

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES  
February 3, 2005

PRESENT:                   Councillor Harry McInroy, Chair  
                              Councillor Becky Kent  
                              Councillor Andrew Younger  
                              Councillor Gloria McCluskey  
                              Councillor Bill Karsten  
                              Councillor Jim Smith

STAFF:                     Ms. Angela Jones-Reiksts, 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 - January 6 & 13, 2005**

**MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the minutes of January 6 & 13, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions

- 12.1 Councillor Younger - Changes to Development Agreement for Penhorn Drive at Woodlawn Mall
- 12.2 Councillor McCluskey - Maynard Lake Beach, Dartmouth
- 12.3 Case 00635 - Amendments to Development Agreement, 3 Bruce Street, Dartmouth
- 12.4 Councillor Karsten - Morris Lake Estates CDD Amendment

**MOVED by Councillor Younger, seconded by Councillor Karsten, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**4.1 STATUS SHEET ITEMS**

**4.1.1 Rehabilitation and Improvement Plan for Cole Harbour Commons**

No information received. To remain on status sheet.

**4.1.2 Improvement to Secondary MPS - Dartmouth Lakes**

To be removed. Item part of public hearing being heard by Regional Council on February 8, 2005.

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

No information received. To remain on status sheet.

**4.1.4 Main Street Business District Revitalization**

Councillor Younger requested this item be removed from the status sheet.

**4.1.5            Establishment of a Dartmouth Planning Advisory Committee**

No information received. To remain on status sheet.

**4.1.6            Main and Brigadoon Intersection**

No information received. To remain on status sheet.

**4.1.7            Gentleman's Club - 70 Windmill Road, Dartmouth**

No information received. To remain on status sheet.

**4.1.8            Winter Maintenance - Shubie Park**

Report received. To be removed from status sheet.

**4.1.9            Hazardous Materials Disposal for Eastern HRM**

No information received. To remain on status sheet.

**4.1.10          Policy re: Illegal Apartments**

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 00696- Development Agreement for a Day Care at 527 Cow Bay Road, Eastern Passage**

C            A report dated December 14, 2004 was before Council.

Mr. John MacPherson, Planner, with the aid of overheads, presented the staff report.

Councillor McInroy called three times for those wishing to speak either in favour of or in opposition to the proposed development agreement. Hearing none, the following motion was placed.

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

**DECISION OF COUNCIL**

**MOVED by Councillor Kent, seconded by Councillor Younger, that Harbour East Community Council:**

- 1. Approve the development agreement attached to the staff report as Attachment A to permit a day care facility for 14 children to operate from the existing residential accessory building.**
- 2. Require that 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.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**8.2 Case 00642 - Amendments to Heritage Hills CDD, Eastern Passage**

C A report dated December 14, 2004 was before Council.

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

Following clarification on a number of issues by members of Council, Councillor McInroy called for those wishing to speak either in favour of or in opposition to the proposed amendments.

**Mr. Bruce Ward**, speaking against the development stated he felt it would remove the green space and expressed concern with traffic. He indicated this would be crowding small lots together. He noted that although there are fewer lots to be built in the vicinity of his home, there are more lots to be developed as a result of the amendment and a major change from the original plan.

**Ms. Vicky Harvey**, representing Dale Wilson, made a presentation in opposition to the

proposed amendments.

**Mr. Mike Myers**, stated the proposal only provides for one small playground. He said he is concerned with the availability of enough space for the children to play. He advised he lives in the vicinity of Smelt Brook and noted there have been floods in the area which may affect some of the proposed lots.

**Mr. Kevin Campbell**, expressed concern with the potential for additional traffic as well as availability of playground facilities. He noted that at certain times of the day traffic gridlocks as a result of the school dismissal. He stated that this is not what the residents expected with the original proposal and not what they expect now. He requested Council not approve the proposed amendments.

**Mr. Matthew Johnson**, noted there has been concern in the neighbourhood with regards to traffic congestion. He stated development for the sake of development is not acceptable. He noted the playgrounds do not have adequate equipment. What is being proposed with this amendment is not beneficial to the community and once completed the residents will be left to deal with the result.

**Mr. Paul Baldwin**, stated he assumed the houses in this area would be larger and expressed concern that this development would have the effect of devaluing the current housing stock. There is a concern with traffic on Cow Bay Road and Heritage Hill Drive. He recommended Council not approve this proposal.

**Mr. Dave Pulsifer**, noted there are people moving out of the neighbourhood because of the proposed development. The schools are currently overcrowded and this will only add to the problem and may have an effect on where children go to school.

**Mr. Edward Flemming**, speaking against the proposal stated it would have a direct effect on him as his property will back on this development. He expressed concern with the potential for increased traffic and the increased requirement for sewer and water capacity. He also expressed concern that this proposed development will have an adverse effect on the brook. He advised bussing to the schools is a problem with overcrowding.

A resident spoke in favour noting this proposal would provide additional affordable housing in the area.

