

EAST COMMUNITY COUNCIL
MINUTES

January 10, 2013

PRESENT: Councillor Darren Fisher, Chair
Councillor David Hendsbee, Vice Chair
Councillor Bill Karsten
Councillor Lorelei Nicoll
Councillor Gloria McCluskey

STAFF: Ms. E. Roxanne MacLaurin, Senior Solicitor
Ms. Jennifer Weagle, Legislative Assistant

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1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m., with the Invocation led by Councillor Nicoll.

2. APPROVAL OF MINUTES – December 6, 2012

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that East Community Council minutes of December 6, 2012 be approved as circulated. MOTION PUT AND PASSED.

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

Additions:

- 11.1 Councillor Hendsbee – Update – Status of Highway 107 Metro X Service
- 11.2 Councillor Nicoll – 782 Main Street, Dartmouth

MOVED by Councillor Karsten, seconded by Councillor McCluskey, that the order of business be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

Community Council reviewed the status sheet at this time.

4.1 Sculpture Park, Dartmouth Waterfront

No update received. Item to remain on the status sheet.

4.2 Project 1286: Dartmouth Main Street Plan Review

This item can be removed from the status sheet as the intention for the status sheet is not to track planning applications/projects. This matter will come forward for a public hearing at a future meeting.

4.3 Dartmouth Lakes Advisory Board – Dartmouth MPS Water Policy Review

Report anticipated in the near future. Item to remain on the status sheet.

4.4 Notice of Motion – Councillor Fisher – Lakeshore Park Terrace & Lakemist Court

Motion approved later in the meeting. This item will be removed from the status sheet.

4.5 Case 01278: Application to amend Planning Districts 8 & 9 MPS & LUB

No update received. Item to remain on the status sheet.

4.6 Public Participation – Inquiry of treatment of waste & wastewater at clam processing plant in Seaforth

Planning staff will check with Development Services to see whether a permit was issued. This matter overall is a Nova Scotia Department of Environment responsibility. Item to remain on the status sheet.

4.7 River Road

Councillor Hendsbee updated that he has a meeting planned with residents on this matter. This item will remain on the status sheet.

5. MOTIONS OF RECONSIDERATION/RECISSION – NONE

6. CONSIDERATION OF DEFERRED BUSINESS – NONE

7. HEARINGS

7.1 Public Hearings

7.1.1 Case 17898: Rezoning – 60 Simmonds Drive, Dartmouth

First Reading on this matter was given on December 6, 2012.

A staff report dated November 22, 2012 was before Community Council.

Mr. Mitch Dickey, Planner, presented Case 17898: Rezoning – 60 Simmonds Drive, Dartmouth, for the proposed rezoning of the property from the I-2 (General Industrial) Zone to the I-4 (Salvage) Zone.

Mr. Dickey responded to questions of clarification from Councillor McCluskey at this time.

Mr. Dickey clarified that the vacuum building is not there yet and reviewed the location that it is proposed for. The working area would accommodate one vehicle at a time, and the suction would remove fluids into separate tanks, and other materials would be removed such as mercury switches and tires. The vehicle would then be pressed to be shipped to St. John, NB.

Mr. Dickey reviewed other commercial uses in the area, which included metal collection, sandblasting and painting, freight companies and diesel offices.

Mr. Dickey referred to a previous application for a salvage yard that was approved. He indicated that a 12 foot fence or a berm with a 10 foot fence would be required, and materials could not be piled so that they are visible over the fence.

Mr. Dickey responded to questions of clarification from Councillor Karsten at this time.

Mr. Dickey clarified that this application would be appealable and should Community Council choose to refuse the proposed rezoning, reasons for the refusal must be provided, based on conflict with MPS policies. The Solicitor concurred.

Mr. Dickey clarified that the holding tanks would be outside, adjacent to the working area. He also clarified that the property owner could salvage parts from the vehicles to sell as reusable material. Provincial licensing may need to be looked into in that case.

Mr. Dickey further clarified that there is a permanent crusher on site, and the province would have to decide whether the owner could transport the crushed cars on a rail bed. He clarified that the debris visible on the aerial photo beyond the property line belongs to a property owned by another property owner.

Mr. Dickey clarified that the applicant has indicated that there would be no more than 20 de-polluted vehicles stored on site, and that they would process and ship small batches of crushed vehicles. He also clarified that the Noise By-law would apply to the property.

Mr. Dickey clarified at the request of Councillor McCluskey that there is nothing in the By-law that would restrict or enforce the number of vehicles stored on site.

Mr. Dickey clarified at the request of Councillor Hendsbee that the storage and shipping of tires removed from the vehicles would have to comply with provincial regulations.

The Chair invited a representative of the applicant to present at this time.

