

HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL  
MINUTES

October 17, 2013

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

REGRETS: Councillor Bill Karsten

STAFF: 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 Hendsbee.

**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 - None**

**7.2 Variance Appeal Hearings - None**

**8. CORRESPONDENCE, PETITIONS & PRESENTATIONS**

**8.1 Correspondence**

**8.1.1 Correspondence from Mr. Shalom Mandaville, Soil & Water Conservation Society of Metro Halifax dated October 7, 2013 re: Total Phosphorous Comparison**

Correspondence from Mr. Shalom Mandaville, Soil & Water Conservation Society of Metro Halifax dated October 7, 2013 re: “Deep station total phosphorus (TP) comparison with our hindcast models, Queen’s University paleolimnology results, and with select historical data inclusive of HRM’s synoptic sampling of 2006-2011 (shallow zone values may differ considerably)” was before Community Council.

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Harbour East-Marine Drive Community Council forward this correspondence to:**

1. **Mr. Richard MacLellan, Manager, HRM Energy & Environment, for a response; and**
2. **The Regional Watershed Advisory Board for their information.**

**MOTION PUT AND PASSED.**

**8.2 Petitions - None**

**9. REPORTS**

**9.1 Staff Reports**

**9.1.1 Case 18262: Development Agreement for a 10,000 sq. ft. Commercial Building (Cole Harbour Shopping Centre commercial site)**

A report dated September 26, 2013 was before Community Council.

**MOVED by Councillor Nicoll, seconded by Councillor McCluskey, that Harbour East-Marine Drive Community Council give Notice of Motion to consider the proposed development agreement, as described in Attachment A of the September 26, 2013 report, to permit a 929 sq. m. (10,000 sq. ft.) commercial building, and to schedule a public hearing.**

Councillor Nicoll noted that there continues to be discussion in the community with regard to improvements to the parking lot. She noted when the planned development of Forrest Hills was initiated, this site was identified as the town centre.

Councillor Hendsbee commented that the report was not clear that the development would be going to the north of the current configuration, and to the west of the Canadian Tire parking lot. He requested that the mapping be updated prior to the public hearing as the footprint of the mall has changed from what appears on the map, and the Tim Hortons in the centre is now gone, as well the NSLC location has changed.

**MOTION PUT AND PASSED.**

The Chair noted that the public hearing would be scheduled for the November 14, 2013 Harbour East-Marine Drive Community Council meeting.

**9.1.2 Case 18683: Development Agreement – 1 Glenview Drive, Dartmouth**

A report dated October 9, 2013 was before Community Council.

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council give Notice of Motion to consider the proposed development agreement, as described in Attachment A of the October 9, 2013 report, and to schedule a public hearing.**

Staff confirmed at the request of Councillor McCluskey, that the three additional units were put in at the time of the construction of the building, to make a 39 unit building rather than the 36 unit building that was approved. This application does not propose any changes to the building.

Councillor Hendsbee suggested that this is an infraction of the building permit and that the property owner should be charged with the cost of a building permit and the public hearing costs.

Staff confirmed that the current owners are not the original owners of the building, and that the current owners bought the building in the 1980s.

The Chair noted that the public hearing would be scheduled for the November 14, 2013 Harbour East-Marine Drive Community Council meeting.

**MOTION PUT AND PASSED.**

**9.1.3 Case 01290: Amendments to the Regional MPS to allow an Open Space Development, Glendale Drive, Westphal**

A report dated October 1, 2013 was before Community Council.

The Chair inquired why this matter was brought before Community Council to give recommendation to Regional Council, when the normal process for Regional Municipal Planning Strategy (RMPS) Amendments would be to bring them directly to Regional Council. Staff advised that since the proposed amendments to the RMPS would affect only this Community Council, it was decided to bring this matter to this Community Council for review and recommendation, prior to bringing it forward to Regional Council. Staff clarified that this matter has not been to Community Council before, and that it was initiated by Regional Council in November 2009.

