



**HARBOUR EAST COMMUNITY COUNCIL
MINUTES
September 8, 2016**

PRESENT: Councillor Lorelei Nicoll, Chair
Councillor Bill Karsten, Vice Chair
Councillor Tony Mancini
Councillor Gloria McCluskey
Councillor David Hendsbee

STAFF: Ms. Roxanne MacLaurin, Solicitor
Ms. Cathy Collett, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to Harbor East Community Council are available online: <http://www.halifax.ca/Commcoun/east/160908hemdcc-agenda.php>

The meeting was called to order at 6:00 p.m. and adjourned at 8:28 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m.

2. APPROVAL OF MINUTES – August 4, 2016

MOVED by Councillor Tony Mancini, seconded by Councillor Gloria McCluskey

THAT the minutes of August 4, 2016 be approved as presented.

MOTION PUT AND PASSED.

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

Councillor David Hendsbee requested that item 13.1.2 be addressed first as he may need to leave early.

MOVED by Councillor David Hendsbee, seconded by Councillor Bill Karsten

THAT the order of business be approved as amended.

MOTION PUT AND PASSED.

2/3 majority vote required.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS - NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

13.1.2 Case 18932: Multiple Unit Development Agreement, Brian Dickie Drive, Musquodoboit Harbour

The following was before the Committee:

- A staff report dated August 25, 2016

Moved by Councillor David Hendsbee, seconded by Councillor Gloria McCluskey

**THAT Harbour East – Marine Drive Community Council:
Give Notice of Motion to consider the proposed development agreement, as set out in
Attachment A of this report, to permit 42 townhouse style units on Brian Dickie Drive,
Musquodoboit Harbour and schedule a Public Hearing.**

MOTION PUT AND PASSED.

10. HEARINGS

10.1 Public Hearings

10.1.1 Case 19426 – Development Agreement – 1095 and 1101 Cole Harbour Road, Cole Harbour

The following was before the Committee:

- A staff report dated July 7, 2016
- A staff presentation regarding Case 19426

The Chair invited Mr. Darrell Joudrey, Planner, to come forward and address the Community Council.

Mr. Joudrey briefly outlined the application. Responding to questions of clarification, Mr. Joudrey explained that there would be a fence, that the development is parallel with the curve of the road and that the traffic study showed there would be no significant increases in traffic accessing Cole Harbour Road.

Councillor Nicoll questioned the definition of temporary sign, to which Mr. Joudrey explained meant a mobile sign.

The Chair opened the public hearing and called three times for speakers.

Dave Hickey of Cole Harbour addressed the Community Council and questioned the height of the parking garage and how close the roof would come to his property.

Mr. Joudrey explained that this a portion of the underground parking exposed at the rear of the apartment building that is approximately 27 feet away from the abutting property and would be no higher than 2 feet about the ground.

MOVED by Councillor Bill Karsten, seconded by Councillor Tony Mancini

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor David Hendsbee, seconded by Councillor Gloria McCluskey

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the report dated July 7, 2016; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

10.1.2 Case 19500: Development Agreement for 169 Wyse Road, Dartmouth

The following was before the Committee:

- A staff report dated July 21, 2016
- A staff presentation regarding Case 19500

Mr. Mitch Dickey, HRM Planner, introduced the proposed Development Agreement.

Responding to questions of clarification, Mr. Dickey explained that there is one tree that cannot be saved because it is the only place where the driveway can go and that there are a number of trees on the property line that must also go to allow room for the excavation, but that trees will be planted to replace them. He answered that the previous use of the building was adult entertainment and a cabernet.

The Chair invited the applicant to come forward.

Aaron Murnaghan of WSP Canada came forward and explained that the proposed development will include an affordable housing component, commercial space along Wyse Road, and an enhanced pedestrian experience that will be sensitive to single family homes.

The Chair opened public hearing and invited members of the public to come forward to address the Community Council.