**Mr. Shalom Mandaville**, addressed the issue of the concerns with the brook noting a number of studies are available to ensure the continuation of the viability of the brook.

**Ms. Norma Sevrenson**, expressed concern with safety, noting there is no sidewalk in the

area and there is a high volume of traffic on Samuel Daniel Drive. She questioned whether the storm water area will be fenced to allow for a trail for the children. She also expressed concerns with regards to environmental impact on the wildlife in the area. She noted there is also a concern with how the current schools will be able to accommodate the possible increase in the student population.

**Ms. Elizabeth Martin**, stated she believes in the preservation of the brook as well as having enough room for the children to play. She noted traffic is a big issue but feels this is a done deal. She expressed concern that the traffic impact cannot be measured until the houses are built. She expressed concern that housing values will decrease.

**Mr. Derek MacIsaac**, spoke in favour of the proposal stating he was never misled on the number of homes nor the quality of those homes. He said they are starter homes and an investment. He stated traffic has never been an issue or problem with him.

**Mr. Doug Forbes**, stated the homes sell quickly and are affordable. He noted houses are continuing to be built in the area and new construction brings the value of the properties up. He stated Heritage Hills provides an affordable starter home for people.

**Mr. Steve Angle**, submitted a petition in favour of the development.

**Mr. Bruce Haige**, spoke in favour of the development, noting there is a need for a traffic light to address the traffic concerns. He commended the developer for providing the current housing mix.

**Ms. Christine Baldwin**, stated traffic can be a concern on bad weather days and if there is more development then there will be more problems.

**Mr. Robert MacPherson**, representing Anahid Developments, stated that when this development was approved it was deemed that the services were available. He stated Anahid Developments feel they have meet the MPS policy requirements for sewer capacity. He noted a flow monitoring has been done at the school as well as throughout the subdivision to determine the impact. He advised Redbook standards for engineering will be part of this amendment. He advised Anahid Developments has worked with HRM staff to meet the needs of the community as a whole.

Councillor McInroy 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 UNANIMOUSLY.**



**DECISION OF COUNCIL**

**MOVED by Councillor Kent, seconded by Councillor Younger, that the Harbour East Community Council:**

- 1. Approve the amendments to the development agreement as shown in Attachment D of the staff report dated November 26, 2004 to permit semi-detached dwellings and small lot single unit dwellings in Phases 7, 8 and 9 of the Heritage Hills CDD.**
- 2. Require the amending 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 Kent stated that from the perspective of a resident of Eastern Passage the development of Heritage Hills has been a difficult ten years. When developers come into the community they come in with the intent to further their business. With a development plan comes an expectation of good faith and professionalism when dealing with the public interest. The experience of Heritage Hills subdivision has, from her perspective, been very professional but has been a disappointing process for the community. This development was proposed to be a balanced mixture of varying sizes of homes meant to address affordable starter houses, medium size homes and larger family homes for upgrading within ones own community. Repeatedly this plan was asked to be changed and repeatedly the plan was amended and slowly the community became predominantly starter homes. There are limited homes that families can upgrade to and many families will have to leave to provide adequate growing space for their growing family needs.

The Councillor stated this subdivision has more than its fair share of the smaller starter homes. The provision for land dedication was retracted on occasion. Sidewalks, traffic concerns and safety were all retracted later in the development to get approval for smaller lots. She stated she cannot ignore the continued disregard for the very real, practical and serious concerns of the residents in the community.

Councillor McCluskey stated her concerns were with the traffic and playground situation as well as the parkland and environmental concerns regarding smelt brook. She expressed concern that there may not be enough sewer capacity to deal with this much more development as well as the effect the smaller lots and homes will have on the value of the current properties.

**MOTION PUT AND PASSED.**

Following the motion, Councillor Kent gave Notice of Reconsideration. Subsequent to the meeting, the Municipal Solicitor advised that a Notice of Reconsideration cannot be given on this matter.

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Correspondence - None**

**9.2            Petitions**

Councillor McCluskey served a petition on behalf of the residents of Lorne Avenue bordering Oathill Lake re snow removal operations. The Councillor requested a staff report be provided addressing the concerns of the residents.

**10.            REPORTS**

**10.1            Case 00739 - Application to Rezone portions of Shubie Park**

C        A report dated January 20, 2005 was before Council.

