

HARBOUR EAST COMMUNITY COUNCIL

MINUTES

JANUARY 7, 1999

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

ALSO PRESENT: Barry Allen, Municipal Solicitor
Donna Davis-Lohnes, General Manager, Planning Applications
Roger Wells, Regional Coordinator, Planning Services
Susan Wells, Planner

Sandra Shute, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. in the former Dartmouth City Hall Council Chambers. Prior to the Invocation, Councillor McInroy advised that Harold Northrup, was recently honoured with the Governor General's Outstanding Caring Canadian Award. He acknowledged Mr. Northrup's contributions to his community over the years and presented, on behalf of Community Council and Halifax Regional Council, a Certificate honouring the occasion of the receipt of the Governor General's Award.

2. **APPROVAL OF MINUTES - NOVEMBER 12, 1998**

MOVED by Councillors Cooper and Greenough to adopt the Minutes of meeting held on November 12, 1998 as circulated. MOTION PUT AND PASSED.

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

Councillor Cunningham - Defer again Item 7.1 - Atlantic Basketball Association Proposal for Alderney Drive - for another month

Added Items: Harbour East Commercial Review - Home Depot - Councillor Greenough
Ballfields - Councillor Cooper

MOVED by Councillors McInroy and Greenough to approve the Order of Business as amended. 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**

7.1 **Atlantic Basketball Association Proposal - Alderney Drive**

Deferred for another month.

7.2 **By-Law Enforcement - Setbacks and Sideyard Clearance for Storage Sheds**

Councillor McInroy expressed concern with lack of enforcement with regard to the location of accessory/auxiliary buildings, particularly storage sheds, as we see increasingly more and more undersized or small lots. Sheds end up adjacent to each other or fences or buildings. There is a requirement for a 4' sideyard setback clearance and sometime in October a By-law Enforcement Officer checked two streets and there were 30+ storage sheds and all but two or three of them were in violation of the zoning requirement with regard to setback. While this might seem a trivial matter, the main concern is the requirements should be revisited for setback - either make the zoning requirements appropriate for the use or enforce what we have - as there is absolutely no point in having a requirement that is meaningless. Additionally, as part of this the requirement prohibiting accessory buildings on the front yard of residential property should be reviewed as it apparently permitted and it may well be that with the onslaught of these postage size lots it may become an option to some people.

MOVED by Councillors McInroy and Greenough that staff be requested to prepare a report in this regard. MOTION PUT AND PASSED.

7.3 Consolidation of Lakes of Harbour East under One Advisory Board

Councillor Cooper explained that there are currently several bodies looking at the advisory portion of lake use, etc. within the Harbour East area and was requesting that staff provide a report on the advisability of having all of the lakes within the Harbour East area, with the exception of Lake Major, handled by one Advisory Board. He recognized that staff was considering this but felt it was important that it be addressed in the near future due to development and the ways that lakes are being used now. It would be beneficial to have a uniformity of regulations in the Harbour East area considering what Dartmouth has been able to achieve re boat use.

MOVED by Councillors Cooper and Cunningham that a report be provided by staff on the advisability of having all the lakes in the Harbour East area under one advisory board with the exception of Lake Major.

Councillor Cunningham requested that staff also provide information on the number of lakes that would be under consideration in the Harbour East area and the problems that may be associated with these.

Councillor Schofield pointed out that Dartmouth Lakes Advisory Board had previously offered to advise re any of the lakes in Harbour East but the Halifax County Watershed Board did not want that to happen.

Councillor Greenough suggested that the Dartmouth Lakes Advisory Board needs to be consulted prior to preparation of the report to allow for comments from them.

Councillor Hetherington pointed out that Dartmouth Lakes Advisory Board has already been expanded because it now takes in the whole of Morris Lake whereas before it only covered the former Dartmouth side of the lake.

Councillor Cooper added that there would only be three or four lakes involved since the Lake Major Watershed Advisory Board was looking after Lake Major.

MOTION PUT AND PASSED.

8. PUBLIC HEARINGS

8.1 Case No. DA-DAR-02-98-06 - Development Agreement for 6 Admiral Street, Dartmouth

A Staff Report dated December 22, 1998 was before Community Council. Susan Corser, Planner, with the aid of overheads, provided an overview of the Staff Report. Staff was recommending approval of the Development Agreement.

