
TABLE OF CONTENTS

1.	CALL TO ORDER	4
2.	APPROVAL OF MINUTES	4
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	BUSINESS ARISING OUT OF THE MINUTES	4
4.1	STATUS SHEET ITEMS	4
4.1.1	Public Participation in Planning Processes	4
4.1.2	Accessible Playground - Dartmouth	4
4.1.3	Installation of Stop Sign - Primrose and Burke Streets	4
5.	MOTIONS OF RECONSIDERATION	4
6.	MOTIONS OF RESCISSION	4
7.	CONSIDERATION OF DEFERRED BUSINESS	5
8.	HEARINGS	5
8.1	Public Hearings	5
8.1.1	Case 865: Flag Lots - Cole Harbour/Westphal Area	5
8.1.2	Case 927: Non Substantive and Substantive Amendments - Development Agreement - Home Depot Property, 60 Baker Drive	6
9.	CORRESPONDENCE AND DELEGATIONS	8
9.1	Correspondence	8
9.2	Petitions	8
10.	REPORTS	8
10.1	Staff Reports	8
10.1.2	Case 903 - Rezoning of a Portion of Water Commission Lands - Adjacent to 322 Main Street	8
10.2	Dartmouth Lakes Advisory Board	9
10.2.1	Phosphorus Threshold - Russell and Morris Lakes	9
12..	ADDED ITEMS	9
12.1	Case 882 -Rezoning and Development Agreement for 341 Pleasant Street, Dartmouth	10

13.	NOTICES OF MOTION	10
14.	PUBLIC PARTICIPATION	10
15	NEXT MEETING	11
16.	ADJOURNMENT	11

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

2. APPROVAL OF MINUTES

MOVED by Councillor McCluskey, seconded by Councillor McInroy that minutes of the June 29, 2006 and July 10, 2006 Special meetings and the July 6, 2006 Regular meeting of Harbour East Community Council, as distributed, be approved. **MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions:

12.1 Case 882 - Rezoning and Development Agreement for 341 Pleasant Street, Dartmouth

MOVED by Councillor Kent, seconded by Councillor Karsten that the agenda, as amended, be approved. **MOTION PUT AND PASSED UNANIMOUSLY.**

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Public Participation in Planning Processes

No information was received regarding this matter and it is to remain on the status sheet.

4.1.2 Accessible Playground - Dartmouth

No information was received regarding this matter and it is to remain on the status sheet.

4.1.3 Installation of Stop Sign - Primrose and Burke Streets

No information was received regarding this matter and it is to remain on the status sheet.

5. MOTIONS OF RECONSIDERATION - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **HEARINGS**

8.1 **Public Hearings**

8.1.1 **Case 865: Flag Lots - Cole Harbour/Westphal Area**

- First Reading regarding this matter was given on July 6, 2006. A previously distributed staff report dated June 6, 2006 was before Community Council.

Mr. John MacPherson, Planner, briefly presented the proposal to amend the Cole Harbour/Westphal Land Use By-law as it pertains to flag lots and as contained in the June 6, 2006 staff report. Mr. MacPherson indicated that the intent was to prevent the creation of further flag lots in the general area of Odell Drive in the R-1A zone. Mr. MacPherson indicated that the amendments include a definition of flag lots. Concluding his remarks, Mr. MacPherson indicated that staff was recommending approval of the amendments.

Councillor McInroy confirmed that the amendments will apply only to the shaded area on Map 2 attached to the June 6, 2006 staff report. Further clarifying the amendments, Councillor McInroy indicated that flag lots will not be permitted in this shaded area.

Members welcomed Councillor David Hendsbee, District 3; Ms. Marilyn More, MLA and Ms. Audrey Manzer, Chair, Dartmouth Lakes Advisory Board.

Reading from the public hearing sign up sheet, the Chair called the following persons forward:

Wayne MacAskill, Dartmouth

Mr. MacAskill addressed Community Council and noted that he had recently purchased his home and due to the creation of a flag lot, now had very little enjoyment of his backyard. He indicated he was in favour of the amendment.

David Hendsbee, Westphal

Councillor Hendsbee addressed Community Council indicating that he hoped flag lots would be allowed in his area. He clarified that the proposed amendment is not general across the Cole Harbour/Westphal planning zone, but particular to the area under discussion.

