

## SPECIAL COUNCIL

A Special Session of the Municipal Council of the Municipality of the County of Colchester was held in the Courthouse, Truro, Nova Scotia on Thursday, November 10, 2005 at 7:00 p.m.

### Roll Call

The roll was called with the following Councillors in attendance:

Councillor Bob Taylor	District #1
Councillor Bill Masters	District #2
Deputy Mayor Hugh Matheson, Chair	District #3
Councillor Mike Cooper	District #4
Councillor Glen Edwards	District #5
Councillor Ron Cavanaugh	District #6
Councillor Jimmie LeFresne	District #7
Councillor Soley Lynds	District #8
Councillor Bob White	District #9
Councillor Doug Cooke	District #10
Councillor Terri Mingo	District #11

Absent:

Mayor Mike Smith

### **Site Plan Appeal Hearing - Proposed Four-Unit Apartment Building, 494 Pictou Road, Bible Hill**

---

Deputy Mayor Matheson called the public hearing to order respecting appeals on an application for a development by site plan approval for a four-unit apartment building on an existing lot at 494 Pictou Road, Bible Hill. A staff report has been circulated to Council members and has been made available to the public.

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

Deputy Mayor Matheson reminded Council that this public hearing is an opportunity for the appellants, the developer and members of the public to comment on the site plan application. Individual Councillors will have the opportunity to debate the aspects of the development when the motion is presented. Staff are present at this hearing to answer any technical questions that may arise as a result of the public's input.

The County Solicitor was then asked to explain the process for this hearing. He referenced Section 232 of the Municipal Government Act which states that a development officer shall approve an application for site plan approval unless it does not meet the criteria as set out in the land-use by-law or the applicant fails to enter into an undertaking to carry out the terms of the site plan. The rights of appeal are the same as those that apply when a development officer grants or refuses to grant a variance. Council, in hearing an appeal concerning a site plan approval, may make any decision that the development officer has made.

Ms. Pam Macintosh, County Development Officer, presented Council with a brief overview of the application. The application was made on October 5<sup>th</sup> from Mr. Ken Ma to construct a four-unit apartment building on an existing lot at 494 Pictou Road. The property falls within the R-2 zoning which permits multi-unit structures up to four units. Notices of this development were mailed out to all property owners within 500 feet of this property on October 11<sup>th</sup>. Of the 34 properties notified, 27 have appealed this proposal.

Ms. Macintosh indicated that the applicant has satisfactorily addressed the criteria set out in the Land-Use By-law; therefore, she is recommending that this development by site plan be approved.

Mr. MacIsaac advised that two written submissions have been received concerning this application; one from Mrs. Reita MacPherson, 492 Pictou Road and a petition submitted by Rodney Creelman, 496 Pictou Road. In addition to Mr. Creelman, the petition was signed by 27 of the 34 property owners notified, including Mrs. MacPherson.

Mr. Ron Chisholm, Yuill, Chisholm, Killawee, addressed Council on behalf of the MacPherson family. He indicated that the MacPhersons have several concerns regarding this proposed development: type of buffer allowed for snow removal; snow being removed and dumped on their property; potential blockage of right-of-way if part of it is being used for parking spaces; impact on wells; structure not in character with neighbourhood; noise and increased traffic; number opposed to the application; and County approving this to increase tax base. He advised that his client is not prepared to give up five or six feet of their property to accommodate the right-of-way. He stated that there was insufficient information available for Council to make a decision.

Roddy and Wanda Chisholm, 496 Pictou Road, indicated that they live on the east side of the development. There is a swamp toward the back of the lot where kids skate in the winter time and they were concerned about what would happen to this water, where would it drain. They also had concern about privacy and if they put up a fence, who would pay for it. Mrs. Creelman complained that their backyard is full of tar paper and shingles and there does not appear to be any evidence of it being cleaned up.

Elizabeth MacPherson, daughter of Reita MacPherson, indicated that her mother owns the lot at the back of the property. She voiced several concerns regarding this development: decreasing property values, small lot for four of these buildings; disposal of snow being removed - possible flooding if it is dumped in the swamp; increase in noise and traffic, safety issues, and water problems.

Ken Ma, owner of the lot at 494 Pictou Road, indicated that his proposal has met all the criteria required by the Land-Use By-law. Regarding the garbage, he committed to cleaning this up the next morning and a pump test for the well is taking place on Saturday. A test done where there had been an oil leak showed no evidence of contamination. He also indicated his willingness to move the building ten feet to the east side of the lot to provide room for disposal of snow removed.

As there were no further presentations received from the public, Deputy Mayor Matheson declared the site plan appeal hearing closed and then called for Council to make a motion.

During discussion of this application, Council members inquired if the building could be moved within the lot to ensure separation from the existing easement. The Development Officer advised this could be accommodated on the site.

Moved by Councillor Edwards  
Seconded by Councillor Cooke

“That the decision of the Development Officer to issue a site plan approval for 494 Pictou Road be upheld, subject to the developer moving the building a distance of up to 10 feet to the east side of the property to comply with the right-of-way and snow removal issues to the satisfaction of the Development Officer.”

Motion Carried

*(Councillors Taylor, Cooper,  
Cavanaugh, Mingo and Lynds  
opposed)*

Deputy Mayor Matheson indicated that Council's decision on the site plan appeal is a final decision and not appealable to the Nova Scotia Utility and Review Board.

**Election of Alternate  
Council Committee  
Chair**

Deputy Mayor Matheson called for nominations for the position of Alternate Council Committee Chair.

Councillor Masters moved and Councillor Lynds seconded the nomination of Councillor Jimmie LeFresne.

Deputy Mayor Matheson called three times for further nominations, and hearing none, the nominations ceased.

**Adjournment**

Moved by Councillor LeFresne  
Seconded by Councillor White

"That the meeting be adjourned at 8:35 p.m."

Sheila Arsenault  
Recording Secretary