Doug Rigby of Dartmouth and the Society for Sensible Urban Development, suggested showing the old compared to the new is not fair because the building did not originally look like that. He continued to state that the proposed development does not make sense and overwhelms the site. He urged the Community Council to listen to the voice of the residents.

Marilyn Swather, resident of Wyse Road, commented that there is a landscape recess that the Development Agreement suggests will apply to future development and she would like to know how this affects her property as she does not want any approval that impacts her future sale. She expressed concern for the shadow effect of the building on her current property of a residential building.

Laura Hamilton, of George Street, commented that the proposed building is an example of overdevelopment and is much too big. She noted that she had been informed that all the trees would be saved and now it seems that there is an entire line of trees that will be removed. She concluded that this development would be a huge loss for a quiet residential neighbourhood.

Rick Doyle, small business owner and resident of Dartmouth, commented that he loves Dartmouth and that he thinks the proposed development will do a fantastic job of giving a modern look and that it is great project.

Erin Dalton, of Downtown Dartmouth, stated that it is on topic that Councillors receive money from developers and expressed her opinion that it will affect how the vote goes tonight. She noted that the developers were nice when they spoke to her and that she is surprised that the trees will now be gone. She stated that while she believes affordable housing is important, she also believes that it is important to respect the historic character of the area. She concluded that 10 stories is too high.

Joanne Bernard, Dartmouth, stated that she applauds the developer for his great working relationship and commended him for being devoted to providing affordable housing for people. She explained that the project is a rental perseveration project and will ensure affordability for up to 15 years with rents are from \$650.00 on. She noted that numerous people call her office asking when they could apply for rental opportunities in this building. Ms. Bernard explained that she has been to a few Wyse road visioning sessions and the future of this area requires mixed income housing and mixed use development. She commented that while she understands the concerns of the neighbours, she believes the developer has gone to a great effort to mitigate these concerns.

Erin Foster, of George Street, explained that this area is near and dear to the hearts of the neighbours and that she is not opposed to development, but that she would love to see something amazing happen there. She noted that one of the things that has been neglected is the historical aspect of the neighbourhood.

Emma Charles of Dartmouth expressed concern with how long the blasting would occur.

Vaughn Sheppard, of George Street, commented that the building is going to be in his face all the time and that 10 stories is too high. He noted that he likes the building, but thinks it is too much for this location and is also concerned about traffic.

Charles Dunn of Downtown Dartmouth expressed concern with people parking on the street.

Sam Marsh, of George Street, commented that the developers have been very neighbourly in trying to save the trees and that when he spoke to the developers it was a great chat. He expressed his belief that a 1 meter setback would probably save most of the trees and stated that he would like the DA to ensure the trees are saved as they provide privacy. He concluded that he is concerned about the height and would like it to be a bit lower at 7 stories.

Warren Wesson commented that he has lived in this area and knows it well. He stated that the affordable housing component is important and that we can't consider ourselves as advocates for affordable housing or pretend to care about homelessness and then stand in the way of a development like this. He explained that if 10 stories is what it takes to get 60 units, then we need this and that he would be disappointed if we missed this chance.

Sam Austin, of Downtown Dartmouth, stated that the street itself is over engineered and not built to be a neighbourhood or a pedestrian street, but that it still functions as one. He continued that this project is an exciting opportunity to turn the page, but there are still mixed feelings that are not the fault of the residents or the developer; rather, the problem is a collective one resulting from a lack of advanced planning for the future of Wyse Road. He explained that development frequently leads planning when it should be the other way around, with planning leading development. He concluded that this area needs a plan and that he is please that it has been identified as a growth area in the Centre Plan.

Cal Ross, of George Street, explained that one of the things that needs to be done in this area is to increase density and that this development would be filling in an eyesore and providing a much needed improvement. He concluded that we need to focus on community development.

Violet Rosegarden commented that her two strong objections are the height of the building and that it is incompatible with the surrounding neighbourhood. She stated that trees are important to privacy and she feels that the neighbours were promised that the trees would stay. She concluded that this is a special street with special character, that it is important to respect the existing residents and that she hopes that a compromise is found.

