

HARBOUR EAST COMMUNITY COUNCIL
DECEMBER 16. 1999
MINUTES

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

REGRETS: Councillor Clint Schofield

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

TABLE OF CONTENTS

1.	INVOCATION	03
2.	APPROVAL OF MINUTES - November 18 and 29, 1999	03
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	03
4.	BUSINESS ARISING OUT OF THE MINUTES	03
5.	MOTIONS OF RECONSIDERATION - NONE	03
6.	MOTIONS OF RESCISSION - NONE	03
7.	CONSIDERATION OF DEFERRED BUSINESS	03
8.	PUBLIC HEARINGS	
8.1	Case 00157: Development Agreement - Home Depot, Baker Drive Extension, Dartmouth	03
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Petitions	05
10.	REPORTS	
10.1	Case 00163 - Appointment of Public Participation Committee: Pinnacle Homes Limited - 506 Portland Street, Dartmouth	03
10.2	Proposed Apartment Building - Portland West CDD, 65 Eisner Boulevard, Dartmouth	04
10.3	Case 00036 - Application by Arthur Rhyno for a Development Agreement for a two-unit dwelling, Windmill Road, Dartmouth (Set a date for a public hearing - January 6, 2000)	05
10.4	Dartmouth Museum - Transition to Community	05
11.	MOTIONS	08
12.	ADDED ITEMS	08
13.	NOTICES OF MOTION	08
14.	PUBLIC PARTICIPATION	08
15.	NEXT MEETING	08
16.	ADJOURNMENT	08

1. INVOCATION

The meeting was called to order with an invocation.

2. APPROVAL OF MINUTES - November 18 and 29, 1999

MOVED by Councillors Hetherington and Greenough that the minutes of November 18 and 29, 1999 be approved as circulated. MOTION PUT AND PASSED.

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

Councillor McInroy requested the public hearing be deferred until 7:30 p.m.

MOVED by Councillors Greenough and Hetherington that the Order of Business be approved. 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 - NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Petitions - None

10. REPORTS

10.1 Case 00163 - Appointment of Public Participation Committee : Pinnacle Homes Limited - 506 Portland Street, Dartmouth

- A report prepared for Ms. Donna Davis-Lohnes, General Manager, Planning Services, dated December 7, 1999, on the above noted, was before Community Council.

MOVED by Councillors Hetherington and Sarto that the following persons be appointed to the Comprehensive Development District (CDD) Public Participation Committee for 506 Portland Street in Dartmouth:

Land Owner

Maria Feltrin, Pinnacle Homes Limited

Residents at Large

Gary W. Newman

Kurt A. King

Neighbourhood Residents

Cherie-Lynn Jones

Thomas B. Nickerson

Leonard Atkinson

Donald J. Burke

Dartmouth Lakes Advisory Board

Dr. Klaus Hellenbrand

Councillor Hetherington advised the neighbourhood residents were chosen from the three streets that abut this property and are affected by this development. The residents at large are persons who do not live in the adjacent area. The remaining members are a landowner and a representative from the Dartmouth Lakes Advisory Board.

MOTION PUT AND PASSED.

10.2 Proposed Apartment Building - Portland West CDD, 65 Eisner Boulevard, Dartmouth (Application No. 20241)

- A report prepared for Paul Dunphy, Acting General Manager, Development Services, dated December 13, 1999, on the above noted, was before Community Council.
- A written submission of comments and questions concerning the issuance of a permit to construct the apartment building at 65 Eisner Drive was submitted by the Portland Estates Residents Association.

Ms. Cathy Spencer, Development Officer - Eastern Region, presented the staff report.

Councillor Hetherington noted there were a number of concerns raised. The Councillor submitted a copy of comments and questions from PERA and requested a response from staff regarding these.

MOVED by Deputy Mayor Cunningham and Councillor Greenough that Harbour East Community Council support the proposal by Paul Skerry Associates Ltd., on behalf of Diab Group, to construct a 61 unit apartment building at 65 Eisner Boulevard in Dartmouth as shown in Attachments 2 to 4 inclusive of the staff report dated

December 13, 1999. MOTION PUT AND PASSED.

10.3 Case 00036 - Application by Arthur Rhyno for a Development Agreement for a two-unit dwelling for 114 Windmill Road, Dartmouth (set date for public hearing - January 6, 2000)

- A report prepared for Donna Davis-Lohnes, General Manager of Planning Services, dated December 14, 1999, on the above noted, was before Community Council for consideration.

MOVED by Councillors Greenough and Hetherington that the Harbour East Community Council give First Reading to consider the rezoning of 144 Windmill Road, from R-1 (Single Family Residential) Zone to R-2 (Two Family Residential) Zone and Give Notice of Motion to consider a development agreement for the subject property, at a public hearing to be held on January 6, 2000. MOTION PUT AND PASSED.

10.4 Dartmouth Museum - Transition to Community

- A memorandum and noted attachments, dated December 9, 1999, from Carmen Moir, Chair, Heritage Museum Society was before Community Council.

Mr. Moir, addressed Community Council, advising the Heritage Museum Society has been formed and incorporated under the Societies Act and has a Revenue Canada number for receipt purposes. He advised fund-raising activities and volunteer recruitment have been started and an alternate location is under investigation.

MOVED by Councillors Hetherington and Greenough that the information be received. MOTION PUT AND PASSED.

8. PUBLIC HEARINGS

8.1 Case 00157: Development Agreement - Home Depot, Baker Drive Extension, Dartmouth

- A report prepared for Austin French, Acting General Manager, Planning Services, dated November 26, 1999, on the above noted, was before Community Council.
- A memorandum from Cathy Hunt, President, Portland Estates Residents Association, regarding the proposal, was circulated to members of Community Council.

