

HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL  
MINUTES

March 21, 2013

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

STAFF:             Mr. Joshua Judah, Senior Solicitor  
                  Ms. Jennifer Weagle, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 6:02 p.m., with the Invocation led by Councillor McCluskey.

**2. APPROVAL OF MINUTES – None**

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

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

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

There were no updates 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 17849: Development Agreement – Irishtown Road and Ochterloney Street, Dartmouth**

The following information was before Community Council:

- A report from the Heritage Advisory Committee dated February 4, 2013 with attached staff report dated January 16, 2013.
- Email correspondence from: Cathy MacKay, Jean Chard, Janet Sutcliffe, Charlie Burnet, Kerr McVey, Steve Arsenault, Louie Lawen, and Carla Thisle.
- Two letters from J. Colin May.
- A petition containing 188 names in support of the proposal was submitted by David Harrison representing the applicant, received March 19, 2013.

The following information was submitted during the meeting:

- Correspondence from Walter Regan, President, Sackville Rivers Association.
- Correspondence from Dusan Soudek, Director of Environment, Canoe Kayak Nova Scotia.
- Correspondence from David Harrison, representing the applicant.

Mr. Mitch Dickey, HRM Planner, presented Case 17849 – Development Agreement – Irishtown Road and Ochterloney Street, Dartmouth. A copy of Mr. Dickey’s presentation is on file.

Mr. Dickey responded to questions of clarification from Councillors, noting the following:

- The set back of the property line from Greenvale Lofts is 10 feet from the property line for the bottom three storeys, and 15 feet from the fourth storey.
- A landscaping plan is included in the development agreement.
- The proposal is for a total of 273 units, which could be 500-600 residents.
- The Downtown Dartmouth Municipal Planning Strategy (MPS) identified all four properties as opportunity sites.
- Prior to the amendment approved by Regional Council in 2010, the Downtown Dartmouth MPS would have permitted a building up to seven stories on the site behind Greenvale Lofts, but with the amendment a building between 8-18 storeys would be currently permitted.

At the request of Councillor McCluskey, Mr. Dickey clarified that the wind and shadow studies are addressed in the staff report. He further clarified that wind and shadow studies were not a part of the review carried out by the Heritage Advisory Committee, which is mandated by the Heritage Property Act and the Regional Plan, where a proposed development is adjacent to a heritage property, to review the proposal in terms of compatibility with the heritage structure. Mr. Dickey clarified that “compatible” would relate to the pedestrian realm (height).

At the request of Councillor McCluskey, Mr. Dickey reviewed the height of other buildings surrounding the proposal.

Mr. Dickey continued responding to questions of clarification from Community Council:

- There will be no habitable penthouse on the roof of the Wentworth, only equipment.
- Blank walls were avoided to the greatest possible extent.
- The streetlevel view on Irishtown Road would be the three storey podium, which would be proportional to the width of the street.
- Underground parking spaces meet the requirement of 0.75 spaces per unit. There is no on-site commercial or visitor parking planned.
- The development agreement requires exterior glass of low reflectivity to reduce glare onto other properties.
- Bike racks, bike storage and bike lock-ups are proposed for the buildings.

Mr. Dickey reviewed the property boundaries, set back along the Canal Greenway, and easement for the pipe, at the request of Councillor Nicoll.

At the request of Councillor McCluskey, Mr. Dickey with the use of renderings, advised that there would be no difference between the proposal being built at 7 or 14 storeys, in terms of what residents of the Greenvale Lofts and Canal Locks buildings would see from their windows.

Responding to questions from Councillor McCluskey with regard to the wind and shadow studies, Mr. Dickey advised that they are posted on the HRM planning webpage and over 300 notices were sent out directing people to that webpage. Mr. Dickey clarified that the developer commissioned a company to do wind assessment. He noted that there may at times be a brisk wind at certain locations around the buildings, and mitigation measures were introduced such as landscaping, pergolas, trellises and trees. Mr. Dickey advised that the development agreement indicates that all recommendations of the wind consultant be addressed during design work for the proposal. He indicated that the as of right building could be built as a solid seven stories, which would have greater shadow impacts than the step back height proposed. Mr. Dickey noted that shorter floor plates make the shadows pass over an area faster. He advised that the shadow study was prepared by the architect for the developer and evaluated by staff.

