

HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL  
MINUTES

February 6, 2014

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

REGRETS: Councillor Darren Fisher

STAFF: Mr. Randolph Kinghorne, Senior Solicitor  
Ms. Jennifer Weagle, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. with the Invocation led by Councillor McCluskey.

**2. APPROVAL OF MINUTES – November 14 & December 12, 2013**

**MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the Harbour East-Marine Drive Community Council minutes of November 14 and December 12, 2013 be approved as circulated. MOTION PUT AND PASSED.**

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

Additions:

- 8.1 Correspondence from Soil & Water Conservation Society of Metro Halifax re: Lake Echo

**MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the order of business be approved, as amended. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET**

No updates were made to the status sheet.

**5. MOTIONS OF RECONSIDERATION/RECISSION – None**

**6. CONSIDERATION OF DEFERRED BUSINESS – None**

**7. HEARINGS**

**7.1 Public Hearings**

**7.1.1 Case 17575: Open Space Design Development Agreement, Nature's Ridge, Lake Echo & Porters Lake**

A staff report dated December 18, 2013 was before Community Council.

Correspondences from Dan Regan, Director, Lake Echo Watershed Association; Keith and Sue Cole; and Michael Kabalen, Senior Property Manager, Killam Properties, were before Community Council. Correspondence from Michael Gaudreau was submitted at the meeting.

Mr. Darrell Joudrey, HRM Planner, presented the application to develop a Hybrid Open Space Design development for 204 residential units/lots through a development

agreement, on lands located between Circle Drive in Lake Echo and Myra Road in Porters Lake.

**Mr. Josh Norwood, Porters Lake**, speaking on behalf of the applicant, PJC Land Developments Limited, addressed Community Council. He thanked staff for their cooperation on this application, which will be called Nature's Ridge. Mr. Norwood indicated that these will be unique, energy efficient homes, on large treed lots, and efforts will be made to minimize the ecological footprint on the land. He noted that homes will start in the \$325,000 range, and will incorporate architectural details such as shutters, shakes, and stone. Mr. Norwood advised that they will use local contractors, and the development will be phased in over the next 18-20 years. He believes the development will benefit the community and local schools and meet the need for housing in the community.

Responding to a question from Councillor McCluskey, Mr. Norwood indicated that in lieu of parkland, a trail will be built on the east side of Jackman Lake.

The Chair reviewed the rules and opened the public hearing, inviting forward those that wished to speak for or against the proposal.

**Mr. Duncan Cann, Dartmouth**, speaking on behalf of the applicant, commented on a general desire by residents to live in quality homes. He commented on the disappearance of the local developer in many communities, noting that Mr. Paul Norwood of PJC Land Developments is an area resident. Mr. Cann advised that he has known Mr. Norwood for 5 ½ years, and indicated that he is a person of substance and a community minded individual. Mr. Cann advised that he is in the construction business and has seen the quality and planning that has gone into this development. He suggested that this proposal will help keep young tradespeople in the province by creating economic growth in the area. He commented that he hopes local residents will embrace this project.

**Mr. Nick Bellefontaine, Porters Lake**, commented that he believes the development will be positive for the community.

**Mr. Daverne Kaiser, Lake Echo**, indicated that he has been a resident of Lake Echo for over 30 years, and has seen a lot of changes in the community with the closing of the grocery store, garage, and restaurants. He suggested that this development will be a positive thing for the area, noting that the community needs families with children to keep the schools open and places for seniors to live. Mr. Kaiser indicated that he knows the developer because his family lives in the area, and he knows energy efficiency and the environment will be an important part of this project.

**Mr. Gary Robertson, Porters Lake**, advised that he has lived in Porters Lake for 40 years or more, and that he thinks this is a positive project for the community.

**Mr. Allan Doane, Porters Lake**, commented that he thinks this project will be a good thing for the community, and for local contractors.

**Ms. Amanda Gaetz, Porters Lake**, indicated that she has been a resident of the community for 29 years. She believes this development will serve well for local businesses in the area and for the community.

**Mr. Lee Purcell, Porters Lake**, commented that he believes this development will do amazing things for Porters Lake, and will help the community keep up with the rest of HRM.

**Mr. Joel Stevens, Musquodoboit Harbour**, advised that as a local tradesperson he thinks the development will be great for the community, and as a father, he thinks it will be good for his son's future in the community.

**Mr. Kyle Stevens, Porters Lake**, spoke in support of the project, noting that as a local contractor, he thinks the development will bring business to the area.

**Ms. Patti Conrad, Dartmouth**, commented that she believes the development will be a good thing for the community, and will bring people back to the community.

**Ms. Brenda Galbraith, Lake Echo**, indicated that she has been living in the area for 8 years, having moved here from the city for the quiet. She feels that the community is dying, having lost a restaurant, a gas station, and a convenience store. Ms. Galbraith suggested that this development may help to keep people in the community.

