

HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL  
MINUTES

May 16, 2013

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

STAFF: Mr. Josh Judah, 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., at the Lake & Shore Community Recreation Centre (cafeteria), 40 Inspiration Drive, Porters Lake, with the Invocation led by Councillor Nicoll.

The Chair welcomed all those in attendance, and acknowledged Sid Prest, MLA, Eastern Shore.

**2. APPROVAL OF MINUTES – March 21 & April 30, 2013**

**MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the Harbour East-Marine Drive Community Council minutes of March 21 and April 30, 2013 be approved as circulated. MOTION PUT AND PASSED.**

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

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

**4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET - None**

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

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

**7. HEARINGS**

**7.1 Public Hearings**

**7.1.1 Case 17463: Open Space Design Development Agreement – Seven Lakes, Porters Lake**

The following information was before Community Council:

- A staff report dated April 3, 2013
- A report from the Halifax Watershed Advisory Board dated April 10, 2013
- Correspondence from Tom O'Malley, W. John Young, Jean-Louis Drapeau, Jocelyne Rankin, Brian B. Taylor, Sid Prest, Shore Active Transportation Association, Barb Hashimoto, Ritchie & Melanie Bellefontaine, the Halifax Regional Trails Association and Bart & Sharon Whalen.

Mr. Darrell Joudrey, HRM Planner, reviewed the staff report for the application for a 634 unit classic form of open space design development in Porters Lake. A copy of Mr. Joudrey's presentation is on file.

Mr. Joudrey responded to questions from members, clarifying that density could be shifted from one phase of the project to another, although the overall density could not exceed the maximum in the end.

**Ms. Gail Fallow, President, Seven Lands Development (Applicant)** addressed Community Council, commenting on how the goal of the proposed development is to connect it's residents with nature, with each other, and with the Seven Lakes community. She and her team have worked to establish relationships and listen to the community. They have heard that residents want increased employment opportunities on the Eastern Shore, and diverse and affordable living options so that the community remains inclusive and attainable. Mr. Fallow advised that she and her team are committed to keep listening to the community.

**Mr. Greg Zwicker, Genivar**, representing the Applicant, addressed Community Council. Mr. Zwicker reviewed the proposal and the open space guidelines, which allow for one unit per acre. 60% of the property will be maintained as open space as per the guidelines. The plan for the site started with locating open space features, and then planning for the houses. The open space features will include a sports field, neighbourhood parks, and public lake access, and ownership will be transferred to HRM upon completion. Housing will be in a non-traditional cluster, with several houses on one lot to be maintained by its own condominium corporation, and with each condo corp having its own water source and sewer system.

Mr. Zwicker explained that they have been engaging with the community since 2012, and held three open houses on their own, as well as numerous one-on-one meetings with people in the community to get to know the community. Residents have told them that there are three important issues to consider: transportation & infrastructure, water, and the trail. Mr. Zwicker noted that highway upgrades are required by the NS Department of Transportation, and the applicant has also agreed to install a right turn lane that is not required. He explained that water testing will be undertaken for each phase of the development. If water results are good, then they will move forward with the next phase. If the results are not good, they will be done with construction. Local stormwater runoff will be recharged and a state of the art sewage treatment system will be installed for each condo cluster of homes. They are also committed to homeowner education, such as how to treat the wastewater, how to wash cars, etc. Mr. Zwicker advised that the applicant is prepared to construct the proposed trail, which staff have advised would have to be allowed through a non-substantial amendment to the development agreement after Council approved a rural road standard at a later date.

Mr. Zwicker noted that they will create employment opportunities for local builders and contractors and purchase supplies locally. He commented that by bringing more residents to the area, it will create more support for community businesses and initiatives such as Metro Transit and MusGo Rider. The development will include phases for all kinds of families to allow people to live, grow and stay within the community.