Mr. Roger Wells, Planner, with the aid of overheads, presented the staff report outlining the proposed development.

Mr. Dave McCusker, Traffic Authority, provided an update on the transportation issues.

Councillor Sarto received clarification on the configuration of the traffic lanes turning left and right off Portland Street onto Woodlawn Road and onto Baker Drive.

Councillor McInroy called for members of the public wishing to speak either in favour of or against the proposal.

Ms. Margo Cantwell, Planner, spoke in favour of the development advising the storm water system is one of the best. She noted there is land devoted to environmental improvements. Ms. Cantwell advised this developer will be installing additional infrastructure at an estimated one million dollars over and above what would be seen in the development of a subdivision. She advised one improvement is the proposed improvements to the intersection noting, Department of Transportation requirements have to be met before they can be undertaken.

Mr. Tim Olive, MLA, Dartmouth South, expressed concern with the traffic situation. He noted that this development does not have Department of Transportation approval. He stated there are no plans by the Provincial government to build the Shearwater Connector nor build an interchange on Highway 111 or authorize a crossing at Gaston Road. He stated the Provincial government has said HRM has to come back with a traffic impact study for Dartmouth.

Deputy Mayor Cunningham noted that Community Council would be approving this application subject to Provincial approval of the intersection and queried whether the government, through Mr. Olive, was saying it was not going to approve the plans.

In response, Mr. Olive advised there are a number of points that have to be addressed and one of those is the Penhorn Interchange. He indicated that Community Council has separated the Home Depot area from the greater area advising the government will not do that. He stated the government states the traffic impact study has to affect the Penhorn Interchange and the other connector roads and, until that is done, it is his understanding there will not be Provincial approval.

Mr. Noel Lewis, 1 Wedgewood Court, Dartmouth, noted appropriate infrastructure should be in place to support the Home Depot. He stated that without proper planning there will be similar traffic problems as being experienced in other areas of the Municipality. He stated he is of the opinion that the Penhorn Overpass is currently at capacity. He stated that a traffic plan needs to be developed and a traffic plan means accountability or traffic

will increase in residential neighbourhood.

Mr. Doug Hunt, 106 Portland Estates Boulevard, Dartmouth, stated his confidence in HRM to make the right decisions and implement them has been shaken as a result of decisions of Council such as no restriction of development until traffic problems were solved.

Ms. Cathy Hunt, Portland Estates Residents Association, reading from prepared text, addressed Community Council expressing concerns with the lack of a comprehensive plan for land use in the area, doubts as to the ability of HRM staff to adequately monitor and enforce the environmental controls necessary to protect the environment (Russell Lake in particular) and the addition of a high traffic commercial establishment into an area where existing traffic flows are at or near capacity.

Ms. Hunt stated they are genuinely concerned with traffic issues and staff is recommending to Council that the project should proceed. She stated staff should be expected to be fully accountable for their recommendations if this development should proceed. She noted the residents of Portland Estates Boulevard had requested Council be reminded that commitments, by-laws, policies and promises are made to be kept.

Mr. Jack Lansing, Vice President, Portland Estates Residents Association, stated the rainfall study for the last ten years has been requested and suggested it be incorporated into the rainfall study and forecasts as weather patterns have changed over the last number of years. He stated post construction concerns have been addressed but expressed concern with pre construction protection. He advised there are huge amounts of sediment and the top end of Morris Lake turns brown after any rainstorm and suggested recommendations with respect to clearing of land, controlling of erosion and sediment are severely followed.

Ms. Nancy Weatherspoon, 37 Diana Grace Avenue, Portland Estates, expressed concern with the effluent going into Ellenvale Run and submitted photos of same. She expressed concern that this development may result in similar problems.

Mr. Peter Sheehan, Kelsie Properties, spoke in favour of the application stating that the Home Depot was a coordinative effort between Home Depot and HRM to meet specifications for sediment and storm water runoff control. He stated they will be keeping a significant number of containment materials on site that will enable the contractors to respond to storm conditions in a timely fashion. He advised the site will be developed in three stages to further enhance the protection of the environment advising these are at a significant cost and will set a benchmark for development in other watersheds in HRM. He stated they will be piping their sewage to the Russell Lake Pumping Station rather than using the Portland Street sewer system. He noted all requirements of HRM have been met such as outdoor storage, signage size, buffering, etc. He stated the traffic issue has been

acknowledged and they are paying for the solution. He stated they have satisfied HRM on all issues and are in the process of obtaining provincial approvals.

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

MOVED by Councillor Greenough and Deputy Mayor Cunningham that the public hearing close. MOTION PUT AND PASSED.

MOVED by Councillor Greenough and Deputy Mayor Cunningham that:

1. **Approve the proposed development agreement (Attachment A), of the staff report dated November 26, 1999 to permit the construction of a large format retail store (Home Depot) and associated uses, on a portion of the lands of W. Eric Whebby Limited, Baker Drive Extension, Dartmouth; 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 of said agreement by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise, this approval shall be void and any obligations hereunder shall be at an end.**

MOTION PUT AND PASSED UNANIMOUSLY.

11. **MOTIONS - NONE**

12. **ADDED ITEMS - NONE**

13. **NOTICES OF MOTION - NONE**

14. **PUBLIC PARTICIPATION**

No public participation held.

15. **NEXT MEETING**

The next meeting is scheduled for Thursday, January 6, 2000.

16. **ADJOURNMENT**

MOVED by Councillors Greenough and Hetherington that the meeting be adjourned

at 9:40 p.m. MOTION PUT AND PASSED.

**Julia Horncastle
Assistant Municipal Clerk**