

HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES

March 6, 2014

PRESENT: Councillor David Hendsbee, Chair
Councillor Gloria McCluskey, Vice Chair
Deputy Mayor Darren Fisher
Councillor Lorelei Nicoll

REGRETS: Councillor Bill Karsten

STAFF: Ms. E. Roxanne MacLaurin, Senior Solicitor
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m., with the Invocation led by Councillor Nicoll.

2. APPROVAL OF MINUTES – February 6, 2014

MOVED by Councillor Nicoll, seconded by Deputy Mayor Fisher, that the Harbour East-Marine Drive Community Council minutes of February 6, 2014, be approved as circulated. MOTION PUT AND PASSED.

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

The order of business was accepted as circulated.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

Deputy Mayor Fisher requested an update on the Regional Council motion regarding the policies in the Dartmouth plan for multiple unit dwellings, to have the ability to dictate the mix of unit sizes. Ms. Thea Langille, Supervisor, Planning Applications, indicated that staff will be bringing details of this matter in a report on the Regional Centre Plan to the Community Planning and Economic Development Standing Committee. A report will be coming forward to Harbour East-Marine Drive Community Council in the coming months.

5. MOTIONS OF RECONSIDERATION/RECISSION – NONE

6. CONSIDERATION OF DEFERRED BUSINESS – None

7. HEARINGS

7.1 Public Hearings

7.1.1 Case 17061: Classic Open Space Design Development Agreement, Bissett Road

A report dated January 29, 2014 was before Community Council.

Mr. Darrell Joudrey, Planner, presented Case 17061, an application for a classic open space design development on lands off Bissett Road, Cole Harbour, to develop four single unit residential dwellings.

Responding to a question from Councillor Nicoll, Mr. Joudrey clarified that the provincially owned lands start behind the subject property and continue toward Cole

Harbour and also to the right of the subject property. Mr. Joudrey further clarified that Regional policy allows for 4000 sq. metres per dwelling unit, and the subject property is short 0.3 hectares of the lands required for the original proposed five units. He indicated that the matter was discussed at great length by staff and decided that HRM adheres to these measurements for all other open space applications, and should adhere to the same degree of accuracy for this application.

Deputy Mayor Fisher asked for clarification regarding the rural commuter and urban reserve designations set out on the map in the report. Mr. Joudrey advised that the urban reserve (Cole Harbour/Westphal local land use designation) lands are along both sides of Bissett Road, and the rural commuter (regional land use designation) underlies the whole area along the north side of the road.

At the request of Deputy Mayor Fisher, Mr. Joudrey further clarified that the application took 2 years to get to Community Council due to discussions around the shortage in land area requirements for the application. He further noted that another very large open space application was received at the same time, and staff were trying to treat both applications fairly and equitably. Ms. Thea Langille, Supervisor, Planning Applications, added that challenges with staffing resources also led to the delay, noting that there have been significant staffing changes in recent months leading to greater efficiency.

Responding to further questions from Deputy Mayor Fisher, Mr. Joudrey clarified that the as of right process would have allowed four homes on the subject land. He further clarified that benefits to the open space development direction are not having to subdivide lands, being able to use shared facilities such as wells and septic.

Councillor McCluskey noted concern with the amount of time that it took for this application to come forward to Community Council.

The Chair opened the public hearing, inviting those wishing to speak with regard to the application to come forward.

Mr. Barry Stenton, Bissett Road, Cole Harbour, inquired, if it is determined that the well water rate is not high enough, whether the applicant would be fracking the wells in the area.

Mr. Joudrey clarified that he cannot offer any information on fracking of wells for this application. He noted, however, that this method was not mentioned in the level one or two well water assessment reports. He deferred response to the applicant's consultant.

Mr. Jens Jenson, AMJ Consulting Ltd., advised that he had prepared the application on behalf of the applicant. Mr. Jenson advised that the level one hydrogeological assessment indicated that a common well would suffice, however because of the low yield of the area, it was recommended that each unit have its own well, placed as far apart as possible. Mr. Jenson indicated that the application started with a proposal for

five units, as per his interpretation as a professional planner of the regulations to round up to the nearest calculation, instead of rounding down. Mr. Jenson commented that there is nothing in the policy that speaks to rounding up or down, and the application is not in offence of any policy objectives within the plan. He noted that he was provided by staff an early draft report, which recommended approval of the five unit proposal; although after the other open space development application was submitted, staff decided that broader discussions should be held prior to recommendation. Mr. Jenson advised that staff eventually decided in support of the four units, and in the interest of moving forward with the application, the applicant accepted the four unit amended proposal. He indicated that this is a matter of one person's interpretation over another's. Mr. Jenson clarified that he has notes on the application that go back to July 2010, although in all fairness to staff, there was a delay on behalf of the applicant where it took several months to get the hydrogeologist on site for the level two testing.

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.**

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

- 1. Approve the proposed Development Agreement for a classic open space design development at Bissett Road, Cole Harbour, as contained in Attachment A of the January 29, 2014 staff report; and**
- 2. Require the development 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, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Nicoll expressed her appreciation to the applicant for their patience. She noted that the open space design concept is new to HRM, and staff and council are still becoming comfortable with the concept. She indicated that in the end, she is confident that all questions have been answered and she would like to see this proposal move forward.

Councillor McCluskey spoke in support of the motion, noting disappointment that the process took so long. She asked for the Solicitor to comment on the issue that was raised of rounding up or down. Ms. Roxanne MacLaurin, Senior Solicitor, ask planning staff for comment on the issue, and noted that there would be limitations on the percentages of developed and undeveloped land, and there would be layers of consequences.

Ms. Thea Langille, Supervisor, Planning Applications, clarified that upon reviewing of open space policy in the Regional Plan, it is staffs' interpretation that for one unit, 4000

square meters (or one acre) is required. Depending on how large the property is would dictate how many units that parcel of land can support. Ms. Langille indicated that there is no black and white answer to rounding up or down, although in this case, there was still a considerable amount of land needed since there was only 0.2 acres to support the fifth unit. She further commented that all circumstances were and would be considered when it came to rounding to determine land requirements. Ms. Langille clarified that when the application came forward to the public information meeting, it was for five units, because that was what the applicant had submitted. She further clarified if the proposal were approved, that next steps would involve going through the 14 day appeal period, and registration of the agreement.

MOTION PUT AND PASSED.

7.2 Variance Appeal Hearings - None

8. CORRESPONDENCE, PETITIONS & PRESENTATIONS

8.1 Correspondence

8.1.1 Correspondence from the Soil & Water Conservation Society of Metro Halifax dated February 23, 2014 re: Morris Lake, Dartmouth

Correspondence from the Soil & Water Conservation Society of Metro Halifax dated February 23, 2014 re: Morris Lake, Dartmouth was before Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Fisher, that Harbour East-Marine Drive Community Council forward correspondence to staff and the Regional Watersheds Advisory Board for their information. MOTION PUT AND PASSED.

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

12. NOTICES OF MOTION - None

13. PUBLIC PARTICIPATION

No members of the public came forward for public participation.

14. NEXT MEETING DATE – April 3, 2014

The next Harbour East Community Council meeting is scheduled for Thursday, April 3, 2014 at 6:00 p.m. in the Chamber at 90 Alderney Drive, Dartmouth.

15. ADJOURNMENT

The meeting was adjourned at 6:37 p.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEMS - None