

HERITAGE ADVISORY COMMITTEE  
MINUTES

August 28, 2013

- PRESENT: Mr. Stephen Terauds, Chair  
Ms. Monica MacDonald, Vice Chair  
Ms. Sarah Levy  
Mr. Nelson Brison  
Mr. David Houlihan  
Ms. Janet Morris  
Councillor David Hendsbee
- REGRETS: Councillor Waye Mason  
Ms. Deborah Larter  
Mr. Richard White  
Ms. Emma Sampson  
Mr. Marcel Parsons (absent)
- STAFF: Mr. Seamus McGreal, Heritage Planner  
Ms. Sheilagh Edmonds, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 3:05 p.m. in Halifax Hall

**2. APPROVAL OF MINUTES**

**MOVED by Councillor Hendsbee, seconded by Ms. MacDonald that the minutes of July 24, 2013 be approved. MOTION PUT AND PASSED.**

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

Additions:

- 8.1 Case 18336: Development Agreement – 991 Windgate Drive, Beaverbank
- 8.2 Case H00383: Heritage Incentives – Barrington Street Heritage Conservation District 2013-14

Councillor Hendsbee requested the Committee's approval to allow Ms. Christine Davis to address the Committee, as she was seeking clarity around the process with respect to a situation she has as a result of erecting a fence on her property, which is a registered heritage property.

The Chair advised that if the Committee wished to allow Ms. Davis's presentation his suggestion was that it be included under item 6.3. On a point of information, the Chair advised that the Committee is not charged with setting the process, and added that the Committee is to provide advice to Council, and that any questions Ms. Davis has of the Committee regarding the process, the Committee would direct them to staff.

There was general consensus to allow Ms. Davis to address the Committee.

**MOVED by Councillor Hendsbee, seconded by Mr. Brison that the agenda, as amended, be put and passed.**

**4. BUSINESS ARISING OUT OF THE MINUTES: None**

**5. DEFERRED BUSINESS – None**

**6. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**6.1 Correspondence: None**

Correspondence dated August 27, 2013 was submitted from Mr. Phil Pacey, Heritage Trust of Nova Scotia in regard to item 7.1.1.

**6.2 Petitions: None**

**6.3 Presentations:**

**Ms. Christine Davis**

Ms. Davis questioned if she would be able to have someone speak to the Heritage Advisory Committee on her behalf.

The Chair responded that when her application comes forward to the Committee, someone could speak on her behalf. He explained that, typically, interested parties will ask the Committee ahead of time to speak when their application comes forward. He added that the Committee is not bound to hear presentations outside of the staff presentation but usually they do. The Chair asked if staff had anything further to add.

Mr. Seamus McGreal, Heritage Planner, advised that previously the Committee granted the owner the opportunity to speak, and the presentations would have to relate to the heritage context of the application. He added that it would be up to the Committee if they wanted to hear from other speakers.

In response to a point raised by Councillor Hendsbee that sometimes there have been agents on behalf of owners that have addressed the Committee, Mr. McGreal advised that if there are questions the Committee has that staff or the property owner cannot answer, the architect or engineer for the project may be present to respond to those questions.

The Chair advised that in summary, the Heritage Advisory Committee often hears from other parties and noted that, when it does, the presenter has to focus on the heritage aspects of the application because the Committee's recommendation to Council will be based on heritage policies.

Ms. Davis advised that there was nothing in Heritage Property Act to address health and safety issues.

In response, the Chair explained that this would be an aspect that Council would weigh in making a decision on the application. He added that the Committee provides advice to Council but that it is Regional Council's responsibility to weigh all the issues of an application when making a decision.

**6.4 Updates from HAC Members - HRM Committees/HAC Sub-committees**

**7. REPORTS**

**7.1 Case 17863 Development Agreement – Corner of Ochterloney Street and Victoria Road, Dartmouth**

A staff report dated August 16, 2013 was submitted.

Mr. Darrell Joudrey, Planner 1 presented the application by Michael Napier Architecture for a development agreement to construct a seven storey building which would include a maximum of 52 residential units, and possibly ground floor commercial space depending on market demand. The site consists of four parcels of land one of which contains a heritage property and which will be subdivided. In his remarks Mr. Joudrey advised that the rear half of the heritage property, commonly referred to as the Henry Elliot House, is proposed to be subdivided and consolidated with the other parcels but that the house would be retained. He added that no alterations to the house are proposed and that the developer will at a later date propose the removal of a non-historic addition from the rear of the building and the replacement of a side exterior staircase.