Responding to a question from Councillor McCluskey regarding a buffer between the buildings and the lakes, Mr. Zwicker clarified that there would be common open space surrounding the lakes, with a setback of at least 20 metres.

At the request of Councillor Hendsbee, Mr. Zwicker commented further on the proposed three types of on-site sewage disposal systems, noting that the flexibility of choosing from three system types will allow for better treatment. The systems proposed are the highest level of treatment available.

Mr. Zwicker confirmed at the request of Councillor Nicoll that no properties will have private access to the lakes, that access will be shared.

The Chair reviewed the rules of the public hearing and opened the public hearing for those wishing to speak in favour or against the proposal.

**Ms. Jeanette Romans, Crowell Road**, owner of a local health food store, advised that she is excited about the development and has been pleased with how it was handled since day one, noting that the applicant kept in touch and updated her through the process. Ms. Romans indicated that she stocks Nova Scotia products in her store, and by increasing residents and therefore customers to the area, they will in turn be supporting all of those Nova Scotia businesses as well. She sees it as very positive for this local Atlantic Canadian company to be investing in the community of Porters Lake.

**Mr. Jim Simmonds, Myra Road**, indicated that he is a professional engineer and consulting engineer who has raised his family in this community. He is in favour of good economic development, and has good faith in federal, provincial and municipal regulations, as they exist to protect us with oversight and guidance. Mr. Simmonds commented on the number of residents that leave the province each year to move our west, and creating employment opportunities and supporting local businesses will keep young people in the community.

**Mr. Danny Cole, Candlewood Drive**, spoke in favour of development, noting that he has been in the construction business for many years. Through his experience with the Seven Lakes team and through researching the proposal, he concludes that the development was planned correctly. Mr. Cole encouraged Council to find a way to make the trail happen, noting that it would be a missed opportunity if not. He commented on the lack of sports fields in the area, noting that this development includes substantial lands for the development of recreation space. Mr. Cole commented that many residents of this area are trades people that have to travel into the city everyday for work. This development will provide them with an opportunity to work within the community and add to the economic development of the area by having them work there.

**Mr. John Hawkins, East Chezzetcook Road, Chair of Halifax Regional Trails Association**, noting that he provided a written submission earlier in the day, spoke of

HRTA's support of Alternative 4 outlined in the staff report, with regard to the proposed trail. He noted that HRTA encourage HRM staff to develop trail standards as community groups and HRM have found themselves burdened with inadequately constructed trails. Mr. Hawkins noted that HRTA disagrees with staff's conclusion that the proposed trail does not connect with significant origins and destinations in the broader community. They consider a trip along the trail from a home to the lake or playground to not be insignificant. He suggested that the trail itself would be a destination, noting that currently people travel from the Porter's Lake area to use the trail at Musquodoboit Harbour. Mr. Hawkins reviewed a possible route for the trail. He suggested that the trail would conform to the Nova Scotia government Sustainable Transportation Strategy by reducing automobile trips.

Councillor Karsten thanked Mr. Hopkins and the Halifax Regional Trails Association for the work that they do.

**Ms. May MacDonald , East Chezzetcook Road, member of the Shore Active Transportation Association**, strongly supports the inclusion of the trail. Ms.

MacDonald noted that although HRM staff had some concerns with the trail not being connected to the greater community, she sees this as a start to a connected trail. She suggested that there are other roads and bike paths that don't currently connect, although they someday will.

**Mr. Jim Knox**, noted that he is a previous resident of Porters Lake, and is a Realtor that does a lot of business in the area. He spoke in favour of the proposal, and noted recalling meetings 20 years ago to talk about projects like this. Mr. Knox commented on the BLT trail that is miles long.