Janet Quig commented that people should be aware of the harmful developments that have been done in Dartmouth and do the right things for the people of Dartmouth.

Claire McIlvaney commented that the real concern is the rights of the people on George Street and that she would be horrified if a 10 story building was approved by her home. She stated that she thinks most people would be horrified to have this in a residential neighbourhood and that zoning should protect home owners. She stated that this will be a serious precedent if the development is approved tonight. She concluded that she does support affordable housing and that there has been some attempt at mitigation and applauds the developer for that, but that you should not put a massive building next to a residential zone.

The Chair called three times for speakers, there being none it was

MOVED by Councillor McCluskey, seconded by Councillor Karsten

THAT the public hearing be closed.

MOTION PUT AND PASSED.

Responding to questions of clarification, Mr. Dickey clarified the trees on property line have to be removed in order to excavate but that additional trees will be saved. He explained that a development agreement cannot address tree retention on properties that are not encompassed in the D.A. He informed the Community Council that there will be extensive plantings to create a buffer and enhance privacy.

MOVED by Councillor McCluskey, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the corrected development agreement document for execution, as contained in Attachment A of the report dated July 21, 2016; and**
- 2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval of said agreement by Council and any other bodies as necessary, including applicable appeal periods whichever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Councillor McCluskey commented that she has not received any funds from the developer and that Mr. Mitch Dickey does an excellent job as a HRM planner. She continued to explain that she went to the Public Information Meeting for the development and listened to the residents and the developer. She noted that the developer could build even higher than the ten stories proposed and that he made a lot of changes in response to the public input. She commented that she cares about people who want affordable decent housing for people who need it and that she is proud that she can sit here and approve this development. She explained that if the property is lowered, then there will not be room available for affordable housing. Councillor McCluskey commented that the proposed development will be nice to Wyse Road as it is so close for people who live there and need it and such a good thing for people who need affordable housing with shopping, parks, schools close by. She concluded that not everyone can decide to live in a single family home and that developer who purchased this piece of land has a right to develop it, and has made a number of compromises in the process.

Councillor Karsten commended MLA Joanne Bernard for stating her conviction in a public forum. With respect to the neighbors who spoke against the development, he commented that Council cannot always represent the position of abutting neighbours' or no development would ever occur. What Council must consider is the greater good of the community at large and the proposed development, much like the ongoing development in downtown Halifax, will be a positive catalyst for growth in Dartmouth. Councillor Karsten concluded that he believes that residents will be happy to have more amenities that they are able to walk to and that the affordable housing element of the development is of great benefit to the community at large.

Councillor McCluskey congratulated Joanne Bernard for her support of affordable housing.

MOTION PUT AND PASSED.

- 10.2 Variance Hearings - None**
- 11. CORRESPONDENCE, PETITIONS & DELEGATIONS**
 - 11.1 Correspondence – one piece circulated**
 - 11.2 Petitions - None**
 - 11.3 Presentations – None**
- 12. INFORMATION ITEMS BROUGHT FORWARD – NONE**

13. REPORTS

Councillor Tony Mancini left the meeting.

13.1 STAFF

13.1.1 Case 18255: Development Agreement corrections, 530 Portland Street and 104 Green Village Lane, Dartmouth

The following was before the Committee:

- A staff report dated June 8, 2016

MOVED by Councillor McCluskey, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council:

1. Approve the corrected development agreement document for execution, as contained in Attachment A of the report dated June 8, 2016; and
2. Require that the development agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval of said agreement by Council and any other bodies as necessary, including applicable appeal periods whichever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

MOTION PUT AND PASSED.

13.1.2 Case 18932: Multiple Unit Development Agreement, Brian Dickie Drive, Musquodoboit Harbour

This item was dealt with at the beginning of the meeting.

