

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
July 10, 2003

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

STAFF: Mr. Mike Moreash, Solicitor
 Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. with Councillor Cooper leading the invocation.

2. APPROVAL OF MINUTES

MOVED by Councillor Sarto, seconded by Councillor Cooper, that the minutes of June 10, 17 & 24, 2003 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

- 12.1 Councillor Warshick - Beazley Field Upgrades
- 12.2 Councillor Cunningham - Natal Day Fireworks

MOVED by Councillor Cooper, seconded by Councillor Smith, that the Order of Business, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1.1 Schedule for Cleaning of Storm Sewer Lines, Catch Basins in North Dartmouth

No information received. To remain on status sheet.

4.1.2 Wilderness Park, Dartmouth

No information received. Councillor Cunningham requested Community Initiatives be contacted and requested to provide a report.

4.1.3 Proposed Industrial Park, South Woodside

No information received. To remain on status sheet.

4.1.4 Hardman Group Parking Facility

Councillor Cunningham requested Mr. Paul Dunphy, Director of Planning and Development Services and Mr. Mike Labrecque, Director of Real Property and Asset Management be requested to provide a report regarding the status of the parking facility.

4.1.5 Powers of Community Council

No information received. To remain on status sheet.

4.1.6 Subdivision of Lot 41 Ritcey Crescent

No information received. To remain on status sheet.

4.1.7 Servicing Plan for Ball and Sports Fields in the HECC area

No information received. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OR RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC HEARINGS

8.1 Case 00473 - Amendment to Development Agreement - 506 Portland Street

- Ms. Maria Jacobs, Planner, with the aid of overheads, presented the staff report.

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

Mr. Len Atkinson

Mr. Atkinson, 17 Summit Heights Road, received clarification on the square footage of the buildings and proposed signs.

A resident of Green Village Road stated that he is concerned that this is being done piece meal and suggested that the whole development should be completed all at once.

Mr. Phil Brown

Mr. Brown, 11 Harvey Street, questioned whether there would be provision made for bussing to the site, noting the closest bus stop was on the opposite side of the street currently.

Mr. Craig Snow

Mr. Craig Snow, 4 Ruth Drive, stated he is impressed with the development to date. He stated the development enhances the areas and is in favour of the proposal.

Mr. Sterling Stevens

Mr. Stevens, Remax, advised people are in favour of retail space in this area. He stated the two phase development is as a result of economics in that no one would like to see empty retail space.

Mr. Mike Finnigan

Mr. Mike Finnigan, 107 Green Village Road, stated he would like to see the projected completed. He further expressed concern with the water pressure in the area.

Mr. Greg Zwicker

Mr. Greg Zwicker, 3 Stonegate Court, stated the developer plans to utilize 52,000 square feet of allowable floor area. He advised the developer intends to go in and finish the commercial site and complete necessary upgrades to the site. He advised the developer has done remediation work on the slope behind the existing townhouses in order to stabilize it. He advised the buffer behind the fire hall will be completed this summer.

Mr. Paul Fletcher

Mr. Paul Fletcher, stated the building of a fire station in this area is a positive by increasing the fire coverage area. He stated the development is a positive in that it provides a use for the land, noting it was a fire hazard during the summer months.

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

(Deputy Mayor McInroy arrived at 7:05 p.m.)

MOVED by Councillor Smith, seconded by Councillor Sarto, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Cooper, seconded by Councillor Sarto, that the Harbour East Community Council:

1. **Approve the amendments to the development agreement as shown in Attachment 1 of the staff report dated June 10, 2003.**
2. **Section 2.4.9 be amended such that the word “number” be replaced with the word “layout”.**
3. **Section 2.9.2 (B) be amended to read that the remediation plan be completed by October 1, 2003.**
4. **Require that the Amending 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.**

MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00427 - Development Agreement - Horizon Court, Dartmouth

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated June 19, 2003, on the above noted, was before Community Council.

CONFLICT OF INTEREST

Deputy Mayor McInroy declared a Conflict of Interest as his brother is legal representative of the applicant.

Mr. Jim Donovan, Planner, with the aid of overheads, presented the staff report.

