

**HARBOUR EAST COMMUNITY COUNCIL**

**MINUTES**

**DECEMBER 4, 2003**

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

ALSO PRESENT: Barry Allen, Municipal Solicitor  
Jim Donovan, Manager of Planning Applications  
Kurt Pyle, Planner  
Jill Justason, Planner  
Kenda Mackenzie, Development Engineer  
Dan Norris, Manager, Culture and Heritage  
Sandra Shute, Legislative Assistant

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4. **BUSINESS ARISING OUT OF THE MINUTES**

4.1 **Status Sheet Items**

4.1.1 **Traffic Controls - Intersection of Albro Lake Road and Victoria Road**

An Information Report dated November 26, 2003 was before Community Council. Councillor Smith advised he had been in contact with staff regarding two studies pertaining to this issue. He has already received a copy of one study and the other is on its way. He was satisfied with the response from staff. This item will come off the Status Sheet.

4.1.2 **Don Bayer Sports Field, Burnside**

No information provided. To remain on Status Sheet.

4.1.3 **Sewer Services Connection to Fleet Co-op Property in Cole Harbour**

Councillor McInroy advised that staff met with a representative from Fleet Co-op. He understood that staff will be preparing a report with regard to all such inquiries relative to any expansion to the serviceable boundary. The request from Fleet Co-op will be part of the overall report.

Mr. Jim Donovan, Manager of Planning Applications added that a report will come to Community Council before going to Regional Council because there are broader implications relative to capacity at the Eastern Passage treatment plant.

4.1.4 **Beazley Field Upgrades**

No new information. To remain on Status Sheet.

4.1.5 **Schedule for Clearing of Storm Sewer Lines, Catch Basins in North Dartmouth**

No new information. To remain on Status Sheet.

4.1.6 **Wilderness Park, Dartmouth**

No new information. To remain on Status Sheet.

4.1.7 **Proposed Industrial Park, South Woodside**

No new information. To remain on Status Sheet.

4.1.8 **Hardman Group Parking Facility**

No new information. To remain on Status Sheet.

4.1.9 **Powers of Community Council**

No new information. To remain on Status Sheet.

4.1.10 **Subdivision of Lot 41 Ritcey Crescent**

No new information. To remain on Status Sheet.

4.1.11 **Servicing Plan for Ball and Sports Fields in the HECC Area**

No new information. To remain on Status Sheet.

4.2 **Provision of Reports from Status Sheet Requests**

Councillor Warshick expressed concern, noting that it was not only Harbour East Community Council who was not getting reports back in a timely manner on Status Sheet items, but other Community Councils as well. He suggested that a letter should be sent to the CAO and Deputy CAO requesting that reports be dealt with in an expeditious manner, just as if they were going to Regional Council as it appeared there is a level of disparity in provision of reports that are prepared for Regional Council compared to those going to individual Community Councils.

**MOVED by Councillor Warshick, seconded by Councillor Sarto that a letter be sent from the Chair to the CAO and Deputy CAO expressing concern re provision of reports to Community Councils. MOTION PUT AND PASSED.**

5. **MOTIONS OF RECONSIDERATION** - None

6. **MOTIONS OF RESCISSION** - None

7. **CONSIDERATION OF DEFERRED BUSINESS** - None

8. **PUBLIC HEARINGS**

8.1 **Case 00609 - Amendments to Heritage Hills CDD, Eastern Passage**

A Staff Report dated September 25, 2003 was before Community Council along with a recommendation for approval from Harbour East Planning Advisory Committee dated November 14, 2003. Also included was a Memorandum dated November 18, 2003 regarding the ratio of single unit dwellings to other housing forms.

Ms. Jill Justason, Planner provided an overview of the application and advised that staff was recommending adoption of the amending agreement. She referred to an error in the recommendation in that the lot numbers should be 757 thru 760 instead of 756 thru 760.

Councillor Sarto asked for clarification of the current lots. In response, Ms. Justason advised there were currently eight Category G lots, which are small lot singles with 35' frontage and 3500 sq. ft. in lot area. The proposal would replace the eight singles with eight semis and there would be no increase in the number of units. They would be resubdivided within the agreement and reclassified to Category F lots. Additionally, they would have separate services.

The Chair called for speakers for or against the application. There were none.