In response to Councillor Cunningham, Ms. Corser advised personal care patients would be those persons who would be in need of daily care for bathing, assistance with meals, etc. On question regarding the number of parking spaces, Ms. Corser advised staff had looked at a number of municipalities in terms of seniors housing and what was required.

In response to Councillor Cunningham, Ms. Corser advised this would be a fully sprinklered building which is a requirement noting, the system has 10 inch piping to ensure adequate fire flow for this development.

In response to a question regarding parking, Ms. Corser advised there will be 35 underground parking spaces and 19 surface spaces.

Representation from Public

Mr. Ray Josey advised he is an abutting property owner and has concerns. He expressed concern with a change in project managers and start up time.

Mr. Raju, project manager, advised there are no change in plans stating, if the agreement is approved tonight, he expects the ground breaking to be before six months. He stated there are concerns with service provision. He advised the agreement states where to take the water from and the sanitary sewer to but does not state where the storm sewer should be taken. He noted the agreement states the developer is required to upgrade the water main.

In response, Ms. Corser advises the application requires the developer put in his own private sanitary and storm water which, for this project, has to go a distance to connect to existing infrastructure. That is primarily because to the east of the site there are some down stream storm water and sanitary sewer existing problems which are being addressed. She stated the objective here is not to further acerbate that problem so the sanitary and storm will go in a westerly direction to connect to the infrastructure. The upgrade is specific to central water and that is primarily to achieve adequate fire flow.

Mr. Raju stated these costs are more than they originally expected to spend and indicated that perhaps discussion may have to be held as to whether there is room for cost sharing. He queried whether a cost sharing provision could be added to the agreement stating that if other residents benefit from the installation of the services then provision should be made for cost sharing.

Councillor Greenough clarified what portion of the upgrade cost sharing was being requested for and advised that Community Council cannot deal with money matters. He noted the Community Council could approve this agreement which would not preclude the applicant from making an application to the Regional Council for cost sharing. He stated the agreement could go forward with cost sharing of the infrastructure being the responsibility of the developer. He stated any application for the upsizing of the water supply would have to be made to the Halifax Regional Water Commission not the Halifax Regional Municipality. He reiterated that Community Council is not in a position to make any amendment to the agreement that would entertain any kind of cost sharing because that is a matter for Regional Council.

Mr. Richard Kassner, Architect, advised that the size and height of this building dictates that it has to be fully sprinkled which is a code requirement. He stated due to soil conditions there will be a need for extensive excavation and as a result they are looking at extending more of the parking structure under the building rather than rebuilding the site. He referenced the services noting, more buildings could have gone on that site and the feeling is that the Municipality has an obligation to provide services to the property.

**MOVED by Councillors Cunningham and Greenough to close the Public Hearing.
MOTION PUT AND PASSED.**

Decision of Council

MOVED by Councillors Greenough and Schofield to approve the Development Agreement, attached to the Staff Report dated December 22, 1998 as Attachment #5, to permit a multiple unit seniors residence at 6 Admiral Street in Dartmouth. Further, to require the agreement be signed within 120 days, or any extension thereof granted by Community Council on the request of the applicant, from the date of final

approval by Community Council and any other bodies as necessary, whichever is later; otherwise, this approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1.1 Delegations

Ms. Jill Brogan, with the aid of overheads and slides, made a presentation on behalf of the Dartmouth Cove Residents Association regarding the residents concerns over the decline of the Dartmouth Cove area addressing the following points:

- C unsightly properties
- C noise pollution
- C air pollution
- C water pollution
- C existing industries
- C impact on residents - quality of life

Ms. Brogan outlined the following objectives:

- C raise awareness of the DCARA's concern over existing and future development plans for the Cove Area.
- C encourage Council to support viable, attractive, clean development for the Cove Waterfront in keeping with surrounding residential neighbourhoods.
- C implore Council to ensure adequate protection of residential neighbourhood's by placing sufficient controls on any new zoning or development plans.
- C encourage Council to support DOE's intent to designate sandblasting as an activity which requires approval under the Environment Act.

