

MARINE DRIVE, VALLEY AND CANAL
COMMUNITY COUNCIL
MINUTES
APRIL 29, 1999

Carroll s Corner Community Centre
Milford Road, Carroll s Corner

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

STAFF: Mr. Barry Allen, Municipal Solicitor
Mr. Angus Schaffenburg, Planner
Ms. Julia Horncastle, Assistant Municipal Clerk

OTHERS: Mr. Jim Omelia, Department of Natural Resources

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1. INVOCATION

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

At a later point in the meeting, Councillor Hendsbee acknowledged the presence of Mr. Brooke Taylor, MLA.

2. APPROVAL OF MINUTES

MOVED by Councillors Dooks and Snow that the minutes of the March 25, 1999 regular session be approved as circulated. MOTION PUT AND PASSED.

MOVED by Councillors Dooks and Snow that the minutes of the April 13, 1999 special session be approved as circulated. MOTION PUT AND PASSED.

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

Additions

Councillor Dooks requested Department of Transportation (12.1)

Deletions

Councillor Snow requested item #1 – Service Road, Waverley – be deleted from the added items agenda

MOVED by Councillors Snow and Dooks that the Order of Business, as amended, be approved. 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. PUBLIC HEARINGS

8.1 Case 00022 – Commercial Recreation Use: Pheasant Hunting Preserve, Milford Road, Carroll s Corner

A staff report dated March 13, 1999 was circulated to the members of the Community Council

A copy of the minutes of the Planning Advisory Committee dated March 24, 1999 was circulated to the members of the Community Council

A map of the subject property showing the hunting zones and clay target areas was circulated to the members of the Community Council

Mr. Angus Schaffenburg, Planner, with the aid of an overhead, presented the staff report advising under the plan any new commercial recreational uses must be by development agreement noting, this was to ensure that new commercial recreational uses would not negatively effect the existing residential development. With the aid of the map, Mr. Schaffenburg indicated the proposed hunting areas. He advised the development agreement requires that the applicant follow the regulations in the Wildlife Act and the Liquor Control Act. Mr. Schaffenburg advised staff is recommending approval of the development agreement.

In response to Councillor Dooks, Mr. Schaffenburg advised the operation would be seasonal as the Pheasant Hunting Preserve Regulations only permit hunting at specific times of year, August to March.

Speakers in Favour

Mr. Tom Innis, Bedford, spoke in support of the application and advised in his experience there have been no problems with pheasant preserves as there are rules and regulations that have to be followed. He stated he sees this as a positive for the community.

Mr. Jim Hall, North Salem, spoke in support of the application stating this land lends itself to this type of activity as it is away from residential properties. He stated with approval the use of the property will be on a user pay basis which, in his opinion, will provide better controls.

Mrs. Jeanette White, reading from prepared text, advised she and her husband have shot sporting clays for ten years and have not experienced any problems with neighbours at any of the other locations

throughout the province. She noted the Neiforth property is ideal for such as sport as it is isolated which would lend itself well to this type of development. She stated the proposed uses are monitored by various government agencies.

Mr. Brian Gosse spoke in favour of the application stating the property lends itself to the proposed use and will generate economic spinoffs. He noted it is also a suitable habitat for other wildlife.

Mr. Alfred Nieforth, 427 Milford Road, Carroll s Corner, circulated a copy of a memorandum from Mr. John Wile, Ducks Unlimited Canada in support of the application wherein he notes due to breeding seasons the shooting would not interfere with normal waterfowl breeding activity.

In response to Councillor Snow, Mr. Nieforth advised he would not be raising dogs.

Mr. Derrick Horne, Carroll s Corner spoke in favour of the application stating he feels as this is a controlled activity it would help landowners by protecting them from hunters coming into the community.

Speakers in Opposition

Mr. Ford Woodworth stated he did not oppose the application but rather was concerned as he did not want shooting taking place constantly and he does not want shooting on Sunday.

In response to Councillor Snow, Mr. Omelia, Department of Natural Resources, advised that discharge of firearms is not permitted on Sunday.

Councillor Snow queried whether there was any means available to identify the area to indicate that it is a hunting preserve. With the aid of the overhead, the area in question was pointed out and it was noted it was over a mile away from the nearest residence. Mr. Nieforth noted signage will have to be posted advising it is a pheasant hunting preserve.

Mr. Garnet McMullin received clarification that a shot gun blast would carry approximately 30–35 feet.

Mr. Anthony Isnor received clarification that there are no restrictions on the hours of operation of clay target shooting and there are none proposed. It was further noted that there is no consumption of alcohol prior to the shooting and the restriction in the development agreement relates to only allowing the applicant to apply for a dining room license and not a lounge license.

Mr. Ed Fall expressed concerns with the ability to have a liquor license.