At the request of Community Council, staff presented the application.

**MOVED by Councillor Nicoll that Harbour East-Marine Drive Community Council recommend that Halifax Regional Council not approve amendments to the Regional Municipal Planning Strategy as provided in Attachment A of the October 1, 2013 report, to change the designation of a 104 acre parcel of land on Glendale Drive, Westphal, from Urban Reserve to Rural Commuter in order to enable consideration of a Water Service Area expansion and an Open Space Design subdivision through the development agreement process.**

There being no seconder to the motion, the motion was lost.

Councillor Nicoll commented that this area was not in her electoral district when she was first elected, and it is now after the district boundary review. Councillor Nicoll noted that Council and Community Council are not prepared with policies in place to deal with such an application, noting that the RP+5 process (the five year review of the Regional MPS) is not yet complete.

At the request of Councillor McCluskey, Mr. Dickey clarified that this application proposes wetland modification to create stormwater retention ponds and to build a large berm approx. ½ km long to capture stormwater from the development and release it in modified streams. It was further clarified that Open Space guidelines indicate that at least 60% of the site must be left as a non-disturbance area, meaning left in a natural state.

Community Council briefly discussed with Mr. Dickey the potential extension of water service to Herring Cove Road in Halifax.

**MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that Harbour East-Marine Drive Community Council refer this matter (Case 01290) to Regional Council without recommendation.**

Councillor Hendsbee commented that Council is awaiting the completion of the Cole Harbour Open Space Plan, noting that he hopes that this matter can come forward at the same time as that Plan, as it will support the open space concept. He suggested that this matter shouldn't be dealt with before the Cole Harbour Open Space Plan is in place.

Councillor Nicoll advised that because of the topography of the area, nearby residents are concerned that development of this proposal may cause the flooding of their properties. She noted that Council are awaiting the completion of the Stormwater Functional Plan and the Wastewater Functional Plan.

At the request of Councillor Hendsbee, Mr. Dickey advised that staff believe houses on elevated slabs with no basements would be the favoured approach, although this has not been finalized by the developer. Councillor Hendsbee noted that to without any stormwater mitigation on this site, properties downstream will continue to flood. He suggested that this proposal creates an opportunity to mitigate and control the flooding problem, and could be a project to demonstrate how these measures can work. Councillor Hendsbee further noted that the Lot Grading and Drainage By-law (By-law L-300) needs to be updated.

The Chair requested that Mr. Dickey clarify via a briefing note or email to Community Council and the Clerk why this came to Community Council, when in previous circumstances this would have gone directly to Regional Council. He asked that if this is a new policy, should it be brought to Regional Council for approval, and noted that

Community Council would like to know when this may happen again and why. Mr. Dickey advised that he will speak with his Manager and prepare a response.

**9.2 Boards & Committees - None**

**10. MOTIONS - None**

**11. ADDED ITEMS - None**

**12. NOTICES OF MOTION - None**

**13. PUBLIC PARTICIPATION**

Ms. Gerry Irwin, Cole Harbour, commented that she is very familiar with Cole Harbour, and is confused why the development in Westphal would go forward with water service and not sewer service. She noted that there are still areas of Cole Harbour that have their own septic tanks still. Ms. Irwin indicated that she does not believe that HRM should be entertaining any development in an area without water and sewer service.

Councillor Hendsbee noted that the previous property owners were considering a subdivision application before the Regional Plan came in to effect, which designated the land part of the urban reserve.

**14. NEXT MEETING DATE – Thursday, November 14, 2013**

The next Harbour East Community Council meeting is scheduled for Thursday, November 14, 2013 at 6:00 p.m. in the Chamber at 90 Alderney Drive, Dartmouth.

**15. ADJOURNMENT**

The meeting was adjourned at 6:38 p.m.

Jennifer Weagle  
Legislative Assistant