

MARINE DRIVE VALLEY AND CANAL COMMUNITY COUNCIL  
MINUTES

April 23, 2009

PRESENT: Deputy Mayor, David Hendsbee, Chair  
Councillor Steve Streach  
Councillor Barry Dalrymple

STAFF: Mr. David Greener, Legal Services  
Ms. Barbara Coleman, Legislative Assistant

MARINE DRIVE, VALLEY AND CANAL  
COMMUNITY COUNCIL  
MINUTES

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**1. CALL TO ORDER**

The meeting was called to order at 6:12 p.m. at the Middle Musquodoboit Bicentennial Theatre, 12390 Highway #224, Middle Musquodoboit, NS.

**2. APPROVAL OF MINUTES - March 5, 2009, April 2, 2009**

**MOVED By Councillor Streach, seconded by Councillor Dalrymple that the minutes of March 5 and April 2, 2009 be approved. MOTION PUT AND PASSED.**

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

Additions

12.1 Beaver Bank Visioning Exercise

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

**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. VARIANCE HEARINGS**

**8.1 Variance Appeal, 71 Keddy Road, Cooks Brook**

- A report dated April 9, 2009 is before Marine Drive Community Council.

Mr. Sean Audas, Development Officer, gave an overview of the staff report.

**Mr. David Church, 81 Keddy Rd** stated he opposed the front variance as the structure is too close to the road which poses a safety issue. He stated due to the crest of the hill and the rise and fall of the road post office employees were at risk as approaching vehicles were unable to see anyone in the roadway. He noted with the garage the risk of accidents would only increase. He stated the residents feel that safety must take precedence. The placement

of a garage only eight feet from the roadway would be out of step with all the other properties and it may impact resale value of the other homes on the road. If the variance was granted, there would be difficulty in construction a sidewalk on the left side of the road as the right side was ditched to collect runoff. The deck will reduce the clearance and access to the well. He was also concerned with what may be stored in the garage and if it would in some contaminate the surrounding wells.

**Mr. Christopher Coote, 59 Keddy Road**, stated that it was the intent of the property owner to bring commercial vehicles and park at his property. He stated the granting of the variance would not be in keeping with the quiet enjoyment of his property and neighbouring properties.

**Mr. Doncaster**, stated that he was making improvements to his property and if a sidewalk is put in he would be in within the required setback from the centre of the road. The vehicles in the garage are not commercial vehicles and no toxic materials are stored in the garage. He noted that the area in question was the only location on which a garage could be built, noting there are other garages in the area.

In response to Councillor Streach Mr. Doncaster advised that he has owned the property for five years and it is currently for sale.

In response to Councillor Dalrymple Mr. Doncaster advised the proposed garage would be twenty by thirty feet. He stated he was not using it to store heavy equipment noting, it would not be possible to turn heavy equipment on his property.

Mr. Audas clarified that he could do commercial by right .

Councillor Hendsbee indicated that the well is twenty five feet from the house.

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

**MOVED by Councillor Streach, seconded by Councillor Dalrymple, that the hearing be closed. MOTION PUT AND PASSED.**

Councillor Streach stated his decision is weighed heavily by the comments of the residents. He stated he has had contact from other members of the community expressing their concern although they were not in the permitted speaking distance. He stated he does not feel the variance would be in the best interest of the community or in keeping with the intent of the land use by law.

**MOVED by Councillor Streach, seconded by Councillor Dalrymple, that Marine Drive Valley and Canal Community Council uphold the Development Officer's decision to**

approve the front yard setback and refuse the variance for the side yard setback.  
**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS:**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentations - None**

**10. REPORTS:**

**10.1 Supplementary Report - Case 00898 - Development Agreement - Lost Creek Village**

- A report dated March 31, 2009, on the above noted was before Council.

