

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES  
NOVEMBER 1, 2001

PRESENT: Councillor Bruce Hetherington, Chair  
Councillor Ron Cooper  
Councillor Harry McInroy  
Councillor Brian Warshick  
Councillor Condo Sarto  
Councillor Jim Smith  
Councillor John Cunningham

STAFF: Ms. Angela Jones-Riskes, Municipal Solicitor  
Ms. Julia Horncastle, Assistant Municipal Clerk

TABLE OF CONTENTS

1.	INVOCATION .....	04
2.	APPROVAL OF MINUTES - October 1 (Public Information Meeting) and October 4, (Regular Meeting), 2001 .....	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS .....	04
4.	BUSINESS ARISING OUT OF THE MINUTES .....	04
5.	MOTIONS OF RECONSIDERATION - NONE .....	04
6.	MOTIONS OF RESCISSION - NONE .....	04
7.	CONSIDERATION OF DEFERRED BUSINESS .....	04
8.	PUBLIC HEARINGS	
8.1	Case 00390 - Application by Pineview Properties Limited to enter into a development agreement to permit a four storey 44 unit condominium at 109 Ochterloney Street, Dartmouth .....	04
8.2	Case 00359 - Establishment of setback requirements within Dartmouth's Land Use By-Law for front, side and rear yards .....	07
9.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	
9.1	Petitions .....	08
9.2	Presentations	
9.2.1	<u>Dartmouth Speed Skating Club</u> Ann Angelidis .....	08
9.2.2	<u>YMCA Brookdale Property</u> (i) Bette Watson-Borg (ii) Kevin Riles .....	08
10.	REPORTS	
10.1	Case 00388 - Application by Harbour East Community Council to rezone property at 25 Arthur Street, Dartmouth, from I-3 (Harbour-Oriented Industrial) zone to R-3 (Multiple	

	Family Residential) zone ( <b>Move First Reading and set public hearing date for December 6, 2001</b> ) .....	08
10.2	Harbour East Planning Advisory Committee .....	09
10.3	Election of Chair and Vice Chair (Effective December, 2001) .....	11
11.	MOTIONS .....	09
12.	ADDED ITEMS	
12.1	Memorandum from Chair of the Dartmouth Lakes Advisory Board re: Realignment of Boundaries .....	09
12.2	Windsor Street Interchange - Councillor Warshick .....	09
12.3	Letter of Appreciation - Auburn High Students re: Artwork - Councillor Cooper .....	10
13.	NOTICES OF MOTION .....	10
14.	PUBLIC PARTICIPATION .....	10
15.	NEXT MEETING .....	10
16.	ADJOURNMENT .....	11

1. **INVOCATION**

The meeting was called to order at 7:00 p.m. with the Invocation.

2. **APPROVAL OF MINUTES - October 1 (Public Information Meeting) and October 4 (Regular Session), 2001**

**MOVED by Councillor McInroy, seconded by Councillor Cooper, that the minutes of October 1 and October 4, 2001 be approved. MOTION PUT AND PASSED UNANIMOUSLY.**

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

Additions

12.1 Memorandum from the Dartmouth Lakes Advisory Board re: Realignment of Boundaries

12.2 Windsor Street Interchange - Councillor Warshick

12.3 Letter of Appreciation - Auburn High Students re: Artwork - Councillor Cooper

**MOVED by Councillor McInroy, seconded by Councillor Cunningham, that the Order of Business, as amended, be approved. 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**

8. **PUBLIC HEARINGS**

8.1 **Case 00390 - Application by Pineview Properties Limited to enter into a development agreement to permit a four storey, 44 unit condominium at 109 Ochterloney Street**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated September 21, 2001, on the above noted, was before Community Council.

Mr. Mitch Dickey, Planner, with the aid of overheads, presented the staff report outlining the proposal and recommendation.

Councillor Warshick referenced parking for visitors and questioned whether this has been resolved. In response, Mr. Dickey advised the issue has not been resolved to date noting, there are currently four driveways along Ochterloney Street and there is no parking permitted along there. Once the development takes place those driveways will not be in use which will free up parking spaces which may be available for short term parking in the evenings and on weekends.

Councillor Hetherington stated the only way to control parking so that there could be visitor parking is to have parking meters from 9:00 a.m. to 4:00 p.m.; otherwise, people will park, leave their cars and take the ferry to Halifax.

Mr. Dickey stated he would follow this up with traffic services with regards to the possibility of initiating two hour parking along Ochterloney Street.

Councillor Warshick stated there needs to be a definitive answer from Traffic Services.

In response to Councillor Warshick, Mr. Dickey advised the development is not specifically designed for seniors.

In response to Councillor Sarto, Mr. Dickey advised the development agreement proposes one parking space per unit but, in some cases, the spots will be such that one car can park behind another. He advised there is no requirement to provide visitor parking in the Downtown Dartmouth area.

Councillor Hetherington called for those wishing to speak either in favour of or opposition to the proposed development agreement.