Mr. Nathan Rogers, Genivar inc., presented an overview of the proposal to Community Council, reviewing the following:

- Existing conditions of the property
- Site plan and location of existing building
- Measures taken to alleviate stormwater management concerns
- Images of the vehicle depollution hoist, covered by a dome, and depollution in action at the company's Lavalle facility.
- Review of the hazardous waste storage and crusher

Mr. Rogers indicated that this is an opportunity for the company to expand their business, as they currently accept metal, but not entire vehicles. The company is not in the business of storing metal, and makes money when the metal is shipped to be shredded in New Brunswick.

Responding to questions from Councillor McCluskey, Mr. Rogers clarified that materials such as the foam from seats and glass are broken down to create a material referred to as “fluff”, which is used to cap landfill sites.

Responding to questions from Councillor Nicoll, Mr. Rogers discussed the innovative depollution system used by the company, noting that they pride themselves on environmental stewardship.

Responding to questions from Councillor Hendsbee, Mr. Rogers reviewed terrain enhancements undertaken to prevent run-off from the site, including the installation of impervious concrete and a stormwater management drain with catch basin and oil water separators.

The Chair reviewed the rules for the public hearing, and opened the public hearing for those wishing to speak for or against the proposal.

Mr. Wayne Giles, Cow Bay, indicated that anyone who has a registered salvage yard in Nova Scotia is following the same depollution regulations. He was skeptical about the company spending one million dollars as indicated to only process 20 cars per day, noting that that the trucks that are used for transporting the crushed vehicles will take 30 vehicles at a time. Mr. Giles advised that smaller salvage yards remove salvageable parts to be recycled and resold, and crushing complete cars will bypass the ability of the smaller salvage yards to resell these parts. He noted that there are already six salvage yards in HRM that are processing vehicles, and the proposal will make their businesses suffer.

Mr. Giles responded to questions from Councillor Hendsbee, clarifying that the other salvage yards in HRM use a portable crusher, on bare and natural soil.

Responding to questions from Councillor Nicoll, Mr. Giles clarified that all processed cars leave the province to recycle the metal.

Mr. Peter Giberson, Dartmouth, questioned whether the company will really only be accepting 20 cars per day for processing.

Mr. Doug Zinck, HRM, advised that he is a neighbouring property owner at 58 Simmonds Drive. He noted that when customers line up at the subject property in their vehicles, it blocks the street and his driveway. He suggested that they need onsite parking for waiting customers. He questioned whether the company will keep stockpiled materials below 12 feet, as he believes other salvage yards pile materials higher than that. He noted concern that allowing the I-4 zoning would open the door for other similar businesses, and noted concern with increased traffic and heavy truck traffic.

Responding to questions from Councillor McCluskey, Mr. Zinck advised that his driveway is not currently being blocked, because of fewer customers with the low price

of iron. He noted, however, that if the price of iron rises again, it may be a problem again.

Mr. Jerry Pye, Dartmouth, advised that he served for 8 1/2 years on the Burnside Industrial Park Commission. He spoke of the importance of maintaining the I-2 zone in the park. He suggested facilitating the relocation of this business to an area where the desired use will go unimpeded in their activity. Mr. Pye spoke of recognizing the importance of business in HRM. He encouraged HRM staff to undertake a review of the functional plan for Burnside, in consultation with Burnside businesses, taking into account where future industrial uses be located.

Mr. David Giberson, Dartmouth, advised that a consequence of approving the proposal will intensify competition with other area businesses, and may drive up the price of metals. He commented on problems with metal theft, noting that this may entice thieves. He also questioned whether the company will only be processing 20 vehicles per day.

Mr. Colby Boudreau, Dartmouth, indicated that he owns a small service station/salvage yard/tow truck company. He noted that he has one of the smallest salvage yards in HRM and that he currently has 160 stacked vehicles, 30 feet high, on only 2 acres, and that he typically handles 20 vehicles per day himself. He also questioned whether the company will only be processing 20 vehicles per day. Mr. Boudreau noted that you are not able to drain fluids from a vehicle without taking off the parts. He noted concern with increased car theft if there were more businesses able to accept vehicles for scrap.

Responding to questions from Councillor Hendsbee, Mr. Boudreau commented on anti-theft measures taken to ensure that vehicles being processed are not stolen, including requiring proof of ownership, and recording the vehicle identification number.

Mr. Jonathan Ross, Halifax, commented on previous decision of the Burnside Commission to not allow salvage yards, and that allowing this proposal will be opening the floodgates in the park for other properties to apply for I-4 zoning. He commented on the increased vehicular traffic this proposal would create in the park.

Mr. Joe Chisholm, advised that he is here at the request of Mr. Zink, owner of 58 Simmonds Drive, Dartmouth. He noted that he believes the company will stockpile materials on the property, and that there will be an economic impact on neighbouring properties if this proposal is approved. A scrap yard next door would reduce the value of Mr. Zink's property. Mr. Chisholm advised that he believes I-4 zoning belongs in a larger I-4 area.

