

MARINE DRIVE, VALLEY AND CANAL
COMMUNITY COUNCIL
MINUTES
MARCH 19, 2001

PRESENT: Councillor Keith Colwell
Councillor Steve Streach
Councillor Gary Hines

STAFF: Mr. Kurt Pyle, Planner
Mr. Mitch Dickey, Planner
Mr. Barry Allen, Municipal Solicitor
Ms. Julia Horncastle, Assistant Municipal Clerk

1.	CALL TO ORDER	04
2.	APPROVAL OF MINUTES - NONE	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	04
5.	MOTIONS OF RECONSIDERATION - NONE	04
6.	MOTIONS OF RESCISSION - NONE	04
7.	CONSIDERATION OF DEFERRED BUSINESS	
7.1	Decision re: Appeal of refusal of variance re: 38 Lake Thomas Crescent, Fall River, NS	04
8.	PUBLIC HEARINGS	
8.1	Case 00323 - Application to enter into a development agreement for an increase in the size of a lobster processing plant, Oyster Pond i) Correspondence from Mr. Carl Putinta	04
8.2	Case 00237 - Application to enter into a development agreement for a 50,000 sq. ft. grocery store and plaza on Highway 7, Musquodoboit Harbour	07
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Petitions	10
10.	REPORTS	
10.1	MARINE DRIVE, VALLEY AND CANAL PLANNING ADVISORY COMMITTEE	
10.1.1	Case 00316 - Application to amend the former Halifax County Subdivision By-Law to add a right-of-way (Patriquin Lane) to the list of Schedule "A" roads in Fletchers Lake	10
11.	MOTIONS	11
12.	ADDED ITEMS	11
13.	NOTICES OF MOTION	11

14.	PUBLIC PARTICIPATION	11
15.	NEXT MEETING	11
16.	ADJOURNMENT	11

1. CALL TO ORDER

The meeting was called to order at 7:15 p.m.

2. APPROVAL OF MINUTES - NONE

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

MOVED by Councillor Streach, seconded by Councillor Hines, that the Order of Business 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

7.1 Decision re: Appeal of refusal of variance re: 38 Lake Thomas Crescent, Fall River, NS

At the previous meeting decision was deferred pending further review of the garage construction and placement of the garage on the Patten property in Fall River.

MOVED by Councillor Hines, seconded by Councillor Streach, that the appeal be denied and a variance not be granted due to the serious violation of building permit procedures and distance requirements regarding the present location. Further, Council would encourage staff to help determine possibility of relocation of the building in line with initial building permit recommendations. Community Council also asks Nova Scotia Department of Environment and Labour be consulted in this process to determine if relocation can meet requirements regarding overloading the present septic system should relocation be accepted. MOTION PUT AND PASSED.

8. PUBLIC HEARINGS

8.1 Case 00323 - Application to enter into a development agreement for an increase in size of a lobster processing plant, Oyster Pond

- Correspondence from Mr. Carl Putinta was circulated to Community Council
- Extract from the draft minutes of the Halifax County Watershed Advisory Board was circulated to Community Council.
- Planning Advisory Committee report, dated March 2, 2001, on the above noted, was before Community Council.
- Staff report, prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated March 1, 2001, on the above noted, was before Community Council.
- First Reading was given March 2, 2001.

Mr. Kurt Pyle, Planner, with the aid of overheads, presented the staff report advising Superior Seafoods Limited wish to add two additions to the property, noting one of these additions would be at the front of the property in what is currently the loading area. The second addition would be at the back of the property. He advised the property is zoned mixed use and is designated the same and commercial uses in this zone are only permitted to a maximum of 5000 sq.ft. He advised with the addition the building will be approximately 19,000 sq.ft. He advised the Department of Transportation was consulted and have expressed no concerns with the proposed additions to the property. Mr. Pyle noted the developer wished to have the word "seafood" changed to "lobster" to ensure that what is currently there stays there. If there is any change in use, the developer would have to come back to Community Council to make the change.

In response to Councillor Streach, Mr. Pyle advised the proposed additions will enhance the existing building, the trucks used are tractor trailers and this will be a lobster storage plant only.

In response to Councillor Hines regarding the septic system, Mr. Pyle advised staff is requesting the Department of the Environment examine the system and indicate whether or not it meets standards and, if not, any upgrades will have to be done prior to the plant additions operating.