Mr. Josh Judah, HRM Solicitor, addressed Community Council, clarifying that correspondence was received questioning the rules regarding the time allowed for the applicant or designate to speak. Mr. Judah clarified that the applicant or designate would be given 10 minutes to speak, and after the last speaker has been heard the applicant or designate would be given an opportunity to briefly respond to any points raised during the public hearing. Mr. Judah noted that the correspondence received suggested that either the applicant or designate could speak, but only one. Mr. Judah spoke to the importance of fairness in the procedure and in Canadian law as a whole, advising that in his opinion allowing both the applicant and designate to share the opportunities to speak does not affect the fairness of the procedure.

Mr. David Harrison, representing the applicant, spoke in support of the proposal. He indicated that the only way to move forward the revitalization of downtown Dartmouth is to get people to live in downtown Dartmouth. Mr. Harrison suggested that if this proposal were built as an as-of-right development, there would not be the same quality that is proposed with this application. He noted that this proposal follows what the Regional Plan calls for, and will promote the use of transit and the ferry system nearby. Referring to an online petition in support of the development he submitted, Mr. Harrison noted that the petition had 203 signatures as of this afternoon. Mr. Harrison read several comments made on the petition in support of the development, including comments calling for improvements to the Canal Greenway site, and improvements to transit. Mr. Harrison noted that improvements to the transit system will come with more people living in the area and will also generate revenue and support local business. Mr. Harrison submitted a written copy of his comments for the record.

The Legislative Assistant submitted for the record a petition submitted by Mr. David Harrison containing 188 signatures in support of Case 17849: Development Agreement – Irishtown Road & Ochterloney Street, Dartmouth.

The Chair reviewed the rules and opened the public hearing.

**Ms. Deborah Stasiulis, Ochterloney Street, Dartmouth**, commented that it seems that many concerns that were raised at the public information meeting have been addressed. She supports the development and believes that residents of the proposed development will be good neighbours.

**Ms. Anna-Lisa Jones, Realtor, Bedford**, commented on the supply and demand of housing in the area, noting that this development would add to the housing plan for Dartmouth and create a signature centrepiece. She further noted that this development will provide affordability for students and older people, is in a prime location for this level of density, will increase the values of properties around Dartmouth, will increase diversity in the area, and increase the profile of the community. Ms. Jones commended the proposal for the inclusion of a green roof.

**Mr. Robert France, Burnett Street, Dartmouth**, noted his credentials including that he was a professor of watershed management at Harvard University, he has written on landscape design, and been an international consultant. He is in favour of daylighting the stream from Sullivan's Pond to the waterfront. Referring to international daylighting projects in Seoul, South Korea; Providence, Rhode Island; and Zurich, Switzerland, which has opened 100km of canals, Mr. France spoke of the environmental and social benefits of daylighting.

**Mr. Walter Regan, President, Sackville Rivers Association**, asked that Community Council require the daylighting of Sawmill River as a part of the development. He noted that daylighting Sawmill River would allow wild Atlantic Salmon and other fish to return to Lake Banook and the rest of the Sawmill Watershed for spawning. Mr. Regan commented that the 9 foot stormwater pipe running under Prince Albert Road is in need of repair or replacement and may not be large enough to handle potential flood waters. He encouraged HRM to take the lead and ask for funding contributions from DFO, WDCL and Kings Wharf. Mr. Regan spoke of the importance of the Shubenacadie Canal Greenway project, noting that this would be an opportune time to install daylighting of the Sawmill River. He commented that the HRM Regional Plan identifies daylighting of streams as an important and desirable feature, also noting that Canoe-Kayak Nova Scotia and the Oakhill Lake Society are also in favour of daylighting Sawmill River. Mr. Regan suggested that the daylighting of Sawmill River would reflect the historical importance of the Canal, would create a focal point of the park and trail system to the harbour, and increase tourism to the area, benefiting local business. Mr. Regan submitted his written comments for the record.

