

SPECIAL COUNCIL

A Special Session of the Municipal Council of the Municipality of the County of Colchester was held in the Court House, Truro, Nova Scotia on Tuesday, November 9, 2004 at 7:00 p.m.

Roll Call

The roll was called with the following Councillors in attendance:

Mayor Mike Smith, Chair	
Councillor Bob Taylor	District #1
Councillor Bill Masters	District #2
Councillor Mike Cooper	District #4
Councillor Glen Edwards	District #5
Councillor Jimmie LeFresne	District #7
Councillor Bob White	District #9
Councillor Doug Cooke	District #10
Councillor Terri Mingo	District #11

Absent

Deputy Mayor Hugh Matheson	District #3
Councillor Ron Cavanaugh	District #6
Councillor Soley Lynds	District #8

Public Hearing - Development Agreement - Truro Road, Hilden

Mayor Smith called the public hearing to order respecting an application for a development agreement involving the construction of 4-four unit apartment buildings on a lot located on Truro Road in Hilden. The text for the application and a related staff report have been circulated to Council members and made available to the public.

The Clerk, Mr. Gary MacIsaac, advised that all guidelines of the Municipal Government Act regarding advertising of the public hearing have been followed.

Mayor Smith reminded Council that only those Councillors present throughout the public hearing can vote on the development agreement when it is eventually considered by Council and that this public hearing is Council's opportunity to hear the application and every concern of area residents. Individual Councillors will have the opportunity to debate the merits of the development agreement

when the motion is presented to Council. Staff are present at this hearing to answer any technical questions that may arise as a result of the public's input.

Mr. Paul Smith, County Planner, presented members with an overview of the application. The application from Bill and June Ross, is for a development agreement that would allow for the establishment of 4-four unit apartment buildings on a lot located on the south side of Truro Road in the Hilden Growth Centre. The lot measures 215 feet by 225 feet and contains 1.1 acres. The proposed residential structures will measure 62 by 65 feet and contain slightly more than 4,000 square feet in area. They will be single story with a pitched roof and vinyl siding. A total of 24 parking spaces are to be provided and the site will be landscaped with grass, trees and gardens. The lot is located in an area of Hilden where high density development is encouraged. All municipal services are available. Staff recommend this application be approved.

Mr. Bill Ross, the applicant, provided a brief overview of his development proposal. He indicated these units will be targeting the "empty nest" market. He hopes to make the structures appealing and keep residents as long as possible.

Councillor Masters presented a report from the Planning Advisory Committee. The application was reviewed at a Committee meeting on October 7th. The Committee had a concern about the parking which has now been addressed. The Committee feels the proposed development is appropriate and therefore recommends that Council approve the application.

Mr. MacIsaac advised that no written submissions had been received regarding this application.

In response to Mayor Smith's call for public presentations, the following was received:

Mr. and Mrs. Cross, 1707 Truro Road

Mr. and Mrs. Cross had concerns with this development, specifically: rental properties pose problems as tenants have no permanency; increased traffic a danger to children at nearby elementary school, the addition of these buildings putting a strain on what is already a water supply shortage, a decrease in property

values, and an overrun of children from these units onto their property.

In response to the Cross' concerns, Mr. Ross stated that the property values should not decrease as his intent is to make these structures tasteful and he has made a rather sizeable investment to ensure this. There should not be an overrun of children as the buildings will be geared toward the seniors' market. He is not aware of any water problems; however, he does have concerns after what he has heard here this evening.

As Chair of the Planning Advisory Committee, Councillor Masters placed the following motion on the floor:

Moved by Councillor Masters
Seconded by Councillor Cooke

“That Council enter into a development agreement with Bill and June Ross that would allow for the establishment of a multi-building apartment project on the Truro Road in Hilden.”

Motion Carried Unanimously.

(Councillor White was excluded from voting due to arriving after the public hearing had commenced.)

Mayor Smith advised that this is a development agreement application which does not require approval of the Minister of Service Nova Scotia and Municipal Relations. Council's decision on this application is appealable to the Nova Scotia Utility and Review Board. Any appeal of Council's decision must be made within 14 days of the advertising of same in local newspapers.

