

**Harbour East-Marine Drive Community Council  
January 9, 2014**

**TO:** Chair and Members of Harbour East- Marine Drive Community Council

Original signed

**SUBMITTED BY:** Brad Anguish, Director of Community and Recreation Services

**DATE:** December 19, 2013

**SUBJECT:** Case 16674 - Rezoning of 58, 60 and 62 Jamieson Street, Dartmouth

**ORIGIN**

Application by Bill Campbell

**LEGISLATIVE AUTHORITY**

*HRM Charter*; Part VIII, Planning & Development

**RECOMMENDATION**

It is recommended that Harbour East-Marine Drive Community Council:

1. Give First Reading to the proposed rezoning of 58, 60 and 62 Jamieson Street, Dartmouth, from the R-1 (Single Family Residential) Zone to the TH (Town Housing) Zone, as shown in Attachment A of this report and schedule a Public Hearing; and
2. Approve the proposed rezoning of 58, 60 and 62 Jamieson Street, Dartmouth, from the R-1 (Single Family Residential) Zone to the TH (Town Housing) Zone, as shown in Attachment A of this report.

## **BACKGROUND**

The applicant is proposing to rezone the lands from the R-1 (Single Family Residential) Zone to TH (Town Housing) Zone to allow for the redevelopment of the lands with a row of 5 unit town houses, subject to policy IP-1(c). The site has been vacant for 10 years and the applicant is proposing to redevelop the lands with townhouses. The site has been remediated and been issued a Certificate of Compliance from the Department of Environment.

## **Location, Designation, Zoning and Surrounding Area**

The subject property is:

- in a community with single unit residential development with an existing town house located across the street;
- near a commercial corridor;
- designated Residential under the Dartmouth Municipal Planning Strategy (MPS) (Map 1);
- zoned R-1 under the Dartmouth Land Use By-law (LUB) (Map 2); and
- comprised of 3 lots, sized 3153 sq ft (293 sq m), 4101 sq ft (381 sq m) and 2551 sq ft (237 sq m) for a total of 9805 sq ft (911 sq m), which will be consolidated to allow for the site to be redeveloped.

## **Enabling Policy**

The Dartmouth MPS allows the consideration of all residential zones within the residential designation and Policy IP-1(c) of the Dartmouth MPS provides Community Council with the criteria to review the application against (Attachment B).

## **Land Use Provisions**

The TH zone only permits schools and townhouse uses. Permitted land uses and zone provisions are detailed in Attachment C of this report.

## **DISCUSSION**

Policy IP-1(c) allows for the consideration of any residential zone within the residential designation. The policy directs staff to consider the development in the context of the surrounding area. The lands are across from existing town houses and are near single unit dwellings to the South. The site is well situated with commercial use nearby, public parks (Victoria Park, Crathorn Neighbourhood Park, Dartmouth Commons and Northbrook Park) and is near several bus routes, making the site suitable for residential uses.

## **Remediation**

The proposal is located across the street from a former Shell Service Station (177 Wyse Road) and was affected by petroleum contamination from the service station. Shell purchased the lands and demolished the single unit buildings that were on the site in 2003 in order to facilitate the remediation of the site. Over 3000 tonnes of soil and rock were removed from the site and replaced with clean rock and fill. A Certificate of Compliance was accepted by Nova Scotia Environment, based on work conducted between 2003 and 2012 and the contaminated site file was closed.

### **R-1 Zone vs TH Zone**

The R-1 zone permits single unit residential uses and a variety of public uses, including schools, places of worship, museums and public parks, while the TH zone only permits town houses and schools (Attachment C). The TH zone also allows a smaller lot size (2000 sq ft) vs the lot size requirements of the R-1 zone (5000 sq ft) and also introduces a lot frontage requirement (20 feet).

### **Centre Plan**

The proposed development is to be located in a residential neighbourhood that is south of the major commercial area along Wyse Road. This commercial area has been identified as a corridor in the proposed Centre Plan. The boundary for the Wyse Road corridor runs immediately across the street from the site on Jamieson. The Centre plan is currently reviewing appropriate building heights and density within this area.

### **Conclusion**

The proposed rezoning of 58, 60 and 62 Jamieson Street meets the policy criteria of Policy IP-1(c) of the Dartmouth MPS. Therefore staff recommends that Harbour East and Marine Drive Community Council approve the rezoning to TH (Town Housing) Zone.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with processing this planning application can be accommodated within the approved 2013/14 operating budget for C310 Planning & Applications.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting on May 28, 2012 (see Attachment D), the HRM Website, responses to inquiries, as well as an information/notification sheet that was sent to property owners in the general area of the site regarding the proposal.

A Public Hearing has to be held by Harbour East-Marine Drive Community Council before they can consider approval of the proposed rezoning. Should Harbour East-Marine Drive Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area, as shown on Map 2, will be notified of the hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact local residents, property owners and adjacent businesses.

