

HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL  
MINUTES

March 7, 2013

PRESENT: Councillor Darren Fisher, Chair  
Councillor David Hendsbee, Vice Chair  
Councillor Gloria McCluskey

REGRETS: Councillor Bill Karsten  
Councillor Lorelei Nicoll

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.

**2. APPROVAL OF MINUTES – February 7 & 26, 2013**

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that the Harbour East-Marine Drive Community Council minutes of February 7 & 26, 2013 be approved as circulated. MOTION PUT AND PASSED.**

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

**MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that the order of business be approved, as circulated. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET**

There were no updates to provide 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 17762: Development Agreement for an Apartment Building at 72-74 Primrose Street, Dartmouth**

A report dated January 2, 2013 was before Community Council.

Mr. Shayne Vipond, HRM Senior Planner, presented the staff report outlining the application for a development agreement to develop the vacant lands of 72-74 Primrose Street in Dartmouth with a four storey apartment building.

Responding to questions from Councillor Hendsbee about stormwater management on site, Mr. Vipond advised that there is a stormwater plan in place.

The Chair asked if the applicant or a representative of the applicant would like to address Community Council at this time. No one came forward.

The Chair opened the public hearing, inviting those that wished to speak to come forward.

**Mr. Sheldon O'Brien, Primrose Street, Dartmouth**, posed a number of questions including: how many storeys are proposed? Will there be enough parking? Will heating be by oil or natural gas? Is there any common space proposed? What are the start and end dates? Will there be blasting on site for construction? Who is the architect? Will there be an elevator in the building?

Mr. Vipond, at the request of Community Council, responded to Mr. O'Brien's questions, noting that there are four stores proposed, there will be ample parking, he is not sure of the heating, but assumes it will be oil, there is a common room proposed for the main floor of the building, the architect is Innovation Architects Ltd., the start and end dates depend on the planning process, he is unsure whether there will be blasting, and there is an elevator planned.

**Ms. Sharon O'Brien, Primrose Street, Dartmouth**, indicated she is disappointed that the supervisor or the owner of the building is not present to answer questions. She noted concern that this is a plan with the city to get homeless people off the street. She inquired whether this building would be for seniors, or whether it will be another drug building. Ms. O'Brien noted that she lives on the first floor of a building on Primrose Street and she has concerns about sewage flooding. She is very concerned with drugs in the neighbourhood, and asked if there is anything staff can do to keep the building drug free such as requiring background checks of renters. Ms. O'Brien suggested that landlords in the area could work together to keep drug people out of the neighbourhood.

**Mr. Jerry Pye, Baker Drive, Dartmouth**, noted that he lives in an apartment and he is not opposed to multi-unit development, and has no allegiance to developers, but he is not in favour of this development because he believes that Community Council should promote the development of healthy and safe communities. Mr. Pye noted that he served on the former Dartmouth City Council which was concerned with Dartmouth North and commissioned a study of the area in 1995. Their intent was to promote the construction of single family homes in the area. He indicated that only 18% of the area is made up of single family homes. Mr. Pye noted that the area is prone to little community consultation and residents have little interest in getting involved because many of them don't believe they will stay there. He suggested that the intent of many of the area residents is to move their families to a community near a school in a single family home. Mr. Pye suggested that this neighbourhood undergo the community visioning process. He commented that the minutes from the public information meeting on this proposal do not include the names and addresses of those that spoke, noting that it is important to know where people live.

**An unidentified gentleman spoke on behalf of the developer**, indicating that this will be a good project. The building will have 43 units, including 27 one bedroom units and 16 one bedroom with den units. He noted that the building will have underground parking with an elevator. He indicated surprise at hearing opposition to the building because he believes it will bring value to the area, and commented that the developer is taking risks to put so much money into this development.

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

**MOVED by Councillor Hendsbee, seconded by Councillor Fisher, that Harbour East-Marine Drive Community Council:**

- 1. Approve the proposed development agreement to permit an apartment building at 72-74 Primrose Street, Dartmouth, as provided in Attachment A of the January 2, 2012 report; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Hendsbee indicated that he has heard many times over the years that North End Dartmouth needs refreshing, that it needs new housing stock and that the buildings have not been kept up. He commented that this proposal may provide the emphasis for other area property owners to fix up their buildings.

