

# HALIFAX REGIONAL MUNICIPALITY

---

## MARINE DRIVE, VALLEY AND CANAL COMMUNITY COUNCIL MINUTES

September 6, 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  
Mr. Quentin Hill, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER.....	3
2.	APPROVAL OF THE MINUTES – July 4 <sup>th</sup> & 25, 2012 .....	3
4.	BUSINESS ARISING OUT OF THE MINUTES .....	3
5.	MOTIONS OF RECONSIDERATION – NONE .....	3
6.	MOTIONS OF RESCISSION – NONE .....	3
7.	CONSIDERATION OF DEFERRED BUSINESS .....	3
	7.1 Fence Permit Application# 102842 – 91 Glasgow Road, East Preston (Deferred March 30, 2011) .....	3 & 6
8.	HEARINGS – NONE .....	3
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS .....	3
	9.1 Correspondence – None.....	3
	9.2 Petitions – None .....	3
	9.3 Presentations – None .....	3
10.	REPORTS .....	4
	10.1 MPS & LUB Amendments to Planning Districts 14/17 for the proposed River- lakes Secondary Planning Strategy .....	4
11.	MOTIONS.....	5
	11.1 Councillor Dalrymple .....	5
12.	ADDED ITEMS – NONE .....	7
13.	NOTICES OF MOTION – NONE .....	7
14.	PUBLIC PARTICIPATION .....	7
15.	NEXT MEETING DATES – September 26, 2012 (location to be determined).....	7
16.	ADJOURNMENT .....	7

**1. CALL TO ORDER**

The meeting was called to order 7:02 p.m. at the Gordon R. Snow Community Centre, 1359 Fall River Road, Fall River.

**2. APPROVAL OF THE MINUTES – July 4<sup>th</sup> & 25, 2012**

**MOVED by Councillor Dalrymple, seconded by Councillor Streach that the minutes of July 4<sup>th</sup> and 25, 2012 be approved, as presented. MOTION PUT AND PASSED.**

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

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

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 Status Sheet Review**

A copy of the Status Sheet was before the Community Council for review.

Fence Permit Application #102842 – 91 Glasgow Road was removed from the Status Sheet later in the meeting; refer to page 6.

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS**

**7.1 Fence Permit Application# 102842 – 91 Glasgow Road, East Preston (Deferred March 30, 2011)**

Matter deferred to later in the meeting to allow for the applicant and adjacent neighbour to arrive. Refer to page 7.

**8. HEARINGS – NONE**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence – None**

**9.2 Petitions – None**

**9.3 Presentations – None**

## 10. REPORTS

### 10.1 MPS & LUB Amendments to Planning Districts 14/17 for the proposed River-lakes Secondary Planning Strategy

The following was before the Community Council:

- Staff report dated August 20, 2012
- Halifax Watershed Advisory Board report dated August 15, 2012

Ms. Maureen Ryan, Planner gave a presentation on the Municipal Planning Strategy and Land Use By-law amendments to Planning Districts 14 and 17 for the proposed River-lakes Secondary Planning Strategy, introducing many of the members of the Fall River Vision Implementation Committee who were in attendance. During the presentation Ms. Ryan noted the following amendment to Attachment 3 of the August 20<sup>th</sup> staff report:

*Clause (a) Sections 14A.11, 14C.11, 14D.9, 14E.5 to replace the intervals of required landscaping from 19.6 feet (6 metres) to 15 feet (4.6 metres).*

Staff responded to questions of clarification raised by the Community Council respecting the proposed amendments.

**MOVED by Councillor Dalrymple, seconded by Councillor Streach that Marine Drive, Valley and Canal Community Council recommend to Halifax Regional Council that a date be set for a public hearing to consider adopting the River-lakes Secondary Planning Strategy and accompanying land use regulations under the Municipal Planning Strategy and Land Use By-Law for Planning Districts 14 and 17, as set forth in Attachment 2 – By-Law to Amend the Municipal Planning Strategy for Planning Districts 14 and 17 with an amendment to clauses (a) Sections 14A.11, 14C.11, 14D.9, 14E.5 to replace the intervals of required landscaping from 19.6 feet (6 metres) to 15 feet (4.6 metres); Attachment 3 – By-Law to Amend the Land Use By-Law for Planning Districts 14 and 17; and Attachment 4 – By-Law to Amend the Regional Municipal Planning Strategy for the Halifax Regional Municipality of the staff report dated August 20, 2012.**

Councillor Dalrymple expressed appreciation for the work done on the plan to date, noting that the River-lakes Secondary Planning Strategy would make the traffic study report and the Shubenacadie Watershed reports official, and would provide solutions to the issues expressed by residents.

### **MOTION PUT AND PASSED.**

Councillor Dalrymple presented conceptual photographs of the Fall River community to Michael Creighton, Chair and the entire Fall River Vision Implementation Committee. It was noted that the photographs would be displayed at the Gordon R. Snow Community Centre.