## **ENVIRONMENTAL IMPLICATIONS**

The proposal meets all relevant environmental policies contained in the Dartmouth MPS and LUB. Please refer to Attachment B of this report for further information.

## **ALTERNATIVES**

1. Community Council may choose to approve the proposed rezoning, contained in Attachment A of this report. This is the recommended course of action for reasons outlined in this report. A decision of Council to approve this land use by-law amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Community Council may choose to refuse to approve the proposed rezoning, and, in doing so, must provide reasons why the rezoning does not reasonably carry out the intent of the MPS. This is not recommended for the reasons outlined in this report. A decision of Council to reject this land use by-law amendment, with or without a public hearing, is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.


## **ATTACHMENTS**

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning and Notification
Attachment A:	Proposed Amendments to the Dartmouth Land Use By-law
Attachment B:	Review of Relevant Dartmouth Municipal Planning Strategy Policies
Attachment C:	Excerpts from the Dartmouth Land Use By-law
Attachment D:	Minutes from the Public Information Meeting

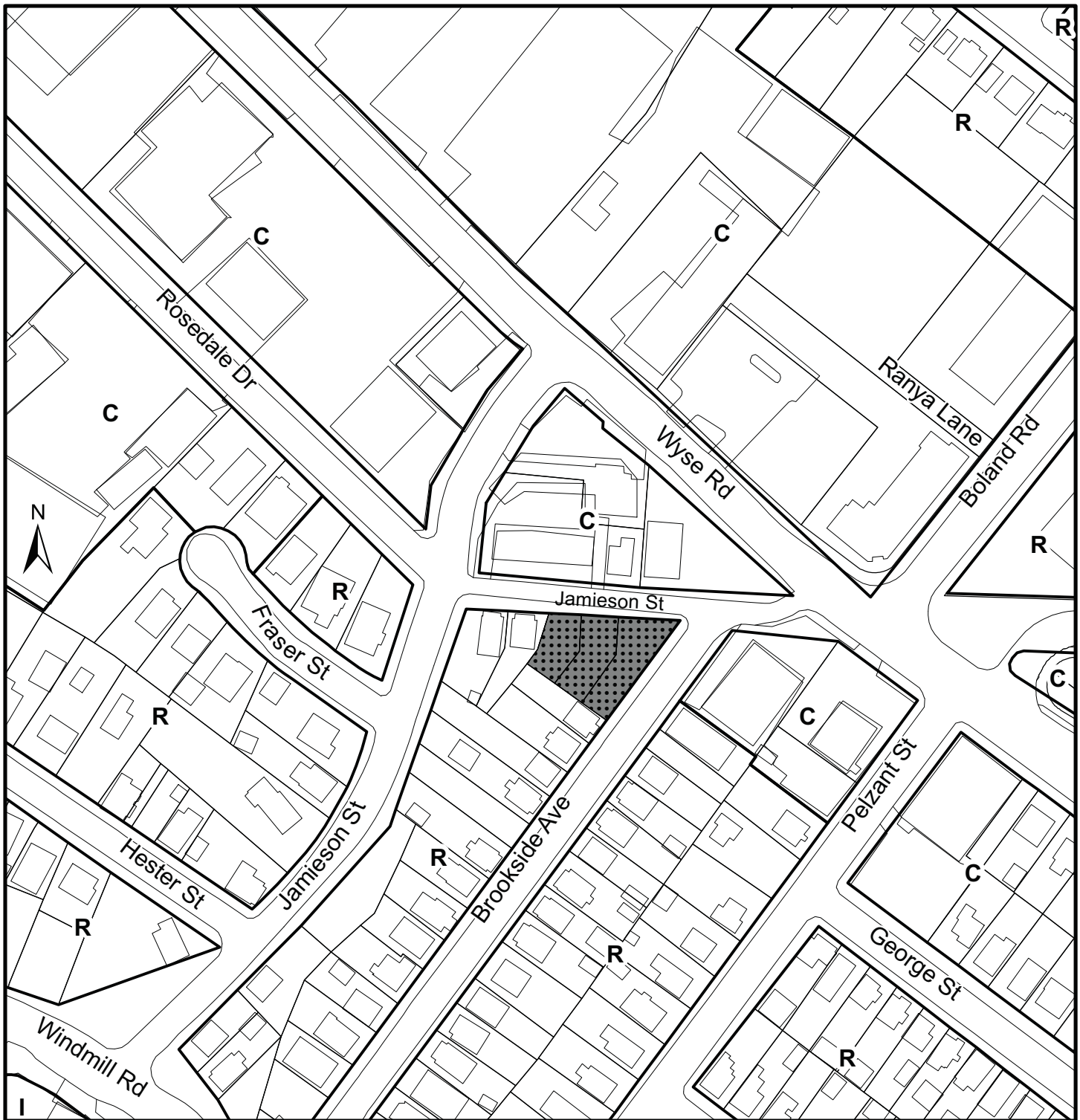
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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jennifer Chapman, Planner 1 490-3999  
Original signed

