

**HARBOUR EAST COMMUNITY COUNCIL  
MINUTES  
April 7, 2005**

**PRESENT:** Councillor Jim Smith, Acting Chair  
Councillor Gloria McCluskey  
Councillor Andrew Younger  
Councillor Bill Karsten  
Councillor Becky Kent

**ABSENT WITH  
REGRETS:** Councillor Harry McInroy

**STAFF:** Ms. Sherryl Murphy, Legislative Assistant

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**1. CALL TO ORDER**

The meeting was called to order at 7:05 p.m.

**PRESENTATION**

Councillor Jim Smith, Acting Chair, presented a Certificate of Appreciation to the members of the Morris/Russell Lake Public Participation Committee for their work and dedication. Members of the Committee were given a round of applause.

**2. APPROVAL OF MINUTES - March 3, 2005**

**MOVED by Councillor McCluskey, seconded by Councillor Karsten that the minutes of the April 7, 2005 meeting of Harbour East Community Council, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**Additions:**

12.1 Appointment to Capital District East Business Commission - Councillor McCluskey

12.2 Control of Lake Water Levels for Lake Micmac and Lake Charles

**MOVED by Councillor Kent , seconded by Councillor Younger that the agenda, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

**4.1 STATUS SHEET ITEMS**

**4.1.1 Harbour East Community Council Meeting Locations**

- An information report dated March 22, 2005 from Jan Gibson, Municipal Clerk, was before Community Council for consideration.

Community Council agreed to defer consideration of this matter pending Councillor McInroy being present.

**4.1.2 10 Springhill Road Rezoning**

There was no information received regarding this item. This matter will remain on the status sheet.

**4.1.3 Changes to Development Agreement - Penhorn Drive at Woodlawn Mall**

There was no information received regarding this item. This matter will remain on the status sheet.

**4.1.4 Maynard Beach, Dartmouth**

There was no information received regarding this item. This matter will remain on the status sheet.

**4.1.5 Gentleman's Club - 70 Windmill Road**

There was no information received regarding this item. This matter will remain on the status sheet.

**4.1.6 Service Building - Cole Harbour Commons**

There was no information received regarding this item. This matter will remain on the status sheet.

**4.1.7 Servicing Plan for Ball and Sports Fields in the HECC Area**

There was no information received regarding this item. This matter will remain on the status sheet.

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** -None

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

8. **PUBLIC HEARINGS** - None

9. **CORRESPONDENCE AND DELEGATIONS**

9.1 **Correspondence** - None

10. **REPORTS**

10.1 **Case 00729: Request to Amend the Municipal Planning Strategy for Eastern Passage/Cow Bay**

- A staff report dated February 25, 2005 was before Community Council for consideration.
- A document entitled "What is to Happen if Road Reduction is approved from 200' to 125' from Mr. Arthur Rhyno, President, Silver Sands Realty, was circulated to members of Community Council.

Mr. John MacPherson, Planner, briefly reviewed the proposal by Silver Sands Realty Ltd. to amend the Municipal Planning Strategy and Land Use By-Law proposal to relax growth management measures and to permit single unit dwelling lots of lesser frontages on lands proposed for the Silver Sands Golf Course. Mr. MacPherson responded to questions from members of Community Council.

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

1. **Not initiate amendments to the growth management measures of the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law and former Halifax County Subdivision By-Law to increase the rate of subdivision permitted within the Rural Area Designation from one lot per year per area of land to five lots per year per area of land.**
  2. **Not initiate amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law to reduce minimum lot frontages for lots in the Rural Area Zone from 200 to 125 feet.**
- **Direct that staff not entertain further requests to amend Municipal Planning Strategies and Land Use By-Laws which propose changes to Interim Growth Management measures or community based growth control standards pending adoption by Regional Council of the proposed Regional Plan.**

Following a brief discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

**10.2 Planning Advisory Committee - Harbour East Community Council**

- A staff report dated February 28, 2005 was before Community Council for consideration.

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

1. **Approve the Terms of Reference attached to the February 28, 2005 staff report for a new Harbour East Planning Advisory Committee that would provide advice for all areas of the Harbour East Community Council.**
2. **Disband the current Harbour East Planning Advisory Committee which provides advice for the Cole Harbour/Westphal and Eastern Passage/Cow Bay plan areas.**
3. **Instruct the Municipal Clerks' office to advertise for expressions of interest for citizens wishing to serve on the Committee and report back to Community Council with the results.**

Councillor Kent asked the impact of establishing this PAC on the establishment of a more local planning group within a District. Mr. Jim Donovan, Manager, Planning Applications, explained that Harbour East Community Council can appoint a PPC or a CDD if a planning matter is considered to be significant. He went on to refer to the Morris Lake Public Participation Committee as a very good example of a more localized participation body.