**Mr. Bill Jenkinson, Lake Echo**, advised that he had been a resident of Lake Echo for 40 years and he works in the development industry. He praised HRM staff for their work, and noted support for the development.

**Mr. Randy Myles, Porters Lake**, indicated that he supports growth in Porters Lake. He noted that growth cannot happen without people, and these plans are for a good subdivision that will support local businesses.

**Mr. Randy Price, Lake Echo resident, and representing the Lake Echo Watershed Association**, indicated that following the Lake Echo Watershed Study in 2012, residents of Lake Echo formed the Association to try to implement the recommendations from the HRM study. With the support of the Ecology Action Centre, Our HRM Alliance, and other like-minded community groups, they have started a program of education and stewardship in the community that they believe will correct many of the issues contributing to the deterioration of Lake Echo. Mr. Price indicated that the staff report points out that a large portion of the development falls within the Lake Echo watershed, specifically, Phases 1, 2, and 3 are within the Porters Lake watershed, and phases 4 through 8 are within the Lake Echo watershed. He noted that the staff report references that this is a conservative design that helps reduce the impact on the watershed, and attempts to reduce pollutant loads, which are all positive

and appreciated. Mr. Price noted, however, that no matter how much the impacts are minimized, the portions of the development within the Lake Echo watershed do represent an increased load on Lake Echo and must be considered. One of the recommendations from the study was that to allow additional development in any areas within the tributary to the waterbodies with no assimilative capacity requires implementing measures to reduce current pollutant loads. The consultant recommended that an increased load due to development would have to be balanced with a reduction and that the plan must include a reduction in pollutant loads to adjacent waterbodies to make assimilative capacity available. The Association disagrees with staff's discussion in the report that there is limited ability to evaluate, noting that the study is straightforward in stating that development should not be allowed in the watershed area until pollutant loads are reduced. The Association is working to do this, and wishes to partner with community stakeholders, such as the developer of this proposal, but the fact is that the lake cannot handle further development until the pollutant loads are corrected. Mr. Price requested that Community Council send the report back to staff for changes, to modify the proposal to allow the developer to proceed with phases 1, 2, and 3. Access to these properties could be improved through an alternative access point on the reserve lands marked PID #40840571 and PID #40841285. With these steps the Association believes the capacity may be corrected before the sale of lots for Phase 3 of the development.

**Rev. Kyle Wagner, Porters Lake**, indicated that he moved to the area four years ago, and has seen it grow since then. He believes the proposal to be a positive move forward for the community, noting that his parish is looking at how the community is growing.

**Mr. Jean Guy Arsenault, Porters Lake**, noted he has lived in the community for 14 years. He has a small business in Porters Lake, and thinks the proposal will be good for the local community, good for families that want to live in the area, and will bring people to the community from outside the area.

**Ms. Carol Faber, Chezzetcook**, indicated that she has lived in the community for 40 years. Her husband is a local contractor, and she believes that in order to sustain a community, they need young families with children to attend the local schools.

**Mr. Chris Ottaway, Lake Echo**, advised that he is a local contractor in the area and he is looking forward to this development. He believes it will bring families to the community and help grow the community, which is already growing steadily. He noted that he has lived in Lake Echo since 1995.

**Mr. Peter Vincent, Porters Lake**, indicated that he thinks the development is a good thing for the community. He noted that he has lived in Lake Echo and Porters Lake and enjoys the area.

**Mr. Mike Gaudreau, Lake Echo**, commented that in Mr. Norwood's previous application, Mr. Gaudreau had brought to staff's attention that there is an existing

development agreement on the southwest portion of the property. He did not receive a response to this matter during the course of that application. During the public information meeting for the current application, Mr. Gaudreau asked the same question, which went unanswered. He believes there is about to be a development agreement registered on top of a development agreement. He submitted for the record emails from 2010 where Councillor Hendsbee had asked HRM Legal Services to review this matter, although he had never received any follow up. Mr. Gaudreau indicated that it would be good to set the record straight. He noted that this information was verified by his own real estate lawyer, and he is requesting that Community Council send this matter back to staff for review regarding the development agreement on the southwest portion of the lands.

**Ms. Sylvia Mistella, Lake Echo**, noted that her family has lived in Lake Echo for over 50 years, and she just finished building a house in the community. She thanked staff for addressing her environmental concerns with the development. Ms. Mistella inquired whether there would be an environmental protection bond in place for the watershed, and if there would be a performance bond in place in case of sewage treatment failure.

**Ms. Amy Gunderson, Porters Lake**, noted that she is a local resident and her family also lives in the community. She works at a local business, which is owned and operated by a resident of Porters Lake, and relies heavily on the residents of the community. She noted her support of the development.

