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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. with an Invocation at the HRM Offices, 7900 #7 Highway, Musquodoboit Harbour.

2. APPROVAL OF MINUTES – June 23, 1999

MOVED by Councillors Snow and Dooks to approve the Minutes of meeting held on June 23, 1999 as circulated. MOTION PUT AND PASSED.

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

Deletion: 7.1 – Added Item – Councillor Snow – Entrance, Lockview Road

MOVED by Councillors Snow and Dooks to approve the Order of Business as amended. MOTION PUT AND PASSED.

4. PUBLIC HEARINGS

4.1 CASE 00115 – APPLICATION TO REZONE LANDS ON WEST PETPESWICK ROAD, EASTERN SHORE (WEST) PLAN AREA

Roger Wells, Regional Coordinator, Planning Services provided an overview of the Staff Report dated June 11, 1999 with the aid of overheads. Staff was recommending approval of the rezoning from R-6 (Rural Residential) zone to MU (Mixed Use) zone, given the uniqueness of the site.

Councillor Dooks asked if there were any correspondence or calls received regarding this application. In response, Mr. Wells advised that a Public Information Meeting had been held in April. He was not aware of any other correspondence subsequent to that meeting.

The Chair called for speakers for or against the application.

Mr. David Dwyer, 175 West Petpeswick Road referred to Mr. Wells' statement during his presentation that an abutting property was owned by HRM. In his opinion, HRM did not own the property in question but rather Ian and/or Dick Flewelling. He provided a history of the ownership of the property which he did not think HRM owned.

Further, Mr. Dwyer referred to how the community has tried to deal with the preservation of the Inlet and the area bordering the Inlet and provided a history of the community's efforts to protect the environment and ecology of the area. He went on to quote from the Minutes of May 19, 1999 Halifax County/Halifax Mainland Waters Advisory Board which indicated that the only violation to their guidelines, regardless of who owns the strip of land, would be if anything is constructed within 15 meters of a fresh water body or 30 meters of the high water mark on a salt water body. Construction of a boat shed, landing raft, etc., would be in violation of the guidelines. He added the very high tide reaches right up to the bridge and the average tide would reach where kayaks are dipped. For the area to be developed within 30 meters, there would be some concern from the community as to the protection of the environment of Petpeswick Inlet.

Mr. Wells responded that the Halifax County/Halifax Mainland Watershed Advisory Board, having reviewed the application, did offer the suggestion to adhere to the guidelines. 30 meters from the high tide water mark would, if no vegetation was to be removed, preclude any development on the property since the maximum depth from the road to the coastline was 68' at the widest point. Boat sheds or fish shacks require direct access to the water which would necessitate removal of some of the vegetation. There was nothing in the Land Use By-law stipulating minimum setback distances from watercourses for construction. This matter came up during the Public Information Meeting and it was put to Mr. MacFarlane that perhaps, as part of the Deed Covenant for the individual lots, the issue of vegetation removal could be inserted in each of the Deeds to the extent that the minimum amount of vegetation would be removed on any of the lots. Community Council could consider requesting Mr. MacFarlane to consider this.

Mr. Dan Wellwood, 124 West Petpeswick Road said he did not recall anybody ever putting a fish shed or boat hauler 90' from the high water mark. He asked if the guidelines from Halifax County/Halifax Mainland Waters Advisory Board may have been propagated for another purpose and were not reasonably applicable to this situation.

Mr. David Dwyer further stated that the vegetation on the land in question was very fragile. He examined the area on a number of occasions and there was very little regeneration. If there was something put in the Deeds to the properties and if the land was gradually opened up, he felt there would be adequate protection.

Councillor Hendsbee asked if these proposed lots were similar to the land use in the vicinity of Crowell Road, Porters Lake where the neighbours across the street own the land and use it for a beach area, boathouse or recreational site. In reply, Mr. MacFarlane advised the law only permits certain things on a 5000 sq. ft. lot. He felt the land would be to more advantage to the people who live across the street who could look after it better than he could. The land was part of a 45-acre parcel he purchased. The adjacent homeowners approached him re purchasing the lots. He referred to the soil in the area and advised he has excavated across the road and did not feel there was a lack of good soil.

There were no further speakers wishing to speak for or against the application.

MOVED by Councillors Dooks and Snow to close the Public Hearing. MOTION PUT AND PASSED.