Responding to questions from Councillor Hendsbee, Mr. Chisholm advised that Mr. Zink's property at 58 Simmonds Drive is currently operated as a fee leasing company. Sixty percent of the property is leased to a scaffolding company and the rest of the property is used for monthly storage of tractor trailers, boats, etc. The property is

currently up for re-development, and the proposal next door will put some restrictions on the redevelopment.

Mr. Steve MacNeil, Bedford, advised that he manages Cummins Diesel at 50 Simmonds Drive. He noted that when Cummins located to the area 19 years ago, he watched the subject property deteriorate. The current owners redeveloped the property and made it look great. They started a clean-up operation and poured concrete in the backyard. Mr. MacNeil visited the property and spoke with the owner. He is impressed with their safety and environmental practices. He feels that the property is well maintained and he is happy to have them as a neighbour.

At the request of Councillor McCluskey, Mr. MacNeil advised that the 2 properties are separated by a driveway.

Mr. Wayne Brewer advised that he owns a salvage yard in Elmsdale. He indicated that the employment losses to other salvage yards will be great if this proposal is approved. Smaller salvage yards will not have access to as many parts to sell. He questioned the distance of the crusher from the lake, noting that provincial regulations require 200 metres from lakes. Mr. Brewer noted that it will be impossible for the business to operate by processing and stockpiling only 20 vehicles on site per day.

Mr. Rogers was invited to address Community Council again with any further comments.

Mr. Rogers reminded Community Council that they may not consider business competition in their decision, and that the decision must be based on the MPS. He indicated that the proposal will create jobs, and the property is an ideal location for I-4 zoning in the Burnside Industrial Park.

Mr. Rogers responded to further questions of clarification from members of Community Council, including:

- Provincial permits for commercial activity on the site are required.
- Wetland remediation is not required.
- The location of the crusher is up to the province, and the crusher can be moved.
- The tanks storing fluids will have secondary containment protection.
- The company would have traffic controls on site if queuing at the driveway entrance was a problem. There are multiple driveways to the site which could facilitate this.

The Chair called three times for any further speakers. Hearing none, it was **MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the public hearing close. MOTION PUT AND PASSED.**

Mr. Dickey confirmed that competition and market factors cannot be considered by Community Council in making a decision on the proposal.

At the request of members of Community Council, Mr. Dickey reviewed details including the history of and an aerial view of the Dawn Drive salvage yard commented on previously. He noted that this salvage yard has been in operation for 25 years.

Mr. Dickey commented that a review of the Burnside Function Plan was started prior to the start of the Regional Plan Review. One of the options under review was to allow salvage yards. Mr. Dickey noted that there is concrete curbing around the property and a store sceptre on site to keep materials from entering the system. Mr. Dickey commented on possible improvements to the driveway and parking lot to allow for queuing cars, should that become a problem, including setting up entrance and exit signs, and relocating staff parking.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll, that East Community Council approve the proposed rezoning of 60 Simmonds Drive, Dartmouth, from the I-2 (General Industrial) Zone to the I-4 (Salvage) Zone, as shown in Attachment A of the November 22, 2012 staff report, to permit a salvage yard on the property.

Discussion ensued on the motion with the following concerns being noted:

- Concerns with traffic, in particular increased traffic blocking or impeding access to neighbouring businesses.
- That the proposed rezoning to I-4 (Salvage) is not compatible with neighbouring businesses, nor was it the intent of the Municipal Planning Strategy designation, to allow the application of this zone to additional sites.
- Concerns with noise, safety of piling materials, and protection of Enchanted Lake.

MOTION DEFEATED. (2 in favour, 3 opposed)

7.2 Variance Appeal Hearings - NONE

8. CORRESPONDENCE, PETITIONS & PRESENTATIONS

8.1 Correspondence - NONE

8.2 Petitions - NONE

8.3 Presentations - NONE

9. REPORTS

9.1 Staff Reports - NONE

9.2 Boards & Committees - NONE

10. MOTIONS

Councillor Fisher took a seat with Community Council, and Councillor Hendsbee took the Chair.

10.1 Councillor Fisher

Notice of Motion was provided on this matter at the former Harbour East Community Council on October 4, 2012, and again at East Community Council on December 6, 2012.

MOVED Councillor Fisher, seconded by Councillor McCluskey, that East Community Council recommends that Regional Council contact the province to request consistent maintenance of the area at the entrance to Lakeshore Park Terrace/Lakemist Court in Dartmouth, on the Circumferential Highway, particularly with regard to overgrown grass and weeds, and the clean-up of a substantial amount of litter.

Councillor Fisher noted that a lack of maintenance at this location has been an ongoing source of frustration for residents of the area.

