance to address a safety issue that of a clarification of responsibility as to the safety of citizens walking the highway. He stated there is also the concern of the students crossing the highway in the afternoon. He stated a proposal for sidewalks had been put forward approximately ten years ago under the Former Halifax County Mainstreet Program. He stated many persons that were opposed to the 1988 proposal have since indicated to him their disappointment that this project did not proceed. He stated at the intersection of the #7 and #357 highway and the East Petpeswick Road is the busiest intersection on the #7 highway. He stated the community would like clarification as to who is responsible for sidewalks and for traffic lights.

Councillor Hendsbee advised traffic lights would be a provincial responsibility.

Councillor Dooks stated one of the main issues is that there is an area in the community of Musquodoboit where the children have to walk out onto the highway. He stated he would like to see a traffic plan. He stated he would like to have a report on what is needed to address the safety concerns. Mr. Pyle advised the Design Services Division of Regional Operations may be able to provide information on costs and basic design even

though it is a provincial jurisdiction.

Councillor Dooks stated he would like to have included in the study sidewalks, lights, parking lots, etc.

Councillor Hendsbee cautioned that such a study as requested may require a consultant or allocation of in house resources. Councillor Dooks stated he was requesting that safety concerns be addressed. He stated he was requesting an engineer come to the area and advise whether a location is safe or unsafe, suggest placement of lighting, sidewalks and driveways.

MOVED by Councillors Dooks and Snow that municipal staff look into the possibility of a community feasibility study on safety issues. MOTION PUT AND PASSED.

10. REPORTS

10.1 Amendments to the Municipal Planning Strategy for Musquodoboit Valley - Dutch Settlement and the Subdivision By-law for the former Halifax County Municipality to permit the creation of additional lots without road frontage

Mr. Pyle, Planner, advised on April 22, 1997 a motion was made at Regional Council to amend the MPS and LUB to permit an increase in the number of lots that could be created without road frontage within that plan area. He stated the proposed amendments are inconsistent with the intent of the planning strategy to limit the number of lots created without road frontage and also creates substandard private roads.

MOVED by Councillors Dooks and Snow that the Marine Drive, Valley and Canal Community Council recommend that Regional Council amend the Municipal Planning Strategy for the Musquodoboit Valley - Dutch Settlement and Land Use By-Law to change the "Area of Land" date for the Plan Area. The proposed amendments would provide more flexibility to the existing lot frontage exemptions while limiting its application to approximately 400 lots. This objective could be achieved by adopting the amendments attached to the staff report as Attachments 2 and 3. MOTION PUT AND PASSED.

10.2 Terms of Reference - Marine Drive, Valley and Canal Planning Advisory Committee

MOVED by Councillors Snow and Dooks that the Community Council approve the Terms of Reference as submitted. MOTION PUT AND PASSED.

10.3 Councillor Snow

10.3.1 Cat By-Law for Urban Areas

MOVED by Councillors Snow and Dooks that strong consideration be given for urban areas and requested and update on the status of the By-law. MOTION PUT AND PASSED.

10.3.2 Boat Launch - Kinsac Lake

MOVED by Councillors Snow and Dooks that the Fire Services be requested to update the boat launch at Kinsac Lake advising it is in a deteriorated condition and it is very important to the local fire department when there is an emergency on the lake. MOTION PUT AND PASSED.

10.3.3 Parkland Plans per District

MOVED by Councillors Snow and Dooks that a request be forwarded to the recreation department requesting that maps and a listing of all known parkland be issued to each Councillor. MOTION PUT AND PASSED.

10.3.4 Signal Light Overhead Crosswalk Sign - Waverley Post Office

Councillor Snow advised he is having a difficult time convincing HRM that an older person cannot cross the road at a quick pace and there is a need for safety in lights and a better crosswalk system by the Waverley Post Office in Waverley.

MOVED by Councillors Snow and Dooks that a request be forwarded to Regional Council that it hear a presentation from a representative from Waverley concerning the safety of that crosswalk. MOTION PUT AND PASSED.

10.3.5 Chip Sealing

MOVED by Councillors Snow and Dooks that a request be forwarded to Regional Operations for their reconsideration on free chip sealing for urban and rural roads stating it should be part of maintenance rather than a charge per foot. MOTION PUT AND PASSED.

10.3.6 Lockview Road Sidewalks re: High Street

MOVED by Councillors Snow and Dooks that a request be forwarded to Mr. Ted Tam that sidewalks, phase 1 go to High Street rather than Kinclaven Drive. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Street Lights and Warning Lights - Councillor Dooks

MOVED by Councillors Dooks and Snow that a request be forwarded to the appropriate department to have street lights installed at the intersection of #7 and the Mooseland Road; #7 and the Mushaboom Road; #7 and the Upper Lakeville Road; the Meaghers Grant Road by the dry fire hydrant. MOTION PUT AND PASSED.

MOVED by Councillors Dooks and Snow that Chief of Police requesting his support in requesting the province install a warning light at the Musquodoboit Fire Hall as there are emergency vehicles accessing the #7 highway at the foot of a blind hill. MOTION PUT AND PASSED.

12.2 North Preston Rezoning Process - Councillor Hendsbee

Mr. Pyle provided an update on the application advising after it goes to the PAC on the 17th it will come forward to the Community Council for a recommendation to Regional Council. He asked if there could be a special meeting of the Community Council in December to deal with this application to ensure that it keeps moving in a timely manner.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. David Dwyer provided an update on the activities of the Millennium Committee for the information of Community Council.

Mr. Bill Lockhart stated he agrees that there is a need for the crosswalk at the Waverley Post Office.

Mr. Jack Purcell, Upper Musquodoboit stated he feels there is a lack of appreciation by HRM of the needs for traffic lights at intersections in the areas outlined by Councillor Dooks.

15. ITEMS FOR THE NEXT AGENDA

Councillor Hendsbee - Tabling of Fire Department Budget

Councillor Snow - HRM Property - Lights

16. NEXT MEETING

The next meeting is scheduled for Wednesday, January 28, 1998.

17. ELECTION OF CHAIR

Councillor Hendsbee filed the annual report.

MOVED by Councillors Snow and Dooks that the annual report be received. MOTION PUT AND PASSED.

MOVED by Councillors Snow and Dooks that Councillor Hendsbee be nominated as chairman of the Marine Drive, Valley and Canal Community Council to November, 1998. MOTION PUT AND PASSED.

18. ADJOURNMENT

MOVED by Councillors Dooks and Snow that the meeting be adjourned at 9:30 p.m. MOTION PUT AND PASSED.

**Julia Horncastle
ASSISTANT MUNICIPAL CLERK**

