

MARINE DRIVE VALLEY AND CANAL
COMMUNITY COUNCIL
MINUTES

MAY 28, 1997

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

STAFF: Mr. Kurt Pyle, Planner
Mr. Stephen Smith, Planner
Ms. Jennifer Sung, Planner
Mr. Roger Wells, Planner
Mr. Bill Butler, Manager of Planning Services
Mr. Barry Allen, Municipal Solicitor
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at 7:00 p.m. with an invocation.

2. APPROVAL OF MINUTES

MOVED by Councillors Snow and Dooks that the minutes of the April 23, 1997 meeting be approved as circulated. MOTION PUT AND PASSED.

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

Additions

1. Councillor Snow requested "Lakeview Park and Interchange" be added to the agenda.

MOVED by Councillor Snow and Dooks that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING FROM THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Application No. DA-F&S-004-02-CD - Application by John and Judi Randles to enter into a development agreement to permit the expansion of a single unit dwelling at 2147 Portobello Road in Waverley

Ms. Jennifer Sung, Planner, presented the staff report advising the Randles are proposing to construct a two storey addition, balcony and new porch to their single unit dwelling on the Portobello Road in Waverley. She advised the ground floor would consist of approximately 536 square feet and would be used as a garage which is considered as non habitable space and would not require a development agreement. The Department of the Environment has given approval and they have noted the impact on the septic system will be lessened with the installation of low flow fixtures. She advised the storm drainage ditch

has been relocated. She advised the Watershed Advisory Board has given its approval and the Randles have agreed to environmental protection measures as outlined in the development agreement. She advised staff was recommending approval of the application.

Speakers in favour

Mr. Ralph MacDonnell, Portobello Road, stated he was in favour of the application.

Separate from this, he noted that the notification letter from the planning office did not have the name of the contact person typed in.

Speakers in opposition

No speakers in opposition.

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

Decision of Council

MOVED by Councillors Snow and Dooks that the development agreement to allow for the expansion of a single unit dwelling at 2147 Portobello Road in Waverley be approved. MOTION PUT AND PASSED.

8.2 File No. ZA-MUS-02-97-01 - Application by Kevin and Shelly Kerr to amend the provisions of the MU(Mixed Use) Zone in the Musquodoboit Valley - Dutch Settlement Land Use By-law to permit commercial accommodation uses

Mr. Stephen Smith, Planner, presented the staff report advising the amendment was being requested in order to provide for the construction of an eight unit motel adjacent to the River Oaks Golf Course in Meaghers Grant. The zone does not currently permit commercial accommodation uses except for bed and breakfast establishments. He advised the request is for an amendment to the text of the by-law which will add provision for hotel/motel type uses in the MU zone. He noted the public hearing was not for a specific proposal but rather for the amendment to the Land Use By-law to add these uses under the MU zone.

Speakers in favour

No speakers in favour.

Speakers in opposition

No speakers in opposition.

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

Decision of Council

MOVED by councillors Dooks and Snow that the by-law attached as attachment 3 to the May 5, 1997 staff report to amend the Musquodoboit Valley - Dutch Settlement Land Use By-law (LUB) to permit commercial accommodation uses in the MU (Mixed Use) Zone be approved. MOTION PUT AND PASSED.

8.3 File No. DA-LM-05-96-03 - Application by Ivan Willis to enter into a development agreement to permit a construction debris site (recycling operation) on his property at the end of Lake Major Road in North Preston and

File No. DA-LM-05-96-04 - Application by Ivan Willis to enter into a development agreement to permit facilities associated with an extractive operation (gravel pit) on his property at the end of Lake Major Road in North Preston

Mr. Kurt Pyle, Planner, with the aid of slides, presented the staff report. He outlined the property in question. He indicated where the proposed gravel pit and recycling operations were to be located. He stated the C&D facility will process, handle and sell construction demolition debris. He advised the gravel pit operation is subject to all the rules and regulations of the provincial Pit and Quarry Guidelines. He advised Mr. Willis is restricted to where he can bury inert material. He said industrial uses are not permitted on an "as of right" basis but only by development agreement which restricts the activities permitted on the property for both the C&D and the processing facilities.

Mr. Pyle advised the agreement requires the access road to be widened to a minimum distance of 24 feet excluding ditching and, the surface of that road has to be maintained by the applicant. He advised the applicant has agreed to establish an alternative access route, within five years after the agreement has been signed, which would bypass the community of North Preston. The agreement also includes site rehabilitation requirements for the old quarry area, a sediment control plan and an on site drainage plan to ensure that the abutting watercourses are not affected. He advised the applicant does not feel the construction of sidewalks is his responsibility; therefore, staff is recommending HRM install the sidewalks covering 100% of the costs.

Councillor Snow stated he had concerns with the five years to build a road asking what guarantee HRM has that it will be built. He asked what would happen if the road is not built. In response, Mr. Pyle advised Community Council has the ability to discharge the application and permit.

Councillor Snow also expressed concern with access to abutting properties that may have to be used in order to build the road. In response, Councillor Hendsbee advised the access road is proposed on the old Governor Road Extension which means the applicant is rebuilding an old pre-existing road.