A brief discussion ensued regarding the membership of the Committee and it was **MOVED by Councillor Younger, seconded by Councillor McCluskey that the motion be amended to provide that the six community citizens referred to in the Terms of Reference be appointed as one from each of the six Harbour East Community Council Districts.**

**MOTION TO AMEND WAS PUT AND PASSED UNANIMOUSLY.**

In response to whether or not the sitting Harbour East Community Council Planning Advisory Committee had been advised of the proposed course of action, Mr. Donovan

noted that he did not believe there had been any official notification. He went on to suggest that recognition of the existing members would be appropriate.

**MOVED by Councillor Kent, seconded by Councillor McCluskey that consideration of this matter be deferred pending the existing Committee being advised of the recommended course of action. MOTION TO DEFER PUT AND PASSED UNANIMOUSLY.**

### **10.3 Community Council Recreation Fund Pool**

Mr. Blair Blakeney, Coordinator, Capital Projects - Parks, briefly reviewed the new Building Communities Capital Fund. He noted that the Fund was made up of \$25,000 per District but was allocated to the Community Council as a whole rather than to a particular Councillor. Mr. Blakeney went on to advise that Community Council may agree to utilize these funds on a \$25,000 per District basis or may look to utilize the monies for a larger project within the Community Council area. All expenditures from the fund must be approved by Community Council. Mr. Blakeney confirmed that the monies were specifically directed to parks and recreation uses. He also confirmed that the monies would be allocated in future budgets.

**MOVED by Councillor Kent, seconded by Councillor McCluskey that further consideration of this matter be referred to an informal meeting of Harbour East Community Council. MOTION PUT AND PASSED UNANIMOUSLY.**

### **10.4 MEMBERS OF COUNCIL**

#### **10.4.1 Councillor Smith**

##### **(i) Street Lighting - Slayter Street**

Councillor Smith indicated that Slayter Street is a street which runs parallel to Victoria Road from Thistle Street to Albro Lake Road. Five blocks of Slayter Street do not have street lighting while the remainder of the street (from Woodland Avenue to Thistle Street) is adequately lighted. The Councillor indicated that he has made requests for street lighting, however, these have not met with success. Councillor Smith also expressed concern regarding some large trees that may cause problems. He further noted that the owner of a recently vandalized property attributes the vandalism to the lack of lighting in the area. Councillor Smith indicated that he would like staff to report with regard to this matter.

**MOVED by Councillor McCluskey, seconded by Councillor Younger that staff investigate and provide a report regarding the cost of street lights and poles for the**

**five blocks of Slayter Street between Thistle Street and Albro Lake Road and that staff also identify the source of funding.**

**MOTION PUT AND PASSED UNANIMOUSLY.**

**(ii) Development Agreements for Institutional Purposes**

Councillor Smith referred to instances in which mosques and churches have appeared without warning in residential areas. The Councillor indicated that these institutional uses are allowed as of right. Although he had no difficulty with these institutional uses, HRM has no control over such things as the architecture of the building, the parking and the landscaping. Councillor Smith indicated that he would like have staff investigate whether facilities such as schools, medical centers, family centers, day cares and non-profit facilities could be subject to a Development Agreement.

**MOVED by Councillor Younger, seconded by Councillor Kent that staff provide a report regarding the possibility that institutional uses such as churches, schools, medical centres, family centres, day cares and non-profit facilities which locate in residential areas be required to do so by Development Agreement . MOTION PUT AND PASSED UNANIMOUSLY.**

11. **MOTIONS** - None

12 **ADDED ITEMS**

12.1 **Appointment to Capital District East Business Commission - Councillor McCluskey**

- This matter was added during the setting of the agenda.

**MOVED by Councillor McCluskey, seconded by Councillor Kent that Harbour East Community Council appoint Paul Bembridge to the Downtown Dartmouth Business Commission.**

Following a brief discussion, Councillor Younger indicated that it would be helpful in future for the Community Council to have a written recommendation regarding appointments.

**MOVED by Councillor Kent, seconded by Councillor Younger that staff provide a report outlining the various appointments which potentially could come before the Harbour**

**East Community Council and the role of the Community Council in regard to each.  
MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2 Lake Levels – Lake Micmac and Lake Charles**

- This matter was added during the setting of the agenda.

Councillor Younger expressed concern regarding the fluctuations in the levels of both Lake Micmac and Lake Charles. He went on to note that Lake Micmac had dropped approximately one foot the night of April 6, 2005. Councillor Younger indicated that he been unable to ascertain who is responsible to regulate the levels.

**MOVED by Councillor Younger, seconded by Councillor McCluskey that staff provide a report regarding who is responsible for lake levels in Lake Micmac and Lake Charles, including how lake levels are regulated, the parameters for altering the level of the lakes, and who is responsible to regulate those levels. MOTION PUT AND PASSED UNANIMOUSLY.**

**13. NOTICES OF MOTION - None**

**14. PUBLIC PARTICIPATION**

**Reg Jones, Dartmouth**

Mr. Jones expressed concern that meetings of the Dangerous and Unsightly meeting scheduled in February and March were cancelled due to lack of a quorum.