Responding to questions from Councillor McCluskey, Mr. Vipond indicated that although he has not calculated the number of townhouses that could be built on the property, the lot frontage is only 150 feet so approximately 7 townhouses could fit on the lot.

Councillor McCluskey noted that she does not support the recommendation because she feels the number of apartments in the neighbourhood are taking away from the community. She was a part of the former Dartmouth City Council discussions to encourage single family dwellings in the area. She noted that apartment dwellers are transient and have a different interest in the neighbourhood, and even if they wanted to buy a home in the area, there are few to be found. Councillor McCluskey commented that while she has no doubt that it will be a beautiful development and have good tenants she is disappointed with what is happening in this community. She would wish for something different on this land such as townhouses, noting that families will not be living in the one bedroom apartments in this proposal.

At this time Councillor Hendsbee assumed the Chair and Councillor Fisher took a seat with Community Council.

Councillor Fisher commented that while it is unfortunate that HRM cannot regulate the number of bedrooms in apartments, Community Council must make decisions based on policy. He noted that this is an infill development which is already serviced by Metro

Transit and the density requested fits within the zone. Based on the current policy in place he supports the recommendation.

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

**MOTION PUT AND PASSED.**

**7.1.2 Case 17971: Development Agreement for 5-7 Tupper Street, Dartmouth**

A staff report dated January 16, 2013 was before Community Council.

Mr. Shayne Vipond, HRM Senior Planner, presented the staff report outlining the application for a development agreement to construct two, 2-unit dwellings.

Mr. Vipond responded to questions from Councillor Hendsbee regarding stormwater management on site, noting that the stormwater management plan was fully vetted by HRM engineering staff.

Councillor Hendsbee noted concerns with rain water sheeting off the property and off the street because of less permeable surfaces.

The Chair asked if the applicant or a representative of the applicant would like to address Community Council at this time.

Mr. Nigel Cullinson, representing the applicants, indicated that he is the designer of the project. Mr. Cullinson suggested that Councillor Hendsbee's surface water concerns could be easily addressed by the installation of drywells.

The Chair opened the public hearing, inviting those that wished to speak to come forward. The Chair called three times for any speakers to come forward. Hearing none it was **MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that the public hearing close. MOTION PUT AND PASSED.**

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Harbour East-Marine Drive Community Council:**

- 1. Approve the proposed development agreement, as provided in Attachment A of the January 16, 2013 report; and**
- 2. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Hendsbee inquired whether there was any way to require stormwater mitigation measures be included in the development agreement. Mr. Vipond and Ms. Thea Langille, Supervisor, Planning Applications, indicated that there is nothing in the Municipal Planning Strategy for HRM to have the ability to regulate. Councillor Hendsbee commented that he hopes that the applicant ensures that stormwater mitigation measures are implemented on site.

**MOTION PUT AND PASSED.**

**7.1.3 Case 17673: Development Agreement for 385 Caldwell Road, Cole Harbour**

A staff report dated January 17, 2013 was before Community Council.

Mr. Mitch Dickey, HRM Planner, presented the staff report outlining the application for a development agreement to operate a health products store and an apartment unit at an existing property at 385 Caldwell Road, Dartmouth.

Mr. Dickey responded to questions from Councillor Hendsbee, noting that the property is serviced by HRM for sewer and water. Mr. Dickey further clarified at the request of the Councillor that should the property owner wish to subdivide the property for commercial use in the future they would have to apply for a discharge of the development agreement and go back through the public process. Mr. Dickey further clarified in response to questions that the property would only require six parking spaces and the remainder of the parking lot could be returned to landscaping.

At the request of Councillor McCluskey, Mr. Dickey read the hours of operation for the proposed business. He also clarified that one of the apartments would have to be removed, as there are currently two apartments and the development agreement would permit one.

The Chair asked if the applicant or a representative of the applicant would like to address Community Council at this time. No one came forward.