The Chair reminded speakers that the purpose of the public hearing is to comment on the development, not about daylighting or the Canal Greenway site.

**Mr. Dusan Soudek, Director of Environment, Canoe Kayak Nova Scotia**, spoke in support of the proposed development. He advised that Canoe Kayak Nova Scotia is a member of Our HRM Alliance, which supports vibrant downtowns and urban areas surrounded by greenbelts. Mr. Soudek commented that the proposed development will revitalize downtown Dartmouth. He noted that the parkland contribution in this

development agreement is for \$409,500, which he encouraged Council to put toward the enhancement of the Canal Greenway, including the daylighting of Sawmill River. Mr. Soudek submitted his written comments for the record.

**Mr. George Brown, Prince Albert Road, Dartmouth**, commented that the proposal is an impressive development, but in the wrong location. Mr. Brown suggested that the proposed development will create darkness from supertime onward on his nearby residence, will detract from his residence and is not conducive to the natural history of the area.

**Mr. Gregory Wright, Dundas Street, Dartmouth**, questioned, with the anticipated increase in population to downtown Dartmouth, whether Halifax Water has looked into upgrades to aging infrastructure to meet service demand.

**Mr. Kevin Chaisson, Irishtown Road, Dartmouth**, suggested that the proposed development would have more than a minimal effect on Greenvale School. He noted that the windows of Greenvale School are nine and ten feet in height, which was not shown on the renderings, and two sides of the Greenvale building will be in constant shadow. The proposed development will cause increased traffic in the neighbourhood, which is busy enough during rush hour. Mr. Chaisson noted that the Canal Greenway renewal could take place without this development. He suggested that the proposal is the wrong development in the wrong place. Mr. Chaisson noted concern that the proposal will cause a “ghetto effect” on downtown Dartmouth. He suggested that the perspectives shown in the renderings are misleading and that the buildings are much closer than they appear. Mr. Chaisson commented that the quality of life of those living nearby will be affected for the duration of construction of these buildings. He noted that it is a shame that the proposed development does not reflect the heritage and quality that went into Greenvale School. Mr. Chaisson indicated that he would like to see more information from the wind and shadow studies, and noted concern with the developer paying for the completion of the studies. He suggested that the wind tunnel effect that would be created from this proposal would drive people away from the downtown.

**Mr. Todd Kramers, Dartmouth**, noted that he moved back to the area recently with his family after living away for some time. He noted disappointment with the slow rate of development in downtown Dartmouth, which he sees to have a great deal of potential. Mr. Kramers indicated that he is hopeful that this development will have a positive effect on the development of downtown Dartmouth.

**Mr. Trevor Parsons, Dartmouth**, noted that the staff report indicated that of the people attending the public meetings, 60% were against the proposal and 40% were in favour, pointing out that this is incorrect as many of the comments made were neutral. Mr. Parsons suggested that his problem with the development has nothing to do with density or height. He commented that many of the area residents that spoke during these meetings spoke in favour of density and development, and understood that this is how you clean up and revitalize an area. Mr. Parsons suggested that the mass is too large and the density is too high for the property. He spoke in favour of the Greenvale

Loft development, and in favour of townhouse and highrise mixed development. Mr. Parsons noted that he is a Realtor, and sees young families moving into the downtown area and older people moving out of the area to condos and apartments. He suggested that the only way parkland contribution funds would go toward the Canal Greenway and daylighting of the river is to specifically designate it in the development agreement. Mr. Parsons commented that the proposal needs to be at a human scale and respect the adjacent heritage property and next door neighbours