Councillor Smith thanked Mr. Jones for his comments and noted that Council shares those concerns. He went on to indicate that efforts are being made to ensure this Committee operates more effectively.

**Gerry Perusse, representing Citizens for Brightwood**

Ms. Perusse indicated that the Citizens for Brightwood are group of residents who are very concerned regarding the proposed development of the Brightwood Golf Course. She noted that the group had been established approximately one year ago and had organized as a Society in the past month. The Society presently has approximately 140 members living within two or three streets of the golf course, but anticipate membership will grow based upon interest.

Ms. Perusse indicated that although the land transaction is private, this land is in the public domain based upon its zoning as Parkland. She went on to indicate the lands has been a beloved public park for nearly 30 years and the property has been exempt from taxes during that time. Consequently residents believe their should be significant public involvement in the Development Agreement. Ms. Perusse requested that a Citizens Advisory Committee be established for the development in which the Society would participate.

Ms. Perusse noted that should the proposed development occur there will be a loss of green space and an impact on traffic patterns, schools, infrastructure and the environment. In fact, due to the size of the development there will be a substantial impact on all of downtown Dartmouth. Ms. Perusse indicated that the group is heartened by the Morris Russell Lake Public Participation Committee and the input that Committee had to the Development Agreement. Ms. Perusse went on to note that she was somewhat concerned regarding the possibility of a participation group having to report through a Planning Advisory Committee. Ms. Perusse submitted a copy of her presentation for the record.

In response to a question from Councillor Karsten, Councillor Smith noted that no action will be taken until such time as a development application has been submitted.

### **Arthur Rhyno, Dartmouth**

Mr. Rhyno advised that he was the owner of the Cow Bay property discussed earlier in the meeting. Referring to the Development Agreement for the 34 cottages, Mr. Rhyno noted that the cottages were 1220 square feet. Mr. Rhyno commented that staff of HRM have implied that it is impossible to enforce the seasonal requirement.

Mr. Rhyno indicated that he has deleted his request for the increase to the rate of subdivision from one lot to five lots from his application, and is now only asking for a reduction in the road frontage. He went on to note that the reduction of the road frontage would only result in an additional 29 lots. Mr. Rhyno indicated that, based on his research, there are 300 lots in Cow Bay that have 125 feet of road frontage or less. He went on to indicate that he has petitioned the area and have a number of signatures in favour of his application.

Mr. Rhyno went on to note that a 125 feet of frontage meets Department of Environment standards and under the previous Municipal Planning Strategy the standard was 100 feet. Referring to the integrity of Cow Bay, Mr. Rhyno indicated that he was asking for approximately 29 lots and his property would be compatible with the existing community. He indicated that he did not believe that Cow Bay would be impacted by the Interim

Growth Management Plan. In closing, Mr. Rhyno offered to review with Councillors the information he had mapped and thanked them for the opportunity to speak.

Councillor Kent clarified that the recommendation to Council made tonight was based on the proposal on record. She went on to indicate that Mr. Rhyno should contact staff regarding the change in his application.

### **Danny LaFitte, Eastern Passage**

Mr. LaFitte addressed Council noting that he had purchased a piece of land in Eastern Passage 20 years ago. He went on to indicate that he had been planning to sell the property this year only to find out that a Provincial conservation zoning which cuts through the land, has been rendered it almost worthless. Mr. LaFitte indicated that he not personally been notified of the zoning change. He went on to note that he had been advised by Councillor Kent that his only option was to bear the expense of an assessment of the land. The property has been designated Conservation/Environmental Land even though a dump had been located there for 40 years. Mr. LaFitte indicated that the dump had been used up until 15 to 20 years ago. He commented that the land was probably quite polluted and that to get this land settled would probably cost more money than he could afford. He asked what action he might take at this juncture.

Councillor Kent explained that Mr. LaFitte had recently brought his concerns to her and she had investigated that matter through staff. She indicated that she was of the understanding that during an assessment of those lands the Province had designated the lands Environmental, Protected Conservation Lands. The Councillor noted that if a land owner had significant reason to believe the land was improperly designated, then it would be the responsibility of a landowner to do a study and provide the data to consider a change to the zoning. Councillor Kent indicated that the process for designation is very thorough and there are very stringent regulations after designation. One of the protections within of the designation is that the landowner must prove there is an error. Councillor Kent encouraged input from the other members of Community Council with regard to how to proceed.

A brief discussion ensued with Councillor Smith suggesting that the landowner contact his Member of the Legislative Assembly with regard to this matter.

15. **NEXT MEETING** - May 5, 2005

16. **ADJOURNMENT**

There being no further business, the meeting adjourned at 8:50 p.m.

Sherryl Murphy  
Legislative Assistant