**MOVED by Councillor Younger, seconded by Councillor Smith, that Harbour East Community Council move first reading of the proposed rezoning and schedule a public hearing for March 3, 2005. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2            Morris/Russell Lake Master Plan**

**MOVED by Councillor Karsten, seconded by Councillor Younger that the Harbour East Community Council recommend:**

- 1.        Halifax Regional Council approve the revised Morris-Russell Lake Secondary Planning Strategy recommended by the Public Participation Committee.**
- 2.        The Public Participation Committee's recommendations be amended to include the amendments outlined by staff in the discussion portion of the staff report dated January 26, 2005.**
- 3.        Further, Caldwell Road be maintained with the section from Altholea Drive to Portland Street remaining a minor collector and from Altholea Drive to Eastern Passage being a major collector.**

**MOTION PUT AND PASSED.**

**11.            MOTIONS**

**MOVED by Councillor Smith, seconded by Councillor McCluskey, that planning staff be requested to start the process to change the zoning on 10 Springhill Road from R-3 back to R-2. Further, staff to look at the appropriateness of putting a line in the MPS for Dartmouth that would indicate the intent of the Tufts Cove plan. MOTION**

**PUT AND PASSED UNANIMOUSLY.**

**12. ADDED ITEMS**

**12.1 Councillor Younger - Changes to Development Agreement for Penhorn Drive at Woodlawn Mall**

**MOVED by Councillor Younger, seconded by Councillor Smith, that staff be requested to initiate the process of examining the process to amend the development agreement for Dartmouth Dodge as it relates to traffic calming on Penhorn Drive.**

Councillor Younger requested the report address the following:

1. The cost of removal of the traffic calming device
2. The process by which the Development Agreement can be amended as indicated
3. The appropriate process to survey residents in the area about the removal of the device
4. Any requirement for a Public Information meeting
5. The impact on traffic flows so that this can be communicated to residents for their consideration
6. The opinion of police/traffic as to whether the traffic device is serving any purpose and whether it is obeyed
7. The installation of "no-left turn" signs at the exits of Dartmouth Dodge

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Councillor McCluskey - Maynard Lake Beach, Dartmouth**

Councillor McCluskey requested a staff report regarding the reopening of a supervised beach at Maynard Lake preferably with the commencement of the 2005 swimming season.

**12.3 Case 00635 - Amendments to Development Agreement - 3 Bruce Street, Dartmouth**

C A report dated January 27, 2005 was before Council.

Councillor Younger advised the current zoning and the current Dartmouth MPS does not allow the operation of the delivery service that is being run from the location. The Councillor stated he would be moving an alternative recommendation, noting staff have indicated they will not be supporting the recommendation when it comes before Regional Council.

**MOVED by Councillor Younger, seconded by Councillor Karsten, that Harbour East Community Council recommend to Regional Council that a site specific amendment**

**be considered to allow the current operations of 3 Bruce Drive with strict conditions on the distribution and warehousing as well as lot maintenance and improvements and that a full public consultation process be included as part of this procedure.**

Mr. Jim Donovan, Planning Services, stated the initial application was to amend the existing development agreement; however, upon further examination it was determined that the property owner was distributing pizza boxes, meats, etc to other pizza shops throughout metro which is an element of warehousing and distribution. He advised there is no ability under the Dartmouth MPS for consideration of this aspect of the business. The alternative to the staff recommendation is to advance to Regional Council changes to the MPS policies that would allow the use.

Councillor Kent noted that warehousing and distribution activities are not permitted under the Dartmouth MPS and this would have the effect of validating of breaking rules which has the potentially to negatively impact the neighbourhood.

Councillor Younger noted the operation has been ongoing and the owner was not aware that it was not a permitted use until he applied for a permit to build an addition onto the property.

The Councillor noted many of the Dartmouth meat markets are in a similar situation and they would be breaking the law. He noted that under the Dartmouth MPS the only place this type of operation would be legal would be in Burnside.

Councillor Younger stated he was suggesting is that the process be initiated and Regional Council would have to decide whether it is appropriate to continue the process.

Councillor Smith stated he did not agree with changing the rules to create a situation where there is acceptance of an illegal use; however, perhaps the community should be consulted on what they want.

Councillor Kent stated she would support the recommendation although it may be precedent setting.

Councillor McCluskey stated she would support the recommendation because the residents are not against it.

**MOTION PUT AND PASSED UNANIMOUSLY.**

**12.4 Councillor Karsten - Morris Lake Estates CDD Amendment**

**MOVED by Councillor Karsten, seconded by Councillor Younger, that a staff report be requested with regards to amending the Morris Lakes Estates CDD with respect**

to allowing more flexibility with respect to driveway widths. **MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION - NONE**

**14. PUBLIC PARTICIPATION**

Mr. Shalom Mandaville spoke in support of the request by Community Council for the reopening of the beach at Maynard Lake.

The owner of the meat market on Bruce Street noted he was not aware he was violating municipal regulations and any violations had been addressed as soon as they were brought to his attention. He thanked Councillor Younger for putting the request forward and Community Council for their support.

Mr. Al Hirtle noted truck traffic concerns on Belmont Avenue.

Mr. Phil Brown, speaking on behalf of the Central Dartmouth Neighbourhood Association, expressing concern with regards to snow removal near bus shelters and requested that any new contract negotiations with regards to snow removal include a clause requiring snow removal from bus shelter, the sidewalk in front and the curb area.

**15. NEXT MEETING**

The next meeting is scheduled for Thursday, March 3, 2005.

**16. ADJOURNMENT**

The meeting was adjourned at 10:25 p.m.

Julia Horncastle  
Legislative Assistant