Report Approved by:  for: Kelly Denty, Manager Development Approvals, 490-4800

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## Map 1 - Generalized Future Land Use

58, 60, 62 Jamieson Street,  
Dartmouth

**HALIFAX**  
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DEVELOPMENT APPROVALS

 Subject Area

### Designation

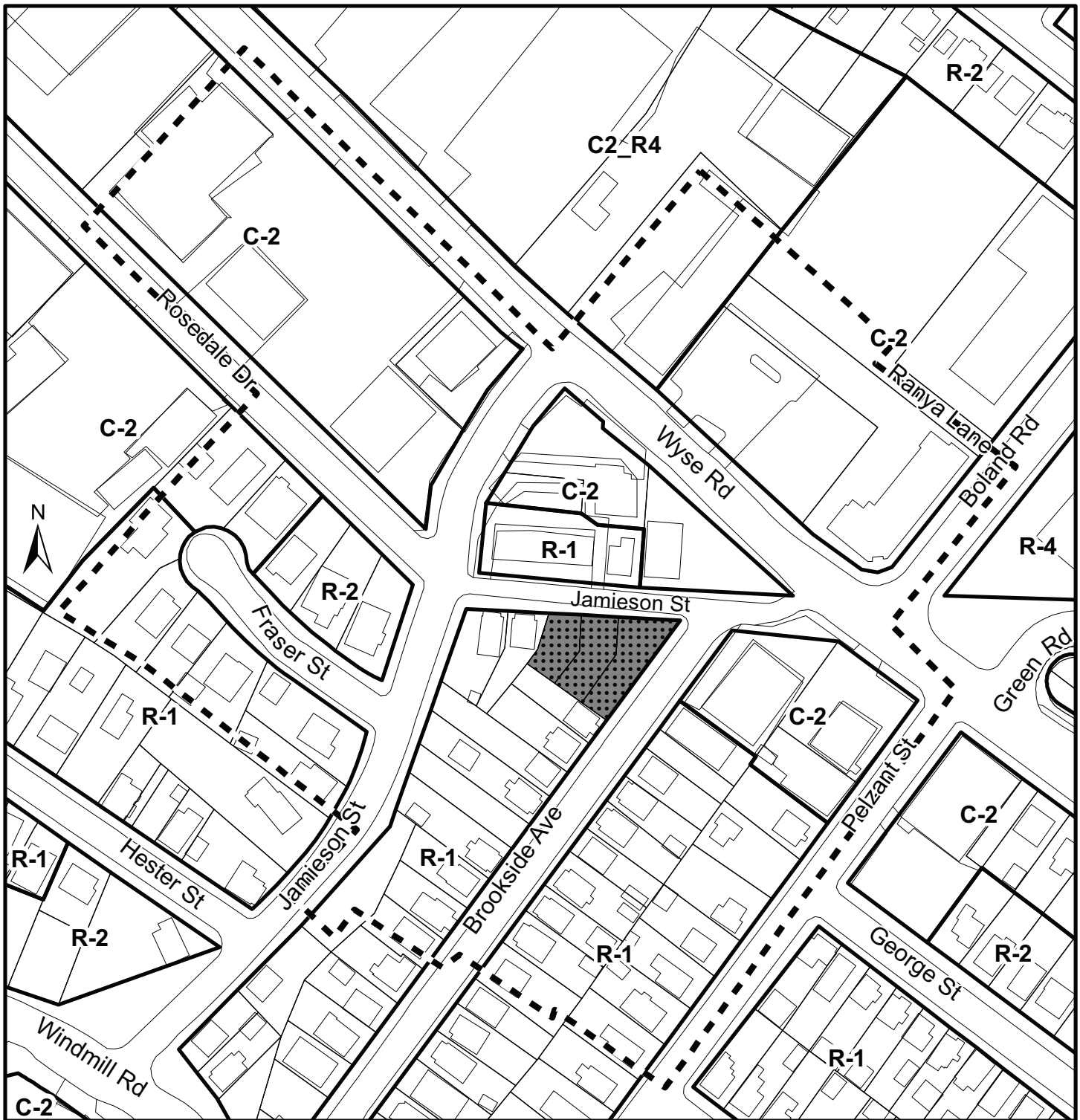
R Residential  
C Commercial  
I Industrial

Dartmouth  
Plan Area

0 20 40 60 m


This map is an unofficial reproduction of  
a portion of the Generalized Future Land  
Use Map for the plan area indicated.


HRM does not guarantee the accuracy  
of any representation on this plan.



## Map 2 - Zoning and Notification

58, 60, 62 Jamieson Street,  
Dartmouth

 Subject Area

 Area of Notification

Dartmouth  
Plan Area

### Zone

R-1 Single Family Residential  
R-2 Two Family Residential  
R-4 Multiple Family Residential (High Density)  
C-2 General Business

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DEVELOPMENT APPROVALS

0 20 40 60 m

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a portion of the Zoning Map for the plan  
area indicated.