In response to Councillor Smith as to whether or not the Municipality has any control over landscaping, Mr. Donovan advised the developer has to submit a detailed landscaping plan as part of the application.

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

Mr. Phil Brown

Mr. Phil Brown, 11 Harvey Street, questioned whether the new development will have water quality deficiencies addressed. In response, Mr. Donovan stated that in instances where it has been identified that there may be problems there has been a requirement in development

agreements for low flow fixtures.

Mr. Jerry Pye

Mr. Jerry Pye, questioned whether a wind study had been undertaken. In response, Mr. Donovan advised the applicant has to complete a wind study by a qualified consultant. Mr. Pye asked if there had been any consideration given to provision of public transit. In response, Mr. Donovan advised Transit staff review these types of applications and they incorporate the need for public transit into their future plans. Mr. Pye suggested the community be consulted with regards to recreational needs.

Mr. Mike Harvey

Mr. Mike Harvey, architect for Can Euro, advised the wind study has been carried out, advising it did not recommend that the building design be changed but there are some recommendations around the entryway and landscaping which has been written into the development agreement. He advised there is a sidewalk which would provide access to the bus stop and input will be sought from both staff and the community regarding recreation needs.

Mr. Peter McInroy

Mr. Peter McInroy, legal representative for the proponent, advised this is a good development and is good for the economy. He noted they have provided approximately ten percent recreation land. He expressed concern with the local improvement charges that will be applied to the development and may be restrictive to the developer at some later point. He advised the developer may be putting a convenience store in the building at a later date.

Mr. Don Flemming

Mr. Don Flemming, received clarification that the currently right of way through the MicMac parking lot will remain private and expressed concern with the speed bumps that are currently in place.

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

MOVED by Councillor Sarto, seconded by Councillor Warshick, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Cunningham stated that a convenience store at this location would be very welcome

to the neighbourhood.

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

- 1. Approve the development agreement, attached to the report dated June 19, 2003, as Attachment 3, to allow for a 142 unit apartment building on land located on Horizon Court, Dartmouth.**
- 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 Warshick expressed concern that while the amount of land being contributed to HRM is two acres, HRM has so much land to try to do something with something as simple as grass cutting is becoming a problem.

MOTION PUT AND PASSED UNANIMOUSLY.

8.3 Case 00591 - Amendments to Dartmouth Land Use By-law

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated June 6, 2003, on the above noted, was before Council.

Ms. Jill Justason, Planner, with the aid of overheads, presented the staff report.

Councillor Hetherington called three times for those wishing to speak either in favour of or in opposition to the amendments. Hearing none, the following motion was placed.

MOVED by Councillor Cunningham, seconded by Councillor Cooper, that public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Cunningham, seconded by Councillor Warshick, that the Harbour East Community Council approve the amendments to the Land Use By-law for Dartmouth provided in the report dated June 6, 2003.

Without a vote being taken on the motion, the following motion was placed.

MOVED by Councillor Warshick, seconded by Councillor Cunningham, that Section

15(i)(1) be amended to state “.. consisting of at least two rows of coniferous trees or other vegetation that may be approved by the Development Officer...”. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Cooper, seconded by Councillor Smith, that Section 15(n)(1) be reworded to “along or in close proximity to the property line abutting streets”, Section 15(n)(2) be deleted and Section 15(n)(3) remain the same.

Following clarification by the solicitor and staff, mover and seconder agreed to withdraw the motion.

MAIN MOTION, AS AMENDED, PUT AND PASSED UNANIMOUSLY.

8.4 Case 00539 - Rezoning, Silver Sands Golf Course, Cow Bay

- A report from the Harbour East Planning Advisory Committee, dated June 12, 2003, on the above noted, was before Community Council.

Ms. Maria Jacobs, Planner, with the aid of overheads, presented the staff report.

In response to Deputy Mayor McInroy, Ms. Jacobs advised the purchase of this portion of parkland does not impact on future parkland dedication.

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

Mr. Mike Myers

Mr. Mike Myers, 556 Cow Bay Road, expressed concern with the erosion in this area, noting this piece of land has been slowly eroding over the last fifteen years and will continue to do so.