In response to Councillor Colwell, Mr. Pyle advised if the plant is processing anything other than lobster they would be in violation of the development agreement under the Land Use By-Law.

Councillor Colwell called for those wishing to speak either in favour of or against the application.

Mr. Rick Murphy

Mr. Rick Murphy, owner, stated they are expanding the lobster holding capacity, noting they handle and ship live lobsters only. He advised they bring water in from the harbour and it is

returned to the harbour. There are ten truck at the present time and they are looking at increasing the number by two more. He advised there are twenty five employees at the present time and the expansion may result in an increase of approximately five more people.

A resident spoke in favour of the application stating, in his opinion, it is a good thing for the community.

A resident spoke in favour of the application stating the owners operate the property responsibly.

Councillor Colwell called three times for any additional speakers. Hearing none, the following motion was made.

MOVED by Councillor Streach, seconded by Councillor Hines, that the public hearing close. MOTION PUT AND PASSED.

Councillor Colwell noted correspondence from Mr. Putinta had been received in opposition to the application.

Mr. Pyle advised Section “b” of the agreement should be reworded to state “any use permitted within the mixed use zone excluding a change in type and fishery use subject to provisions contained within the Land Use By-Law for Eastern Shore”.

MOVED by Councillor Streach, seconded by Councillor Hines, that Section “b” of the agreement should be reworded to state “any use permitted within the mixed use zone excluding a change in type and fishery use subject to provisions contained within the Land Use By-Law for Eastern Shore”. MOTION PUT AND PASSED.

MOVED by Councillor Streach, seconded by Councillor Hines, that the Marine Drive, Valley and Canal Community Council:

- 1. approve the proposed development agreement (Attachment 1 of the staff report dated March 1, 2001), to permit the construction of two additions to an existing lobster plant located at 10320 Highway No. 7, Oyster Pond;**
- 2. the word “seafood” be changed to “lobster”;**
- 3. that Section “b” of the agreement should be reworded to state “any use permitted within the mixed use zone excluding a change in type and fishery use subject to provisions contained within the Land Use By-Law for Eastern**

Shore”

- 4. require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00237 - Application to enter into a development agreement for a 50,000 sq. ft. grocery store and plaza on Highway 7, Musquodoboit harbour

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development, dated February 15, 2001, on the above noted, was before Community Council.
- Planning Advisory Committee report, dated March 2, 2001, on the above noted, was before Community Council.
- A supplementary staff report, dated February 6, 2001, was before Community Council.
- First Reading was given on March 2, 2001.
- Correspondence from Michael and Eve Concannon was circulated to the Community Council.

Mr. Mitch Dickey, Planner, with the aid of overheads, presented the staff report advising staff is recommending approval of the application.

In response to Councillor Streach, Mr. Dickey advised the application does meet the requirements of the MU-7 policy as it currently exists.

In response to Councillor Streach regarding water testing requirements, Mr. Dickey advised Sobeys will be required to test water quality at the lower end of the property during construction. The project will be built in phases and, in any subsequent stage, additional water quality testing will have to be carried out. The storm water treatment chambers will require regular cleaning out and, in addition, Sobey's has agreed to do tests of the water quality on the outflow from these. After a two year period of regular maintenance and reports they will be required to develop a long term plan outlining how they will deal with water quality.

In response to Councillor Colwell, Mr. Dickey advised Sobeys will have to provide adequate water supply and fire flows. Mr. Glen Boone, Sobey's, advised they are required to put in a sprinkler system and a fire cistern which is similar to a water holding tank which will hold a

sufficient volume of water which can be put through the sprinkler system at the required pressure.

Councillor Colwell called for those wishing to speak either in favour of or against the proposal.

Mr. Glen Boone

Mr. Glen Boone, Sobey's, with the aid of overheads, provided conceptual drawings of the property. He advised they are proposing a signalized intersection. There will be signage provided that would provide information on the museum and the trail. He advised they will provide cost sharing if there are requirements for upgrades on Highway 357. He stated there will be a number of catch basins provided to collect the water in storm treatment chambers and from there to a retention area. He advised they are building their own sewage treatment plant, noting they are required to have a licensed certified operator to operate that system. He advised that Sobey's would like consideration for letters of credit as opposed to strictly bonding.