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**Attachment A**  
**Proposed Amendments to the Dartmouth Land Use By-law**

BE IT ENACTED by the Harbour East- Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth as adopted by the former City of Dartmouth on the 25<sup>th</sup> day of July 1978, and approved by the Minister of Municipal Affairs on the 15<sup>th</sup> day of September 1978 which includes all amendments thereto which have been adopted by the Halifax Regional Municipality and are in effect as of the [**insert date of hearing**] is hereby amended as follows:

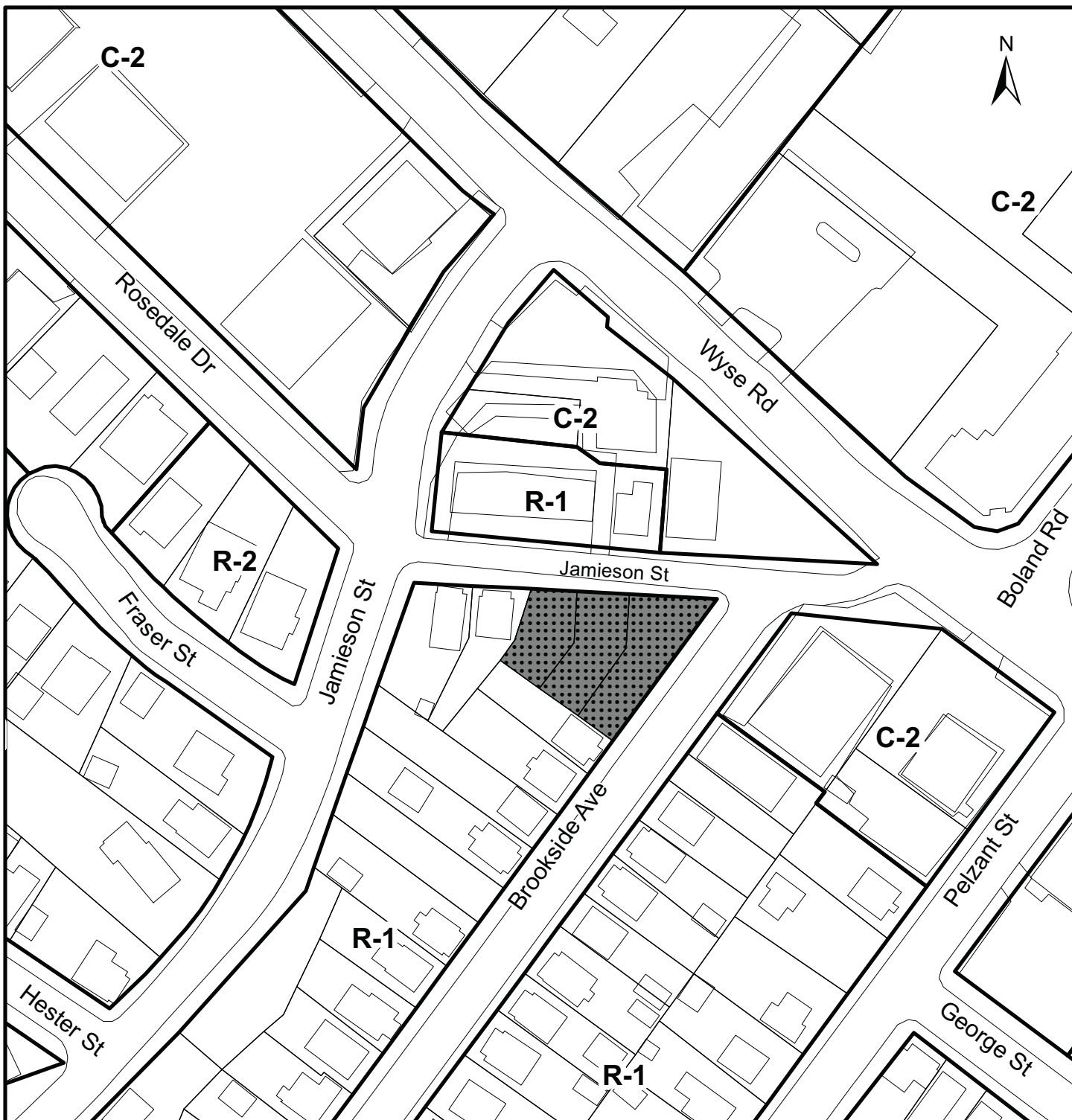
1. The Dartmouth Zoning Map is hereby amended by rezoning 58, 60 and 62 Jamieson Street in Dartmouth from the R-1 (Single Family Residential) Zone to TH (Town Housing) Zone, as illustrated on Schedule AE.

I HEREBY CERTIFY that the amendments to the Dartmouth Land Use By-law as set out above, were passed by a majority vote of Harbour East- Marine Drive Community Council at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 201\_.