**Mr. Allan Billard, Dartmouth, member of the Shubenacadie Canal Commission,** clarified, with the use of a map, the location of the waterway on the Canal property, which was referred to on an 1830's map as Mill Stream. He further clarified that it was never a river, and rarely even a stream, basically being a swale for stormwater. Mr. Billard further clarified that there was no salmon fish-run through the stream because Sullivan's Pond did not exist. Mr. Billard advised that funding that was identified in 2000 for the Canal Greenway site went to fix up Point Pleasant Park after Hurricane Juan, and still nothing has been done on the site. He suggested that the Canal Greenway site could be the catalyst for change in downtown Dartmouth.

**Ms. Jane Schlosberg, Dartmouth,** indicated that she thinks the proposal is too high, although she is glad the developer responded by making more three bedroom apartments. Ms. Schlosberg inquired where the access to the parking garage would be for the building on Ochterloney Street.

**Ms. Fern Devost, Ochterloney Street, Dartmouth,** suggested that this is the wrong development in the wrong location. She feels that the tall buildings would destroy the cachet of the area. Ms. Devost noted concern with the number of parking spaces proposed, suggesting that there should be 1.5 parking spaces per unit. She also noted concern that if all of the units were apartments that it would become a "ghetto" and destroy a nice part of Dartmouth.

**Ms. Kate Watson, Dartmouth,** noted that she heard at the public meetings that people were excited about this possibility and she is still excited. Ms. Watson noted that she is glad the developer listened to residents' concerns, and suggested that while not everyone will be happy, this is what downtown Dartmouth needs. She indicated that this will get residents downtown and will be good for downtown businesses, and encouraged Community Council to approve the proposal.

**Mr. Clark Wilkins, Dartmouth,** indicated that he supports the proposed development, and feels that Dartmouth businesses need it. He commented that a quality development like this will not create a "ghetto" as previous speakers have suggested. Mr. Wilkins noted that he hopes the permitting process is not too slow because downtown Dartmouth needs this development sooner rather than later.

**Mr. Allan Rowe, Newcastle Street, Dartmouth,** indicated that he believes it is important to revitalize downtown Dartmouth, and that the key to do so is to bring families and professionals into the downtown. He commented that this proposal will

increase residential availability in the area to do so. Mr. Rowe indicated that he does not find the proposal too high, and feels that the “ghetto” phrase being made is unfair in relation to what is being proposed. He noted that he has been involved in hiring employees from across the country, and young professionals looking to relocate to Halifax are looking for this type of development and lifestyle.

**Mr. Charlie Burnett, Erskine Street, Dartmouth,** commented that he finds the revised plans to be excellent, and believes the proposed development will be good for downtown Dartmouth. He feels the area needs more people and encouraged Community Council to approve the proposal.

**Mr. Don Chard, Newcastle Street, Dartmouth,** questioned whether the renderings shown are architectural renderings or an artist’s drawings. Mr. Chard suggested that people speaking should indicate whether they have a financial interest in the development to which they are speaking of. He clarified that he has none. Mr. Chard indicated that he feels the proposal will detract from the potential quality of life in downtown Dartmouth and that it is too large. He commented on the damage caused during Hurricane Juan on buildings next to high rises. Mr. Chard noted that he could not find anything in the staff report that indicated staff had reviewed this development in context to flood plain regulations, and believes it would be foolhardy to proceed without that review.

**Mr. Steve Kimball, Dartmouth,** advised that he lives and works in downtown Dartmouth. He advised that he moved his business to downtown Dartmouth in 2000 and has been anxiously awaiting the revitalization of the area which he is starting to see. Mr. Kimball noted that downtown Dartmouthians all have a financial interest in what goes on in the area. He suggested that a quality of life that residents can be proud of starts with developments like this.

