

MARINE DRIVE, VALLEY AND CANAL
COMMUNITY COUNCIL
MINUTES
May 10, 2004

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

STAFF: Mr. Barry Allen, Municipal Solicitor
Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in the HRM Office, 7900 #7 Highway, Musquodoboit Harbour.

2. APPROVAL OF MINUTES

MOVED by Councillor Snow, seconded by Deputy Mayor Streach, that the minutes of January 19, March 9 & 23 and April 20 & 27, 2004, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Community Council agreed to change the order of the public hearings.

MOVED by Deputy Mayor Streach, seconded by Councillor Snow, that the Order of Business, as amended, 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. PUBLIC HEARING

8.2 Case 00643 - Rezoning Application - Cook Lands - Clam Harbour Beach Road, Clam Harbour

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated March 15, 2004, on the above noted, was before Council.

Mr. John MacPherson, Planner, with the aid of overheads, presented the staff report.

Councillor Hendsbee called three times for those wishing to speak either in favour of or in opposition to the rezoning application. Hearing none, the following motion was placed.

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

DECISION OF COUNCIL

MOVED by Deputy Mayor Streach, seconded by Councillor Snow, that the Marine Drive, Valley and Canal Community Council approve the rezoning of the subject lands from P-4 (Provincial Park) Zone to MU (Mixed Use) Zone, as shown on Map 1. MOTION PUT AND PASSED UNANIMOUSLY.

8.1 Case 00501 - Rezoning Application - Martinique By the Sea Properties Ltd., - East Petpeswick Road, Musquodoboit Harbour

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated March 15, 2004, on the above noted, was before Council.

Mr. John MacPherson, Planner, with the aid of overheads, presented the staff report.

In response to Councillor Hendsbee, Mr. MacPherson advised the moratorium does not apply to this application and the eight lots per year rule does not apply.

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

Ms. Paula Millsom, Musquodoboit Harbour Rate Payers Association, advised the Association supported the application and noted that there are covenants in place to ensure that the road is maintained as the property owners are responsible for all upkeep and maintenance.

Mr. Bill McInnis, Halifax, representing his sister who owns one of the lots, spoke in support of the application, noting the covenants are very strong.

Mr. Don Henderson, East Petpeswick Road, expressed concern with the fact that the lands in question overlap Federal lands. Staff clarified that the Federal land portion would fall under Federal guidelines and restrictions.

The property owner advised it is his intention to have a green zone with a trail through the property.

Mr. Paul Henderson, Halifax, received clarification on what the permitted uses are within a MU zone.

Mr. Ross Findlay, East Petpeswick, spoke in favour of the application.

Ms. Jill Seale, advised the reason for the private road was to keep the integrity of the local character, no need for a public road through there, road salt would not be needed and, people who will be using the road will be responsible for the upkeep and maintenance of the road.

Mr. George Seale, reading from prepared text, outlined the chronology of events leading up to the public hearing.

Ms. Marion Stanfield, stated that she lives across from the proposed development and would prefer the development proceed with a private rather than a public road.

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

MOVED by Deputy Mayor Streach, seconded by Councillor Snow, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY. DECISION OF COUNCIL

Deputy Mayor Streach expressed concern with the number of delays there have been bringing this to Community Council. He noted there has been no serious objection to the proposal.

MOVED by Deputy Mayor Streach, seconded by Councillor Snow, that the Marine Drive, Valley and Canal Community Council approve the proposed rezoning of an approximate 2.5 acre (30m x 330m) corridor of land from R-6 (Rural Residential) to MU (Mixed Use) zone to allow for the construction of a private road on lands described in the March 15, 2004. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS - NONE

11. **MOTIONS - NONE**
12. **ADDED ITEMS - NONE**
13. **NOTICES OF MOTION - NONE**
14. **PUBLIC PARTICIPATION**

At this point in the meeting, members of the public were provided an opportunity to address any issues of concern or pose questions to members of the Community Council.

It was noted that the East Petpeswick Road was in a very serious state of disrepair and the following motion was placed.

MOVED by Deputy Mayor Streach, seconded by Councillor Snow, that a letter be sent to the Department of Transportation, noting the condition of the East Petpeswick Road especially the west side. MOTION PUT AND PASSED UNANIMOUSLY.

15. **NEXT MEETING**

The next meeting will be called as required at the discretion of the chair.

16. **ADJOURNMENT**

The meeting was adjourned at 8:20 p.m.

Julia Horncastle
Legislative Assistant