As there was no further business, Mayor Smith declared the public hearing closed.

**Public Hearing -
Development
Agreement - Lots 205,
206 and 207, College
Road, Bible Hill**

Mayor Smith called the public hearing to order respecting an application for a development agreement involving the construction of 4-two unit condominium structures on a lot located along College Road in Bible Hill. The text for the application and a related staff report have been circulated to Council members and made available to the public.

Mr. MacIsaac advised that all guidelines of the Municipal Government Act regarding advertising of the public hearing have been followed.

Mayor Smith reminded Council that only those Councillors present throughout the public hearing can vote on the development agreement when it is eventually considered by Council and that this public hearing is Council's opportunity to hear the application and every concern of area residents. Individual Councillors will have the opportunity to debate the merits of the development agreement when the motion is presented to Council. Staff are present at this hearing to answer any technical questions that may arise as a result of the public's input.

Mr. Paul Smith, County Planner, presented members with an overview of the application. The application from David Arenburg, Arco Developments Limited, is for a development agreement that would allow for the establishment of 4-two unit semi-detached residential buildings intended to be sold individually through a condominium arrangement. The lots involved are located on the north side of College Road between Fenwick Drive and Village Line Avenue. The proposal consists of developing lots 205, 206 and 207 and consolidating them into one single lot with a combined frontage of 292 feet, an average depth of 209 feet and an area of 1.4 acres. The style of the structures will be similar to those already in the area - single storey, vinyl/brick exterior. They will contain an attached garage and measure 62 by 46 feet. Upon completion, the site will be landscaped with grass and trees. The land is zoned R-3 and capable of supporting at least 3-four unit buildings. All municipal services are available. Mr. Smith indicated that staff are recommending this application be approved.

Mr. Arenburg, the applicant, provided a brief description of his development proposal. He indicated that he started development on College Road in Bible Hill about seven years ago. His buildings are rented to seniors. His research has shown quite a bit of interest in this type of development.

Councillor Masters presented a report from the Planning Advisory Committee. This application was considered at a Committee meeting on October 7th and the one concern they had about parking and the width of the roadway was alleviated after discussing with staff and the developer. The Committee feels the proposed development is appropriate and therefore recommends that Council approve the application.

Mr. MacIsaac advised that no written submissions had been received regarding this application.

There was no response to Mayor Smith's call for public presentations.

As Chair of the Planning Advisory Committee, Councillor Masters placed the following motion on the floor:

Moved by Councillor Masters
Seconded by Councillor Cooper

“That Council enter into a development agreement with David Arenburg of Arco Developments Limited that would allow for the establishment of an eight-unit condominium project on College Road in Bible Hill.”

Motion Carried Unanimously.

As there was no further business, Mayor Smith declared the public hearing closed.

**Variance Hearing -
Lot 90-B, Guest Drive,
Bible Hill**

Mayor Smith called the public hearing to order. The Municipal Development Officer, Pam Macintosh, granted a variance to Gary and Patricia Grant for a property on Guest Drive in Bible Hill. Six neighbouring households have objected to the variance so Council becomes the decision making body and will decide to either uphold or overturn the decision of the Development Officer.

Mr. MacIsaac, advised that all guidelines of the Municipal Government Act regarding advertising of the public hearing have been followed.

Mayor Smith reminded Council that this public hearing is Council's opportunity to hear the variance decision and concerns of residents so notified.

Mrs. Macintosh reported that the variance request was for the reduction of the minimum rear yard setback requirement from 19.7 feet to 14 feet, a difference of 5.6 feet in order to facilitate the placement of a mobile home on an existing lot. The variance was granted under the Land-Use By-law amendment approved in February 2004 which permits a mobile home to be placed on the property on Guest Drive. The By-law states that where possible, the main entrance shall face the street on which it fronts. As the lot is only 72 feet wide, this placement is not possible without a greater variance

than the one required to place this particular mobile perpendicular to the road. As it stands today, a mobile home 58 feet in length could be placed perpendicular to the road with no variance required.