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this \_\_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
Municipal Clerk





## Schedule A

58, 60, 62 Jamieson Street,  
Dartmouth



Area to be rezoned  
from R-1 (Single Family Dwelling)  
to TH (Town Housing)

Dartmouth  
Plan Area

### Zone

- R-1 Single Family Residential
- R-2 Two Family Residential
- R-4 Multiple Family Residential (High Density)
- C-2 General Business

**HALIFAX**  
REGIONAL MUNICIPALITY  
DEVELOPMENT APPROVALS

0 20 40 m

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a portion of the Zoning Map for the plan  
area indicated.

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## Attachment B

### Review of Relevant Dartmouth Municipal Planning Strategy Policies

#### IP-1 (c)

##### (c) Zoning By-law

The Zoning By-law is the principal mechanism by which land use policies shall be implemented. It shall set out zones, permitted uses and development standards which shall reflect the policies of the Municipal Development Plan as per Section 33 (3) of the Planning Act. **The zoning by-law may use site plan approval as a mechanism to regulate various uses. (RC-Sep 8/09;E-Nov 14/09)**

Notwithstanding the above, it shall be the intention of Council not to pre-zone lands outside the development boundary as shown on the Generalized Land Use Plan: Map 9;

***Map 9b, 9c, 9d, 9e, 9g, 9h,9i (By-law 633), 9i (By-law 724), 9j, 9q, 9m, 9o, 9p (Portland St), 9p (Craigwood) and 9r (As amended by By-law C-475, Sept. 20, 1983 and By-law C-493, Dec.9, 1983 and By-law C-511, July 6, 1984).***

It shall recognize that certain areas are premature for specific zoning classifications by reason of lack of services, public facilities or other constraints. Council shall use the H-zone (Holding Zone). ***In the H Zone the permitted types of uses shall be limited in accordance with the Reserve classification in Table 4 (As amended by By-law C-475, Sept. 20, 1983).*** In this manner, Council can maintain a comparatively high degree of control, and major development proposals contemplated for such areas shall be processed as zoning amendments.

In considering zoning amendments and contract zoning, Council shall have regard to the following:

Applicable Policies	Staff Comments
(1) that the proposal is in conformance with the policies and intent of the Municipal Development Plan	<p>The lands are designated for residential use and are close to commercial lands. The intent of the residential designation is to allow for stable growth within Dartmouth.</p> <p>This development complies with the intent of the policies within the MPS.</p>
(2) that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal	<p>There are townhouses located across the street and residential uses around the property. The bulk and scale of the development is consistent with the surrounding area.</p>
(3) provisions for buffering, landscaping, screening, and access control to reduce potential incompatibilities with adjacent land uses and traffic arteries	<p>Development would be subject to the requirements of the LUB.</p>

Applicable Policies	Staff Comments
<p>(4) that the proposal is not premature or inappropriate by reason of:</p> <ul style="list-style-type: none"> <li>(i) the financial capability of the City is to absorb any costs relating to the development</li> <li>(ii) the adequacy of sewer and water services and public utilities</li> <li>(iii) the adequacy and proximity of schools, recreation and other public facilities</li> <li>(iv) the adequacy of transportation networks in adjacent to or leading to the development</li> <li>(v) existing or potential dangers for the contamination of water bodies or courses or the creation of erosion or sedimentation of such areas</li> <li>(vi) preventing public access to the shorelines or the waterfront</li> <li>(vii) the presence of natural, historical features, buildings or sites</li> <li>(viii) create a scattered development pattern requiring extensions to truck facilities and public services while other such facilities remain under utilized</li> <li>(ix) the detrimental economic or social effect that it may have on other areas of the City.</li> </ul>	<p>The proposal is not premature or inappropriate for any of these reasons. There is adequacy in the water and sewer services, schools and transportation networks. The proposal is in the Regional Centre and would be consistent with the RMPS intent to focus development and infill within this area.</p> <p>The site was a contaminated site that has been remediated to the satisfaction of the Department of Environment.</p>
<p>(5) that the proposal is not an obnoxious use</p>	<p>The proposal is for a residential use and, therefore, not an obnoxious use.</p>
<p>(6) that controls by way of agreements or other legal devices are placed on proposed developments to ensure compliance with approved plans and coordination between adjacent or near by land uses and public facilities. Such controls may relate to, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>(i) type of use, density, and phasing</li> <li>(ii) emissions including air, water, noise</li> <li>(iii) traffic generation, access to and egress from the site, and parking</li> <li>(iv) open storage and landscaping</li> <li>(v) provisions for pedestrian movement and safety</li> <li>(vi) management of open space, parks, walkways</li> <li>(vii) drainage both natural and sub-surface and soil-stability</li> <li>(viii) performance bonds.</li> </ul>	<p>The rezoning process does not allow for the use of agreements or legal devices.</p>

(7) suitability of the proposed site in terms of steepness of slope, soil conditions, rock outcroppings, location of watercourses, marshes, swamps, bogs, areas subject to flooding, proximity to major highways, ramps, railroads, or other nuisance factors	The site is suitable and appropriate for residential development.
(8) that in addition to the public hearing requirements as set out in the Planning Act and City by-laws, all applications for amendments may be aired to the public via the "voluntary" public hearing process established by City Council for the purposes of information exchange between the applicant and residents. This voluntary meeting allows the residents to clearly understand the proposal previous to the formal public hearing before City Council	A PIM was held on May 28, 2012 and satisfies this requirement.
(9) that in addition to the foregoing, all zoning amendments are prepared in sufficient detail to provide: (i) Council with a clear indication of the nature of proposed development, and (ii) permit staff to assess and determine the impact such development would have on the land and the surrounding community	The applicant has provided a site plan that illustrated how they intend to develop the property. However, the rezoning cannot be tied to the site plan and the development could proceed differently than shown, provided the provisions of the LUB are met.
<b>(10) <i>Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)</i></b>	Not applicable to these lands.