13.1.3 Case 19626 – Dartmouth MPS and LUB Amendments – Development Agreement for Multiple Use Residential Dwelling and Commercial Development at 836 and 842 Portland Street, Dartmouth

The following was before the Committee:

- A staff report dated August 16 2016

MOVED by Councillor Karsten, seconded by Councillor McCluskey

THAT Harbour East-Marine Drive Community Council recommends that Regional Council

1. Give First Reading to consider the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as set out in Attachment A and B of the report dated August 16, 2016 and schedule a joint Public Hearing with Harbour East-Marine Drive Community Council; *and*
2. Approve the proposed amendments to the Dartmouth Municipal Planning Strategy and Land Use By-Law as set out in Attachment A and B of this report; and;

THAT Harbour East-Marine Drive Community Council

Move Notice of Motion to consider the proposed development agreement, as set out in Attachment C of the report dated August 16, 2016, to permit two commercial buildings and a multiple unit residential dwelling at 836 and 842 Portland Street, Dartmouth. The public hearing for the development agreement shall be held concurrently with that indicated in Recommendation 1.

MOTION PUT AND PASSED.

13.1.4 Kiwanis Club of Dartmouth Building Proposal

The following was before the Committee:

- A staff report dated August 17, 2016

Mr. Mike Ryan explained that the recommendation would allow Staff to work with the Kiwanis Club to come to a resolution for the issues.

MOVED by Councillor McCluskey, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council request that staff:

- 1. Work with the Kiwanis Club of Dartmouth to improve the public benefit of the current proposal and address the following concerns:**
 - a. Inclusive public programming;**
 - b. Barrier-free access to the building;**
 - c. Lease agreement consistent with other HRM partnerships; and**
 - d. Cost recovery for HRM services**
- 2. Return to Regional Council with a revised proposal and recommendation for Council's consideration**

MOTION PUT AND PASSED.

13.2 BOARD & COMMITTEE - NONE

13.3 MEMBERS OF COMMUNITY COUNCIL

14. MOTIONS

15. IN CAMERA (IN PRIVATE) - NONE

16. ADDED ITEMS

17. NOTICES OF MOTION

18. PUBLIC PARTICIPATION

Terry Casavechia from Lawrencetown and a member of Save the Rural HRM group in District 2, supporting Andy and Sue Robins getting their building permit to build a dream home for themselves and Andy's parents. He stated that the Robins should be grandfathered in and given the permit they require. He noted the stress caused by the recent enforcement of the by-law. He concluded that he explained he is asking for Sue and Andy and George to get their permits on West Jeddore Road.

Suzanne Gravelle, Dartmouth realtor, commented that the by-law referred to by the previous speaker affects many industries and has been in place for a few decades. After doing some research on how far it spread she discovered that it varies for private and public roads and that the immediate impact on the value of affected properties is that they plummet. She commented that she would like more attention to be directed towards this situation immediately.

Peter Connor, of Connor Architects and Planners, commented that he would like to express thanks for the passing of the corrected development agreement at Green Village and would like to comment that the

**Harbour East-Marine Drive Community Council Minutes
September 8, 2016**

owner has been subjected to an extremely long process. He concluded with a request that the sale of the next piece of HRM land called the triangle be expedited.

Elizabeth Campbell of Port Wallace commented that she hopes Downtown Dartmouth is not going to become an extension of Downtown Halifax.

Warren Wesson commented that he happy to be able to go home and write about the good work done tonight for Dartmouth and Cole Harbour. He explained that he thinks the proposals put forward tonight are all good for Dartmouth life and that considering the difference between South End Halifax and North End Dartmouth, it is clear that there should not just be one play book for both.

Colin May commented that he bought two paintings in Great Village showing historic scenes from Dartmouth and that he would like for there to be a place in Dartmouth to display them where many people could enjoy them.

19. DATE OF NEXT MEETING – October 6, 2016 – Harbour East-Marine Drive Community Council Meeting Space, Alderney Landing, Dartmouth.

20. ADJOURNMENT

The meeting adjourned at 8:28 p.m.

Cathy Collett
Legislative Assistant