The Chair opened the public hearing, inviting those that wished to speak to come forward. The Chair called three times for any speakers to come forward. Hearing none it was **MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that the public hearing close. MOTION PUT AND PASSED.**

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Harbour East-Marine Drive Community Council:**

- 1. Approve the proposed development agreement, as provided in Attachment A of the January 17, 2013 report, to allow a health products store at 385 Caldwell Road, Cole Harbour; and**

2. **Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**MOTION PUT AND PASSED.**

**7.2 Variance Appeal Hearings - None**

**8. CORRESPONDENCE, PETITIONS & PRESENTATIONS**

**8.1 Correspondence**

**8.1.1 Correspondence from S.M. Mandaville, Chairman, Soil & Water Conservation Society of Metro Halifax dated February 12, 2013 re: Stressors and selective removals**

Correspondence from S.M. Mandaville, Chairman, Soil & Water Conservation Society of Metro Halifax dated February 12, 2013 re: Stressors and selective removals was before Community Council.

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Harbour East-Marine Drive Community Council accept the correspondence from S.M. Mandaville, Chairman, Soil & Water Conservation Society of Metro Halifax dated February 12, 2013 re: Stressors and selective removals. MOTION PUT AND PASSED.**

**8.2 Petitions - None**

**8.3 Presentations - None**

**9. REPORTS**

**9.1 Staff Reports - None**

**9.2 Boards & Committees**

**9.2.1 Russell Lake Water Quality, Policy Review Project (information report dated February 8, 2013)**

An information report from the Dartmouth Lakes Advisory Board dated February 8, 2013 was before Community Council.

**MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Harbour East-Marine Drive Community Council refer the February 8, 2013 information report from the Dartmouth Lakes Advisory Board to staff for a response via a staff report. MOTION PUT AND PASSED.**

Councillor McCluskey thanked the Dartmouth Lakes Advisory Board for this excellent report.

10. **MOTIONS - None**
11. **ADDED ITEMS - None**
12. **NOTICES OF MOTION - None**
13. **PUBLIC PARTICIPATION**

**Mr. Ken Brunt, West Jeddore**, spoke to the need for the ability to create more multi use (commercial and residential) developments in District 2. He suggested that Community Council make changes to planning regulations to allow mixed use developments of up to six residential units. Mr. Brunt indicated that the community has been struggling with slow growth, and he believes that increased residential opportunities will bring people to the area and keep people in the area, also increasing local business. Mr. Brunt referenced the Musquodoboit community visioning process, noting that there is a desire in the community for growth.

Responding to questions from Councillor McCluskey, Mr. Brunt indicated that there are no apartment buildings in the Musquodoboit area, but there are many buildings with the potential to be used as apartment buildings, such a school house and bed and breakfasts.

**Mr. Shawn Martin, Oyster Pond**, indicated that residents are looking for growth and the opportunity to have apartments to increase the population in communities in District 2. Referencing the Musquodoboit community visioning process which was completed in 2007, he noted that nothing has been implemented from the vision. Mr. Martin noted he owns a commercial property that he would like to develop into apartments, and has had several residents asking him to rent them an apartment. He spoke to the need for affordable housing in the area.

**MOVED by Councillor Hendsbee, seconded by Councillor McCluskey, that Harbour East-Marine Drive Community Council request a staff report outlining what amendments would be required to allow mixed use zoning with the intent of rural densification, in particular in District 2.**

Councillor Hendsbee indicated that there are young families and seniors that want to live in these rural communities but there are few housing choices such as apartments. He noted that due to the downturn in the economy there are a number of vacant

commercial buildings that could be repurposed as apartments, to provide the opportunity to use those buildings and provide alternative housing in rural communities. He noted that there may be an opportunity for this through the Regional Plan Five Year Review underway.

**MOTION PUT AND PASSED.**

**14. NEXT MEETING DATE – March 21, 2013**

The next Harbour East Community Council meeting is scheduled for Thursday, March 21, 2013 at 6:00 p.m. in the Chamber at 90 Alderney Drive, Dartmouth.

**15. ADJOURNMENT**

The meeting was adjourned at 7:14 p.m.

Jennifer Weagle  
Legislative Assistant

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**INFORMATION ITEMS – None**