**MOVED By Councillor Dalrymple, seconded by Councillor Streach that Marine Drive Valley and Canal Community Council:**

**1. Approve the proposed development agreement to permit development of Phases 5-10 of Lost Creek Village, as set out in Attachment A of this report subject to the following 3 revisions:**

**(1) Subsections 3.3.1 and 3.3.2 are deleted and replaced with the following:**

***3.3.1 The Developer agrees that the Municipality shall only grant final subdivision approval for a maximum of 15 lots per calendar year and issue Construction Permits for a maximum of 15 dwelling units per calendar year prior to an announcement, by the Municipality, that the Beaver Bank By-pass has been constructed between Beaver Bank Road and Sackville Drive and is open for public use.***

**(2) Subsection 3.3.3 is renumbered and revised to read as follows:**

***3.3.2 Notwithstanding subsections 3.3.1 of this Agreement, both parties agree that, once the portion of the Beaver Bank Bypass between Sackville Drive and Beaver Bank Road is constructed and open for public use, the Developer may apply for and the Municipality may issue, final subdivision approval and Construction Permits for the remainder of the***

*Development subject to all other terms of this Agreement.*

- (3) As a result of the changes to the development agreement the remaining subsections under Section 3.3 also be renumbered to reflect that one of the subsections has been deleted.
2. Require the agreement be signed and delivered within 120 days, or any extension thereof granted by Marine Drive, Valley and Canal Community Council on request of the applicant, from the date of final approval of said agreement by Marine Drive, Valley and Canal Community Council and any other bodies as necessary, whichever is later, including any appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

**MOTION PUT AND PASSED**

**10.2            Case 01201 - Amendments to the Beaver Bank, Hammonds Plains and Upper Sackville MPS and LUB - Signs for Home Based Business Uses**

- A staff report dated April 1, 2009 was before the Community Council.

**MOVED By Councillor Streach, seconded by Councillor Dalrymple that Marine Drive Valley and Canal Community Council recommends that Regional Council:**

1. Give first Reading to the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy and Land Use By-law as set out in Attachment A and Attachment B, and schedule a public Hearing; and
2. Approve the proposed amendments to the Beaver Bank, Hammonds Plains and Upper Sackville planning Strategy and Land Use By-law as set out in Attachment A and Attachment B.

**MOTION PUT AND PASSED**

**11.            MOTIONS - NONE**

**12.            ADDED ITEMS**

**12.1          Beaver Bank Visioning Exercise**

- A report dated April 15, 2009 was before the Community Council.

**MOVED By Councillor Dalrymple, seconded by Councillor Streach that Marine Drive Valley and Canal Community Council:**

1. **Defer consideration of a formal community visioning exercise and subsequent preparation of a Secondary Planning Strategy until the Regional Municipal Strategy undergoes its 5 year review in 2011.**
2. **Not consider additional growth management controls in the South Beaver Bank area at this time.**

**MOTION PUT AND PASSED**

13. **NOTICES OF MOTION - NONE**

14. **PUBLIC PARTICIPATION**

**Case # 01263 - Proposal to amend the Regional Subdivision By-law and Musquodoboit Valley/Dutch Settlement Municipal Planning Strategy (MPS) in order to extend the Water Service Area Boundary in Middle Musquodoboit.**

Mr. Joseph Driscoll presented the report to Council. He introduced Mr. Jamie Hannam, Director Engineering Services, Halifax Water who was also in attendance. This is looking at the possibility of extending water services in Middle Musquodoboit. He outlined the process and the steps that will take place throughout the process.

Mr. Hannam advised there are five cost elements involved, the first of which is the transfer of ownership from the province to the Halifax Water Commission.

Councillor Streach advised the MLA Brooke Taylor had advised that the province had indicated it would be willing to sell the line for one dollar.

Mr. Hannam advised there are four other costs which are cost for laterals and plumbing hookup would be the property owner responsibility, there may be a small permit fee from the province to open and close the street, there may be a charge to offset the previous costs of the water system and a go forward cost of a water bill.

Councillor Hendsbee asked for clarification that this would be for domestic water only and the residents would be protected from paying the fire protection tax rate.