**MOVED by Councillor Cunningham, seconded by Councillor Warshick to close the Public Hearing. MOTION PUT AND PASSED.**

**MOVED by Councillor McInroy, seconded by Councillor Cooper to:**

1. **Approve the amendments to the Development Agreement as shown in Attachment 1 of the Staff Report dated September 25, 2003 to permit semi-detached dwellings on Lots 757 thru 760 on Vicky Crescent;**
2. **Require 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 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.**

9. **CORRESPONDENCE AND DELEGATIONS**

9.1 **Correspondence** - None

9.2 **Presentation - Country View Properties (Wheby Property)**

Ms. Margot Cantwell, EDM Environmental Design Consultants provided a presentation on the proposed by-right development of the 511 acre site located in North Dartmouth, which currently houses W. Eric Whebby Limited, LaFarge Canada Inc., Viacom View Limited, Superior Glass and Maritime Outdoor Signs. A written report was provided to members of Community Council by Ms. Cantwell.

As a result of questions raised by Councillors, Ms. Cantwell, along with Glen Monroe and Ron Richards representing North American Development Group, provided the following additional information:

- Country View Properties continues to own the property in question and comprises current family members. North American Development Group is in due diligence as far as purchasing the property is concerned.
- Road construction would begin in the spring pending approvals.
- Brightwood Golf Course is one of the groups meeting with the developer. Discussions are preliminary at this stage.
- The interchange will be under construction at the same time the streets are being constructed.
- Reference was made to the request contained as part of the report that staff be enabled to work with the developer towards resolving the infrastructure concerns, in particular with respect to the trunk sewer.

Ms. Kenda Mackenzie, Development Engineer and Jill Justason, Planner also provided information as a result of questions from Councillors as follows:

- Staff is aware of concerns with servicing of other lands in the Waverley Road area. The trunk sewer that would have to be constructed in order for the lands in question to develop would be part and parcel of the big picture of where sewage goes from Keystone. There are two different systems but they would merge into one. Constraints on landowners in the Keystone area are not the same.
- There has been no decision on which way and when the new sewer line will go.
- With regard to an inquiry from a telecommunications group for various locations, staff supplied information regarding property ID numbers. Country View had indicated they had other uses for the property.

Following the presentation, Community Council requested that Ms. Cantwell keep Community Council and the community briefed regarding the development as it goes forward and then passed the following motion:

**MOVED by Councillor Smith, seconded by Councillor Warshick to endorse the continued discussions between HRM staff and Country View Properties relative to infrastructure issues and other aspects of the site plan. MOTION PUT AND PASSED.**

10. **REPORTS**

10.1 **Blockage of Drainage System of Little Albro Lake**

Councillor Smith outlined concerns with growth of weeds/reeds in the outlet of Little Albro Lake and the responsibility for same, which has been a problem since last cleared away in 2001. He circulated pictures with regard to this issue.

**MOVED by Councillor Smith, seconded by Councillor Warshick that a letter be written to the Minister of Environment requesting that Department of Environment take steps to alleviate the situation of growth of weed/reeds in the outlet of the Little Albro Lake. MOTION PUT AND PASSED.**

10.2 **Morris-Russell Lake Public Participation Committee Terms of Reference - Change in Quorum**

A Memorandum dated November 26, 2003 from the Chair of the Morris-Russell Lake Public Participation Committee was before Community Council with regard to a change in the Terms of Reference for the Committee.

**MOVED by Councillor Cooper, seconded by Councillor McInroy that the Terms of Reference for the Morris-Russell Lake Public Participation Committee be revised to change the quorum for regular meetings from eight to seven members. MOTION PUT AND PASSED.**

10.3 **Case 00526 - Condominium Redevelopment, Paddlers Cove, Dartmouth**

A Staff Report dated December 3, 2003 was before Community Council along with an Information Report dated December 3, 2003 entitled "Wind Impact Study for Lake Banook - Update on YMCA Property (Case 00503)".

**MOVED by Councillor Cunningham, seconded by Councillor Sarto to defer First Reading on the application until the model is re-tested with the new course alignment and the results are compiled.**

Councillor Cunningham stated it has taken a long time to bring this application to this point. The reason was to commission a wind study, in conjunction with the developer and the Canoe Association, to see what impact the proposed development would have on wind patterns on the course. After receiving the long-awaited report, a Public Meeting was held to present and discuss the report on November 26, 2003. It was not until after the meeting, that it was learned the study was flawed and the test outdated. Since the results could not be trusted, there was

no alternative but to re-do the wind study with the correct data. Anything less would be to compromise the position to the point of uncertainty. If the development is to be approved, the residents, paddlers, developers and Community Council have to be satisfied that the course is not negatively impacted. The degree of certainty cannot be had without another wind study. This is exactly what RWDI recommended: that the model be updated with a revised course layout and re-tested.