Councillor McInroy noted that this amendment responded to a subdivision of a lot and the subsequent building of a home in what was essentially the backyard of the pre-existing lot. The intent of the amendment is to preserve any further deterioration of this nature within the community.

The Chair called for persons wishing to address Community Council in support of or opposed to the proposal.

A resident of Odell Drive addressed Community Council noting that:

- She was in support of the proposal
- She had served on a Planning Committee a number of years ago and had agreed to the subdivision of lots believing that they would be subdivided vertically rather than horizontally.
- At least six (6) homes have suffered a significant loss of privacy
- The home is built on a natural waterway and the structure also impacts light and noise
- She hoped that this type of subdivision would not be allowed in her neighbourhood again.

The Chair called three times for persons wishing to address Community Council in support of or opposed to the proposal.

Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor McInroy that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor McInroy, seconded by Councillor McCluskey that Harbour East Community Council approve the proposed amendments to the Land Use By-law for Cole Harbour/Westphal provided in Attachment A of the June 6, 2006 staff report. MOTION PUT AND PASSED UNANIMOUSLY.

8.1.2 Case 927: Non Substantive and Substantive Amendments - Development Agreement - Home Depot Property, 60 Baker Drive

- Notice of Motion regarding this matter was given on July 10, 2006. A previously

distributed staff report dated July 7, 2006 was before Council.

- A Supplementary report dated July 17, 2006 was before Community Council.

Mr. John MacPherson, Planner, advised that the non substantial amendments required an amending agreement and, therefore, the decision of Harbour East Community Council made on July 10, 2006 would have to be ratified with reference to the amending agreement.

MOVED by Councillor Karsten, seconded by Councillor Kent that Harbour East Community Council:

- 1. Approve the Amending Agreement appended as Attachment A of the July 17, 2006 Supplementary report detailing the non-substantive amendments to the Development Agreement for the property currently occupied by Home Depot, 60 Baker Drive, as required for the modifications to the architectural design and exterior appearance of the building and the parking and circulation area to accommodate the proposed automobile dealership(s) and as previously approved by Council on July 10, 2006.**
- 2. Require that the Amending Agreement be signed and returned within 120 days, or any extension thereof granted by Community Council on request of the applicant, from the date of final approval by Community Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

Mr. MacPherson, Planner, briefly reviewed the proposal to amend the development agreement for the Home Depot to permit modifications to signage and one additional driveway as per the staff report of July 7, 2006. Mr. MacPherson indicated that staff was recommending approval of the proposed amendment.

The Chair, reading from the public hearing sign up sheet, called the following speakers forward:

Brian White, EDM, representing Home Depot

Mr. White addressed Community Council indicating that EDM had represented Home Depot on the original Development Agreement application. All portions of the original

Development Agreement have been completed. O'Regan's, a community supporter, has confirmed that it will honour the original intent of the Development Agreement. Mr. White went on to describe the changes which would be undertaken on the building, the site and the signage. He indicated that all these changes would be permitted under the present zoning.

Mr. John Heseltine declined the opportunity to speak at this time.

The Chair called three times for persons wishing to address Council in support of or against the proposal.

Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Karsten that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Karsten, seconded by Councillor McCluskey that Harbour East Community Council:

1. **Approve the substantive amendments to the development agreement as shown in Attachment B to permit modifications to signage and one additional driveway access connecting Baker Drive to Parcel 1, 60 Baker Drive.**
2. **Require that the Amending Agreement be signed within 120 days or any extension thereof granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence

9.2 Petitions

10. REPORTS

10.1 Staff Reports

10.1.1 Case 863 - Housekeeping Amendments to the Dartmouth Land Use By-Law

- A staff report dated July 20, 2006 was before Community Council.

MOVED by Councillor McInroy, seconded by Councillor Kent that Harbour East Community Council waive the Public Participation policy and give First Reading for the proposed housekeeping amendment to the Land Use Bylaw for Dartmouth, as shown in Attachment A of this report and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

10.1.2 Case 903 - Rezoning of a Portion of Water Commission Lands - Adjacent to 322 Main Street

- A staff report dated July 20, 2006 was before Community Council.

