

HARBOUR EAST COMMUNITY COUNCIL
ANNUAL MEETING
NOVEMBER 12, 1998
MINUTES

PRESENT: Councillor Ron Cooper, Chair
Councillor Clint Schofield, Vice Chair
Councillor Jack Greenough
Councillor Condo Sarto
Councillor Bruce Hetherington
Councillor John Cunningham

ABSENT: Councillor Harry McInroy

STAFF: Mr. Barry Allen, Municipal Solicitor
Mr. Kurt Pyle, Planner
Mr. Roger Wells, Planner
Mr. Dave McCusker, Traffic Authority
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

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

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

The Clerk requested election of Chair and Vice Chair was moved to before item 11.

The Clerk requested Item 10.1 be moved forward on the agenda.

The Clerk requested Item 10.3 be moved up on the agenda after item 10.1.

Councillor Greenough requested approval of and area rate to District 6.

MOVED by Councillors Hetherington and Greenough that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

2. APPROVAL OF MINUTES

MOVED by Councillors Greenough and Hetherington that the minutes of October 15, 1998 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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 - NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE

10. REPORTS

10.1 Atlantic Basketball Association Proposal - Alderney Drive

MOVED by Councillors Cunningham and Sarto that this item be deferred for one month. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Establishment of a Policy Framework to Guide Future Development with the Morris-Russell Lake Area

Mr. Roger Wells, Planner, with the aid of overheads, presented the report.

At the request of Councillor Hetherington, Mr. Wells, with the aid of an overhead, indicated those land presently zoned CDD.

In response to Councillor Sarto, Mr. Wells advised there have been some changes made to the CDD policy criteria dealing with density and small lot development. On further question, Mr. Wells clarified that the policy set would apply throughout all lands designated CDD within the area - 270 acres. He further stated that the CDD criteria that is being proposed will actually be a former city wide or plan area application.

In response to Councillor Sarto, Mr. Wells advised staff did not get into detailed discussions with regards to the concept plan. He stated if these proposed amendments are approved by Regional Council, then the developer would be enabled to come in with a detailed development scheme for the 93 acres. At that time staff and the community would begin detailed deliberations as to the details of the proposed development. He further stated, according to proposed policy, when the application comes through for a CDD development, the entire land holdings needs to be looked at (the entire 270 acres) in a conceptual form and then get into very minute detail as to how the 93 acres is going to be developed. He stated in terms of the 270 staff would be looking at generalized land use categories, where the road network is going to go and how it would connect to communities and streets outside the 270 acres.

On question from Councillor Sarto, Mr. Wells confirmed that the master plan would take in the 93 acres and the additional 270 acres. He further clarified that the Public Participation Committee would also be involved in reviewing the master plan.

In response to Councillor Cooper, Mr. Wells advised the lands of CFB Shearwater are not included and if and when they are demilitarized a full MPS and LUB amendments would have to be undertaken.

On further question, Mr. Wells advised if there are any plans for building permits or tentative plans of subdivision that come in prior to the date of the first ad going in the paper advertising the amendments for the public hearing for Regional Council, they are bona fide applications and can be processed. Any application for subdivision following the first ad for public hearing would be required to meet the requirements of both the existing and proposed legislation.

Councillor Cooper confirmed it was the intention of this proposal that the lands inside the

Morris-Russel Lake area be developed on central sewer and water. The lands within the former City of Dartmouth are already within the development boundary which means full central services. All lands from Pleasant Street up to the former City of Dartmouth (the property boundary of CFB Shearwater). Also the native reserve lands on Caldwell Road are not included as the Federal Government and Native Rights are not obliged to abide by municipal plan policies.

Mr. Wells stated the document before Community Council is proposing a revised set of criteria for Regional Council consideration which provides better clarification on a number of issues, some reduction in density, some better definition of other criteria. Mr. Wells reiterated that this is city wide policy not just site specific to Morris Lake.

On question from Councillor Greenough, Mr. Wells advised that it is being suggested that the Committee, in undertaking the master plan, look at all transportation solutions to the area having taken into account the needs of the greater community plus the local neighbourhoods.

Councillor Greenough clarified that what was being suggested was that a committee be struck with the mandate of exploring all of the options and alternatives so that the residents rights can be protected. The Councillor suggested that a recommendation be forwarded to Regional Council that a CDD zoning designation be placed on the remaining lands with the clear commitment and understanding that no development proposals be entertained for those lands until such time as the master plan can be developed.

Mr. Wells stated the way the current policy reads now is that if these amendments are approved Clayton can come in with an application for its 93 acres but a committee will be struck and will look at the 270 acres in terms of road network, connections with the Bicentennial, communities and road systems. He stated what isn't in policy right now is that prior to approval of the 93 acres staff will also have determined the larger transportation plan for the bigger area.

Councillor Cunningham questioned whether bringing the lands of the former Halifax County under the Dartmouth plan give any greater control over these lands. In response, Mr. Wells stated the service boundary is the major item with respect to bringing these lands into the Dartmouth plan area. The other matter is for consistency and continuity. If this area is to develop under a consistent policy set it is much easier administratively to deal with it in one plan area as opposed to having to deal with it in two plan areas and two separate sets of policies.

Councillor Cunningham clarified that all lands not currently zoned CDD will be zoned CDD.

Mr. Wells stated it gives the policy guidance in terms of undertaking a master plan as it

sets the framework. It automatically and immediately prohibits the properties from being developed on an as of right basis. CDD also institutes the fact that a public participation committee has to be set up for any negotiations for any development which will also require a separate public hearing before going to Council.