**Mr. Tom O'Malley, Highway 7**, advised that he lives near the Alps Road intersection. He indicated that he thinks this is a wonderfully designed development, but he has two concerns. The first being that the property holdings of this developer is about 2000 acres, making this a massive development, about one half the size of the Halifax peninsula. He is concerned that Alps Road is being proposed as the main access. Mr. O'Malley noted that at a public meeting hosted by Mr. Sid Prest one year ago, many of the over 300 people that attended thought using Alps Road as the main entrance was unacceptable. He feels that it will overwhelm the community and residents felt at that meeting that they were not being listened to. In his submission made last month he included the minutes from that meeting. Mr. O'Malley noted that there are undeveloped lands that could easily be used as the road to connect to Highway 107 and Highway 7, which could be cost shared. He feels that this option would benefit the developer, the new homeowner, the community and HRM.

Mr. O'Malley noted that his second concern is that a number of residents have raised the fact that Councillor Hendsbee owns a piece of land in the area of the development, and questioned whether this could be a conflict of interest.

Councillor Hendsbee clarified that he does co-own a 9.5 acre parcel in the area, purchased 20 years ago. It was previously a proposal for a golf course. He does not see or perceive any conflict of interest.

Mr. Josh Judah, Senior Solicitor, apprised of the suggested conflict with the use of a map, clarified that the property co-owned by Councillor Hendsbee is not within the development area. There are no agreements or proposed or in-principle agreements between Councillor Hendsbee and the developer and they do not have anything envisioned for the property. Mr. Judah advised that he does not see any direct conflict and does not see a problem with Councillor Hendsbee participating in this meeting.

**Mr. Dan Lisicky, Porters Lake**, indicated that he owns the Porters Lake Pub and Eatery, and is excited with the opportunity of the proposed development. He was approached by the developer to discuss the proposal. When he first moved to the area he was amazed by the underdevelopment of the lake and the community. In order for the community to survive there have to be new families moving to the area to maintain the population. He spoke to the quality of the proposal.

**Mr. Steve Tomlin, Meadowview Drive**, noted that his family owns a video store and he owns a stone cleaning and restoration business, employing 30 people, many who live within the community. He spoke of the many skilled contractors that have to travel out of the community every day to go to work, noting that this will create opportunities for work within the community. Mr. Tomlin also commented that they will be glad to have recreation fields in the area.

**Mr. Ralph Jacobs, Mineville**, noted that he has been drilling water wells since 1974, many within the community over the years. To his knowledge there have been no problems with the well water quality or quantity in the area. He was contacted by Seven Lakes to drill test wells on the property, all of which were good producers. Mr. Jacobs indicated that the Department of Environment through the tests were good, and he sees no issues with ground water quantity or quality for a subdivision this large, and he believes there to be sufficient water flow for the project.

**Mr. Mike Corbett, Porters Lake**, advised that he works in the engineering field and was involved in several engineering studies for this proposal. Mr. Corbett noted that Porters Lake is a great place to raise a family with many active living opportunities such as skating, hiking, walking trails, etc. Mr. Corbett thanked the consultants and developer for their consultation with the community. He commented that the 630 lots in the proposed subdivision will increase the tax base of Porters Lake, although there are several key elements that need to be addressed. Mr. Corbett commented that traffic is the number one issue, explaining that another entrance is needed. The majority of the traffic from the development will travel Alps Road to access the stores, etc. Mr. Corbett noted that he has already seen numerous accidents there, and that it is difficult to get across. Although he realizes that the Trunk 7 Highway is operated by the province, he hopes that HRM shows interest in improvements to the road. Mr. Corbett indicated that the second major issue is water, noting that ground water quality on site is deemed

adequate for the supply needed, but the risk still exists. He suggested that properties could share aquifers. He asked what about existing wells in the area and whether they would run dry, noting that ground water doesn't end at the property line. Mr. Corbett suggested that a survey of existing wells should be done before construction starts. He also commented that the proposed trail would be well used and hopes that HRM allows for its incorporation. Mr. Corbett questioned whether a clause requiring the developer to hire local trades people could be included in the development agreement.

