

HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES

November 14, 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 Karsten.

2. APPROVAL OF MINUTES – October 17, 2013

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the Harbour East-Marine Drive Community Council minutes of October 17, 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 Karsten, seconded by Councillor McCluskey, that the order of business be approved, as circulated. MOTION PUT AND PASSED.

Councillor Hendsbee joined the meeting at 6:03 p.m.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

The first three items on the status sheet relating to correspondence from the Soil & Water Conservation Society of Metro Halifax can be removed from the status sheet.

The Cole Harbour Open Space plan is going to Regional Council in December, and this item can be deleted from 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 17863: Development Agreement – Corner of Ochterloney Street and Victoria Road, Dartmouth

The following information was before Community Council:

- A staff Information Report dated September 17, 2013
- An information report from the Heritage Advisory Committee dated August 29, 2013 (with attached Staff Recommendation Report dated August 16, 2013)
- Correspondence from Pink Larkin Lawyers dated November 14, 2013 and Colin May dated November 14, 2013 were circulated to Community Council.

Mr. Mitch Dickey, HRM Planner, presented Case 17863, an application for a development agreement to construct a seven storey building with a penthouse including ground floor commercial or residential space, for a maximum of 52 residential units. A copy of Mr. Dickey's presentation is on file.

Mr. Dickey reviewed a revised staff recommendation which was circulated to Community Council. Mr. Dickey noted that the revised staff recommendation provides some limiting factors for non-substantive amendments so that Council approve changes to certain elements such as unit mix, parking requirements, windows, exterior cladding, and landscaping. The revised staff recommendation also clarifies that no development is to take place on the lands unless Council approves the deregistration of the rear portion of 99 Ochterloney Street, which is intended to be subdivided and consolidated with the rest of the subject lands.

Mr. Dickey clarified at the request of Councillor Hendsbee that trees would be planted as per HRM specifications to block the three existing driveways on the site. He further clarified that with regard to stormwater management, there is a separated system as part of Ochterloney Street. The developer would be responsible to balance pre and post development flows, and would be required to submit a grading plan.

Responding to questions regarding the deregistration process, Mr. Dickey clarified that a public hearing would be held by Regional Council.

Responding to questions regarding the location of the underground parking entrance on a one-way portion of Victoria Road, Mr. Dickey clarified that a traffic study was submitted with this scenario.

Mr. Michael Napier, Architect for the Applicant, commented on increased growth in Downtown Dartmouth, and noted that this development could set a precedent for future development in the area. He noted that the developer made a decision to preserve the heritage house as an integral part of the project, to highlight its attributes and not resort to facadism.

Ms. Heather Bowen, Architect for the Applicant, presented the application to Community Council, including the following information:

- Unit mix:
 - 1-Bedroom/1-Bedroom + den = 34 units
 - 2-Bedroom/2-Bedroom + den = 14 units
 - Live / work townhouses = 4 units
- Resident amenity space will include a social room, fitness room, and outdoor amenity/green space.
- Underground parking will be over two floors and will include 54 spaces (incl. 2 spaces for residents of heritage house), and storage space for each resident.
- How the proposal meets heritage considerations, including scale, design elements, a shared courtyard, and minimizing shadow on the heritage property through building orientation.

- A number of changes were made to the proposal due to feedback through the planning process, including increased setbacks, stepbacks, simplified cladding material and colour, townhouses on the ground floor, and increased landscaping and fenestration.

Ms. Bowen provided a summary of the traffic impact statement, reviewing pedestrian and vehicle access, trip generation, street traffic volumes, and pedestrian and transit services.

A copy of the Architects' presentation is available on file.

The Chair reviewed the rules for the public hearing and opened the floor for those wishing to speak on the application.