Councillor Hetherington stated traffic is a major concern to the residents of this development and placed the following motion on the floor:

MOVED by Councillors Hetherington and Greenough whereas there is a fear that the quality of life of the existing neighbourhood of Portland Estates will be impacted by the large amount of traffic from other areas be it therefore resolved that Portland Estates Boulevard and Portland Estates Boulevard West be designated local residential collectors and that no connection from Caldwell Road to Portland Estates subdivision and that Portland Estates Boulevard West not be extended until the Shearwater connector road is built from Caldwell Road to Highway 111.

Mr. Larry Worthen, Portland Estates Residents Association, reading from prepared text made a presentation to Council. Mr. Worthen submitted a petition on behalf of the residents of Portland Estates. He stated they would like to see a section in the CDD plan that would give flexibility to Council that where the proposed development will have a negative impact on the quality of life of the existing neighbourhoods then Council would have the discretion to reduce the maximums allowed. He expressed a number of concerns relative to the lands being developed as CDD and outlined suggested amendments the residents would like to see incorporated into policy.

Mr. Joe Mason, Inishowen Subdivision Residents Association, addressed Council expressed concern that the motion on the floor will limit the public participation committee.

Mr. Mike Willett, Clayton Developments, stated they are in favour of looking at the traffic concerns. He stated there needs to be a framework to start negotiations on the development of a CDD proposal. He agreed that CDD development would afford protection to the lakes. He suggested a time frame be placed on the development of the Master Plan.

On question from Councillor Greenough, Mr. Wells advised it would be the intention to initiate the development plan immediately after approved of the policy set by Regional Council. He stated it is the intention of staff to have the Master Plan for the Morris Lake area completed within a year.

Mr. Wells stated staff is suggesting the transportation component of the Master Plan be completed prior to the approval of the 93 acres.

MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillors Greenough and Sarto that the recommendations of the Harbour East Planning Advisory Committee, excluding road development, as outlined in the staff report dated, November 5, 1998, (attachment 2) be referred to the Public Participation Committee for consideration and recommendation to Regional Council. **MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillors Hetherington and Schofield that the transportation component must be addressed before the 93 acres can proceed. **MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Greenough clarified that it is understood that the transportation component of the Master Plan will be given priority.

MOVED by Councillors Hetherington and Greenough that Policy H3(b) be amended to read *"in addition to the provisions of Policy H3(a) Council shall consider the following prior to approving any agreement within a CDD: (a) the impact the proposed development may have on the quality of life of existing neighbourhoods and not withstanding criteria b, d, i and j, Council may reduce the maximum allowable under the sections to protect the quality of life of residents of existing neighbourhoods"*. **MOTION PUT AND PASSED.**

MOVED by Councillors Greenough and Schofield that Harbour East Community Council forward the staff report dated, November 6, 1998 to Regional Council for a Public Hearing including consideration of the motions from the Harbour East Community Council. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.2 Portland West CDD - Modifications

MOVED by Councillor Greenough and Schofield that the report be received. **MOTION PUT AND PASSED UNANIMOUSLY.**

10.4 By-Law Enforcement - Setbacks and Sideyard Clearance for Storage Sheds - Councillor McInroy

As Councillor McInroy was not in attendance, it was agreed to defer the item to the next meeting.

10.5 Consolidation of Lakes of Harbour East Under One Advisory Board - Councillor Cooper

Councillor Cooper requested this item be deferred to the next meeting.

10.6 Appointments to Grants Committee

MOVED by Councillors Hetherington and Cunningham that Councillor Schofield be appointed to the Grants Committee. MOTION PUT AND PASSED UNANIMOUSLY.

10.7 Appointments to the Membership Selection Committee

MOVED by Councillors Cunningham and Hetherington that Councillor Greenough be appointed to the Selection Committee. MOTION PUT AND PASSED UNANIMOUSLY.

11. ELECTION OF CHAIR AND VICE-CHAIR

MOVED by Councillors Cunningham and Greenough that Councillor Bruce Hetherington be nominated as Chair, effective December, 1998.

MOVED by Councillors Greenough and Sarto that nominations cease. MOTION PUT AND PASSED.

MOVED by Councillors Sarto and Schofield that Councillor Harry McInroy be nominated as Vice Chair, effective December, 1998.

MOVED by Councillors Hetherington and Greenough that nominations cease. MOTION PUT AND PASSED.

Councillor Hetherington thanked Councillor Cooper for his work as Chair over the past year.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Approval of Area Rate to District 6 - Councillor Greenough

MOVED by Councillors Greenough and Sarto that Harbour East Community Council approve the establishment of an area rate for District 6 to recover the local improvement charges for the up grade from asphalt to concrete for sidewalk, curb

and gutter construction on Waverley Road. **MOTION PUT AND PASSED.**

13. **NOTICES OF MOTION - NONE**

14. **PUBLIC PARTICIPATION - NONE**

15. **ITEMS FOR NEXT AGENDA**

16. **NEXT MEETING**

The next meeting is scheduled for Thursday, December 10, 1998.

17. **ADJOURNMENT**

MOVED by Councillors Greenough and Sarto that the meeting be adjourned at 9:15 p.m. **MOTION PUT AND PASSED.**

**Julia Horncastle
ASSISTANT MUNICIPAL CLERK**

