

# HALIFAX REGIONAL MUNICIPALITY

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## HARBOUR EAST COMMUNITY COUNCIL MINUTES MAY 6, 2004

PRESENT:                   Councillor Bruce Hetherington, Chair  
                              Councillor Ron Cooper  
                              Councillor Harry McInroy  
                              Councillor Brian Warshick  
                              Councillor Condo Sarto  
                              Councillor Jim Smith  
                              Councillor John Cunningham

STAFF:                     Mr. Barry Allen, Municipal Solicitor  
                              Ms. Julia Horncastle, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**2. APPROVAL OF MINUTES - April 1, 2004**

**MOVED by Councillor Sarto, seconded by Councillor Cunningham, that the minutes of April 1, 2004, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions

- 12.1 Case 00661 - Amendment to Development Agreement - Horizon Court, Dartmouth
- 12.2 Correspondence re: Implementation of a Secondary MPS - Dartmouth Lakes
- 12.3 Councillor Cunningham - Dartmouth Players

**MOVED by Councillor Cooper, seconded by Councillor Smith, that the Order of Business be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**4.1 STATUS SHEET ITEMS**

**4.1.1 Wood Doctor**

No information received. To remain on status sheet.

**4.1.2 Sewer Services connection to Fleet Co-op Property in Cole Harbour**

Report received. To be removed from status sheet.

**4.1.3 Safety Issues on Highfield Park Drive**

No information received. To remain on status sheet.

**4.1.4 Dartmouth Players**

No information received. To remain on status sheet.

**4.1.5 Maintenance of Private Roads in District 9**

Report received. To be removed from status sheet.

**4.1.6        Eastern Passage/Cow Bay Community Wall of Honour (Tallahassee School)**

No information received. To remain on status sheet.

**4.1.7        Dedication of Flagstone One Ballfield in Memory of Dan MacDonald**

No information received. To remain on status sheet.

**4.1.8        Main and Brigadoon Intersection**

No information received. To remain on status sheet.

**4.1.9        Servicing Plan for Ball and Sports Fields in the HECC area**

No information received. To remain on status sheet.

**4.1.10      Beazley Field Upgrades**

No information received. To remain on status sheet.

**4.1.11      Wilderness Park, Dartmouth**

No information received. To remain on status sheet.

**4.1.12      Proposed Industrial Park, South Woodside**

No information received. To remain on status sheet.

**4.1.13      Powers of Community Council**

No information received. To remain on status sheet.

**4.1.14      Subdivision of Lot 41 Ritcey Crescent**

No information received. To remain on status sheet.

**5.            MOTIONS OF RECONSIDERATION - NONE**

**6.            MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. PUBLIC HEARINGS**

**8.1 Case 00547 - Rezoning and Development Agreement for 10 Springhill Road, Dartmouth**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated February 18, 2004, on the above noted, was before Council.

Ms. Jill Justason, Planner, with the aid of overheads, presented the staff report.

Councillor Hetherington called for those wishing to speak either in favour of or in opposition to the application.

**Mr. Jerry Pye**, Dartmouth, spoke in opposition to the application. He suggested approval of the rezoning would be precedent setting and will provide the basis for other rezonings to occur. He stated there needs to be a way to address these issues without imposing a future hardship on the neighbourhood and community.

**Ms. PJ Awad**, President, Tufts Cove Home Owners, reading from prepared text, spoke in opposition to the application citing garbage and snow removal as the main concerns. She advised that another concern is that this rezoning would open the door to further rezonings in the area.

**Mr. Mark Petty**, property owner, clarified that the building only has one bedroom apartments and there are no children in the building. He stated that the snow removal and garbage pick up has been done by a private contractor on a regular basis.

**Mr. Mike Burgess**, property owner, stated they have attempted to address any issues and problems. He stated they try to provide a good place for their tenants and have tried to be a good member of the community.

Councillor Hetherington called for any additional speakers. Hearing none, the following motion was placed.

**MOVED by Councillor Cunningham, seconded by Councillor Warshick, that public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

**DECISION OF COMMUNITY COUNCIL**

**MOVED by Councillor Warshick, seconded by Councillor Sarto, that Harbour East Community Council:**

- 1. Approve the rezoning of the subject lands from R-2 (Two Family Residential Zone) to R-3 (Multiple Family Residential Zone - Medium Density) as shown on Map 1 of the staff report dated February 18, 2004.**

Councillor Sarto noted that this is not a new building, it has been there for 28 years and it will not result in any additional density to the area.

Councillor Smith expressed concern that this rezoning would legalize an illegal use and it may be precedent setting.

Councillor Cunningham noted the building has been existence since 1976 with thirteen units and has been assessed as a thirteen unit building with municipal taxes being paid based on thirteen units.