Ms. Kelsey McLaren, lawyer with Pink Larkin, representing the Heritage Trust of Nova Scotia, commented on a letter sent on behalf of her client to Community Council earlier in the day. Her client is asking that Community Council defer decision on this matter for staff to review and analyze Municipal Planning Strategy policy CH-1. Ms. McLaren indicated that policy CH-1 applies when considering any development agreement application in connection with any municipally registered heritage property, and in particular "a lot in which a municipally registered heritage building is situated". Ms. McLaren emphasized this point, and noted that the staff presentation indicated that policy CH-1 primarily applies to a redevelopment of heritage buildings. She noted that the staff report reviews policy CH-2, which applies to lands abutting municipally registered heritage structures. Ms. McLaren indicated that their client submits that HRM staff are pre-determining this issue as analysis with CH-2 pre-supposes that part of the property from the municipally registered heritage property will be subdivided and de-registered. She noted that the proposed development agreement includes 99 Ochterloney Street, which is the municipally registered heritage property, although neither subdivision or deregistration has taken place, which would require a public hearing following By-law H-200. Ms. McLaren commented that policy CH-1 should be analyzed clause by clause in relation to the proposed development agreement, the same way that policy CH-2 was for the purposes of public fairness. She noted that it is not a forgone conclusion that the deregistration and subdivision will take place, and this condition is not included in the proposed development agreement.

Mr. Trevor Parsons, Dartmouth, advised that he is the owner of two heritage properties, and has volunteered for many years with the Dartmouth Heritage Museum. Mr. Parsons indicated that he supports the staff report, in particular the proportions and design of the building and that the developer is willing to maintain the heritage building on the property and not attempting to mimic heritage architecture with the development. Mr. Parsons commented on the credibility of statements made by the Heritage Advisory Committee (HAC) and the Heritage Trust of Nova Scotia, in particular to policy CH-1 as it relates to compatibility with adjacent heritage properties, since the HAC previously recommended approval of the three high-rise towers around the Greenvale School property, which is a registered heritage property designed by well-known architect

Andrew Cobb, and next to a 100 year old arts and crafts style building. Mr. Parsons commented that the developer in this instance went to the effort of incorporating the existing heritage building in the design of the new development, noting that when the application was started legislation required only a one year wait to demolish a heritage building, which speaks to the developer's intention to save the heritage building.

Mr. Dale Hussey, Dartmouth, indicated that he lives across from the proposed development. He has concerns that the proposal stretches the character of Ochterloney Street. Mr. Hussey is also concerned with the height of the building, although he understands that was reduced by one storey with additional step backs. The current proposal will leave his home in shadow for the winter months, and will directly affect his efforts to passively heat his home. Mr. Hussey commented that Victoria Road is a very narrow, one-way street at the area proposed for the entrance to the parking garage, and he assumes that the four on-street parking spaces there will be lost. Mr. Hussey indicated that the general mass of the building will affect his family and small children.

Mr. Blair MacKinnon, Dartmouth, indicated that he has been a resident of Dartmouth since 1970. He works from an office adjacent to the proposed development, which is in a heritage property, and walks past the site four times a day. Mr. MacKinnon advised that he had attended the public meeting on this development, and is pleased to see the changes that have been made to the design since that time. As a resident and owner of a business in downtown Dartmouth, he is distressed to see lots sitting vacant for years, and he feels that the proposal will be a vast improvement over a vacant lot. As a developer, he would find it frustrating waiting for three years to develop the site, and he is distressed to see that people are trying to delay it further. Mr. MacKinnon noted that he feels this is will be a good development and height is necessary to build density in downtown Dartmouth. Mr. MacKinnon encouraged Community Council to support the application.

Mr. Sam Austin, Dartmouth, indicated that he lives a few blocks from the site of the proposal. Mr. Austin spoke in favour of the development, noting the active streetscape that will be created with the townhouses and commercial space. He commented that the massing is good, and necessary in order to meet Regional Plan objectives of getting people to move into the downtown. Mr. Austin suggested that in order for retail on Portland to thrive, there need to be more people living downtown. With regard to heritage, Mr. Austin commented that with another developer, the heritage property may be demolished, or reduced to a front façade, although this developer is choosing to retain the heritage property. He indicated that trading off the backyard of the heritage property to increase density and get more people living in the downtown, as well as saving a heritage building is a positive thing. Mr. Austin encouraged Community Council to support the application.