MOTION PUT AND PASSED.

Councillor Fisher returned to the Chair and Councillor Hendsbee returned to his seat with Community Council.

11. ADDED ITEMS

11.1 Councillor Hendsbee – Update – Status of Highway 107 Metro X Service

Mr. David Mitchell, Coordinator, Planning and Scheduling, Metro Transit, provided a brief presentation to Community Council on the status of the Route 370 – Porters Lake Metro X Service, a copy of which is on file and online.

Mr. Mitchell responded to questions from members of Community Council at this time, noting the following:

- The route is highly anticipated by residents commuting to work.
- The route extends to Exit 20 on Highway 107.
- The route will make 4 or 5 stops, including the Dartmouth Bridge Terminal and Scotia Square.

Councillor Hendsbee suggested the Chebucto Ford vacant lot on Main Street would be a good park and ride location, and that Cherry Brook should have a park and ride site also.

11.2 Councillor Nicoll – 782 Main Street, Dartmouth

Councillor Nicoll commented that the property owner of 782 Main Street, Dartmouth, is having his business held up by the development approval process to rezone the property for use as an auto-body repair shop.

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee, that East Community Council request that planning staff expedite the development approval process for rezoning 782 Main Street, Dartmouth.

At the request of Community Council, Mr. Mitch Dickey noted that waiving the requirement for a public information meeting could cut a month or so from the process. He noted that, although he is not the planner assigned to this case, the property is in a highly commercial area, and adjacent properties are of a compatible use.

With the agreement of Councillor Nicoll, Councillor Hendsbee suggested that the motion be amended to read: **MOVED by Councillor Nicoll, seconded by Councillor Hendsbee, that East Community Council request that planning staff expedite the development approval process for rezoning 782 Main Street, Dartmouth, by waiving the requirement for a public information meeting due to the already commercial nature of the area. MOTION PUT AND PASSED.**

12. NOTICES OF MOTION - NONE

13. PUBLIC PARTICIPATION

Mr. Dale Rissesco, Lower Sackville, advised that he was refused an occupancy permit to operate a flea market on Pleasant Street. He noted that the C2 zoning excludes pawn shops, although he applied as a flea market operation, renting space to vendors. Mr. Rissesco spoke of the success of the previous Penhorn Flea market. He advised that for the few weeks the flea market operated from the former Sobeys location on Pleasant Street, he heard comments that residents were pleased to see the space being used again, and it attracted customers to other businesses in the strip mall. He suggested that people hold yard sales as a way to make some extra money and the sale of reusable items assists in the waste reduction strategy. He commented on two other markets operating in Dartmouth, neither in zones that allow the sale of used merchandise, but they are allowed to operate. He suggested that Community Council should reconsider the definition of pawn shops in C2 zoning.

Mr. A. Deveau, Porters Lake, noted that selling used goods provided he and his wife with extra income. The former flea market in Penhorn mall attracted upward of 10,000 customers, and its closure meant the loss of income for 200 people. Mr. Deveau noted

that many of the flea market vendors are pensioners on a fixed income that do it because they need to. Aside from that people enjoy attending flea markets.

Mr. Jerry Pye, Dartmouth, spoke of how flea markets benefit the disadvantaged. For many individuals affected by the economy this is the only way for them to generate extra income. He believes that flea markets should be accommodated in the C-2 zoning, and that a flea market at the former Sobeys on Pleasant Street would make use of a vacant space.

Mr. Wayne Boone, advised that he previously sold books at the former Penhorn flea market, and previously operated a book store in Porters Lake. He believes that flea markets allow many seniors to supplement their pensions, put vacant space to use, and make the community happy.

Mr. Gary Janes, operator of Harbourview Weekend Market, Dartmouth, advised that the Harbourview Weekend Market started in 2009 when the Alderney Market was looking at losing their space at Alderney Gate because of the Discovery Centre. He indicated that he had building inspectors and fire inspectors at the former Value Village building, and was granted an Occupancy Permit. Mr. Janes commented that the Harbourview Weekend Market has temporary and permanent stalls and is a great place for entrepreneurs to start, and for people to sell their products and supplement their income. He clarified that the Harbourview Weekend Market is not a flea market, and not a pawn shop, but more of a permanent arrangement. He continued that the Alderney and Seaport Markets are strictly for crafters and produce. He commented that everyone should have to go through the same process to operate.

14. NEXT MEETING DATE – January 24, 2013

The next East Community Council meeting is scheduled for Thursday, January 24, 2013 at 6:00 p.m. in the Chamber at 90 Alderney Drive, Dartmouth.

15. ADJOURNMENT

The meeting was adjourned at 8:44 p.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEMS

1. Russell Lake Water Quality Monitoring Report (based on sampling conducted during November 2012)