Ms. Brogan advised the Residents Association was making the following recommendations:

- C implement key ideas from the Sperry Plan and those for the surveys and general public
- C encourage attractive residential uses, commercial uses capitalizing on the unique waterfront/harbour view, green spaces and park land, recreational - tourist related, uses to be compatible with nearby residential neighbourhoods
- C enforce the obnoxious use bylaw for all properties, including those within the Maitland/Canal, Waterfront areas
- C eliminate the allowance of outdoor storage within the Maitland/Canal, Waterfront areas

- C support DOE's intent to designate sandblasting as an activity with requires ministerial approval under the Environment Act
- C oppose infilling of any water lot within the Cove area
- C ensure adequate protection for residents from noise, dust and unsightliness in any future development
- C encourage the removal of all derelict or unsightly vessels moored in the Cove
- C potential land swaps to relocate industry to other locations, away from residential neighbourhoods.

MOVED by Councillors Cunningham and Schofield that staff provide a report, addressing the concerns that have been expressed this evening and provide recommendations on matters that can be addressed by Community Council. Further, that copies of the information provided by Ms. Brogan be forwarded to staff for information purposes in developing a report. MOTION PUT AND PASSED.

Mr. Mitch Dickey, planner, advised staff would provide a report at the next meeting.

9.1.1 Halifax Regional Water Commission

Mr. Carl Yates, General Manager, Halifax Regional Water Commission, with the aid of overheads, made a presentation giving an overview and update on the Lake Major Treatment Plant and Transmission System.

Councillor Cunningham thanked Mr. Yates for his presentation and, on question, Mr. Yates advised everything was up and running.

Councillors commended Mr. Yates on a job well done.

Councillor Hetherington thanked Mr. Yates on his presentation.

9.2 Correspondence

9.2.1 Parking Problem - Former Park School

A letter dated November 17, 1998 from Anne Laybolt was before Community Council with regard to parking on the former Park School grounds.

Councillor Cunningham referred to the fact that this matter was discussed at the Dartmouth Common Committee, held earlier today, and suggested that the letter should be forwarded to Stephen King, Manager, Park and Natural Services to provide comment for the next meeting.

On a question from Councillor Cooper as to the status of this concern since it had previously been before Community Council, Councillor Hetherington advised that notices had been placed on cars advising there would no longer be parking permitted on the grounds but nothing else ever happened. He agreed to follow up in the morning.

9.2.2 Advertising Request from Somme Branch, Royal Canadian Legion

Councillor Hetherington read a letter regarding the Legion's 41st Bowling Tournament being held in Dartmouth and soliciting advertising by Community Council. A full page advertisement was \$100 for the seven Councillors and he offered to follow up through the Councillor Support Office if it was felt the ad would be appropriate.

MOVED by Councillors Sarto and McInroy that Councillor Hetherington liaise with the Councillor Support Office to place an advertisement as indicated. MOTION PUT AND PASSED.

9.3 Petitions

Councillor Hetherington read into the record a Petition submitted as a follow up to a presentation to Community Council previously concerning erosion problems on HRM lands adjacent to Shore Road in Eastern Passage. He subsequently requested that Councillor McInroy follow up in his District.

10. REPORTS

10.1 Local Improvement Charges Street Upgrading Works - Poplar Drive

A report dated November 16, 1998 was before Community Council.

MOVED by Councillors Cooper and McInroy to approve local improvement charge allocations for asphalt curb upgrading to concrete for the Poplar Drive upgrading project and as outlined in the report on a 50/50 cost sharing basis. MOTION PUT AND PASSED.

10.2 Ad in Seniors Information Directory and Buyers Guide

MOVED by Councillors Sarto and McInroy to place an ad in the Seniors Information Directory and Buyers Guide on behalf of Community Council at a cost of \$75 per District from the Discretionary Account. MOTION PUT AND PASSED.

10.3 Large Billboard Signs

Councillor Hetherington requested a report from staff on double billboards going up all over the former City of Dartmouth and there are about 25 licence requests. He wanted to know what could be done to stop them as they are adjacent to residential communities and they are one on top of the other. On how to slow them down.

It was further requested staff indicate or initiate height limitations in order to limit to one face/site.