Mr. Colin May, Dartmouth, quoted from a letter of application from Mr. Napier dated April 13, 2012, which stated that the property owner and his firm had consulted with HRM staff, residents of Dartmouth and elected officials to determine the best needs for

the site. Mr. May asked Mr. Napier at the August 2013 public meeting for the names of the elected officials consulted, and Mr. Napier responded that there had been several meetings with residents and Councillors, however, he did not have the names and locations available at that time. Mr. May advised that he spoke with Councillors McCluskey and Fisher following the public meeting and neither had met with the applicant nor the developer. Mr. May further advised that residents of abutting properties indicated that they had not met with the applicant nor the developer and only found out about the development when mailed the notice about the public meeting. Mr. May reviewed former and current elected officials that had indicated they had not met with the applicant or the developer, in response to his inquiring. He suggested that this implies that the applicant has not complied with policy N-5 of the Downtown Dartmouth Planning Strategy, which requires the applicant to make all reasonable efforts to collaborate with neighbourhood residents on the proposed development. Mr. May commented that the public meeting should not be considered "collaboration". He indicated that since the applicant has failed to meet all policy criteria, the application should be denied.

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

Mr. Dickey responded to several comments made during the public hearing. Mr. Dickey clarified that, with regard to concerns raised regarding shadows on Victoria Road, there is no policy criteria for Council to make a decision based on shadows on private property. With regard to concern with 3 or 4 parking spaces on Victoria Road outside of the proposed entrance to the parking garage, Traffic Services may have to re-evaluate the location of those spaces.

In response to a question from Councillor Hendsbee, Mr. Dickey advised that the revised staff recommendation provided to Community Council addresses the concerns brought forward by the Heritage Trust of Nova Scotia.

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

1. **Approve the proposed development agreement as set out in Attachment A of the staff report dated August 16, 2013 with the following new sections and changes to sections:**

Insert 3.2.5:

The Municipality shall not issue any Development Permit until such time as Regional Council has approved a heritage deregistration pursuant to Section 3.13.

And insert

3.13 Deregistration of Heritage Property

No development shall be permitted on the Lands unless Council, pursuant to the Heritage Property Act, approves a deregistration for that rear portion of 99 Ochterloney Street which is intended to be subdivided and consolidated with the remainder of the Lands pursuant to Section 3.9; and as generally shown on Schedule B.

With changes to Section 5.1 by inserting the following alternative wording:

5.1 (a) Minor alterations to the requirements of Section 3.4 for exterior design such as changes to window design and proportion, and for variations to cladding materials and colours provided such variations are generally consistent with the original concept;

5.1 (c) Alterations to the residential unit type and mix established by Subsection 3.3.4 provided that at least eighteen units are two bedroom or larger,

5.1 (d) A reduction in the parking requirement below the threshold set out in Section 3.5, provided that a minimum ration of 0.5 spaces per unit is provided,

5.1 (e) Alterations to the landscaping plan required under Section 3.7 provided that a mix of soft and landscaping is provided with a mix of plantings including shrubs, grasses, and flower beds.

- 2. Require the agreement be signed by the property owner within 240 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 McCluskey spoke in support of the development, noting that it will be great for Ochterloney Street and that the developer is working to save the heritage property. Councillor McCluskey noted that the developer made changes to the proposal based on concerns brought forward at the public meeting.

Councillor Hendsbee indicated that the revised staff recommendation addresses concerns raised in the letter from Pink Larkin, on behalf of the Heritage Trust of Nova Scotia, in particular that no development can occur until the deregistration is approved. He noted that the reduction of one storey and increased step backs that were made to the design as a result of the public meeting will allow more sunshine on neighbouring

buildings. Councillor Hendsbee indicated that he would have liked to see more creative use of stormwater on the property.

Councillor Karsten spoke in support of the application, and thanked the architect and the developer for the design and scope of the proposal. In terms of the Regional Plan, this type of development on empty lots is what is needed for the regional centre, and is the only way that density targets will be reached. Councillor Karsten inquired whether it is a new process to list types of non-substantive amendments, as was put forward in the staff recommendation.

Mr. Dickey clarified that types of non-substantive amendments that Council can consider without public hearing are typically listed in a development agreement. The non-substantive amendments put forward in the revised staff recommendation provide some parameters and clarity about Council's limits.

At the request of Councillor Karsten, Mr. Dickey further clarified that policy N-5 does say that a developer 'should' collaborate with neighbouring residents, although that is not a mandatory statement. Staff do not have the authority under the Charter to require additional meetings between applicants and residents beyond public information meetings.

Mr. Dickey further clarified at the request of Councillor Karsten that the courtyard area is between 5-6 metres wide.