**Mr. Paul Campbell, Porters Lake**, noted that he is an owner of an information technology company and is also property developer. He indicated that he believes this development will be good for the Porters Lake community, and the concept will provide many opportunities for residents. Mr. Campbell suggested that the proposed trail will become a destination for the area. He suggested that the developer has listened to traffic concerns, and went above what is required. Mr. Campbell commented that he hopes HRM Traffic staff and the Nova Scotia Department of Transportation will continue with traffic improvements by lowering the speed limit.

**Ms. Jocelyn Rankin** advised that she is the Water Coordinator at the Ecology Action Centre. She supports the environmental practices proposed through the open space concept, the purpose of which is to protect fresh water. Mr. Rankin commented that implementing principles of the open space design concept such as retaining 60% of the lands undeveloped, and groundwater recharging are progressive and add to the long term protection of water. Ms. Rankin explained that the Ecology Action Centre has a partnership with the developer to assess and calculate the groundwater principles and for continuing homeowner education and awareness.

**Mr. Lawrence Smith, East Lawrencetown**, pointed out that the financial implications of this development will be an increased tax base in Porters Lake, and she would like to see those funds sent back to the community.

**Mr. Ryan MacNeil, owner of Stonewater Homes**, advised that he employs about 50 individuals through his construction company, over 70% of whom live on the Eastern Shore. He noted that his company has built a number of homes in the area over the last few years, and he feels that this development is long overdue. Mr. MacNeil noted that there are about 10 or 12 trucks that leave the local area to his building sites around HRM daily, and that he would like nothing more than to leave the vehicles on the Eastern Shore to send his employees to work. The purchasing of supplies on the Eastern Shore will also be a boost to the local economy. Mr. MacNeil commented that this development is a great opportunity for the residents and businesses in the Porters Lake area.

**Mr. Thomas Roberts, Lake Echo**, questioned how many acres the property, noting that each home must would require a septic system and a well.

The Chair clarified that questions posed by speakers would be answered following the last speaker.



**Mr. Greg Zwicker**, clarified that the property is 634 acres, and each cluster of homes would share a septic system and well.

Responding to questions from Councillor McCluskey, Mr. Zwicker advised that in addition to the highway improvements that were required by the Nova Scotia Department of Transportation, the developer has committed to the addition of a right turn lane that is above what is required.

Responding to questions from Councillor Nicoll, Mr. Zwicker indicated that a reduced speed zone was not warranted by the Nova Scotia Department of Transportation. Ms. Gail Fallow advised that the NS DOT has committed to re-examining the need after the full build out of the project.

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

Ms. Thea Langille, Supervisor, Planning Applications, clarified that staff do support and concur that the multi-purpose trail from Alps Road to Conrod Settlement Road would have many benefits to the community. She explained that they need to ensure that the trail fits with the programs and recreational needs of the community. As well, there are no HRM standards set for rural infrastructure. Ms. Langille outlined several barriers to the acceptance of the trail as a municipal asset, as follows:

- The trail would need to be categorized as either a component of the public road or as a separate parcel of public parkland;
- HRM's rural road design specifications do not contemplate a sidewalk or multi-purpose trail with the public right-of-way;
- The trail cannot be accepted as a component of the public parkland dedication as it would be encumbered by a number of private driveway crossings;
- The multi-purpose trail would not meet HRM's specification for an Active Transportation Trail as it only makes connections within the proposed development and does not connect to any significant origins or destinations in the broader community.

Ms. Langille noted that Alternative 4 set out on page 10 of the staff report would allow Community Council to request that Regional Council direct staff to consider a new rural road standard to include the proposed multi-purpose trail for future consideration as a non-substantive amendment to the development agreement.

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

- 1. Approve the proposed development agreement contained in Attachment A of the April 3, 2013 staff report, to allow for a Classic Open Space Design**

**development on the lands as shown on Map 1 of the staff report between Alps Road and Conrod Settlement 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.**

Community Council recessed at 8:30 p.m., reconvening at 8:35 p.m.

