

**Harbour East-Marine Drive Community Council
December 12, 2013**

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: Original signed

Jennifer Weagle, Legislative Assistant

DATE: December 4, 2013

SUBJECT: Harbour East-Marine Drive Community Council 2013 Annual Report

ANNUAL REPORT

ORIGIN

Section 27(1) of the HRM Charter states:

A community council shall hold an annual public meeting in the community in each year to report to the public concerning its activities and to receive the views of the public respecting all matters within its mandate.

BACKGROUND

Harbour East-Marine Drive Community Council was established on December 3, 2012 by Administrative Order 48 Respecting the Creation of Community Councils.

Harbour East - Marine Drive Community Council includes the following districts:

- District 2 - Preston - Chezzetcook - Eastern Shore (Councillor David Hendsbee)
- District 3 - Dartmouth South - Eastern Passage (Councillor Bill Karsten)
- District 4 - Cole Harbour - Westphal (Councillor Lorelei Nicoll)
- District 5 - Dartmouth Centre (Councillor Gloria McCluskey)
- District 6 - Harbourview - Burnside - Dartmouth East (Councillor Darren Fisher)

DISCUSSION

Harbour East-Marine Drive Community Council met 18 times between December 2012 and November 2013, including five (5) special meetings. All meetings were held at the Dartmouth Council Chamber, 90 Alderney Drive, Dartmouth, with the exception of three meetings that were held in Lake Echo, Porters Lake, and Ship Harbour, to coincide with reports on those agendas specific to those communities. The November 14, 2013 meeting was webcast live on the HRM Community Council website, as part of a pilot project to live stream HRM Community Council meetings.

The following will highlight Harbour East-Marine Drive Community Council's business for the period of December 2012 to November 2013.

STAFF REPORTS**December 6, 2012****Case 17640 – Telecommunication Tower at 149 Albro Lake Road, Dartmouth**

Staff recommendation approved to inform Industry Canada that Community Council objects to the proposal.

Case 17641 – Telecommunication Tower at Sheiling Lane and Delmac Court, Dartmouth

Staff recommendation approved to inform Industry Canada that Community Council has no policy-based objection to the proposal.

New Community Council Structure – Administrative Matters

Staff recommendation approved to set a standard meeting time of 6:00 p.m. for regular Community Council meetings, accept the proposed meeting schedule of two meetings per month, and that meetings be held at a fixed location, with additional meetings required due to public hearings be held at a location within the community.

Motion approved to amend Administrative Order 48 to change the name of "East Community Council" to "Harbour East-Marine Drive Community Council".

Case 17898: Rezoning – 60 Simmonds Drive, Dartmouth

First reading given and public hearing scheduled for January 10, 2013 HEMDCC meeting.

January 10, 2013**Russell Lake Water Quality Monitoring Report (based on sampling conducted during November 2012)**

This quarterly Information Item was before Community Council.

January 29, 2013 (special meeting)

Case 17762: Development Agreement for an Apartment Building at 72-74 Primrose Street, Dartmouth

Notice of Motion given and public hearing scheduled for March 7, 2013 HEMDCC meeting.

February 7, 2013

Case 17971: Development Agreement for 5-7 Tupper Street, Dartmouth

Notice of Motion given and public hearing scheduled for March 7, 2013.

Case 17673: Development Agreement for 385 Caldwell Road, Cole Harbour

Notice of Motion given and public hearing scheduled for March 7, 2013.

February 26, 2013 (special meeting)

Case 17849: Development Agreement – Irishtown Road and Ochterloney Street, Dartmouth

Notice of Motion given and public hearing scheduled for March 21, 2013.

April 4, 2013

Case 18118 – Time Extension to Development Agreement on Nadia Drive, Dartmouth

Staff recommendation to approve a proposed Amending Agreement to extend the date for the commencement of construction of two multiple unit dwellings on Nadia Drive APPROVED.

April 18, 2013

Case 17463 – Open Space Design Development Agreement – Seven Lakes

Notice of Motion given and public hearing scheduled for May 16th in Porters Lake.