Mr. Gary Grant, owner of the lot and variance applicant, stated that he had purchased this lot through real estate a couple of months ago. The lot had been on the market for about 14 years. He was specifically looking for a lot on which to put a mobile home and had requested a 60-foot variance. His intension was to give the mobile the appearance of a mini home with vinyl siding, pitched roof and an entry way. Mr. Grant did not feel this development would have any impact on the area. Mr. Grant plans on renting the mobile.

In response to Mayor Smith's call for public presentations, the following was received:

Danny Pratt, 15 Guest Drive - Mr. Pratt indicated that he and six or seven other residents in the area are exercising their right to appeal this variance. He felt the mobile should be placed parallel to the road as others are on Guest Drive. A mobile home perpendicular to the road could cause neighbours to lose their privacy, decrease property values and create a fire hazard.

Gary Rushton, Corner of College Road and Guest Drive - Mr. Rushton felt the mobile being placed perpendicular to the road would reduce residents' privacy and he was not comfortable with the mobile being rented. He has not purchased it himself as he thought it was overpriced. He has been looking after the property for 14 years.

Matthew Bell, 418 College Road - Mr. Bell was concerned with the closeness of this mobile to his property line and the problems he may have if he decided to build a garage. He also thought the mobile may create a fire hazard.

Sharon McLean - Ms. McLean is a resident of Bible Hill and a Village Commissioner. Ms. McLean indicated that she could not support this request for a variance with the placement of this mobile perpendicular to the road as it infringes on residents' privacy and also poses a fire hazard.

Christine Blair - Mrs. Blair is a resident of Bible Hill and Chair of the Village Commission. She supports the residents of Guest Drive and College Road in denying this variance. She does not see it as an enhancement to the integrity of the neighbourhood. She also questions whether a mobile would be fireproof or whether the wiring would be up to code. In a letter to Mayor Smith dated November 9,

2004, the Village of Bible Hill is asking Council to consider removing sections of the MPS/LUB that were added in February 2004 which allow mobile homes on lots within the Guest Drive subdivision. This letter was handed to the CAO, Mr. MacIsaac.

Mr. Grant addressed some of the issues raised by concerned residents. He felt that his property with the mobile should be in the same assessment range as adjoining homes, \$40,000-\$50,000. Infringement on privacy happens in any subdivision after a property has been vacant for a number of years. There should not be any electrical problems as the mobile has to be inspected by N.S. Power before the power is connected and Guest Drive is a mobile home park according to the amendment to the land-use bylaw.

Moved by Councillor Taylor
Seconded by Councillor Mingo

“That Council grant the appeal to not allow the variance on Guest Drive to occur.”

Motion **Defeated**. *(Mayor Smith, Councillors White, LeFresne, Edwards, Masters opposed)*

Moved Councillor LeFresne
Seconded by Councillor White

“That the decision of the Development Officer be upheld and the variance be granted to Gary and Patricia Grant.”

Motion Carried. *(Councillors Taylor, Mingo, Cooke and Cooper opposed)*

As there was no further business, Mayor Smith declared the hearing closed.

**Award of Residential
Waste, Recycling and
Organics Collection
Contract**

Moved by Councillor Masters
Seconded by Councillor Edwards

“That the tender for residential waste, recyclables and organics collection be awarded to Truro Sanitation Limited for a five-year term from July 1, 2005 to June 30, 2010 in the amount of \$6,283,500 plus HST; and,

That the Municipality enter into a formal contract with Truro Sanitation Limited incorporating the contract specifications and that the Mayor and CAO be authorized to sign this contract; and,

That staff be authorized to negotiate with Truro Sanitation Limited regarding the provision of private road collection in the seasonal areas during Year One of the Contract and that if agreement from the two parties is reached, that these terms be incorporated into the final contract.”

Motion Carried Unanimously.

Adjournment

Moved by Councillor Cooke
Seconded by Councillor White

“That the meeting be adjourned at 9:05 p.m.”

Motion Carried Unanimously.

Sheila Arsenault
Deputy Clerk