Ms. Irene Bentley, 22174 Highway 224, asked if one contractor conduct all of the lateral work or would each homeowner be responsible to hire a contractor to hook up to their home. Staff clarified that the homeowners would have to do their own hookup and hire their own private contractor. On further question, staff advised that the Water Commission would own the lateral from the main to the property line, from there to the property would be the homeowners responsibility. The water lateral must be built to Water Commission standards. People have a choice as to whether or not they want to hook up.

Councillor Hendsbee advised the properties will not be assessed for the installment of the water infrastructure since the Province will give it to HRM at no cost. However, residents will have to pay a one time charge to hook up if they want to connect to the public system.

Mr. Hannam advised there will be a charge for their share of the historical cost of the water treatment plant payable at the time they choose to hook up to the water line.

Mr. Barry Wilkens, 12116 Highway 224, stated it is his understanding that it is a done deal.

Councillor Streach stated it would be up to the community to say whether or not it wants this and then the next step would be a staff report backing up what was said tonight and then a public hearing to approve the necessary amendments. Staff advised a report would be going forward to Council within a few months.

Councillor Streach stated that the provincial turnaround has been quick and stated that he would expect the water to be there this year.

A resident of 11 264 Highway 224 noted asked if the ground search and rescue building could hook up to the water line. Staff advised that it could so long as existing water main constructed by the Province abuts the property.

Mr. George McQuarrie, 12104 Highway 224, indicated that he wants to connect. Their house is on the north side of Hwy. 224. They have dug two wells and a drilled well but didn't get any water. Their deed shows they have water rights but the neighbours deed says that they do not. It is important they get water.

Ms. Cathy Millar, representing the Department of Natural Resources, questioned if there would be a difference in the rates for a provincial government building versus a residence. Staff stated the only difference would be in charges associated with water volume usage.

Councillor Streach noted there are many local contractors in the area that could do the work.

Mr. Lorne Leaman, Meaghers Grant, noted that the agricultural society has buildings at the



Exhibition Grounds and asked if any thought had been given to providing water to that part of the community. Councillor Streach noted a large building is being proposed for the exhibition grounds and there is a desire to have both sewer and water laterals to the property to make it more viable. They are pursuing the opportunity for multi-level government funding.

Councillor Hendsbee questioned whether they could acquire an easement to put a private lateral to the end of Elm Drive. Staff advised they would have to clarify this and get back to Council with a response.

Councillor Streach questioned whether there was an opportunity to piggyback on this meeting tonight and the public hearing or if it needs to be a stand alone process? Mr. Kurt Pyle noted that perhaps it would be best as a stand alone project.

Mr. Chris Parker, RR# 2 Shubenacadie, 107 McFedridge Rd, inquired about capacity for Glenmore Road? He was told 'no' in the past because of the defined service boundary and the need to reserve capacity for infill lots. He stated that it sounds like the capacity issue can now be revisited in context of the new plan both water and sewer. He stated he is hoping the boundary can be opened up for Glenmore Road as well.

Councillor Hendsbee stated the Water Commission may look at a looped service across George Street.

Councillor Streach stated that an opportunity to do a loop infrastructure can be discussed noting the Middle Musquodoboit water system is on the current infrastructure list.

Mr. Driscoll advised that within the next few years HRM will likely begin a larger planning study for Middle Musquodoboit that will consider many issues related to community development including the potential for service area expansions. That may be a better time to consider other service area expansions as they would be quite different than this unique situation.

On question, Councillor Streach advised sewer was not under discussion for the extension of the water service area as far as the high school.

In response to a question regarding hook up if your property was on the opposite side of the road to the line, staff advised it would be the responsibility of the property owner to bring the hook up across the road to their property.

As there were no further speakers the public meeting was closed.

## **15. NEXT MEETING**

The next meeting to be determined.

**16. ADJOURNMENT**

The meeting adjourned at 8:02 p.m.

Barbara Coleman  
Legislative Assistant