Mr. Joudrey advised that the Committee is to review the proposal relative to the criteria of Policy CH-2, as it establishes evaluation criteria for Council's consideration where a proposed development abuts a heritage property. In conclusion, Mr. Joudrey advised that, overall, planning and heritage staff are satisfied with the proposal and how it relates to the heritage property and are recommending that the Committee provide a positive recommendation to the Harbour East Community Council.

Staff responded to questions.

**MOVED by Councillor Hendsbee, seconded by Ms. Levy that the Heritage Advisory Committee recommend that the Heritage Advisory Committee recommend Harbour East-Marine Drive Community Council:**

- 1. Give Notice of Motion to consider the proposed development agreement as set out in Attachment A of the August 16, 2013 staff report to allow a development consisting of up to 52 residential units plus commercial space on lands located on the corner of Ochterloney Street and Victoria Road in Dartmouth and schedule a Public Hearing.**
- 2. Approve the proposed development agreement as set out in Attachment A of the August 16, 2013 staff report;**
- 3. 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.**

In reference to Mr. Pacey's submitted correspondence a discussion ensued with regard to whether the Committee should consider this matter under Policy CH-2 or CH-1. Staff maintained that it should be considered under CH-2, and that even if it were considered under CH-1, staff would come to the same conclusion. Concern was that if the subdivision approval is contingent upon the Development Agreement being approved, then the Committee should be considering the subdivision as part of the Development Agreement.

Following a lengthy discussion as to whether the Committee should consider this application under Policy CH-1 or Policy CH-2 the Chair suggested that the Committee make a decision, by way of motion, on which Policy to consider the application, and then proceed with discussion on the application. The Committee came to the conclusion that in order for the proposal to proceed as described in the proposed Development Agreement, the lot that the heritage building currently sits on must be subdivided, with the portion associated with the new development consolidated with the developer's other adjoining properties in order to avoid having one building on more than one lot. The following motion was put forward and passed:

**MOVED by Ms. Levy, seconded by Councillor Hendsbee that the Committee consider the application under Policy CH-2. MOTION PUT AND PASSED.**

In discussing the proposal, the following concerns and comments were expressed:

- Concern was expressed that the view from the rear of the heritage property would be destroyed; that the rear yard was being removed; and that one side the heritage building would be permanently shadowed, as a result of the proposed development.
- Concern was expressed that the proposed development has an impact on the whole neighbourhood and not just the heritage property. The view was expressed that heritage on this street has been slowly deteriorating over time. It was also noted that across the street, the heritage property and historical look of the street has been maintained, but not on this side of the street.
- The proposal will have quite a negative impact on the heritage building. Although the proposal is 'stepped back' it is not enough to mitigate the massing of the proposal.
- The general purpose of Policy Ch-2 is to respect building scale massing of the abutting heritage property – the proposed development doesn't do this.
- The proposal is aggressive in the amount of land it will take up.

The Chair called for the question on the motion.

**THE MOTION WAS PUT AND DEFEATED.**

**8. ADDED ITEMS**

**8.1 Case 18336: Development Agreement – 991 Windgate Drive, Beaverbank**

A staff report dated August 12, 2013 was submitted.

Mr. Tyson Simms, Planner 1 provided a presentation of the application by Alan Whitlam and Joyce McCully for a development agreement to permit a full service restaurant at 991 Windgate Drive, Beaver Bank, a registered heritage property. In his remarks, Mr. Simms noted that this heritage property is commonly referred to as the Hallisey House. He advised that the property has previously been used as a restaurant, and that a full-service restaurant is listed as a permitted land use in MU-1 zone. However, the property was subdivided and no longer meets the minimum lot area requirement for commercial use, therefore, this proposed restaurant requires Community Council approval. Mr. Simms pointed out there will be no significant alteration or modification to the exterior structure; and that the applicant has expressed an interest of reinstating a dormer window in the future, which was previously on the building. He also noted that the applicant is proposing to replace the existing siding on the building with wood or an approved alternate material.

Mr. Simms responded to questions.

**MOVED by Councillor Hendsbee, seconded by Ms. MacDonald that the Heritage Advisory Committee recommends North West Community Council:**

- 1. Move Notice of Motion to consider the proposed development agreement as contained in Attachment A of the August 12, 2013 staff report to allow for a full service restaurant at 991 Windgate Drive, Beaverbank and schedule a public hearing;**
- 2. Approve the proposed development agreement as contained in Attachment A of the August 12, 2013 staff report; and**
- 3. Require that 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.**

**8.2 Case H00383: Heritage Incentives – Barrington Street Heritage  
Conservation District 2013-14**

Due to time constraints, this item was not dealt with.

**9. NEXT MEETING DATE – September 25, 2013**

**10. ADJOURNMENT**

The meeting adjourned at 4:55 p.m.

Sheilagh Edmonds  
Legislative Assistant