April 30, 2013 (special meeting)

Case 18241: Development Agreement for an Automotive Repair Shop at 782 Main Street, Westphal

Notice of Motion given and public hearing scheduled for June 6, 2013.

June 6, 2013

Project 01367 – Downtown Dartmouth View Planes – Amendments to the Regional MPS, Dartmouth MPS, and Downtown Dartmouth MPS and LUB

Motion approved to recommend that Regional Council give First Reading to the proposed amendments, and schedule a public hearing.

July 4, 2013

Russell Lake Water Quality Policy Review Project

Motion approved that the report be referred to the Community Design Advisory Committee, Regional Watershed Advisory Board, Environment and Sustainability Standing Committee and Community Planning & Economic Development Standing Committee as an Information Report, for consideration for policy direction in future policy and planning projects; and direct staff to consider the policy recommendations in the development of future planning policy.

Project No. PN1286 – Dartmouth Main Street Plan Review

Motion approved recommending Regional Council give First Reading to consider the proposed amendments to the Municipal Planning Strategy (MPS) and Land Use By-Law (LUB) for Dartmouth and schedule a public hearing.

October 3, 2013

Case 18553: Telecommunications Tower, Spry Bay

Staff recommendation approved to inform Industry Canada that Community Council has no policy-based objection to the proposal.

Case 18556: Telecommunications Tower, Ship Harbour

Staff recommendation approved to inform Industry Canada that Community Council has no policy-based objection to the proposal.

Case 17863: Development Agreement – corner of Ochterloney Street and Victoria Road, Dartmouth

Notice of Motion given and public hearing scheduled for November 14, 2013.

Water Quality Monitoring Results for Russell Lake – June 2013 Sampling Event

This quarterly Information Item was before Community Council.

October 17, 2013

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

Notice of Motion given and public hearing scheduled for November 14, 2013.

Case 18683: Development Agreement – 1 Glenview Drive, Dartmouth

Notice of Motion given and public hearing scheduled for November 14, 2013.

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

Motion approved to refer Case 01290 to Regional Council without recommendation.

November 14, 2013

Water Quality Monitoring Results for Russell Lake – August 2013 Sampling Event

This quarterly Information Item was before Community Council.

Total Phosphorus Comparison (Information Report dated October 24, 2013)

Information Report received.

REPORTS FROM BOARDS AND COMMITTEES

March 7, 2013

Dartmouth Lakes Advisory Board

Russell Lake Water Quality, Policy Review Project

Motion approved referring the Information Report to staff for a response via staff report.

April 18, 2013

Halifax Watershed Advisory Board

Lake Echo Watershed Servicing Study

Motion approved to accept the study as background for future community planning, proceed cautiously with development to avoid further degradation of Lake Echo, forward the report to the NS Department of the Environment and Clean Nova Scotia in the event that there are programs or initiatives to support the aims and objectives of the report, and recommend to Regional Council explore the reinstatement of the Lakes Water Quality Sampling Program.

November 14, 2013

Regional Watershed Advisory Board

Shubenacadie Lakes Sub-Watershed Study Report

Regional Watershed Advisory Board recommendation approved.

PUBLIC HEARINGS

January 10, 2013

Case 17898: Rezoning – 60 Simmonds Drive, Dartmouth

Public hearing held and closed. Staff recommendation to approve the proposed rezoning of 60 Simmonds Drive from I-2 (General Industrial) to I-4 (Salvage) DEFEATED.

March 7, 2013

Case 17762: Development Agreement for an Apartment Building at 72-74 Primrose Street, Dartmouth

Public hearing held and closed. Staff recommendation to approved the proposed development agreement to permit an apartment building at 72-74 Primrose Street APPROVED.

Case 17971: Development Agreement for 5-7 Tupper Street, Dartmouth

Public hearing held and closed. Staff recommendation to approve the proposed development agreement to construct two 2-unit dwellings APPROVED.

Case 17673: Development Agreement for 385 Caldwell Road, Cole Harbour

Public hearing held and closed. Staff recommendation to approve the proposed development agreement to operate a health products store and an apartment unit at an existing property at 385 Caldwell Road APPROVED.