At the request of Councillor Karsten, Ms. Roxanne MacLaurin, HRM Senior Solicitor, clarified that it is the position of HRM Legal Services that Policy CH-1 was also a proper consideration and Mr. Dickey has reviewed some of those policy considerations with Community Council. Ms. MacLaurin also clarified that the applicant made reference earlier with respect to the condition of the lot being a vacant gravel lot, which is something that Community Council could consider. She indicated that the concerns with regard to the heritage deregistration have been addressed in the revised staff recommendation.

Councillor Hendsbee commented that the Heritage Advisory Committee, of which he is a member, did discuss both Policies CH-1 and CH-2 at the time of their consideration. He suggested that when the deregistration comes before Regional Council, that both historical photos and current photos are presented.

MOTION PUT AND PASSED.

7.1.2 Case 18262: Development Agreement for a 10,000 sq. ft. Commercial Building (Cole Harbour Shopping Centre commercial site)

A staff report dated September 26, 2013 was before Community Council.

Ms. Jennifer Chapman, HRM Planner, reviewed Case 18262, an application for a development agreement to construct a 10,000 sq. ft. commercial building as part of the Cole Harbour Shopping Centre commercial site.

Ms. Chapman responded to questions of clarification from Councillor Nicoll, clarifying ownership of the site through a site plan. She noted changes that have been made to improve traffic management of the parking lot. Ms. Chapman further clarified that the subject property was sold while the application process was underway, and is now under new ownership. She further clarified that there is currently no tenant for the proposed building.

In response to questions from Councillor Hendsbee regarding stormwater run-off, Ms. Chapman reviewed the location of a proposed swale for stormwater management.

Ms. Jennifer Tsang, Sunrose Consulting, on behalf of the Applicant, indicated that there is some landscaping proposed behind the building at the truck loading zone. She noted that the area will be sodded or grassed to have a natural flow into the swale, which will tie into the HRM stormwater system. Ms. Tsang acknowledged that the parking lot has been a challenge, and the previous and current owners are aware of the concerns and are working towards improvements.

The Chair reviewed the rules for the public hearing and opened the floor for those wishing to speak on the application. The Chair called three times for any speakers. There being none, it was **MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.**

MOVED BY Councillor Nicoll, seconded by Councillor McCluskey, that Harbour East-Marine Drive Community Council:

- 1. Approve the proposed development agreement, as contained in Attachment A of the September 26, 2013 staff report; and**
- 2. Require that the proposed development agreement be signed and delivered 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; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Nicoll commented that she is looking forward to having this empty lot filled in, and she hopes for more landscaping. She noted that stormwater runoff is a concern, and she would like to see some way for the water to be naturally be contained or absorbed.

Councillor Hendsbee noted that the slope on the back part of the property has been problematic in terms of stormwater runoff, and any disturbance to the parking lot area has created runoff. He has heard complaints about the amount of mud coming off the

property, and assumes there will be more with new construction. Councillor Hendsbee indicated that he hopes the applicant uses as much erosion mitigation as possible, and considers a retention pond instead of a swale, and also consider more water retention vegetation along the bank.

Councillor Karsten inquired whether the 10,000 square feet is the footprint, and whether the development could be more than one storey.

Ms. Chapman advised that there is nothing currently in the development agreement that limits the height of the building, although the building is limited in the gross floor area of 10,000 square feet.

MOTION PUT AND PASSED.

7.1.3 Case 18683: Development Agreement – 1 Glenview Drive, Dartmouth

A staff report dated October 9, 2013 was before Community Council.

Correspondence from Stewart McKelvey Lawyers dated October 25, 2013 and Robert Harmes dated November 7, 2013 were before Community Council.

Mr. Mitch Dickey, HRM Planner, presented Case 18683, an application to permit three additional dwelling units in an existing 36-unit multiple unit dwelling at 1 Glenview Drive in Dartmouth. Mr. Dickey clarified that the three additional units were constructed by a previous owner, and that the current owner is applying to legalize the units. There will be no changes to the building site, other than the owner would be required to screen or the waste containers at the rear of the property to as not to be visible from the street.

Responding to a question from Councillor Hendsbee, Mr. Dickey advised that there is no pathway or pedestrian access behind the building to the Innovacorp building.