Ms. Elizabeth Kwindt

Ms. Elizabeth Kwindt, Cow Bay Road, spoke in favour of the rezoning. She stated she would like to see the parkland acquired by HRM.

Ms. Christine Bourne

Ms. Christine Bourne, 18 Howard Avenue, stated that the rezoning should not be allowed because the land is eroding and a buyer may not be aware of the erosion problem. She noted

that the Moose is a part of the history of Cow Bay and expressed concern that it may be broken when it is moved and therefore it should be left where it is.

Mr. Frank Bowles

Mr. Frank Bowles, 1717 Cow Bay Road, noted that the property has been closed off and cars have been parking on the side of the road which poses a safety concern. He stated the moving the Moose will take the community identity away and is a tourist attraction.

Ms. Beverley Woodfield

Ms. Beverley Woodfield, 1174 Cow Bay Road, stated the beach should be made into a park as people use it for recreational purposes. She stated the community does not want the rezoning and want the headland and beach kept as it is.

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

MOVED by Councillor Cunningham, seconded by Councillor Warshick, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Deputy Mayor McInroy, seconded by Councillor Smith, that the Harbour East Community Council:

- 1. Approve the discharge of a portion of the existing development agreement for Silver Sands Limited by entering into the discharging agreement provided in Attachment 1 of the staff report dated June 3, 2003.**
- 2. Approve the rezoning of a portion of parcel 40127433, Cow Bay Road, Cow Bay, from P-2 (Community Facility) Zone to RA (Rural Area) Zone, as shown on Map 1 of the staff report dated June 3, 2003; on condition that the parkland transfer not be finalized until the moose is on the dedicated parkland site.**

Without a vote being taken on the motion on the floor, the following motion was placed.

MOVED by Councillor Cooper, seconded by Deputy Mayor McInroy, that Community Council defer decision to September to allow for review of minutes of when the original development agreement was entered into as to why the headland was included. MOTION DEFEATED.

MAIN MOTION PUT AND PASSED.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Presentations - None

10. REPORTS

10.1 Implementation of Improved Environmental Protection Requirements in the Harbour East Communities

- A report from the Chair of the Dartmouth Lakes Advisory Board, dated June 25, 2003, on the above noted was before Community Council.

MOVED by Councillor Sarto, seconded by Deputy Mayor McInroy, that Harbour East Community Council request staff to undertake appropriate public consultations in partnership with the Board, and prepare appropriate amendments to the Land Use By-laws. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Morris/Russell Lake Master Plan (Project 00586)

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated July 3, 2003, on the above noted, was before Community Council.

MOVED by Councillor Cooper, seconded by Councillor Smith, that Harbour East Community Council select the following members to replace positions on the Morris-Russell Lake Public Participation Committee:

- 1. Norman Wiechart to serve as the PERA representative for Portland Estates.**
- 2. Dr. Scott Mawdsley as the other representative for Portland Estates.**
- 3. Mike Hanusiak to replace Mike Willet for Clayton Developments (land owner representative).**
- 4. Andrew Giles to replace Virginia Bonn for Armco (land owner representative).**
- 5. John Dalton to represent Canada Lands Company (land owner**

representative).

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Hetherington stated that the Shearwater designed road has not been done, noting the number one Infrastructure item is the interchange on the Circumferential Highway. He stated this report is stalling the matter and requested Community Council recommend the design of the Shearwater Connector Road be completed.

MOVED by Councillor Sarto, seconded by Councillor Warshick, that the Harbour East Community Council request the CAO to proceed with the design of the Shearwater Connector Road. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Warshick - Beazley Field Upgrades

MOVED by Councillor Warshick, seconded by Councillor Sarto, that the Harbour East Community Council send a letter to the CAO requesting Beazley Field Upgrades be considered in the 2004/05 budget. Further, Community Council request a response by the end of August as to what priority has been placed on the upgrades to the field. MOTION PUT AND PASSED.

12.2 Councillor Cunningham - Natal Day Fireworks

Councillor Cunningham provided an update on the upcoming Natal Day fireworks on Lake Banook.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No speakers.

15. NEXT MEETING

The next meeting is scheduled for September 4, 2003.

16. ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Julia Horncastle
Legislative Assistant