Councillor Dooks advised that he felt more secure with nine parcels of land being protected rather than one parcel of land with an owner who might not have any conscience about the environment. He visited the area and noted that the properties on the west side of the road – the owners of which wanted to purchase the parcels – were very beautiful and well kept. He felt comfortable that the people purchasing the lots will not do anything to endanger the environment or the protection of the community. He indicated he was going to make a motion to approve the application and asked that Mr. MacFarlane allow his conscience to decide whether or not there should be something in the Deeds to bring further protection to the community.

MOVED by Councillors Dooks and Snow to approve the application to rezone the lands of R.D. MacFarlane Excavating Ltd., as shown on Map 1 of the Staff Report dated June 11, 1999 from R-6 (Rural Residential) Zone to MU (Mixed Use) Zone. MOTION PUT AND PASSED.

5. DECISION OF COMMUNITY COUNCIL RE CASE PA-ES(E)-10-97 – APPLICATION BY WILLIAM CROOKER, ON BEHALF OF MARITIME SHORES LTD. AND PRIVATE DREAM ESTATES LTD. – APPROVAL OF DEVELOPMENT AGREEMENT

A Memorandum dated August 10, 1999 was before Community Council with regard to the above application. The Chair noted that the Joint Public Hearing with Regional Council had been held on August 17, 1999. At that time, the amendments to the Municipal Planning Strategy and Land Use By-law for Eastern Shore (East) were considered.

The Chair asked if there was a need to hear from the public with regard to this application. Mr. Allen, the Municipal Solicitor, advised that the Public Hearing was held last night in conjunction with Regional Council.

MOVED by Councillors Dooks and Snow to approve the Development Agreement attached to the Memorandum dated August 10, 1999 to permit the development of a 64 lot subdivision known as Nolan Head, contingent upon the approval or deemed approval of the Municipal Planning Strategy and Land Use By-law amendments by the Minister and effective the date of such actual or deemed approval. MOTION PUT AND PASSED.

6. CASE 00160 – PROPOSED TELECOMMUNICATION FACILITIES

A Staff Report dated August 9, 1999 was before Community Council.

MOVED by Councillors Snow and Dooks to support the proposal by Spectra Telecom to locate three telecommunication towers/poles and ancillary shelters at Lakeview Road (Lot #8), Fall River, 870 Waverley Road, Dartmouth and 933 Cobequid Road, Windsor Junction.

Mr. Wells advised that he had been informed by Clearnet since the information was circulated, that there is a 95% chance that the three towers, which are the subject of this Staff Report, will adequately distribute the signal for the cellular system. There was, however, a 5% chance that the reception may not be adequate and they requested that Community Council give consideration, in that event, to the Waverley Reservoir site, which is accessed off the Waverley Road.

Councillor Snow stated that it would be necessary for him to go back to the Waverley Ratepayers for input. No decision could be made at this meeting.

#### MOTION PUT AND PASSED.

7. ADDED ITEMS – None

8. PUBLIC PARTICIPATION

Councillor Hendsbee advised that effective next Friday, he and Councillor Dooks would be tendering their resignations as Councillors with Halifax Regional Municipality due to their election to Province House. This would suspend the Marine Drive, Valley and Canal Community Council until such time as new Councillors are elected and decide the future of the Community Council from that time forward.

Councillor Hendsbee expressed appreciation to Councillors Snow and Dooks for their participation in Community Council and to staff who travel many miles to attend the meetings. He noted that Marine Drive, Valley and Canal Community Council was the only Community Council, besides North West Community Council, which goes to the people in the various communities throughout the Eastern region. He also expressed appreciation to members of the public, particularly Mr. Paul Pettipas and Mr. Herman Pye, for their participation and attendance at the meetings.

Mr. Paul Pettipas, Chair, Lakeview/Wellington/Fall River Ratepayers Association expressed appreciation for Councillors Dooks and Hendsbee's contributions and stated the Province was gaining and HRM was losing. The common sense exhibited by Community Council members augured well and they listened to the people. He asked them to remember their roots.

Councillor Snow added that it has been a pleasure to work with the other two Councillors in the Community Council setting.

9. ADJOURNMENT

On a motion from Councillor Dooks, the meeting adjourned at 7:55 p.m.

Sandra M. Shute  
Assistant Municipal Clerk