**Attachment C:  
Excerpts from the Dartmouth Land Use By-law**

**PART 1: R-1 (SINGLE FAMILY RESIDENTIAL) ZONE**

32(1) The following uses only shall be permitted in an R-1 Zone:

- (a) Single family dwellings;
- (b) *places of worship and associated halls; (HECC-Dec 4/08; E-Dec 27/08)*
- (c) schools, colleges, universities, libraries, art galleries, and museums;
- (d) public parks and playgrounds;
- (e) tennis clubs, quoit clubs, lawn bowling clubs, archery clubs, golf clubs;
- (f) yacht and boating clubs located within 200 feet of the shore of a lake or Halifax Harbour;
- (g) uses accessory to any of the foregoing uses;
- (h) **within the Waverley Road designation, expanded home occupations are permitted subject to site plan approval, in accordance with the requirements of Section 23A of the General Provisions. (RC-Sep 8/09; E-Nov 14/09)**

32(2) Buildings used for R-1 uses in an R-1 Zone shall comply with the following requirements:

- (a) Lot area minimum - 5,000 square feet
- (b) Lot coverage maximum - 35 %
- (c) Side and rear yards shall be provided on each side and at the rear of buildings as provided by the Building By-laws of the City.
- (d) *Height Maximum -35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05; E-Apr 23/05)*

32(3) *Notwithstanding anything else in this by-law, the following zone requirements shall apply to lots TH-7, TH-8, TH-9, TH-10 and TH-11 on Chinook Court and lots TH-1, TH-2, TH-13, TH-14 and TH-15 on Tutor Court in the Lancaster Ridge Subdivision only:*

- (a) **Zone Requirements:**

<i>Minimum lot area</i>	<i>3000 square feet</i>
<i>Minimum lot frontage</i>	<i>36 feet</i>
<i>Minimum front yard</i>	<i>15 feet</i>
<i>Minimum side yards</i>	<i>5 feet (one side)</i>
<i>For dwelling</i>	<i>10 feet (other side)</i>
<i>Minimum rear yard</i>	<i>10 feet</i>
<i>Maximum lot coverage</i>	<i>35 per cent</i>
- (b) *For detached garages and accessory buildings, the minimum setback from any side or rear property line is two (2) feet.*
- (c) *For decks and verandahs, the minimum setback from any side or rear property line is five (5) feet.*
- (d) *Notwithstanding Section 3(a), minimum sideyards, where a dwelling includes an attached garage the minimum sideyard for both sides of the dwelling shall be five (5) feet.*
- (e) *On all lots where there is no attached garage, the driveway shall extend into the sideyard of the lot a minimum of fifteen (15) feet beyond the front wall of the structure.*

- (f) *Where a lot fronts on the outside of a street curve having a radius of one hundred (100) feet or less, the required lot frontage may be reduced to a minimum of 25 feet. (As amended by By-law C-730, Oct 25/95)*

**32(4)** *Notwithstanding anything else in this by-law, the following zone requirements shall apply to all new lots that were approved after October 13, 2001:*

- (1) **Zone Requirements:**  
**Minimum Side Yard** 8 feet  
**Minimum Rear Yard** 8 feet
- (2) *The maximum building eave projection into the minimum required side yard shall be 2 feet (HECC-Nov 1/01;E-Nov 25/01)*

**32(5)** Notwithstanding clause 32(2) (a) of this By-law, institutional uses permitted in the R-1 Zone shall comply with the following standards:

- (a) The lot area minimum for all institutional uses, excluding public parks and playgrounds - 10,000 square feet
- (i) Section 19 of this by-law does not apply to institutional uses permitted in the R-1 zone.
- (b) For any new or expanded institutional use, the following landscaping provisions shall apply:
- (i) Within the front yard area, the first ten (10) feet bordering the road right-of-way shall be fully landscaped, except where driveway or pedestrian access points are required.
- (ii) Landscaping shall consist of ground cover and a minimum of one shrub for each fifty (50) square feet of required landscaped area and one tree for every fifty (50) feet of lot width. (HECC-Dec 4/08;E-Dec 27/08)

**32(6)** For any R-1 zoned lot abutting Green Bank Court, Cove Lane, or Basinview Drive, no new single family dwellings shall be permitted; but existing single family dwellings and accessory uses may be replaced, repaired, and additions made to in accordance with the R-1 Zone and any other general provision of this By-law. (RC-May 26/09;E-Jul 25/09)

## **PART 6: TH (TOWN HOUSING) ZONE**

**36(1)** The following uses only shall be permitted in a TH Zone:

- (a) Two or more one-family dwellings, which are attached vertically and which have their own independent entrances and exits;
- (b) schools;
- (c) any use accessory to any of the foregoing uses.