Mr. Scott Rowlands

Mr. Rowlands advised he has been in business in the area for a number of years and this development will provide an economic boost. He stated the community should be pleased that a large company is bringing economic growth to the area.

Ms. MacNeil

Ms. MacNeil, East Petpeswick Road, stated she supported the development but was not aware the traffic light was a part of the proposal. She stated she was not in favour of having to stop at the location several times a day.

Mr. Bill Dooks, MLA

Mr. Dooks thanked the residents who attended all the meetings. He spoke in favour of the process, noting it was a fair process in which the people had an opportunity to speak and have their concerns addressed. He stated the development will be an enhancement to the community and will provide employment. Mr. Dooks urged council to approve the development.

Mr. Lorraine MacDonald

Ms. MacDonald spoke in support of the proposal as the residents currently have to travel to other communities. She stated this will also benefit those who have to depend on others to take them to the store.

Mr. Adrian Blanchette

Mr. Blanchette, East Petpeswick Road, stated he supported the development but did not feel the traffic light was necessary.

Ms. Paula Milsom

Ms. Milsom, Ratepayers Association, expressed concern with the traffic study stating she does not feel there was sufficient time period examined. She expressed concern with traffic from the East Petpeswick road and #7 highway. She stated she feels that someone may get hurt crossing the highway.

Ms. Madge Cyr

Ms. Cyr stated she does not feel there is a necessity for a lot of lights around the building.

Mr. Lloyd Carver

Mr. Carver suggested perhaps some of the parking spaces be made available to abutting businesses.

Mr. Baker

Mr. Baker stated there is a need for crosswalks.

The following persons added their support for the development: Mr. Wayne Jollimore, East Jeddore, Mr. Andrew Young, Mrs. Clements, Mr. Bill Bishop, Mr. Jim Dooks, Head of Jeddore.

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

MOVED by Councillor Streach, seconded by Councillor Hines, that the public hearing close. MOTION PUT AND PASSED.

Mr. Boone, in response to concerns raised by the residents, advised the Department of Transportation asked them to make a long term commitment that as soon as the traffic lights

are warranted, they would install them. Sobeys has offered to do them now because the residents felt they were needed. He stated the lights are a component of the construction. He advised there will also be a crosswalk at this intersection.

MOVED by Councillor Streach, seconded by Councillor Hines, that the agreement reflect the desires of the company to have a letter of credit in place of bonding. MOTION PUT AND PASSED.

MOVED by Councillor Streach, seconded by Councillor Hines, that staff consult with the local fire department and Sobey's and prepare a report addressing the possibility of the local fire department connecting to the Sobey's water system. MOTION PUT AND PASSED.

MOVED by Councillor Streach, seconded by Councillor Hines, that the Marine Drive, Valley and Canal Community Council:

- 1) approve the application as set out in Attachment 1 of the staff report dated February 15, 2001, to permit a grocery store and mall development on Highway 7 in Musquodoboit Harbour;**
- 2) require the development agreement 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 approval is later, including applicable appeal periods; otherwise, this approval will be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions - None

10. REPORTS

10.1 MARINE DRIVE, VALLEY & CANAL PLANNING ADVISORY COMMITTEE

10.1.1 Case 00316 - Application to amend the former Halifax County Subdivision By-Law to add a right of way (Patriquin Lane) to the list of Schedule "A" roads in Fletchers Lake

- A Planning Advisory Committee report, dated March 2, 2001, on the above noted, was before Community Council.
- A report prepared for Paul Dunphy, Director of Planning and Development Services, dated February 16, 2001, on the above noted, was before Community Council.

MOVED by Councillor Hines, seconded by Councillor Streach, that the Marine Drive, Valley and Canal Community Council recommend approval of the amendment to the Subdivision By-Law for the former Halifax County, as per Attachment 1 of the staff report dated February 16, 2001, to list Patriquin Lane, Fletchers Lake, as a Schedule "A" road, thereby enabling the applicant to create three additional and request Regional Council give first reading and set a public hearing date for April 17, 2001. MOTION PUT AND PASSED UNANIMOUSLY.

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

To be determined.

16. **ADJOURNMENT**

MOVED by Councillor Streach, seconded by Councillor Hines, that the meeting be adjourned at 9:10 p.m. MOTION PUT AND PASSED.

**Julia Horncastle
Assistant Municipal Clerk**