**Mr. Andrew Quon, Prince Albert Road, Dartmouth,** noted that he lives across the street from the proposed development. He is looking forward to a future in the area that is more sustainable and feels that this development speaks to a similar kind of resident. Mr. Quon suggested that if people want density, it comes with height, and if residents don’t want to live in a dense environment they should move to the suburbs. He suggested that people live in their houses, not outside of them, and when you are in your house with the lights on you don’t notice shadows outside. Mr. Quon commented that he would like to have all of the amenities downtown including a grocery store.

**Mr. Bruce Bowser, Waverley Road, Dartmouth,** indicated that he is disappointed with the lack of development in downtown Dartmouth and hopes that Community Council supports this project.

**Ms. Sonja Dudka, Dartmouth,** having been at the June public information meeting, gave thanks to the developer and architect for having heard the comments from residents and made changes to the plans. She noted that she can appreciate the frustration of people that live in the area, but noted that to develop a downtown with

density it can't be done with townhouses. Ms. Dudka commented that no matter what is built on the property, neighbouring residents will be inconvenienced by construction, but it is for the good for the neighbourhood.

**Mr. Bryn Jones-Vaillancourt, Maple Avenue, Dartmouth**, indicated that he was initially opposed to the proposal, but he was glad to see that the developer made adjustments to the plans and added more three bedroom units. Mr. Jones-Vaillancourt commented that the "ghetto" comments are unfair and not accurate. He encouraged HRM to facilitate more projects like this.

**Mr. Colin May, Dahlia Street, Dartmouth**, noted that downtown residents are aware of the need for density in the downtown, although he feels this is a reasonable project in the wrong place. Mr. May advised that in 1978 the former City of Dartmouth expropriated significant lands, and 20 years later townhouses were built on the lands on King Street. He noted that the land behind the Royal Bank on Portland Street has remained an empty lot for 35 years, and the Waterfront Development Corp. should have given the applicant the land to put this proposal there where it would be better suited. Mr. May referred to a Nova Scotia Utility and Review Board decision which quoted a Nova Scotia Power document which indicated that wind speed studies show the frequency and severity of strong winds have increased in recent years. He commented that two crucial documents, the wind and shadow studies, were verbally reviewed by staff to Community Council. He noted that the documents were also not given to the Heritage Advisory Committee. Mr. May suggested that Community Council defer decision on this application until a property wind study and a more accurate shadow study is undertaken, prepared by an independent third party person. He noted that the colours used in the shadow study make it indecipherable. Mr. May noted that Policy CH-2 of the Regional Municipal Planning Strategy speaks to compatibility and he feels the proposed Wentworth building is not compatible with Greenvale School.

**Ms. Lindsay May, Dahlia Street, Dartmouth**, disputed previous comments on the harsh reputation of the area, noting that she has lived in the area since 1983 and they raised their family in the area. She noted that until the development of the Canal Greenway site and the daylighting takes place she would love to see some development on the proposed property and she doesn't have anything against density. Ms. May noted that there are lots of young people moving into the neighbourhood but she does not feel that the proposed development will bring in young families that will stick around. She noted that apartments are transitional. Ms. May noted that there are several areas in the downtown area that are up for development and this proposal will set a precedent for those applications.

**Ms. Morna Chaisson, Ochterloney Street, Dartmouth**, advised that she is a resident of Greenvale Lofts. She indicated that rental doesn't mean ghetto. She agreed that people with children that move into Greenvale don't stay long, noting that rentals don't work for young families at that cost. She noted that there is not much for kids to do in the area and there is not enough room to play in apartments, which is why young families move out and buy houses. Mr. Chaisson asked that the Councillors consider

the close space of the proposal to Greenvale, noting that the shadows from the proposal will darken Greenvale. She suggested that there are other locations in downtown Dartmouth that this could go.

**Mr. Neno Fabritizi, Fall River**, commented that he is in favour of this development in the location. He suggested that things need to be pushed forward in the downtown core. Mr. Fabritizi commented that it is rare that a developer is willing to make changes in response to residents' concerns, and he hopes it is voted forward.