**36(2)** Building used for TH uses in an TH Zone shall comply with the following requirements:

- (a) Lot area minimum - 2,000 sq. ft. per unit
- (b) Lot frontage minimum - 20 feet, except where the lot faces on the outside of a curve in a street in which case the minimum frontage shall be not less than 15 ft. and the dimension along the minimum set-back for the lot shall be not less than 20 feet.
- (c) Lot coverage maximum - 35%
- (d) not more than eight individual housing units shall be included in any one building block.

- (e) A sideyard at least 10 feet in width shall be provided at each end of each building block.
- (f) Every building block shall be located at a distance of not less than 15 feet from the street line.
- (g) ***Height Maximum - 35 feet on all parcels of land situated within the "Lake Banook Canoe Course Area" as identified on Schedule "W". (RC-Feb 8/05;E-Apr 23/05)***

36(3) No more than 15 one-family dwelling houses which are attached vertically, as permitted in this zone shall be erected per acre.



**Attachment D**  
**Minutes from the Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**  
**CASE NO. 16674**

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**7:00 p.m.**  
**Monday, May 28, 2012**  
**St. Paul's Parrish Hall**  
**199 Windmill Road, Dartmouth**

**STAFF IN**  
**ATTENDANCE:** Darrell Joudrey, Planner, Planning Applications  
Hilary Campbell, Planning Technician  
Jennifer Purdy Planning Controller

**ALSO IN**  
**ATTENDANCE:** Councillor Gloria McCluskey  
Councillor Jim Smith  
Bill Campbell, Applicant

**PUBLIC IN**  
**ATTENDANCE:** 11

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The meeting commenced at approximately 7:05p.m.

**Opening remarks/Introductions/Purpose of meeting**

**Councillor Jim Smith** explained that during tonight's public information meeting, staff and the applicant, Mr. Bill Campbell will be giving a presentation on the application. He introduced Councillor Gloria McCluskey and Former MLA Trevor Zinck and Gerry Pye.

**Mr. Darrell Joudrey**, Planner, Planning Applications, called the meeting to order at approximately 7:05 p.m. in the St. Paul's Parish Hall, 199 Windmill Road, Dartmouth.

He introduced himself as the planner guiding this application through the process and also introduced Hilary Campbell, Planning Technician, HRM Planning Services, Jennifer Purdy, Planning Controller, HRM Planning Services and Bill Campbell, Applicant.

Mr. Joudrey advised that the application is by Bill Campbell for lands of 3170793 Nova Scotia Limited to rezone from R-1 (Single Residential) Zone to TH (Town Housing) Zone at 62 Jamieson Street, Dartmouth.

Mr. Joudrey reviewed the application process, noting that the public information meeting is an initial step, whereby HRM identifies to the community early in the process that a development application has been received and what policies allows it to be considered. Staff will also identify what the applicant is proposing and give them the opportunity to present their proposal to the community. Staff will seek feedback from citizens before the staff report is prepared and that no decisions have been made to this point or at this meeting. Following this meeting, the application will then be brought forward to Council which will hold a public hearing at a later date, prior to making a decision on the proposed development.

### **Presentation on Application**

Mr. Joudrey explained that the applicant is Bill Campbell and has applied on behalf of his clients to rezone from Single Residential to Townhouse. He reviewed the zoning map for Dartmouth, Plan Area for District 9 explaining that the designation in the area is residential and the current zone is R1 and is vacant. The lot area is 10,644 square feet. Under the Dartmouth Municipal Planning Strategy, the generalized future land use map identifies land use designation for Dartmouth. This permits single unit dwellings, duplex, semi's, low density multiple unit and high density multiple unit. The land use policies are implemented through the zoning by-law and sets out permitted uses and development standards that reflect the policies. Policy IP1C sets out criteria for consideration of proposed zoning amendments by Council. He at this time showed a slide of the proposed site plan.

**Bill Campbell, Applicant** reviewed the site plan and explained that they are proposing 5 townhouse units. Each unit will be 2,000 sq. ft. lot and does not exceed the maximum coverage requirement or setback. He explained that they are trying to meet the requirements of the townhouse zone for this area. He added that they have reviewed the Dartmouth Municipal Planning Strategy and meet all the tests and requirements of the policy. There will be parking off of Jamieson Street in front of each unit and will also be three spaces off of Brookside. The site has been certified as being clean by Jay Swiffer Stan Tech and has been completed prior to the purchase of the property. He explained that they are proposing 3bedroom townhouses with three levels, living, dining room on the main floor and the three bedrooms upstairs with the rec room/accessory space in the basement.

