

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
MAY 5, 2005

PRESENT: Councillor Harry McInroy, Chair
 Councillor Becky Kent
 Councillor Gloria McCluskey
 Councillor Jim Smith
 Councillor Andrew Younger
 Councillor Bill Karsten

STAFF: Mr. Derk Slaunwhite, Municipal Solicitor
 Ms. Julia Horncastle, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	04
2.	APPROVAL OF MINUTES - April 7, 2005	04
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	04
4.	BUSINESS ARISING OUT OF THE MINUTES	
4.1	STATUS SHEET ITEMS	
4.1.1	Planning Advisory Committee	04
4.1.2	Street Lighting - Slayter Street	04
4.1.3	Development Agreements for Institutional Purposes	04
4.1.4	Appointment to the DDBC	04
4.1.5	Control of Lake Levels for Lake Micmac and Lake Charles	05
4.1.6	10 Springhill Road Rezoning	05
4.1.7	Changes to Development Agreement - Penhorn Drive at Woodlawn Mall	05
4.1.8	Maynard Beach, Dartmouth	05
4.1.9	Gentleman's Club - 70 Windmill Road	05
4.1.10	Service Building - Cole Harbour Commons	05
4.1.11	Servicing Plan for Ball and Sports Fields In the HECC area ...	05
5.	MOTIONS OF RECONSIDERATION - NONE	05
6.	MOTIONS OF RESCISSION -NONE	05
7.	CONSIDERATION OF DEFERRED BUSINESS	
7.1	Harbour East Community Council Meeting Locations	05
8.	PUBLIC HEARINGS - NONE	05
9.	CORRESPONDENCE AND DELEGATIONS	
9.1	Correspondence - None	06
9.2	Presentation	
9.2.1	Capital Health District - Dr. Ed Kinley	06
10.	REPORTS	
10.1	Fence Permit Application - 70 Windmill Road, Dartmouth	06

10.2	Appeal of Site Plan Approval - 7 St. George's Lane, Dartmouth	07
10.3	Case 00770 - 10 Springhill Road, Dartmouth	07
10.4	Case 00756 - Rezone two Parcels in Dartmouth	08
10.5	Case 00731 - Russell Lake West Development Agreement	
	(i) Staff Report	
	(ii) Morris-Russell Lake PPC Report	08
11.	MOTIONS	08
12.	ADDED ITEMS	08
13.	NOTICES OF MOTION	09
14.	PUBLIC PARTICIPATION	09
15.	NEXT MEETING	09
16.	ADJOURNMENT	09

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

2. APPROVAL OF MINUTES - April 7, 2005

MOVED by Councillor McCluskey, seconded by Councillor Younger, that the minutes of April 7, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Councillor Younger - Rezoning of 198 Waverley Road

Deletions

9.2.1 Capital Health District - Dr. Ed Kinley

102 Appeal of Site Plan Approval - 7 St. George's Lane, Dartmouth

MOVED by Councillor Younger, seconded by Councillor Kent, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Planning Advisory Committee

The report to come forward as an agenda item at the May 25th meeting.

4.1.2 Street Lighting - Slayter Street

No information received. To remain on status sheet.

4.1.3 Development Agreements for Institutional Purposes

No information received. To remain on status sheet.

4.1.4 Appointment to the DDBC

Report received. To be removed from status sheet.

4.1.5 Control of Lake Levels for Lake Micmac and Lake Charles

No information received. To remain on status sheet.

4.1.6 10 Springhill Road Rezoning

See item 10.3. Report to come forward to the next meeting.

4.1.7 Changes to Development Agreement - Penhorn Drive at Woodlawn Mall

No information received. To remain on status sheet.

4.1.8 Maynard Beach, Dartmouth

No information received. To remain on status sheet.

4.1.9 Gentleman's Club - 70 Windmill Road

See item 10.1. To be removed from status sheet.

4.1.10 Service Building - Cole Harbour Commons

No information received. To remain on status sheet.

4.1.11 Servicing Plan for Ball and Sports Fields in the HECC area

No information received. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Harbour East Community Council Meeting Locations

A report was received regarding the meeting locations and it was agreed to remove the item from the status sheet. Councillor Kent stated she will discuss the logistics of moving locations with the Community Councils that currently move meeting locations regularly.

8. PUBLIC HEARINGS - NONE

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Presentations

9.2.1 Capital Health District - Dr. Ed Kinley

This item was deleted under the approval of the Order of Business as Dr. Kinley was unable to attend the meeting.

10. REPORTS

10.1 Fence Permit Application - 70 Windmill Road, Dartmouth

- Correspondence from Mark T. Knox, Garson, Knox and MacDonald, dated May 4, 2005, on the above noted, was circulated to Council.
- Staff report dated April 19, 2005, on the above noted, was before Council

Mr. Rick Brown, Supervisor, Permits and Inspections, presented the staff report.