March 21, 2013

Case 17849: Development Agreement – Irishtown Road and Ochterloney Street, Dartmouth

Public hearing held and closed. Staff recommendation to approve the proposed development agreement APPROVED.

May 16, 2013

Case 17463 – Open Space Design Development Agreement – Seven Lakes

Public hearing held and closed. Staff recommendation to approve the proposed development agreement to allow for a Classic Open Space Design development APPROVED.

A further motion was approved to request Regional Council to 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.

June 6, 2013

Case 18241: Development Agreement for an Automotive Repair Shop at 782 Main Street, Westphal

Public hearing held and closed. Staff recommendation to approve the proposed development agreement to permit an automobile repair outlet at 782 Main Street APPROVED.

November 14, 2013

Case 17863: Development Agreement – Corner of Ochterloney Street and Victoria Road, Dartmouth

Public hearing held and closed. The following motion was approved:

That Harbour East-Marine Drive Community Council:

1. Approve the proposed development agreement as set out in Attachment A of the staff report dated August 16, 2013 with the following new sections and changes to sections:

Insert 3.2.5:

The Municipality shall not issue any Development Permit until such time as Regional Council has approved a heritage deregistration pursuant to Section 3.13.

And insert

3.13 Deregistration of Heritage Property

No development shall be permitted on the Lands unless Council, pursuant to the Heritage Property Act, approves a deregistration for that rear portion of 99 Ochterloney Street which is intended to be subdivided and consolidated with the remainder of the Lands pursuant to Section 3.9; and as generally shown on Schedule B.

With changes to Section 5.1 by inserting the following alternative wording:

5.1 (a) Minor alterations to the requirements of Section 3.4 for exterior design such as changes to window design and proportion, and for variations to cladding materials and colours provided such variations are generally consistent with the original concept;

5.1 (c) Alterations to the residential unit type and mix established by Subsection 3.3.4 provided that at least eighteen units are two bedroom or larger,

5.1 (d) A reduction in the parking requirement below the threshold set out in Section 3.5, provided that a minimum ratio of 0.5 spaces per unit is provided,

5.1 (e) Alterations to the landscaping plan required under Section 3.7 provided that a mix of soft and landscaping is provided with a mix of plantings including shrubs, grasses, and flower beds.

2. Require the agreement be signed by the property owner within 240 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.

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

Public hearing held and closed. Staff recommendation APPROVED.

Case 18683: Development Agreement – 1 Glenview Drive, Dartmouth

Public hearing held and closed. Staff recommendation APPROVED.

VARIANCE APPEAL HEARINGS

June 6, 2013

Case 18139: Appeal of Variance Refusal – 58-66 Stella Drive, Porters Lake

Variance appeal hearing held and closed. Motion approved to allow the appeal.

Case 18140: Appeal of Variance Refusal – 58-66 Stella Drive, Porters Lake

Variance appeal hearing held and closed. Motion approved to allow the appeal.

October 3, 2013

Case 18672: Appeal of Variance Refusal – 58-66 Stella Drive, Porters Lake

Variance appeal hearing held and closed. Motion approved to allow the appeal.

MOTIONS BY MEMBERS OF COMMUNITY COUNCIL

December 6, 2013

Election of Chair and Vice-Chair

Councillor Fisher was elected Chair and Councillor Hendsbee was elected Vice-Chair.

January 10, 2013

Councillor Fisher – Maintenance at Lakeshore Park Terrace/Lakemist Court

Motion approved to recommend that Regional Council contact the province to request consistent maintenance of the area at the entrance to Lakeshore Park Terrace/Lakemist Court.

Councillor Nicoll – 782 Main Street, Dartmouth

Motion approved to request that planning staff expedite the development approval process for rezoning at 782 Main Street, Dartmouth, by waiving the requirement for a public information meeting due to the already commercial nature of the area.

Note: This motion was later ruled out of order at the February 7, 2013 meeting by the Solicitor. A memorandum from the Solicitor is on file and online.

March 7, 2013

Councillor Hendsbee – Request for report

Motion approve requesting a staff report outlining what amendments would be required to allow mixed use zoning with the intent of rural densification, in particular in District 2.