10.4 Harbour East Commercial Review

Ms. Susan Corser, planner, circulated the following two reports:

- C A status report on the Harbour East Commercial Review Process stating there is more research and time needed to propose solutions and there is also a need for more community consultation.
- C A staff report dealing with specific requests dealing with the Caldwell and Cole Harbour Road areas noting these requests have been examined as part of the commercial review.

It was agreed these reports would come forward to the February meeting.

- C A copy of correspondence from Stephen Kauffman, Director of Real Estate, The Home Depot Canada and correspondence from Tom Swanson, Whitman Benn addressing the Home Depot proposal for Baker Drive Facility was circulated to Community Council.

Mr. Peter MacKeigan and Tom Swanson made a presentation on behalf of the Home Depot, Baker Drive - Dartmouth Proposal outlining the issues addressed in the above noted correspondence.

Councillor McNory stated in his opinion this application should be advanced on its own merits. Clayton Developments application is proceeding and Community Council and staff have identified and authorized two application in the CH/W plan area to proceed independent of the commercial review. Staff has since identified two others that staff are recommending be advanced on their own merits separate and apart from the commercial review underway. He stated he believes that because of the circumstances outlined in the presentation and letters received tonight that there are circumstances associated with these other situations also associated with this particular application.

Councillor Greenough stated he does not feel there is any reason to include the application in the freeze. When this matter was discussed at Community Council - the matter of concerns of the Portland Estates Residents concerning Portland Estates Boulevard becoming a major traffic street - we intended to address their concerns and in doing so, they specifically requested they be involved in the planning process in the development of a master plan. It is my understanding that we were looking at those lands to the east of the Morris/Russell Lake area not the lands adjacent to the Circumferential Highway. He stated in his opinion it is a bona fide application and therefore has the right to be processed noting, this is a significant commercial development in terms of assessment and tax revenue. He stated if the environmental concerns of residents and staff can be addressed then the project should go forward.

MOVED by Councillors McInroy and Greenough to recommend to Regional Council that Regional Council exempt the Home Depot application, Baker Drive, Dartmouth from the Policy Framework to Guide Future Development within the Morris-Russell Lake area and that the Public Hearing process for the Home Depot application be advanced at the earliest possible date.

Councillor Cunningham spoke in support of the motion to allow the process to take place.

Councillor Cooper expressed concern with the fact that the proponents had indicated they be part of the commercial strategy. He stated because of the indications of miscommunication he would be prepared to support a continuation of the development process for this particular development in the standard procedure of development agreement process subject to whatever concerns this municipality may have with regard to impact on the area and traffic etc.

Councillor Schofield spoke in support of the motion stating he would like to see the application proceed on its own merit.

Councillor Sarto spoke in support of the motion although he expressed concern as to whether this was the ideal location due to the traffic congestion on Portland Street.

Ms. Davis-Lohnes clarified that what is being suggested that staff would treat the request for this proposal like a normal CDD application and get on with the process. She stated this would also mean that if the policies pass at Regional Council, which talks about a master plan for everyone in this area, this will exempt those individuals from being a part of that process. She further clarified that Community Council was not suggesting that the CDD zone be removed or changed, it is just to get on with the application and come to a conclusion.

The Councillors agreed.

Councillor Hetherington stated this was his area and he has been working with the residents and the communities for over a year on a proper MPS strategy for this whole area. He stated there have been public hearings as well as discussions on the total land area that takes in this development. He stated he did not feel this was the proper location for the Home Depot and he stated he was speaking against the proposal.

MOTION PUT AND PASSED 6-1.

11. **MOTIONS** - None

12. **ADDED ITEMS**

12.1 **Ballfields**

A letter dated August 27, 1998 was before Community Council re condition of ballfields.

MOVED by Councillors Cooper and McInroy to receive the letter and pass it to staff for a report on consideration of the improvements requested in the letter. MOTION PUT AND PASSED.

13. **NOTICES OF MOTION** - None

14. **PUBLIC PARTICIPATION** - None

15. **ITEMS FOR NEXT AGENDA** - None

16. **NEXT MEETING** - February 4, 1999

17. **ADJOURNMENT**

MOVED by Councillors McInroy and Cooper that the meeting be adjourned at 10:35 p.m. MOTION PUT AND PASSED.

Sandra M. Shute
Assistant Municipal Clerk