**MOVED by Councillor Hendsbee, seconded by Councillor Karsten, that the motion be amended to include:**

- 3. Be it further resolved that Harbour East-Marine Drive Community Council request that Halifax Regional Council direct staff to consider a new rural road standard to include the proposed multi-purpose trail for future consideration as a non-substantive amendment to the development agreement.**

Councillor Hendsbee suggested that the previous intention for the subject lands was for use as a golf course, which would have created a lot more seasonal traffic. He commented that the developer cannot be held hostage to traffic concerns, noting that the costs of the highway improvements are a cost to the developer, not the municipality. Councillor Hendsbee suggested that the province look at paving the shoulders of the highway and reduce speed limits. He noted that this open space design development agreement application is one of the first proposals to come forward under the open space provisions. Councillor Hendsbee commented that the project is compatible with the Regional Plan and is the beginning of a great addition to the community. He suggested that there will be an opportunity or future access points to be developed in time.

Councillor Karsten thanked all those that brought their points of view forward, and also thanked the applicant, consultants and staff involved in this application. He suggested that this open space concept plan is a marquee plan that will make the community more livable. Councillor Karsten noted that he cannot find any conflict with the Municipal Planning Strategy with regard to this development agreement, and therefore supports the project.

Councillor McCluskey, noting that she is from the Eastern Shore, commented that it is a great place to live. She understands there are traffic concerns, noting that there are always concerns about traffic with a new development. She assured that residents will find that the developer is sensitive to the concerns. Councillor McCluskey commented that the condominium ownership of the proposed development will lead to a nicer, well maintained neighbourhood. She noted that there are a lack of sports fields and

recreation places in the area, and these additions will be of benefit to the community. Councillor McCluskey indicated that she is pleased to hear the lakes will be looked after, and she believes the proposal will be good for business in the area.

Councillor Nicoll commented that she is glad to hear that public access around the lakes will remain public and also that 60% of the lands will be kept open space. She commented on the formula for a complete community, noting that economic development will sustain the community. Councillor Nicoll commented that as HRM moves forward with the Regional Plan, she hopes this development will be used as a template.

Councillor Fisher, referencing the Halifax Watershed Advisory Board report, inquired whether there was going to be some ongoing lake water testing. Staff clarified that under the existing legislation, HRM does not have the ability to require further water quality monitoring, noting that this is something that is being considered during the Regional Plan review. Ms. Fallow indicated that they have undertaken on their own to lake water testing in five sites four times per year.

**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 May 7, 2013**

Correspondence from the Soil & Water Conservation Society of Metro Halifax dated May 7, 2013 was before Community Council.

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council accept the correspondence and forward it to staff for review. MOTION PUT AND PASSED.**

**8.2 Petitions - None**

**8.3 Presentations - None**

**9. REPORTS**

**9.1 Staff Reports - None**

**9.2 Boards and Committees - None**

**10. MOTIONS**

**11. IN CAMERA**

No In Camera meeting was held. The following item was dealt with during the public session.

**11.1 Approval of the In Camera Minutes – April 18 & 30, 2013**

The In Camera minutes of the April 18 & 30, 2013 Harbour East-Marine Drive Community Council In Camera sessions were before Community Council.

**MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that the In Camera minutes of April 18 & 30, 2013 be approved as circulated. MOTION PUT AND PASSED.**

**11. ADDED ITEMS - None**

**12. NOTICES OF MOTION - None**

**13. PUBLIC PARTICIPATION**

No members of the public came forward for public participation.

**14. NEXT MEETING DATE – June 6, 2013**

The next Harbour East Community Council meeting is scheduled for Thursday, June 6, 2013 at 6:00 p.m. in the Chamber at 90 Alderney Drive, Dartmouth.

**15. ADJOURNMENT**

The meeting was adjourned at 8:50 p.m.

Jennifer Weagle  
Legislative Assistant