Ms. Nancy Rubin, Stewart McKelvey, on behalf of the Applicant, noted that the current owners find themselves in this position innocently. She noted that they have been paying taxes on the building, assuming it was being assessed as a 39 unit building. When they discovered that the building was intended to be a 36 unit building, they brought forward the application to have the units legalized. She indicated that the owners have indicated they will screen the waste containers.

The Chair reviewed the rules for the public hearing and opened the floor for those wishing to speak on the application. The Chair called three times for any speakers. There being none, it was **MOVED by Councillor McCluskey, seconded by Councillor Karsten, that the public hearing be closed. MOTION PUT AND PASSED.**

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

1. **Approve the proposed Development Agreement, set out in Attachment A of the October 9, 2013 report, to permit three additional dwelling units in an existing 36-unit multiple unit dwelling at 1 Glenview Drive in Dartmouth; and**
2. **Require the Development 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.**

Noting that the current owner would not have known that the three additional units were built illegally, Councillor McCluskey supported the approval of the application.

Councillor Hendsbee indicated that he would like to see punitive measures for those that do this deliberately.

MOTION PUT AND PASSED.

7.2 Variance Appeal Hearings - None

8. CORRESPONDENCE, PETITIONS & PRESENTATIONS

8.1 Correspondence

8.1.1 Correspondence from the Soil & Water Conservation Society of Metro Halifax re: Bissett Lake, Cole Harbour

8.1.2 Correspondence from the Soil & Water Conservation Society of Metro Halifax re: Settle Lake, Dartmouth

Agenda items 8.1.1 and 8.1.2 were dealt with as one item.

Correspondences from the Soil & Water Conservation Society of Metro Halifax re: Bissett Lake, Cole Harbour dated October 30, 2013 and re: Settle Lake, Dartmouth dated October 30, 2013 were before Community Council.

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that these correspondences be forwarded to staff for their information.

Councillor Hendsbee suggested that the correspondences also be sent to the Regional Watersheds Advisory Board for their information.

With the agreement of the Mover and Secunder, the motion was amended to read:

MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that these correspondences be forwarded to staff and the Regional Watersheds Advisory Board for their information. MOTION PUT AND PASSED.

8.2 Petitions - None

8.3 Presentations

8.3.1 2014/15 Budget Consultation Presentation

A booklet on Budget FAQs was circulated to Community Council.

Mr. Bruce Fisher, Manager, Financial Policy & Planning, provided a presentation to Community Council on the 2014/15 HRM budget consultation process. Mr. Fisher's presentation is available on file and included the following:

- The approach to the 2014/15 budget process
- Total 2013/14 expenses of \$824 million, and the Municipal / Provincial split of these expenses
- Breakdown of municipal expenses of \$677 million
- Breakdown of municipal revenues of \$677 million
- Distribution of total property tax on single-family homes (2011)
- Commercial tax per square foot
- Three public consultation methods for the budget consultations:
 - Community Council presentations
 - On-line budget tool (including an example and types of services for on-line discussions)
 - "Open Mike" sessions at the end of each Committee of the Whole budget session
- Schedule of Committee of the Whole budget meetings
- Balancing taxes and services
 - Key economic assumptions
 - Draft working assumptions
 - Preliminary estimate

Councillor Hendsbee commented that there was not adequate notice given for the budget consultation session at this meeting. He noted that the first Committee of the Whole (COW) budget meeting on December 18th will be about transit, which is the most significant issue in his district, and the deadline has already passed to advertise the meeting in his newsletter. He inquired how long the on-line budget tool will be open for. Councillor Hendsbee also commented on the urban focus of the presentation. He would like information included for rural residents such as how are rural roads maintained, plowed, etc., including clarification on the territorial relationship with the province when it comes to these services in rural areas of HRM. Councillor Hendsbee suggested that

this could be an opportunity to dispel certain myths about Municipal taxation, including what services are included in Municipal taxes.

The Chair opened the floor to those wishing to speak about the budget process. No members of the public came forward to speak.

Councillor Nicoll suggested that Mr. Fisher include in his presentation a preview of the online budget allocator tool. An internet connection was not available at this meeting, although Mr. Fisher directed the public to Halifax.ca, which has a link on the main page to the budget allocator tool.