Councillor Cunningham went on to say that it could be argued that re-testing the course would result in lengthy delays for the developer. He acknowledged this was unfortunate and that the applicant has cooperated fully with staff and legally completed all the requirements. The question was what price could be put on ensuring the continued viability of Lake Banook. Delaying First Reading until a proper wind study has been conducted would be a small price to pay. To do otherwise might jeopardize this Jewel that has a long history with a bright future.

Councillor Cunningham then requested support for his motion so that there can be a proper wind study and another Public Meeting as requested by the residents.

Councillor Warshick said he understood there was some difference between a canoe course and a kayak course and wanted to ensure that both courses would be included in the proposed new study. In response, Mr. Kurt Pyle, Planner advised that the Canoe Association dealt with both canoeists and kayakers and both were considered when the wind study was done. Their concerns were incorporated in the wind study. Rowers' concerns were also considered as they actually row competitively on the same course as paddlers and canoeists.

A Recorded Vote was requested by Councillor Cunningham and taken.

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

On a question from the Chair as to the process to be followed from this time on, Mr. Pyle advised that the wind study should be complete by the end of January. A Public Meeting would be held after the results from the wind study are received, no doubt in February. The earliest date for First Reading could be March.

Councillor McInroy requested that staff arrange a media release with regard to this issue.

#### **10.4 Election of Chair and Vice-Chair**

See Item 16 below.

11. **MOTIONS** - None

12. **ADDED ITEMS**

**12.1 Application for Financial Assistance - Marker of Distinction - Dartmouth Historical Association**

A Staff Report dated December 1, 2003 was before Community Council.

Councillor Cunningham provided an overview of the request and advised of his support for the funding.

**MOVED by Councillor Cunningham, seconded by Councillor Smith to:**

- 1. Approve the application by the Dartmouth Historical Association to place a Marker of Distinction on city owned land;**
- 2. Approve the entering into a Licence Agreement with Real Property and Asset Management for the corner of Pinecrest Drive and Albro Lake Road (if traffic and safety concerns can be addressed) or a mutually agreed location;**
- 3. Approve a grant to the Dartmouth Historical Association of up to \$1500 to provide financial assistance equal to 50% of the cost of the project, in keeping with the HRM Monuments Policy.**

**MOTION PUT AND PASSED.**

In response to a question from the Chair as to whether or not Community Council could approve funding in this regard, Mr. Dan Norris, Manager, Culture and Heritage advised that the particular policy was drafted and approved by Regional Council. Community Council could approve funds up to \$2500.

**12.2 Boston Pizza Development Agreement**

**MOVED by Councillor Sarto, seconded by Councillor Warshick that Planning and Development staff be asked to request that Boston Pizza erect signage so that no left hand turns will be permitted from their parking lot. MOTION PUT AND PASSED.**

**12.3 NS Indoor Soccer Facility**

Councillor Warshick outlined concerns with the current provision of indoor soccer facilities within HRM.

**MOVED by Councillor Warshick, seconded by Councillor Sarto that a report be requested from appropriate staff to find out the fee structure for the Indoor Soccer Facility on the west side, the amount of money HRM contributes to same, the HRM**

**access allowed as opposed to private access and what the plans are for an east side facility. MOTION PUT AND PASSED.**

13. **NOTICES OF MOTION** - None
14. **PUBLIC PARTICIPATION** - None
15. **NEXT MEETING DATE** - January 8, 2004
16. **ELECTION OF CHAIR AND VICE-CHAIR**

The Clerk took the Chair for this item.

**MOVED by Councillor McInroy, seconded by Councillor Sarto that the status quo be maintained with Councillor Hetherington remaining as Chair and Councillor Cunningham as Vice-Chair. MOTION PUT AND PASSED.**

17. **ADJOURNMENT**

On a motion from Councillor McInroy, the meeting adjourned at 8:25 p.m.

Sandra M. Shute  
Legislative Assistant