**Ms. Heather Pitts, Crichton Avenue, Dartmouth**, spoke in support of the proposal, commenting that she has lived in Dartmouth for 59 years and she has seen Dartmouth vital in the past and dreams that it will come back to life. Ms. Pitts noted that there will be shadows if you are living in a city. She wants the downtown to be vital for her kids, and for there to be a place for her as she gets older.

**Mr. Darrell Dixon, Applicant**, advised that he has lived in the neighbourhood several times and spent much of his childhood in downtown Dartmouth. Mr. Dixon assured all of the accuracy of the renderings, noting that he had the proposal remodeled approx. six times. He clarified that what was shown is a completely designed architectural building inside a "revit model". Mr. Dixon noted that this process started for him 10 years ago, investing in downtown Dartmouth. He commented that he has spent a lot of time developing in the suburbs, and after listening to the regional planning and HRM by Design processes, he decided that he needed to invest in the revitalization in downtown Dartmouth. He assured everyone that he plans to undertake a high quality project.

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

Mr. Dickey clarified that the daylighting of the stream is a separate but related process, noting that the proposed development of this site allows for the possibility of daylighting the stream. He further clarified that ultimately Regional Council will decide where the parkland funds will go. Halifax Water will be hiring a consultant to determine the requirements for the 9 foot underground pipe referred to previously, and they have no concerns with regard to infrastructure and the considerable development taking place in downtown Dartmouth.

Mr. Dickey further clarified that one of the owners of Dexel, the owner of Greenvale Lofts, has written Community Council in support of the proposed development. Mr. Dickey explained the time frame for the start of construction, noting that the first building would have to start within two years, the second building within four years, and the third building within six years. He further clarified that the applicant could request from Community Council an extension to this timeline, or alternatively start all three at once.

Mr. Dickey noted that there was no reference in the staff report to 60% of public information meeting attendees being in favour of the proposal. He noted that the 2011 census results show the population continues to decrease.

Mr. Dickey reviewed the locations for parking garage entrances for the buildings, on the right side of the Greenvale property next to the veterinary clinic, on Irishtown Road, and on Queen Street on the side of the music studio. He also clarified that Halifax Water had no concerns with flooding in the area, and that the 1971 flooding referred to earlier was largely as a result of the dam breaking at Lake Banook.

Mr. Dickey advised that the Land Use By-law sets requirements per unit for amenity space within a building. These buildings substantially exceed the requirements with the green roof decks, the playground, and through common rooms, gyms and recreation areas.

Mr. Dickey briefly responded to questions of clarification from members of Community Council.

Responding to an inquiry from Councillor Hendsbee as to whether this project was compared with the results from the LIDAR mapping for sea level rise, Mr. Dickey indicated that yes, staff have the detailed LIDAR mapping for the site, and that information will be very helpful for Halifax Water. He assured that detailed design specs would be reviewed at the permitting stage to ensure underground parking would not flood and that the stormwater system is adequate.

At the request of Councillor Nicoll, Mr. Dickey clarified that the massing of the site is well broken up, and meets the urban design standards.

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

- 1. Approve the proposed development agreement as set out in Attachment A of the January 16, 2013 staff report; 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.**

Councillor Hendsbee noted that he feels the developer took into consideration concerns from residents and made accommodations to the plans, massing, setbacks, and appearance. He believes it to be a good proposal overall, and that densification is good for the downtown. Councillor Hendsbee commented that he hopes the Canal Greenway project moves forward, and noted \$300,000 allocated in the preliminary budget plans for

the project. He suggested that shadows are a reality of living downtown. Councillor Hendsbee noted that of the 189 names on the petition submitted, 119 were from Dartmouth, 21 from Halifax, 17 from other parts of HRM and 32 from outside HRM/Nova Scotia. He advised that he is in support of the application.