At the request of the Chair, Mr. Fisher reviewed slide 17, relating to the draft working assumptions for the balancing of taxes and services.

Councillor McCluskey thanked staff for the presentation, and commented that it is good to have the general public involved in the budgeting process.

Councillor Hendsbee suggested that staff also make this presentation to other bodies such as the Chamber of Commerce. Mr. Fisher indicated that some additional meetings are arranged.

The Chair thanked staff for the presentation.

9. REPORTS

9.1 Staff Reports - None

9.2 Regional Watersheds Advisory Board

9.2.1 Shubenacadie Lakes Sub-watershed Study Report

A report from the Regional Watersheds Advisory Board dated October 25, 2013 (with attached September 20, 2013 staff report) was before Community Council.

Mr. Paul Morgan, Senior HRM Planner, indicated that this study was initiated by Regional Council on November 16, 2010, by motion to undertake a watershed study in response to request by property owners in the Port Wallace area to initiate secondary planning. Mr. Morgan presented the study, which was completed by AECOM, to Community Council. A copy of Mr. Morgan's presentation is on file.

Mr. Morgan reviewed the staff recommendation that the study be accepted as background for future community planning, and the additional recommendations from the Regional Watersheds Advisory Board that:

- advanced stormwater management practices be included in the Port Wallace development with the objective of not increasing peak flow of stormwater quantity and no decrease in stormwater quality; and

- permanent stream gauging and flood plain mapping of the entire watershed.

Mr. Morgan clarified that, pending approval of the staff recommendation by Community Council, a staff report would go to Regional Council recommending a public participation program for the Port Wallace Secondary Planning process.

Councillor Hendsbee inquired whether there will be consistent water quality objectives set, such as aquatic recreation, fish habitat, aesthetics, etc. as Council is asked to consider watershed studies, to have standardized expectations for the studies. Mr. Morgan indicated that the RFP for this study included that staff could go back to Council if there appeared to be disagreement, acknowledging that setting water quality objectives is a matter of setting policy.

Councillor Hendsbee noted that there are fewer lakes being used as a drinking water source, and questioned whether drinking water should be used as a water quality objective in these studies. Mr. Morgan indicated that this was discussed by the Regional Watersheds Advisory Board and the consultant advised that this was not a water quality objective set in the study.

Councillor Hendsbee inquired whether HRM has the authority under the HRM Charter to install wastewater management districts. Mr. Morgan indicated that he would have to look into this inquiry further, and get back to the Councillor.

The Chair, noting a previous approved motion to move to secondary planning as soon as the study was complete, inquired when the study had been completed. Mr. Morgan indicated that the study was just completed.

The Chair noted that the consultant had presented the Lake Echo Watershed Study at previous Community Council meeting and requested that a standardized format for the presentation of watershed studies be developed by staff.

At the request of the Chair, Mr. Morgan clarified that the third recommendation from the Board for permanent stream gauging and flood plain mapping of the entire watershed relates to measuring flows at different areas, noting that better water quality modelling can be done that way.

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

- 1. Accept the Shubenacadie Lakes Sub-watershed Study Report (AECOM) as background for future community planning;**
- 2. Recommend advanced stormwater management practices be included in the Port Wallace development with the objective of not increasing peak flow of stormwater quantity and no decrease in stormwater quality; and**

3. Recommend permanent stream gauging and flood plain mapping of the entire watershed.

Councillor Hendsbee, referring to Information Item No. 2 “Total Phosphorus Comparison” (information report dated October 24, 2013), inquired how elements of “no impact developments” on watersheds can be quantified when there are natural elements of phosphorous in the environment, in addition to man-made elements. Mr. Morgan clarified that jurisdiction over the public stormwater system is with the Halifax Water Commission, which provides a service at the lowest possible cost while meeting regulatory standards. He further clarified that the Nova Scotia department of Environment does not have standards about stormwater quality.

Councillor Hendsbee inquired how the upcoming lot grading/stormwater management by-law will tie in with Halifax Water’s responsibilities. Mr. Morgan indicated that HRM Energy & Environment staff would be better suited to respond to that inquiry, and noted that there was a recent report to the Environment & Sustainability Standing Committee which discussed possibly having Halifax Water regulate the by-law.