April 4, 2013

Councillor Nicoll – Open Spaces – Cole Harbour Basin Plan

Motion approved directing staff to bring forward the Open Spaces – Cole Harbour Basin Plan directly to the Environment & Sustainability Standing Committee for recommendation to Regional Council.

OTHER ITEMS

January 10, 2013

Councillor Hendsbee – Update – Status of Highway 107 Metro X Service

Metro Transit staff provided a presentation to Community Council on the status of the Route 370 – Porters Lake Metro X Service.

March 21, 2013

Citizen Appointments to Boards and Committees

A motion was approved to fill a vacancy for a Citizen Representative on the Shubenacadie Canal Commission.

April 18, 2013

Citizen Appointments to Boards and Committees

Motion approved to fill a vacancy for a Harbour East-Marine Drive Community Council representative on the Regional Watersheds Advisory Board.

April 30, 2013 (special meeting)

Citizen Appointments to Boards and Committees

Motion approved to appoint a Harbour East-Marine Drive citizen representative on the Crosswalk Safety Advisory Committee.

August 19, 2013 (special meeting)

Councillor Appointment to Ferry Naming Contest Panel

Councillor McCluskey was appointed to the ferry naming contest panel on behalf of HEMDCC.

Councillor Hendsbee – Status & Clarification of Seven Lakes Development Agreement

This item was discussed during a public session, and legal advice was provided during an In Camera session.

November 12, 2013 (special meeting)

Citizen Appointments to Boards and Committees

Motion approved to nominate a citizen representative to the Shubenacadie Canal Commission.

November 14, 2013

2014/15 Budget Consultation Presentation

A staff presentation was provided. No members of the public came forward for public participation related to this matter.

CORRESPONDENCE

February 7, 2013

Correspondence from S. M. Mandaville, Soil & Water Conservation Society of Metro Halifax re: Russell Lake, dated January 16, 2013

Motion approved that the correspondence be received.

March 7, 2013

Correspondence from S.M. Mandaville, Chairman, Soil & Water Conservation Society of Metro Halifax dated February 12, 2013 re: Stressors and selective removals

Motion approved to accept the correspondence.

March 21, 2013

Correspondence from S.M. Mandaville dated March 14, 2013 re: DLAB Russell Lake Report

Motion approved to refer the correspondence to staff for a response.

May 16, 2013

Correspondence from the Soil & Water Conservation Society of Metro Halifax dated May 7, 2013

Motion approved to accept the correspondence and forward it to staff for review.

October 3, 2013

Correspondence from Mr. Shalom Mandaville, Soil & Water Conservation Society of Metro Halifax dated August 27, 2013 re: Zoobenthos of Lakes

- and -

Correspondence from Mr. Shalom Mandaville, Soil & Water Conservation Society of Metro Halifax dated August 27, 2013 re: Bell Lake, Dartmouth

Motion approved that both correspondences be accepted and forwarded to staff and the Regional Watersheds Advisory Board for their information.

October 17, 2013

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

Motion approved to forward this correspondence to staff for a response and to the Regional Watershed Advisory Board for their information.

November 14, 2013

Correspondence from the Soil & Water Conservation Society of Metro Halifax re: Bissett Lake, Cole Harbour

- and -

Correspondence from the Soil & Water Conservation Society of Metro Halifax re: Settle Lake, Dartmouth

Motion approved to forward both correspondences to staff and the Regional Watershed Advisory Board for their information.

PUBLIC PARTICIPATION**December 6, 2013**

- Speaker submitted and reviewed a memo re: “Proper determination of tropic status and indicator lakes of Nova Scotia”.
- Speaker provided members with copies of the Main Street Business Improvement Association 2013 calendar and noted activities of the Main Street Business Improvement Association.
- Speaker commented on the issue of development delays, and noted fault with applicants submitting incomplete applications or written statements not based on studies. He encouraged applicants to make as much information available to the public as early in the process as possible, and engage the community. He also suggested renters be included in the notification process.
- Speaker thanking HRM staff and Councillors for supporting the Epic Dartmouth race event held in July, and reviewing plans for the 2013 event.