**Mr. Steve Hawes, Lake Echo**, indicated that he believes this proposal will be good for the community, may bring more buses and employment to the community and will be good for local small businesses.

**Mr. Gerald Crooks, Lake Echo**, advised that he has lived in the community for 60 years. He spoke in favour of the development, noting that there was quite a bit of development in the 1970's and 80's, which stalled and a number of businesses were lost as a result.

**Ms. Louise Jones, Porters Lake**, indicated she has lived in the community for 35 plus years. She noted that the community has grown beyond expectations, which is inevitable since they are only 20 minutes from the city. She commented that this proposal is good development and the way to do it right and bring people back to the community. She commented that Mr. Norwood's approach is above and beyond the building code, which sets the standard for community development, and will offer what young families are looking for to live and work in the community. Ms. Jones noted that she is the heat pump supplier for the developer.

**Mr. Glen Gilbert, Porters Lake**, commented that the developer is a hard worker and a successful business man and the community should support him.

**Mr. John Pitcher, Porters Lake**, spoke in support of the development and of Mr. Norwood. He commented that this will attract young families to the community, and noted that he hopes the development will be approved.

The Chair called three times for any further speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the public hearing be closed. MOTION PUT AND PASSED.**

Councillor Nicoll asked that staff respond to a speaker's comment on putting an environmental protection bond in place for the watershed and a performance bond in place in case of sewage treatment failure. Mr. Joudrey advised that HRM has no authority under the HRM Charter to enforce an environmental protection bond. He further advised that sewer treatment protection falls under the jurisdiction of the province, and that any bonds in that regard would have to be provincially delivered and carried out.

The Chair requested clarification with regard to a speaker's suggestion of an existing development agreement on the subject lands. Mr. Randolph Kinghorne, Senior HRM Solicitor, commented that he is not sure if there is an existing development agreement, although Community Council's motion could make approval of the proposed development conditional on the discharge of any applicable development agreements.

Ms. Thea Langille, Supervisor, Planning Applications, indicated that as per the solicitor's suggestion, Community Council's motion could be conditional on the discharge of any previous agreements on the property, and the requirement to have the proposed development agreement signed within 120 days would not apply until this matter is resolved.

**MOVED by Councillor Karsten, seconded by Councillor McCluskey, that Harbour East-Marine Drive Community Council:**

- 1. Approve the proposed development agreement, as contained in Attachment A of the December 18, 2013, report, to allow for a hybrid open space design development on the lands as shown on Map 1 of the December 18, 2013 staff report between Circle Drive, Lake Echo, and Myra Road, Porters Lake; and**
- 2. Require 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 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.**

Mr. Joudrey indicated that the 1992 development agreement was created to expand the mobile home park in Lake Echo. He advised that this matter came to the attention of staff during a previous application for Case 01278, which was a request for a municipal

planning strategy amendment. At that time HRM Legal Services referred the matter to Mr. Norwood's solicitor to verify that the property description attached to the 1992 development agreement did not apply to these lands.

Councillor Karsten commented that the requirements for stormwater management and the erosion sedimentation plan are very important and he is glad that will be taken care of with this development. He further advised that he is comfortable with staff's response with regard to the previous development agreement and believes that matter to be sufficiently resolved. Councillor Karsten indicated that open space design is the way of the future for suburban and rural development, and will be a topic of discussion at the upcoming Federation of Canadian Municipalities sustainable communities conference.

Councillor McCluskey commented on the amount of support for the development, in particular from those in such close proximity to the development.

## **7.2 Variance Appeal Hearings - None**

## **8. CORRESPONDENCE, PETITIONS & PRESENTATIONS**

### **8.1 Correspondence**

#### **8.1.1 Soil & Water Conservation Society of Metro Halifax re: Lake Echo**

Correspondence from the Soil & Water Conservation Society of Metro Halifax dated January 15, 2014 re: Lake Echo was before Community Council.

This matter was not addressed due to time constraints.

### **8.2 Petitions - None**

### **8.3 Presentations - None**

## **9. REPORTS**

### **9.1 Staff Reports - None**

### **9.2 Boards & Committees - None**

## **10. MOTIONS - None**

## **11. ADDED ITEMS - None**

## **12. NOTICES OF MOTION - None**

## **13. PUBLIC PARTICIPATION**

Public participation was not held due to time constraints.

**14. NEXT MEETING DATE - Thursday, February 13, 2014**

The next meeting of Harbour East-Marine Drive Community Council will be held on Thursday, February 13, 2014 at 6:00 p.m., Dartmouth Chamber, 90 Alderney Drive, Dartmouth (rear, waterside entrance).

**15. ADJOURNMENT**

The meeting was adjourned at 7:53 p.m.

Jennifer Weagle  
Legislative Assistant

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**INFORMATION ITEMS**

1. Water Quality Monitoring Results for Russell Lake – November 2013 Sampling Event