Commenting on the authority of the second recommendation for advanced stormwater management practices, Mr. Morgan indicated that while this is something that staff are working on through the proposed by-law, advanced stormwater management practices can still be carried out on-site.

MOTION PUT AND PASSED.

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

Mr. Shalom Mandaville, Soil & Water Conservation Society of Metro Halifax, referred to his submission from last month entitled “Total Phosphorus Comparison”, noted that the preferred method of monitoring is to aim for natural background values. Mr. Mandaville circulated information on Eutrophication of Waters, a copy of which is on file. He explained that the information circulated is on the application of OECD results to water management, which comments that “ideally, the objective of lake management should be to maintain or restore waterbodies to their natural state determined by the basic natural nutrient load of the area in question”. Mr. Mandaville commented on phosphorus ranges, noting that higher ranges (over 8) can lead to algae blooms and fish kills, and noted that lawn fertilizers contribute to higher phosphorus levels in urban

lakes. Mr. Mandaville indicated that his next submission will outline problems with HRM's water quality sampling practices.

Mr. Phil Pacey, Chair of HRM Committee, Heritage Trust of Nova Scotia, advised that the Heritage Trust of Nova Scotia is a volunteer non-profit organization. Mr. Pacey commented that the Trust feels that heritage buildings are important to the community. He advised that the Trust is involved in the community through holding monthly lectures, have published books about Nova Scotian heritage, have a grant program and offer assistance to heritage property owners, and publish a quarterly newsletter about heritage in the province. Mr. Pacey noted that the Trust is also involved in the community through writing briefs to HRM Council and Committees, assisting in the improving heritage policies and policy in general. Mr. Pacey advised that the Trust intervened in the public hearing this evening (Case 17863) because they felt that HRM policy was not being followed and was not being taken into account in a staff report. He noted that as was indicated earlier by the lawyer for the Heritage Trust and the HRM Solicitor, policy CH-1 should be part of the consideration and is relevant with regard to Case 17863. Mr. Pacey commented that the Trust have not tried to delay the process in any way, they were ensuring that the correct policy was considered and the public had the correct information. He reviewed the timeline of the Trust's involvement in Case 17863, noting that they wrote a letter to the Heritage Advisory Committee (HAC) on August 27, 2013 pointing out the omission of policy CH-1 and asking for a new staff report. Mr. Pacey indicated that staff argued against that at the HAC meeting of August 28, 2013. He noted that a supplementary staff report to Community Council for Case 17863 was brought forward as an added item at the October 3, 2013 Community Council meeting in Ship Harbour, and they only became aware of it last week. Mr. Pacey indicated that the supplementary staff report asserted that policy CH-2 was the correct policy, and when the Trust became aware of the report, they immediately contacted HRM staff and legal department pointing out the error. He noted that the Trust spent money to hire a lawyer and the earliest that correspondence from the Trust's lawyer could be sent to Community Council was this morning. Mr. Pacey suggested that the revised staff recommendation approved by Community Council was brought forward by staff in response to the correspondence. He hopes that Community Council realizes that this error was corrected because of the Heritage Trust of Nova Scotia.

15. NEXT MEETING DATES

- Thursday, November 28, 2013 (if required) – 6:00 p.m. – Location to be determined (due to construction at Alderney Ferry Terminal Plaza)
- Thursday, December 12, 2013 – 6:00 p.m. – Location to be determined (due to construction at Alderney Ferry Terminal Plaza)

Community Council discussed that the December 12th meeting agenda will include the HEMDCC Annual Meeting Report, Election of Chair, and the 2014 Meeting Schedule. Community Council requested that the meeting schedule for 2014 revert to the first Thursday of each month.

In response to an inquiry from Councillor Hendsbee, Ms. Thea Langille, Supervisor, Planning Applications, indicated that staff are working with the applicant of the “Nature’s Ridge” application in Porters Lake and the timeline is dependent on the applicant’s submissions, although this should be before Community Council in the near future. Councillor Hendsbee requested that the meeting for this matter be held in Porters Lake.

16. ADJOURNMENT

The meeting was adjourned at 9:22 p.m.

Jennifer Weagle
Legislative Assistant

INFORMATION ITEMS

1. Water Quality Monitoring Results for Russell Lake – August 2013 Sampling Event
2. Information Report dated October 24, 2013 re: Total Phosphorus Comparison