### **John Thompson**

Mr. John Thompson, 23 Pine Street, addressed Community Council expressing concern with the fact that Pine Street is steep and traffic has a tendency to travel at a fast pace down the street. He further expressed concern with pedestrian safety as a result of the increased traffic speeds. He suggested a traffic study be undertaken as there is no traffic plan in Dartmouth.

**Tony Maskine**

Mr. Tony Maskine, developer, advised the building is designed for the more mature resident and the visitor parking was designed accordingly. He advised the development has met the intent of the Land Use By-Law and the marketplace. He advised the intention is to start the project in the spring of 2002.

**Phil McNaughty**

Mr. Phil McNaughty, 114 Ochterloney Street, advised he lives across the street in a heritage property and expressed concern as to the protection they would have if their property became contaminated as a result of the property being previously used as a gas station.

In response, Councillor Hetherington advised that prior to any blasting, inspections of surrounding building foundations as well as videotaping would be undertaken. He advised that the site was tested to determine the extent of the contamination and provincial standards would have to be met.

Mr. McNaughty expressed concern with the protection of his property as the grade of the land runs downhill and any runoff from the site would be downhill towards his property.

Mr. Dickey advised that the Department of the Environment would have to sign off on the site prior to any work taking place.

Mr. Maskine, property owner, advised the site had been drilled previously and found to be clean noting, they are not building below but above grade. The rock outcrop would have to be removed and it is not contaminated. He noted they have to meet DOE and engineering standards and received certification.

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

**MOVED by Councillor McInroy, seconded by Councillor Cunningham, that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Cunningham, seconded by Councillor Sarto, that Harbour East Community Council:**

- 1. Approve the development agreement as shown in Attachment I of the staff report dated September 21, 2001; and,**

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.**

Councillor Cunningham advised the public information meeting was well attended and the proposal was well received with residents speaking in favour of the development. He stated development will attract businesses to the downtown and does not feel traffic will have a major impact. He stated he will continue to work with residents to resolve traffic concerns. The Councillor noted that the development meets the parking standards for a building such as this and there is parking available in the immediate area.

Councillor Warshick spoke in support of the development proposal but expressed his disappointment that the traffic issue has not been addressed. He stated a quick turnover in parking needs to be examined as well as curbing needs for elderly or infirm individuals. Councillor Cooper stated the building will fit into the existing neighbourhood.

Councillor Sarto stated this development will help revitalize downtown Dartmouth.

Councillor Hetherington stated that this is an improvement.

#### **MOTION PUT AND PASSED UNANIMOUSLY.**

#### **8.2 Case 00359 - Establishment of setback requirements within Dartmouth's Land Use By-Law for front, side and rear yards**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated September 27, 2001, on the above noted, was before Community Council.

Mr. Kurt Pyle, Planner, with the aid of overheads, presented the staff report and outlined the recommended changes.

In response to Councillor Cunningham, Mr. Pyle confirmed that with the 8 foot side yard there would be 16 feet between houses. On further question he advised that if a house that is built to the current standards burned down it would have to be built to those same standards and the new setbacks would not apply. Mr. Pyle advised that the proposed amendments would apply to future lot development.

Councillor Hetherington called three times for those wishing to speak in favour of or opposition

to the proposed amendments. Hearing none, the following motion was placed.

**MOVED by Councillor Cunningham, seconded by Councillor Cooper, that the public hearing be closed. MOTION PUT AND PASSED.**

**MOVED by Councillor Warshick, seconded by Councillor Sarto, that Harbour East Community Council approve the amendments as outlined in Attachment "I" of the staff report, dated September 27, 2001, in order to establish setback requirements (side and rear yard) under Dartmouth's Land Use By-Law for new R-1 and R-2 zoned lots. MOTION PUT AND PASSED UNANIMOUSLY.**

**9. CORRESPONDENCE, PETITIONS AND DELEGATIONS**

**9.1 Petitions - None**

**9.2 Presentations**

**9.2.1 Dartmouth Speed Skating Club**

Ms. Ann Angelidis and Mr. Pierre Clearmont, representing the Dartmouth Speed Skating Club, with the aid of an overhead presentation, addressed Community Council advising that for the first time ever a National Speed Skating Championship will be held in Nova Scotia at the Dartmouth Sportsplex in 2002.

Following the presentation, the following motion was placed.

**MOVED by Councillor Warshick, seconded by Councillor Cunningham, that the presentation be referred to Andrew Cox, Events Coordinator, Barb Nehiley, Grants Committee, Karen MacTavish, Director of Recreation and Dale MacLennan, Director of Financial Services. MOTION PUT AND PASSED UNANIMOUSLY.**

**9.2.2 YMCA Brookdale Property**

Ms. Bette Watson-Borg, President and CEO of the YMCA of the Greater Halifax-Dartmouth, and Mr. Kevin Riles, Vice President of United Golf Development Limited, addressed Community Council speaking in favour of the rezoning of the YMCA Brookdale property from I (Institutional) to R-3 (Multiple Family Residential).

