

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
January 8, 2009

PRESENT: Councillor Andrew Younger, Chair
Councillor Lorelei Nicoll
Councillor Gloria McCluskey
Councillor Bill Karsten
Councillor Jackie Barkhouse
Councillor Jim Smith

STAFF: Ms. Roxanne MacLaurin, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk

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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in the Regional School Board building, 90 Alderney Drive, Dartmouth.

2. APPROVAL OF MINUTES - December 4 & 16, 2008

MOVED by Councillor McCluskey, seconded by Councillor Smith, that the minutes of December 4 and 16, 2008 be approved as circulated. MOTION PUT AND PASSED.

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

MOVED by Councillor Karsten, seconded by Councillor Barkhouse, that the Order of Business be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Case 01202: Amending Agreement - Portland Hills

- A report dated November 17, 2008, on the above noted, was before Council.

Mr. Joseph Driscoll, Planner, presented the report to Council.

Following questions of clarification by members of Council, Councillor Younger called for those wishing to speak either in favour of or opposition to the proposal.

Ms. Jennifer Tsang, planning consultant, representing the property owner advised the Canada Post Pension Fund purchased the building with the understanding that it was a forty three unit building and were given copies of building and occupancy permits indicating the units were legal and permitted. Upon request of a zoning confirmation letter it became apparent that there was an error in the number of units permitted.

Councillor Younger called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Karsten, seconded by Councillor Barkhouse, that Harbour East Community Council:

- 1. Approve the proposed amending agreement to increase the number of multi-unit dwelling units permitted under the development agreement for Phase I of Portland Hills from 280 to 285 in order to permit 43 dwelling units at 74 Bellbrook Crescent, as set out in Attachment A of the November 17, 2008 report.**
- 2. Require the agreement to be signed and delivered within 120 days, or any extension thereof granted by Harbour East Community Council on request of the applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever is later, including any appeal periods; otherwise, this approval shall be void and any obligations arising hereunder shall be at an end.**

MOTION PUT AND PASSED.

8.2 Case 01174: Amendment to Sheppard's Island Development Agreement, Dartmouth

- A report dated December 9, 2008, on the above noted, was before Council.

Mr. David Lane, Planner, presented the report to Council.

Following questions of clarification by members of Council, Councillor Younger called for those wishing to speak either in favour of or opposition to the proposal.

Mr. Mike Eddy, Eastern Passage, urged Council not to approve the recommendation.

Ms. Wanda Barnard, Dartmouth, stated she endorsed the existing proposal and the vision of the former owner but cannot support what is before Council in the amending agreement. She stated the original proposal was with units having a view of the Bedford Basin and not Windmill Road. She stated that the proposed amendment as it applies to the exterior would be disastrous.

Ms. Deborah Hutchinson, Dartmouth, stated the development was different to what was offered and expressed disappointment that the project has totally changed. She advised the concept has changed from the original and stated she is not in favour of the amendment.

Mr. Brian Keane, Dartmouth, stated the original building was consistent with HRM development and this building is not consistent with the vision of other development in this region.

Mr. Stephen Taylor, Lower Sackville, stated this is a major change and it does not fit the mandate this project was given. He stated integrity is lost in the footprint noting this is a condo project and not an apartment building. He requested Council stop this project.

A resident of Dartmouth noted that the proposal is for a smaller building but would contain the same number of units. The look of the building is totally different from what the original plan was. She expressed concern that there may be many more amendments requested in future and does not support the amendment.

Councillor Younger called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Smith, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED

MOVED by Councillor Smith, seconded by Councillor Karsten, that Harbour East Community Council:

1. **Approve the proposed amending agreement as set out in Attachment A of the December 9, 2008 report to permit changes (site plan and exterior elevation) to Building "A" and,**
2. **The Agreement be amended by adding a new sub-section immediately following sub-section 4.1 (9) as follows:**
 - 4.1 (10) **The Developer shall be entitled to minor modifications to the architectural requirements of this section and the elevations attached as Schedule G-1, G-2 and G-3 provided the changes are minor in nature, in the opinion of the Development Officer, and serve to further the intent of this Agreement.**
3. **Require the agreement to be signed and delivered within 120 days, or any extension thereof granted by Harbour East Community Council on request of**

the applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever is later, including any appeal periods; otherwise, this approval shall be void and any obligations arising hereunder shall be at an end.

Councillor Smith noted that no one from the surrounding properties had come forward either for or against the proposal. He suggested that many of the concerns that were brought forward were by future owners and those concerns should have been addressed at the original development agreement stage. He stated this development was an improvement and good for the area and a great addition along Windmill Road.

Councillor Karsten spoke in favour of the amendment noting that it is a good looking building on a small footprint.

Councillor McCluskey stated she could not support the proposal as it significantly deviates from what was there before and, in her opinion, there should have been a new development agreement.

Councillor Younger clarified that the original development agreement did not include floor plans. He stated the amendment follows the planning strategy.

Councillor McCluskey stated this proposal is not changing the exterior of the building but rather building an entirely different building.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 2009 Meeting Schedule

MOVED by Councillor Smith, seconded by Councillor McCluskey, that the 2009 meeting schedule be approved with the June, September and November meetings being moved to the 2nd Thursday and that the Rules of Procedure be amended to reflect that the meetings commence at 6:00 p.m. MOTION PUT AND PASSED.

- 11. **MOTIONS - NONE**
- 12. **ADDED ITEMS - NONE**
- 13. **NOTICES OF MOTION - NONE**
- 14. **PUBLIC PARTICIPATION**

No speakers.

15. **NEXT MEETING**

The next meeting is scheduled for Thursday, February 5, 2009 at 6:00 p.m.

16. **ADJOURNMENT**

The meeting was adjourned at 8:26 p.m.

Julia Horncastle
Acting Municipal Clerk