### **Questions and Answers**

Councillor McCluskey asked if there will be any visitor parking.

Mr. Campbell explained that there will be 8 parking spaces and three spaces in excessive.

Mr. Gerry Pye asked for further clarification if it is on Jamieson Street or Jamieson Place.

Mr. Campbell explained that it is an extension off of Jamieson Place and will update the plan to note that.

Mr. Ron Fritz, Dartmouth asked what is clean about the place and addressed concern with this area not being clean.

Mr. Campbell explained that the site had had some oil leakage on it which has been cleaned and remediated in 2009.

Ms. Paddi Hildebrand, Dartmouth explained that she has been walking this street for 31 years and takes the bus on Wyse Road. She explained that there is currently a piece of cement where they check to see if it is clean enough and asked what the plans are for this piece of cement.

It was noted that this will be removed completely.

Ms. Hidenbrand asked if they had drilled a big pipe in order to check the oil spill.

Mr. Campbell explained that there are over a dozen of them. These are to monitor the property.

Mr. Joudrey asked how long it will have to be monitored for.

Mr. Campbell explained that he didn't know because they got their letter from NS Environment.

Mr. Joudrey explained that Mr. Campbell will be providing him with certifications from the Nova Scotia Environment certifying that the work has been complete and that the site meets the Provincial requirements.

Ms. Hidenbrand asked when the spill was.

A discussion was had and it was approximately two years ago.

Ms. Elizabeth Eaton asked how come the door is level with the basement window.

Mr. Campbell explained that they are split entry and will show diagrams following the meeting.

Ms. Eaton asked about access to the back of the building and where visitor parking will be.

Mr. Campbell viewed a slide of the area, showing where the access to the back will be and also where the parking will be.

Ms. Eaton asked what the suggested retail price will be.

Mr. Campbell explained that they will be around \$250,000.

Ms. Hidenbrand explained that she wouldn't like to live on Brookside because their views are only parking lots and people's back yards.

Mr. Campbell explained that there is opportunity for landscaping which will soften the appearance of it.

Mr. Tylor McDuff, Dartmouth explained that he resides along the back of this property and explained that it is filthy right now and therefore, a new development will be an improvement to what is currently there. He asked what the construction timeframe will be.

Mr. Earle Hickey explained that the construction timeframe will approximately be 6 months.

Mr. Campbell explained that there will be a weekly tidy-up.

Ms. Eaton explained that there are currently people parking there.

Mr. Fritz explained that there has been rubble deposited recently within the past 2-3 years. There is also mounds of soil that has come from excavated contaminated soil from the lot which has been dumped there. He addressed concern with this not being clean, and it wasn't clean the last time it was tested. He asked that this is further looked in to.

Mr. Campbell explained that he will be submitting documentation to HRM Staff who will verify and will also look into the soil that was recently put there.

Ms. Hildebrand explained that she has called HRM many times trying to get the house next door cleaned up. The company there is a cleaning company who stores all their materials in the driveway and also has 4 vehicles which are probably on this property. She explained that even though this development may look nice, no one is going to want to live next to the property next door.

Mr. Joudrey explained that the Community Standards Officers are complaint driven and do check out most complaints that are through Development Services.

Ms. Hildebrand explained that with the next door neighbour's properties being an unsightly mess, the owner for this application may have problems selling these townhouses at \$250,000 and suggested buying out the next door neighbor and making the application for 6 townhouses.

Mr. Fritz asked if these townhouses can be rental units or just going to be sold.

Mr. Joudrey explained that these could be either but, only one household.

Councillor Smith explained that in Dartmouth anything over three units is supposed to go by development agreement but in this case it is going by townhouse designation which will go as-of-right.

Mr. Joudrey explained that this is correct and because they are joined, it counts as town housing vs. multiple unit buildings.

Mr. Pye explained that he assumes that because these townhouses are being built, rather than R1 single family units is because the land use allows it to be less than 5,000 sq. ft. per unit.

Mr. Joudrey explained that it is 2,000 sq. ft. per unit for town houses.

Mr. Joudrey explained that following tonight's meeting; there will be a HRM Staff Review. The plans and the proposal will be sent to Development Officers and Engineering, Halifax Water, School Board and anyone that has comment to make on this application. Along with feedback received at tonight's meeting, a staff report will be forwarded to Harbour East Community Council for their decision. Once a decision is made, a 14 day appeal period will follow.

Mr. Pye asked if HRM staff development reviews include Fire, Police and Transit.

Mr. Joudrey answered yes and will be forwarded to anyone who might have relevant comments to be made.

Councillor Smith reminded residents to sign the sign-up sheets and they will be included into to any future communication regarding this application. He also added that he would look into the complaints to the property next door.

### **Closing Comments**

Mr. Joudrey thanked everyone for attending. He encouraged anyone with further questions or comments to contact him.

### **Adjournment**

The meeting adjourned at approximately 7:40p.m.