## 11. MOTIONS

### 11.1 Councillor Dalrymple

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

- 1. Given that on the 23rd of August 2011 the Waverley Ratepayers Association completed a local area Traffic Study which was submitted to HRM's Design & Construction Services, Traffic & Right of Way Department and Manager of Strategic Transportation Planning, that this report be referred again to staff and placed on the Marine Drive, Valley and Canal Community Council Status Sheet for quarterly reports on status.**
- 2. Given that in 2009 a Traffic Study commissioned by HRM and conducted by CBCL was completed, the report is entitled: Transportation Study - Fall River - Waverley - Wellington Areas, that this full report be placed on the Marine Drive, Valley and Canal Community Council Status Sheet for quarterly reports on status.**

Without a vote on the original motion, it was **MOVED by Councillor Hendsbee, seconded by Councillor Streach that the recommendations be amended to include and/or a future assigned Community Council for the designated area following Marine Drive, Valley and Canal Community Council. MOTION PUT AND PASSED.**

The motion before the Community Council now reads:

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

- 1. Given that on the 23rd of August 2011 the Waverley Ratepayers Association completed a local area Traffic Study which was submitted to HRM's Design & Construction Services, Traffic & Right of Way Department and Manager of Strategic Transportation Planning, that this report be referred again to staff and placed on the Marine Drive, Valley and Canal Community Council and/or a future assigned Community Council for the designated area Status Sheet for quarterly reports on status.**
- 2. Given that in 2009 a Traffic Study commissioned by HRM and conducted by CBCL was completed, the report is entitled: Transportation Study - Fall River - Waverley - Wellington Areas, that this full report be placed on the Marine Drive, Valley and Canal Community Council and/or a future assigned Community Council for the designated area Status Sheet for quarterly reports on status.**

**MOTION PUT AND PASSED.**

Item 7.1 was addressed at this time.

**7.1 Fence Permit Application #102842 – 91 Glasgow Road, East Preston  
(deferred March 30, 2011)**

The following was before the Community Council:

- Staff memorandum dated August 29, 2012
- Staff supplementary report dated June 3, 2011
- Staff report dated January 24, 2011
- Property survey for 103 and 97 Glasgow Road provided by Mr. Chris Smith September 6, 2012.

Councillor Hendsbee provided an overview of the information before the Community Council and where the matter was to date.

In response to a question raised on process, Mr. Randolph Kinghorne, Municipal Solicitor advised that there was no further presentation required. However, the Community Council could allow the applicant and adjacent neighbour to speak on the new information received, to which the Community Council agreed.

**Mr. C. Brian Mintus, 91 Glasgow Road** stated that although a new survey had been completed by Mr. Smith, the Community Council had already received a copy of the survey he had submitted. He commented that the ditch was not owned by himself or Mr. Smith, as it allowed for water drainage from both properties. Mr. Mintus further commented on the need to resolve this matter.

**Mr. J. Christopher Smith, 103 Glasgow Road** referenced HRM By-law B-201 respecting the building code. Pointing out that in the survey he had completed showed that the fence was intruding on his property. Further, that the fence had not been able to withstand a few wind storms and required additional support for stabilization. He concurred with Mr. Mintus that that matter needed to be resolved.

Councillor Hendsbee requested clarification on the appeal process. Mr. Kinghorne advised there was no appeal process through the Community Council, and that the matter could be referred to the Supreme Court of Nova Scotia through judicial review. He advised that if the application was denied, HRM By-law Enforcement would then address the breach of the fence.

Councillor Hendsbee stepped down as Chair at 8:07 p.m. and Councillor Dalrymple assumed the Chair.

**MOVED by Councillor Hendsbee, seconded by Councillor Streach that Marine Drive, Valley and Canal Community Council deny the fence permit application**

**#102842, as outlined in the staff supplementary report dated June 3, 2011, and refer the matter back to staff for investigation.**

The Community Council entered into the discussion on the motion, with concerns being expressed on the length of time the matter had been before the Community Council, as well as, the structural integrity of the fence.

**MOTION PUT AND PASSED.**

Councillor Hendsbee assumed the Chair at 8:09 p.m. and Councillor Dalrymple took his seat.

**12. ADDED ITEMS – NONE**

**13. NOTICES OF MOTION – NONE**

**14. PUBLIC PARTICIPATION**

**Councillor Dalrymple** gave an update on concerns raised in the community respecting an application by Hampton Holdings to build a gas bar and coffee shop on the Whebby property. Councillor Dalrymple noted that he had met with Mr. Hamilton, who has indicated that, Hampton Holdings and Sobeys has agreed to meet with the Fall River Vision Implementation Committee during a closed meeting. Mr. Hamilton has further indicated that he is willing to consider another location if it is deemed suitable and a trade could be made with HRM for equal value of the land. Councillor Dalrymple further advised that he would be making a request at September 11, 2012 Regional Council session for a staff report to explore the possibility of a property trade with HRM.

**15. NEXT MEETING DATES – September 26, 2012 (location to be determined)**

**16. ADJOURNMENT**

The meeting adjourned at 8:12 p.m.

Quentin Hill  
Legislative Assistant

INFORMATION ITEMS – NONE