Councillor Karsten acknowledged all those that came forward to speak on both sides of the application. He suggested that some residents of the immediate area would be frustrated with any development on the site. Councillor Karsten clarified that the applicant does not own the lands behind the Royal Bank on Portland Street, he owns these lands which are the subject of the application. He commented that he feels planning staff did an admirable job on this file. With regard to the issue of densification, Councillor Karsten commented that densification means buildings alongside of buildings. He also commented on the responsibility of those moving into a building to determine the zoning of adjacent lots and what could be built there. Councillor Karsten advised that the proposal meets applicable policy as identified by staff. He noted that density goals outlined in the downtown planning policy cannot be met with two or three storey buildings.

Councillor McCluskey advised that she is for development in downtown Dartmouth, but believes that this development is too large, suggesting that 600 people on 1.6 acres of land is not healthy living. She indicated that as an accredited appraiser, she believes that this proposal will devalue the adjacent condominium units because of the shadow and wind affects. Councillor McCluskey noted that the applicant could have built to eight storeys on the lands. She noted that she represents many of the residents at the public information meetings that spoke against this development. Councillor McCluskey noted that the petition asks for support of the "Seagate mixed use development in downtown Dartmouth" but gives not details about the development. She noted that people living away don't know where the property is. Councillor McCluskey noted that there are plenty of vacant lots in downtown Dartmouth, and not all of the density needs to be put in one spot. She advised for the reasons of density and height she will not be supporting the development.

Councillor Nicoll noted that she has not seen a lot of improvements taking place in downtown Dartmouth and she is aware of the demands for housing in the area. She noted that the proposal follows the Regional Plan and planning policy, and suggested that any development will have shadow impacts. She advised of her support for the proposal as she is interested in seeing the downtown revitalized.

Councillor Hendsbee, with regard to stormwater management utilization of wastewater, inquired whether conservation efforts for minimizing water impacts could be included in the development agreement. Mr. Dickey advised that this would be up to the developer, and that Council would require amendments to the Municipal Planning Strategy to be able to introduce such requirements in development agreements.

Councillor McCluskey noted concern with the term "compatible" in HRM planning documents as she feels the term does not mean anything.

**MOTION PUT AND PASSED.**

**7.2 Variance Appeal Hearings - None**

**8. CORRESPONDENCE, PETITIONS & PRESENTATIONS**

**8.1 Correspondence**

**8.1.1 Correspondence from Shalom M. Mandaville dated March 14, 2013**

Correspondence from Shalom M. Mandaville dated March 14, 2013 re: DLAB Russell Lake Report was before Community Council.

**MOVED by Councillor Hendsbee, seconded by Councillor Karsten, that Harbour East-Marine Drive Community Council refer Mr. Mandaville's March 14, 2013 correspondence to staff for comment. 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. IN CAMERA**

**11.1 Personnel Matter**

**11.1.1 Citizen Appointments to Boards and Committees**

A Private and Confidential report dated March 18, 2013 was before Community Council.

No In Camera session was held. The following staff recommendation was put forward during the public session:

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

1. **Proceed to fill the vacancy for a Citizen Representative on the Shubenacadie Canal Commission as outlined in Attachment 1 of the Private and Confidential report dated March 18, 2013; and**
2. **Release the name of the successful representative to the public after that representative has been notified.**

**MOTION PUT AND PASSED.**

12. **ADDED ITEMS - None**
13. **NOTICES OF MOTION**
14. **PUBLIC PARTICIPATION**

No members of the public came forward for public participation.

**15. NEXT MEETING DATE – April 4, 2012**

The next meetings of Harbour East-Marine Drive Community Council are scheduled for:

- Thursday, April 4, 2013 at 6:00 p.m. in the Chamber at 90 Alderney Drive, Dartmouth; and
- Thursday, April 16, 2013 at 7:00 p.m. in the gymnasium at the Lake Echo Community Centre, 3168A Hwy#7, Lake Echo.

**16. ADJOURNMENT**

The meeting was adjourned at 8:56 p.m.

Jennifer Weagle  
Legislative Assistant