January 10, 2013

- Speaker commented that he was refused an occupancy permit to operate a flea market on Pleasant Street, Dartmouth. He spoke to the benefits of flea markets, and in particular the flea market he was operating on Pleasant Street. He suggested Community Council revisit the definition of pawn shops in C2 zoning.
- Speaker spoke of the benefits of flea markets, noting that they provide many vendors that are pensioners with a fixed income with an extra source of income, and that they are a source of enjoyment for vendors and attendees.
- Speaker spoke of the benefits of flea markets, noting that many vendors are disadvantaged financially and this is a way to generate extra income. He suggested that flea markets should be accommodated in the C-2 zoning and that the Pleasant Street flea market would make use of a vacant commercial space.
- Speaker commented that flea markets allow many seniors to supplement their pensions, put vacant space to use and make the community happy.
- Speaker commented on the operation of the Harbourview Weekend Market, and the process that was followed in opening the market.

March 7, 2013

- Speaker commented on the need for the ability to create more multi-use commercial and residential developments in District 2, such as mixed use developments of up to six residential units.
- Speaker suggested that residents are looking for growth and the opportunity to have apartments to increase the population in communities in District 2.

April 4, 2013

- Speaker commented on the Nadia Drive development, noting appreciation that it will be condominiums. She commented on the poor condition of the road after construction that has been taking place, and safety concerns with regard to a large empty lot which is eroding and fills with water.
- Speaker commented on heavier traffic on Fernhill Drive and the condition of the road from construction traffic, suggesting that the road should be re-paved with a sidewalk and an additional access point onto Victoria Road with a stop light.
- Speaker suggested that the fence be opened at the off-ramp on Victoria Road to allow pedestrian traffic. He commented that blasting in the area has caused damage to his walls, foundation and porch.
- Speaker noted that he was told by the developer at the time he purchased his house on Nadia Drive three years prior that the other two lots would be for retirement buildings, and that the lane next to his property would only be used as a fire lane.

July 4, 2013

- Speaker commented on a planned mixed use development on Main Street, Dartmouth, indicating that the Dartmouth Main Street Plan Review will be a great footprint for bringing their project forward.

October 3, 2013

- Speaker commented a telecommunications tower application proposed for Lawrencetown, noting that the community is vigorously opposed to the tower. He reviewed case law on the topic, and suggested that HRM should have an overall plan for telecommunications tower placement, instead of dealing with applications individually.
- Speaker suggested a 5km protection area between telecommunications towers and parks/shorelines. He suggested alternatives to the current process, including positioning towers further from the road, and suggesting other locations or encouraging applicants to investigate other locations.

- Speaker discussed the telecommunications tower proposed for Lawrencetown, and how it will affect her property there.
- Speaker commented on the unsightliness of telecommunication towers, noting that they are large and imposing structures.
- Speaker noted concern with the process around the Eastlink telecommunications tower application in Lawrencetown. He commented that telecommunications tower applications are a matter of concern to residents all over HRM. He noted concern that the industry is growing at a remarkable pace and that municipalities need to mobilize to have the placement process changed.
- Speaker encouraged the development of a planning strategy for telecommunications tower placement.
- Speaker commented on the affect the proposed telecommunications tower will have on Lawrencetown Beach and surrounding area.
- Speaker representing Eastlink provided an update on the proposed Lawrencetown telecommunications tower, noting that Industry Canada is still in the information collecting stage.

October 17, 2013

- Speaker commented that there are areas of Cole Harbour that still have their own septic tanks, and she does not believe that HRM should be entertaining any development in an area without water and sewer service.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT

Community Council meetings are open to the public, unless otherwise stated. Each regular meeting includes a Public Participation portion at the end of each agenda, which provides an opportunity for citizens to pose questions or provide comments to Councillors, through the Chair. Minutes, agendas and reports are available on the HRM website and from the Office of the Municipal Clerk.

ATTACHMENTS

None.

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Jennifer Weagle, Legislative Assistant, 490-6517