#### **MOTION PUT AND PASSED.**

#### **8.2 Case 00453 - Development Agreement - Provident Development, Starr Manufacturing Site, Dartmouth**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated March, 2004, on the above noted, was before Community Council.

Mr. Jim Donovan, Manager, Planning Applications, with the aid of overheads, presented the staff report.

Councillor Hetherington called for those wishing to speak either in favour of or in opposition to the proposed development agreement.

**Mr. Doug English**, Dartmouth, representing the Canal Commission, advised the Commission is opposed to this development. He stated there should not be a residential development on this site. He stated no development should be approved for this site until a determination is made with respect to the site being given a National Historic Site designation.

**Mr. Martin Jones**, Rose Way, Dartmouth, stated this building will dominate the site. He advised the currently traffic in the area is heavy. He noted the building will be close to the proposed Trans Canada Trail and people may not want to walk on the trail so close to a large building.

**Mr. Blair Bead**, Halifax, stated this development is not nice to look at. He suggested there be more visioning and does not feel this structure is the right one for this site.

**Ms. Catherine Bucky**, Erskine Street, suggested Community Council wait until the historic

site application has been decided before putting a development on this site. She noted there is a lot of history related to this site and this should be explored before any development takes place. She noted that walking along the trail by the building would give the impression of walking in a private back yard.

**Mr. John McLeod**, Dartmouth, suggested Community Council wait to see the outcome of the historic site designation application.

**A resident** of Dundas Street spoke in the application.

**Mr. Matthew Moir**, Pleasant Street, reiterated that Community Council should wait to see the outcome of the historic site designation application as this development may impact on other plans for the property.

**Ms. Dennie Sullivan-Fraser** stated development is needed in Dartmouth, but it should not be piecemeal nor placed this close to the Trans Canada Trail.

**Ms. Heather Stubbard**, Provident Developments, spoke in support of the development.

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

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

### **DECISION OF COUNCIL**

**MOVED by Councillor Cunningham, seconded by Councillor Sarto, that the Harbour East Community Council:**

- 1. Approve the development agreement, attached to the March, 2004 report as Attachment 4, to allow for a 36 unit condominium building on land located on Ochterloney Street, Dartmouth as outlined in amended Map 1; and,**
- 2. Require the development agreement be signed within 120 days or any extension thereof granted by Council on request of the applicant from the date of final approval by Council and any other bodies as necessary whichever approval is later, including applicable appeal periods, otherwise, this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Cunningham advised building on the site will not impeded the historic designation and noted that development is needed in the downtown area.

**MOTION PUT AND PASSED.**

**9. CORRESPONDENCE AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Presentations - None**

**10. REPORTS**

**10.1 Case 00631 - Substantial Amendment to the Development Agreement for the Home Depot/Portland Street Honda Project, Baker Drive, Dartmouth (Give First Reading and set a public hearing date)**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated April 20, 2004, on the above noted, was before Community Council.

**MOVED by Councillor Sarto, seconded by Councillor Warshick, that the Harbour East Community Council give first reading to consider the Amending Agreement (Attachment 1 of the staff report) and schedule a public hearing for June 3, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2 Case 00675 - Proposed Co-location of Wireless Communication Equipment on Existing Aliant Telecommunication Tower, 399 Main Street, Dartmouth**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated April 22, 2004, on the above noted, was before Community Council.

**MOVED by Councillor Warshick, seconded by Councillor Sarto, that Harbour East Community Council forward a positive recommendation to Industry Canada supporting the proposed co-location of wireless equipment at 399 Main Street, Dartmouth. MOTION PUT AND PASSED UNANIMOUSLY.**

**11. MOTIONS - NONE**

**12. ADDED ITEMS**

**12.1 Case 00661 - Amendment to Development Agreement - Horizon Court, Dartmouth ( Give First Reading and set public hearing date)**

**MOVED by Councillor Cunningham, seconded by Councillor Sarto, that Harbour East**

**Community Council give first reading to Case 00661 - Amendment to Development Agreement - Horizon Court, Dartmouth, and set public hearing date for June 3, 2004. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2            Correspondence re: Implementation of a Secondary MPS - Dartmouth Lakes**

**MOVED by Councillor Cunningham, seconded by Councillor Cooper, that the correspondence be referred to staff to analyze request and report back to Community Council. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Cunningham noted that the Dartmouth Players have historically advertised on Sandwich Boards and due to new legislation, they are now unable to placed the boards in street medians. The Councillor asked if staff could approve an exemption to the by-law to allow the Dartmouth Players to advertise during the 2004 season.

**13.            NOTICES OF MOTION**

**14.            PUBLIC PARTICIPATION**

**15.            NEXT MEETING**

The next meeting is scheduled for Thursday, June 3, 2004.

**16.            ADJOURNMENT**

The meeting was adjourned at 9:50 p.m.

Julia Horncastle  
Legislative Assistant