In response to Councillor Snow, Mr. Pyle advised the Development Agreement is transferrable as it goes with the land not the owner.

Councillor Hendsbee stated he would like to see the project proceed without approval of the development being contingent upon sidewalk construction by HRM.

Speakers in favour

Mr. Paul Miller, representing the application, addressed Community Council giving a brief overview of the process to date advising the application is for a pit which means there is no blasting. He said rock will be extracted through drilling and scraping mechanisms. There will be crushing facilities and an asphalt plant. He said there will be no garbage or refuse going into the C&D site and some of the materials may be used to reacclimate the pit as it expands. The pit will have crushers and an asphalt plant. He stated the proposal will generate approximately 40 jobs for the community.

Mr. Willis stated he felt his proposal was a good one for the community and thanked all those who were present in support of his proposal.

Mr. Ernest Simmonds, 196 Simmonds Street, stated he is in support of the application and feels the proposal will be beneficial for the community as it will provide employment opportunities.

Ms. Frances Smith, Lake Major Road, expressed her support for the proposal.

Speakers in opposition

Councillor Hendsbee advised a letter had been received from Mr. Andrew Sclater, 1474 Brenton Street, Halifax, in opposition to the proposal expressing concerns regarding sidewalks and the non-inert material that may find its way onto the site as well as the time period allowed for the construction of the alternate route.

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

Decision of Council

MOVED by Councillors Dooks and Snow that approval be given to enter into those sections of the development agreement attached to the report, dated May 6, 1997, which would permit the development of a construction debris facility on Mr. Willis' property at the end of Lake Major Road in North Preston requiring that the agreement be signed within 120 days, or any extension thereof granted by Community Council, from the date of approval by Marine Drive Valley and Canal Community Council, including applicable appeal periods; otherwise, the approval shall be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.

MOVED by Councillors Dooks and Snow that approval be given to enter into those sections of the development agreement attached to the report, dated May 6, 1997, which would permit the development of facilities associated with an extractive operation on Mr. Willis' property at the end of Lake Major Road in North Preston requiring that the agreement be signed within 120 days, or any extension thereof granted by Community Council, from the date of approval by Marine Drive Valley and Canal Community Council, including applicable appeal periods; otherwise, the approval shall be void and obligations arising hereunder shall be at an end.

Councillor Snow stated, for the record, he did have concern with the development agreement and what might happen to the community if the land is sold and the agreement is transferred to someone who would not have the best interests of the community in mind.

MOTION PUT AND PASSED.

MOVED by Councillors Dooks and Snow that the sidewalk recommendation be referred to staff for further review. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Presentation

9.1.1 Nova Scotia Eco-Tourism Foundation - Bruce Graves

Mr. Bruce Graves, Nova Scotia Eco-Tourism Foundation, gave a presentation, with the aid of slides, to Community Council regarding the practice of clear cutting and the problems that such practices cause resulting in erosion and siltation runoff into the lakes and

waterways.

Councillor Hendsbee thanked Mr. Graves for his attendance and presentation.

10. REPORTS

10.1 Dutch Settlement Fire Budget

MOVED by Councillor Snow and Dooks that the Community Council accept the Dutch Settlement and area fire budget and forward it to staff for inclusion in the 1997/98 budget deliberations. MOTION PUT AND PASSED.

10.2 Appointment of Planning Advisory Committee

MOVED by Councillor Snow and Dooks that this item be deferred to the June 25, 1997 meeting. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Lakeveiw Park and Interchange - Councillor Snow

Councillor Snow presented a request on behalf of the LWF Ratepayers' Association for the construction of an interchange at the intersection of the Cobequid Road and the Bi-Centennial Highway.

MOVED by Councillors Snow and Dooks that the request be forwarded to Regional Operations for their input and study. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Paul Pettipas, LWF Ratepayers Association, noted that many requests had come forward regarding the status of whether or not there will be area rates or grants and when will the association be able to function again. He said an area rate had been voted in but programs are on hold because no information has come forward.

Mr. Neville Provo questioned the status of the North Preston Recreation. Councillor Hendsbee advised at the present time there is no information regarding the infrastructure program. He advised the item was on the infrastructure priority list.

Mr. Ron David stated that the recreation centre is needed in the community.

15. ITEMS FOR NEXT AGENDA

Councillor Snow requested that a legal opinion be sought regarding the ability of the HRM to totally lease or sell a parkland facility within HRM to a community.

16. NEXT MEETING

The next meeting is scheduled for Wednesday, June 25, 1997 at 7:00 p.m.

Mr. Pettipas suggested the next meeting be held in Fall River and further he would make location arrangements.

Councillor Hendsbee recognized Mr. Rick Joseph, Executive Assistant to Wayne Adams, Minister, Department of the Environment.

17. ADJOURNMENT

**MOVED by Councillors Snow and Dooks that the meeting be adjourned at 9:15 p.m.
MOTION PUT AND PASSED.**

**Julia Horncastle
ASSISTANT MUNICIPAL CLERK**