Mr. Robert Bates, Carroll s Corner received clarification that the clay shooting would be in an open field with trees along the buffer.

Mr. Paul Creelman spoke in favour of the application stating he cannot see anything that would pose a safety hazard and feels it is a good business to bring into the community.

Mrs. Ann Woodworth advised she has experienced hunters shooting while people have been fishing on the river and expressed concern with the continuation of this practice and queried whether there would be safety precautions such as signage.

MOVED by Councillors Snow and Dooks that the development agreement be amended to include the provision for the posting of flags and signage along the river bank to indicate that a person is entering an area where there is shooting taking place. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Dooks and Snow that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Snow and Dooks that the Marine Drive, Valley and Canal Community Council approve the development agreement for a pheasant shooting preserve on the lands of Nieforth Bros. Limited, Milford Road, Carroll s Corner and attached as Appendix A to the staff report dated March 13, 1999. Further, require that the development agreement shall be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever if later; otherwise this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Delegations

9.1.1 Forest Watch Committee

Representatives of the Eastern Shore Forest Watch Association were in attendance and, reading from prepared text, made a presentation to the Community Council. They advised they would like to request the HRM create and pass a by-law requiring public signs that provide information about cutting practices on public and private land. The committee advised that there should not be a distinction in that all land, public or private, that is misused, contributes to the destruction of the province as a whole.

Councillor Dooks stated he had advised the group to addresses Community Council as the first step in initiating the process and encouraging the province to look at this very important issue. He advised the group was in attendance to officially request a process be initiated and be supported by this Community Council to address the issue.

Councillor Dooks suggested the Community Council send a letter to the Province and to the Municipality.

As well he requested a legal opinion be sought whether it is in the authority of the Municipality to request a by-law to control tree cutting or clear cutting or at least public notification of tree cutting over a certain amount of acreage. If so would it apply to private properties and municipality. Once this information is obtained then the Province can be requested to develop rules and regulations and policies that will create a balance. Further would such a by-law require consent from Municipal Affairs.

MOVED by Councillors Dooks and Snow that a legal opinion as to whether the Halifax Regional Municipality has the authority to develop a tree cutting by-law. MOTION PUT AND PASSED.

MOVED by Councillors Dooks and Snow that a letter be written to the Department of Natural Resources to ascertain whether there has been any development on this issue and at what point are they in creating policies. MOTION PUT AND PASSED

Councillor Dooks requested that the department respond in a timely manner in order to have the answer by the May meeting.

MOVED by Councillors Dooks and Snow that the information be forwarded to staff for reference in developing a tree cutting by-law. MOTION PUT AND PASSED.

9.2 Petitions – None

10. REPORTS – NONE

11. MOTIONS – NONE

12. ADDED ITEMS

12.1 Department of Transportation – Councillor Dooks

Councillor Dooks requested a letter be sent to the Minister of Transportation explaining the poor conditions of a number of roads which should have immediate action taken to have them repaved and a response back to this council by the May meeting. The roads in question are the Clam Bay Loop Road, East Jeddore Road, and paving of a seven kilometre piece on the Mooseland Road called the Mooseland Extension. He advised these roads are in such a poor condition they pose a threat to public safety. Further the letter stated the request is to have these roads given a high priority.

MOVED by Councillors Dooks and Snow that a letter be sent to the Minister of Transportation and Public Works requesting the noted work be undertaken. MOTION PUT AND PASSED.

Councillor Snow requested an update on the items pertaining to district 2 that are outstanding items on

the status sheet.

13. NOTICES OF MOTION – NONE

14. PUBLIC PARTICIPATION

Mr. Herman Pye, Keltic Gardens Subdivision, enquired as to whether a response had been received from the Department of Natural Resources regarding the hunting issue in the area behind the subdivision. Councillor Hendsbee advised any information received would be forwarded to Mr. Pye.

Mr. Pye advised there are all terrain vehicles going over the lands near Robinson Lake which is having the effect of causing damage to the lake and queried whether there was a fund available to clean up the lake.

Mr. Pye queried whether on going issues could be brought forward to each meeting until the item was addressed. Councillor Hendsbee advised that on going issues are tracked on a status sheet and any additional tracking is beyond the purview of the clerks office staff.

MOVED by Councillors Dooks and Snow that a letter be sent to the Minister of Natural Resources requesting a response regarding the issue of hunting in the Keltic Gardens Subdivision. MOTION PUT AND PASSED.

15. ITEMS FOR THE NEXT AGENDA – NONE

16. NEXT MEETING

The next meeting is scheduled for Wednesday, May 26, 1999 at 7:00 p.m. in District 1. Location to be confirmed.

17. ADJOURNMENT

MOVED by Councillors Snow and Dooks that the meeting be adjourned at 9:20 p.m. MOTION PUT AND PASSED.

Julia Horncastle
ASSISTANT MUNICIPAL CLERK