**10. REPORTS**

**10.1            Case 00388 - Application by Harbour East Community Council to rezone property at 25 Arthur Street, Dartmouth, from I-3 (Harbour-Oriented Industrial) zone to R-3 (Multiple Family Residential) zone**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated October 19, 2001, on the above noted was before Community Council.

**MOVED by Councillor McInroy, seconded by Councillor Cooper, that the Harbour East Community Council move first reading of the proposed rezoning and schedule a public hearing for December 6, 2001. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.2            Harbour East Planning Advisory Committee**

**MOVED by Councillor McInroy, seconded by Councillor Cooper, that this item be deferred to the December meeting. MOTION PUT AND PASSED UNANIMOUSLY.**

**10.3            Election of Chair and Vice Chair**

This item was addressed at the conclusion of the meeting. (See page 11)

**11.            MOTIONS - NONE**

**12.            ADDED ITEMS**

**12.1            Memorandum from Chair of the Dartmouth Lakes Advisory Board re: Realignment of Boundaries**

- A report and recommendation from the Chair of the Dartmouth Lakes Advisory Board was before the Community Council.

**MOVED by Councillor McInroy, seconded by Councillor Cooper, that the Harbour East Community Council approve the incorporation of the new boundaries, as per the Memorandum dated October 31, 2001 and the accompanying map, in the DLAB's Terms of Reference. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.2            Windsor Street Interchange - Councillor Warshick**

Councillor Warshick stated this issue is with regards to people accessing the MacKay Bridge from the Windsor Street Interchange in the afternoon. He stated motorists are taking the left

hand lane all the way down to the bridge and then at the last minute are cutting across into the right hand lane. He requested the support of the Community Council in requesting the Traffic Authority investigate and the Police enforce measures to curtail this practice during the afternoon rush hours.

**MOVED by Councillor Warshick, seconded by Councillor McInroy, that the Harbour East Community Council contact Mr. McCusker, Traffic Authority and the Police Commission, to investigate and initiate intermittent measures/barricades to direct traffic flows on to the MacKay Bridge at the Windsor Street Interchange to discourage the practice of traffic cutting lanes in order to access the bridge. MOTION PUT AND PASSED UNANIMOUSLY.**

**12.3            Letter of Appreciation - Auburn High Students re: Artwork - Councillor Cooper**

Councillor Cooper noted the artwork of students from the Auburn Drive High School displayed in the Chambers and requested a letter be sent to each student acknowledging their talents.

**MOVED by Councillor Cooper, seconded by Councillor Sarto, that the Harbour East Community Council send a letter to each of the students whose artwork was displayed, with a copy to the School Board, acknowledging their talents. MOTION PUT AND PASSED UNANIMOUSLY.**

**13.            NOTICES OF MOTION - NONE**

**14.            PUBLIC PARTICIPATION**

Mr. Reg Jones addressed Community Council noting, the lights along the tracks near the park are out. Councillor Hetherington advised there will be new track lights along the park noting, Councillors have paid from their discretionary funds to have this work done.

Mr. Jones advised many of the street lights in Dartmouth have been out for over a year and have not been replaced. He further noted that there are many instance of illegal parking along Portland Street and there seems to be a lack of parking enforcement in Dartmouth.

**MOVED by Councillor Cooper, seconded by Councillor Cunningham, that senior staff be advised that the street light issue has not been addressed. MOTION PUT AND PASSED UNANIMOUSLY.**

Mr. Peter Majeau addressed Community Council advising the totem pole and lighthouse at

Sullivan's Pond have been replaced and there will be a tree lighting ceremony on December 8, 2001. He advised he will provide further information at the next meeting.

**15. NEXT MEETING**

The next meeting is scheduled for Thursday, December 6, 2001.

**10.3 Elcetion of Chair and Vice-Chair**

Councillor Hetherington thanked the members of the Community Council and staff for their support during his term as Chair of the Community Council and turned the meeting over to the Assistant Municipal Clerk for nominations to fill the position of Chair and Vice Chair for the upcoming year.

The Assistant Municipal Clerk called for nominations for the position of Chair.

**MOVED by Councillor Sarto, seconded by Councillor Hetherington, that Councillor Cunningham be appointed as Chair of the Harbour East Community Council to November, 2002.**

**MOVED by Councillor Hetherington, seconded by Councillor Cooper, that nominations cease. MOTION PUT AND PASSED UNANIMOUSLY.**

Councillor Cunningham thanked the members of the Community Council for his appointment.

The Assistant Municipal Clerk called for nomination for the position of Vice Chair.

**MOVED by Councillor Cunningham, seconded by Councillor Sarto, that Councillor McInroy be appointed as Vice Chair of the Harbour East Community Council to November, 2002.**

**MOVED by Councillor Sarto, seconded by Councillor Cooper, that nominations cease. MOTION PUT AND PASSED UNANIMOUSLY.**

**16. ADJOURNMENT**

**MOVED by Councillor McInroy, seconded by Councillor Cunningham, that the meeting be adjourned at p.m. MOTION PUT AND PASSED UNANIMOUSLY.**

**Julia Horncastle**  
**Assistant Municipal Clerk**