

MARINE DRIVE, VALLEY & CANAL
COMMUNITY COUNCIL
MINUTES
November 28, 2001

PRESENT: Councillor Keith Colwell, Chair
Councillor Steve Streach
Councillor Gary Hines

STAFF: Mr. Barry Allen, Municipal Solicitor
Ms. Susan Corser, Planner
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. with the Invocation.

2. APPROVAL OF MINUTES

MOVED by Councillor Streach, seconded by Councillor Hines, that the minutes of February 28, March 2 and 19, May 1 and October 30, 2001, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Case 00348 - Application by HRM to amend the Land Use By-laws for Eastern Shore (East) and Eastern Shore (West) to allow tourist cottages to be built as of right. (Give First Reading and set a public hearing date)

MOVED by Councillor Hines, seconded by Councillor Streach, 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 HEARINGS

8.1 Case 00282 - Application by Vladi Private Islands Limited to enter into a development agreement for residential development on private roads

- A report from the Marine Drive, Valley and Canal Planning Advisory Committee, dated October 23, 2001, on the above noted, was before Community Council.
- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated October 4, 2001, on the above noted, was before Council.

Ms. Susan Corser, Planner, outlined the staff report advising the developer is planning to do his subdivision on private roads which means they will maintain the roads themselves. The roads are required to be built to approximately seventy five percent of public road standards. The proposal is for 37 lots, 32 on the peninsula and 5 on the island. The proposed lots would range in size from two to ten acres and all but 11 of the lots would have ocean frontage. They will all be serviced by on site sewage disposal systems and their own wells. The proposed development is being designed as a seasonal or summer home development. There is a requirement that the Wetlands not be infilled, altered or destroyed.

In response to Councillor Hines as to whether it would be the intention of the developer to indicate to the buyer during the sale of the lots that they are on a private road, Mr. Croaker, representing the owner, advised each of the purchasers will receive a copy of the development agreement and advised they will have to adhere to the agreement.

In response to Councillor Streach as to why the developer was developing on a private rather than a public road, Community Council was advised this would reduce the price of the lots.

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

Ms. Angela Geddes

Ms. Angela Geddes, Necum Teuch, expressed concern with the development.

Mr. Dale Pye

Mr. Dale Pye, Ecum Secum, noted that the purpose of this meeting was only to address the issue of the developer being able to develop on private roads.

Mr. Pat Martin

Mr. Pat Martin questioned what effect would the development have on assessments in future years. He questioned whether those residents that do not have seafront property going to see their assessments go up dramatically. He noted there is no industry in the area and many of the residents are retired and on a fixed income.

Councillor Hines noted that assessments will be lower is the development is on a private road. He indicated that he development can take place as of right and the only issue to be addressed is whether the development will be on private or public roads.

Mr. Jewers

Mr. Jewers, Ecum Secum, stated he was not in favour of the private road development. He stated the community will grow but expressed concern with may happen to the community as a result such as all the land being privately owned and a rise in assessments.

A resident of Mitchell Bay expressed concern that the development may result in an increase in taxes.

Ms. Linda Watt

Ms. Linda Watt, West Quoddy, expressed concern that residents may be restricted from accessing this road. She also expressed concern that there may be an increase in vandalism. In response, Mr. Croaker advised the subdivision cannot be gated off and one third of the road will be a public road.

Mrs. Dunlop

Mrs. Dunlop, Necum Teuch, noted that if there was an increase in residents in the community then this would result in some positives for the area. She stated in her opinion this is a good thing for the community and will enhance the community.

Ms. Elizabeth Mullen

Ms. Elizabeth Mullen, Moosehead, expressed concern with increases in tax rates resulting from this development.

Ms. Linda Joyce

Ms. Linda Joyce stated that she does not see the development being a positive for the community.

A resident of Mitchell Bay stated that she feels the development will bring money into the community such as providing work for some of the residents.

In response to Councillor Hines, Mr. Croaker advised local Realtors and construction companies are used.

In response to a question as to whether these were summer homes, Ms. Corser advised even if they are used as summer homes they are required to be built to the National Building Code which are the same standards used in building a home.

A resident expressed concern that this development may not have a benefit to the community as these homeowners may go into the bigger centres for their building materials and groceries etc. She also expressed concern that this development may have an adverse effect on the fishermen as there may be an increase of pleasure boats on the water.

Ms. Gail Martin

Ms. Gail Martin asked if the buyers will be made aware that this development is near the Eastern Shore Wildlife Management Area and made aware they are near a nesting area. In response, Ms. Corser advised that an environmental assessment is not required for this type of development.

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 UNANIMOUSLY.

Councillor Streach noted the issue before Community Council this evening is with respect to private versus public road development only. He reiterated the land can be developed on an as of right basis. He noted the developer has advised it will not be a gated community and requested the community look at this positively.

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

- 1. Approve the proposed development agreement as presented as Attachment "I" of the supplementary staff report dated October 4, 2001, to permit the development of a residential subdivision on private roads known as Worthy Peninsula; and**
- 2. Give the applicant one hundred and twenty (120) days to sign the Agreement, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Marine Drive, Valley and Canal Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods; otherwise, this approval will be void and any obligations hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions - None

10. REPORTS - NONE

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Case 00348 - Application by HRM to amend the Land Use By-Laws for Eastern Shore (East) and Eastern Shore (West) to allow Tourist Cottages to be built as of right (give first reading and set public hearing date)

- A report from the Planning Advisory Committee dated November 23, 2001, on the above noted, was before Community Council.
- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated October 26, 2001, on the above noted, was before Community Council.

MOVED by Councillor Streach, seconded by Councillor Hines, that the Marine Drive, Valley and Canal Community Council give first reading to consider the proposed by-law amendments and schedule a public hearing for Wednesday, January 23, 2002. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No speakers.

15. NEXT MEETING

The next meeting is scheduled for Wednesday, January 23, 2002 at 7:00 p.m. at the Eastern Shore District High School, Musquodoboit Harbour.

16. ADJOURNMENT

MOVED by Councillor Hines, seconded by Councillor Streach, that the meeting be adjourned at 8:35 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Julia Horncastle
Assistant Municipal Clerk**