MOVED by Councillor McInroy, seconded by Councillor Karsten that Harbour East Community Council give First Reading for rezoning of the subject lands and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Dartmouth Lakes Advisory Board

10.2.1 Phosphorus Threshold - Russell and Morris Lakes

- A report dated July 25, 2006 from the Dartmouth Lakes Advisory Board was before Community Council. Also before Community Council was a staff report dated July 26, 2006.

MOVED by Councillor McCluskey, seconded by Councillor Kent that residents be provided an opportunity to speak following the staff presentation.

Following a brief discussion regarding process, the Chair advised that a 2/3 majority is required.

The **MOTION WAS PUT AND DEFEATED.**

MOVED by Councillor Karsten, seconded by Councillor McInroy that Harbour East Community Council set ecosystem goals of maintaining the current mesotrophic status for Russell and Morris Lakes, and set phosphorus threshold limits of 15 micrograms per liter of total phosphorus for both lakes.

Councillor McCluskey addressed the matter noting that she understood under the Canadian Council of Ministers of Environment Guidelines, the starting point for determining an appropriate phosphorus level is the state of the lake prior to development. She went on to suggest that the level in Bell Lake in 1994 of 5 be used as a reference point. The Councillor indicated this would result in a phosphorus level of 7 or 8. Councillor McCluskey indicated that this is the level HRM should be striving for in Russell and Morris Lakes.

Councillor Karsten addressed the matter noting that both Russell and Morris Lake have a mesotrophic status with trigger ranges of 10-20 micrograms. He pointed out that Russell Lake has in the past been in a eutrophic state and has improved over the last number of years. The Councillor noted that the staff recommendation represented the midpoint of the mesotrophic range and he believed it to be an appropriate phosphorus level for the lake.

MOTION PUT AND PASSED.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Case 882 - Rezoning and Development Agreement for 341 Pleasant Street, Dartmouth**

- A staff report dated July 25, 2006 was before Community Council.

MOVED by Councillor Kent, seconded by Councillor McInroy that Harbour East Community Council give First Reading and Notice of Motion to consider the proposed rezoning and Development Agreement to permit a 14 unit multiple dwelling at 341 Pleasant Street, Dartmouth and schedule a public hearing. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor McInroy, seconded by Councillor Kent that the next meeting of the Harbour East Community Council scheduled for September 7, 2006 begin at 6:00 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

13. **NOTICES OF MOTION** - None

14. PUBLIC PARTICIPATION

A resident of Dartmouth addressed Community Council noting that:

- He swam in the lake every year but the poor quality of the water this year had delayed his swimming
- He did not believe that the water quality would improve as development proceeds,
- He believed that the phosphorus level should be set at 12 as recommended by the Dartmouth Lakes Advisory Board,
- Expressed concern that there was no opportunity for the public to participate at the Dartmouth Lakes Advisory Board.

Arnie Brown, Dartmouth

Mr. Brown addressed Community Council indicating that:

- Statements have been made that if the amount of fecal coliform in the lake could be reduced, phosphorus levels would be at 8 or 9,
- He understands budgetary constraints, but suggested that the cost was too great,
- He is concerned Russell Lake flows into Morris Lake and there is swimming on that lake.

George McKelvey, Dartmouth

Mr. McKelvey addressed Community Council noting the following:

- He used the lake for swimming, canoeing and walking,
- He enjoys the wildlife that the lake supports,
- HRM is risking not only the recreational value of lake, but also the marine life in the lake,
- He urged HRM to protect the lakes.

Tina Dejardins, Dartmouth

Ms. Dejardins addressed Community Council expressing concern that if HRM does not strive to achieve a lower phosphorus that what most consider to be an acceptable level, Dartmouth will not be the City of Lakes, but the City of Swamps. She indicated that she believed that HRM has a moral responsibility to respect what nature has given Dartmouth and its residents.

Chris Degal, Dartmouth

Mr. Degal addressed Community Council noting that there was a problem with sediment in the lake. He indicated that he believed that the phosphorus level should be set at a lower level. Mr. Degal encouraged Community Council to work toward having a city of beautiful lakes.

15 NEXT MEETING

The next meeting of the Harbour East Community Council will be held on September 7, 2006 beginning at 6:00 p.m.

16. ADJOURNMENT

There being no further business, the meeting adjourned at 8:14 p.m.

Sherryl Murphy
Legislative Assistant