Councillor McCluskey stated that By-laws are in place for a reason and the fence in question is in violation of the By-law.

Councillor Younger stated this may be precedent setting if approved noting, the fence was built without a permit.

In response to Councillor Karsten, Mr. Brown advised the fence along the east and south side did not require an approval as they did not abut properties. On further question, Mr. Brown advised the reason it is before Community Council is that any fence above six and a half feet is a structurally engineered fence and would require Council approval.

Speakers

Ms. Ann Laybolt, abutting property owner, advised that when the property owner asked if he could tear down the fence that was on the property and erect a new one she had said she was not prepared to give permission prior to obtaining more information. The owner had advised her he had a permit and could build. Subsequently, the fence was erected and in some places exceeds the six and a half feet.

Mr. Mark Knox, solicitor for the propertyowner, noted the height of the fence is consistent with the remaining fence. He stated that if the application is turned down the property owner would cut of six inches from the current fence which would leave a piece of lattice work that has been cut in half. He stated that the contravention to the By-law was unintentional and requested the staff recommendation be approved.

Mr. Manship, property owner, stated he did ask the neighbour if he could build a fence and did not force it on her. He noted the portion of the fence on the neighbouring property was there when Ms. Laybolt moved in.

In response to Councillor McInroy, Mr. Brown advised that the measurements are taken from the applicants side of the fence. The height varied between 7'3" and 6'6" noting the fence will still be quite high on Ms. Laybolt's side.

Councillor Kent stated the rules were not followed and procedures are in place for a reason.

In response to Councillor McCluskey, Mr. Brown advised the fence is measured from the applicants side.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that Community Council deny the Construction Permit, application #61222, for a fence in excess of 6.5 feet at 70 Windmill Road, Dartmouth. MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Appeal of Site Plan Approval - 7 St. George's Lane, Dartmouth

This item was deferred to the next meeting under the approval of the Order of Business.

10.3 Case 00770 - 10 Springhill Road

- A staff report dated April 22, 2005, on the above noted recommending Community Council not initiate the rezoning request was before Council.

Councillor Smith stated he was not in favour of what staff was recommending and placed

the following motion.

MOVED by Councillor Smith, seconded by Councillor McCluskey, that the rezoning request be initiated.

Councillor Smith advised the residents want this rezoning and the rezoning would satisfy the community.

In response to Councillor McInroy, Mr. Donovan, Planning clarified that there was a development agreement to legitimize two additional units that were not authorized in the building and in order to get the development agreement the property had to have the R-3 zone.

MOTION PUT AND PASSED UNANIMOUSLY.

10.4 Case 00756 - Rezone two Parcels in Dartmouth

- A report dated April 14, 2005 on the above noted, was before Council.

MOVED by Councillor McCluskey, seconded by Councillor Younger, that Harbour East Community Council give first reading and set a public hearing date.

Councillor Smith asked if another site could be added prior to the public hearing. He stated there is a plot of land around the Big Albro Lake at the north west end that is zoned H that should be zoned park.

Without a vote being taken on the motion, the following was placed.

MOVED by Councillor Kent, seconded by Councillor Karsten, that the application be deferred to a date and time to be determined to provide for the inclusion of the parcel of land around Big Albro Lake. MOTION PUT AND PASSED UNANIMOUSLY.

10.5 Case 00731 - Russell Lake West Development Agreement

- A report dated April 6, 2005 on the above noted was before Council
- A report dated February 3, 2005 from the Morris-Russell Lake Public Participation Committee was before Council

MOVED by Councillor Karsten, seconded by Councillor Kent, that Harbour East Community Council give first reading to Case 00731 - Russell Lake West Development

Agreement and set a public hearing date for May 25, 2005.

Without a vote being taken, the following motion was placed.

MOVED by Councillor Younger, seconded by Councillor Kent, that the changes outlined in the e-mail correspondence from Mr. Mike Hanusiak to Mr. Paul Morgan dated May 5, 2005 be considered by staff and the agreement amended as they see fit. MOTION PUT AND PASSED UNANIMOUSLY.

MAIN MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Younger - 198 Waverley Road, Dartmouth

MOVED by Councillor Younger, seconded by Councillor Kent, that staff be requested to provide a report on the rezoning of I-2 lands including lands in and around 198 Waverley Road, the location of the Perry Rand Corporation. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION

Councillor Kent requested the report regarding the appointment of a Harbour East Planning Advisory Committee be brought forward at the May 25th meeting.

14. PUBLIC PARTICIPATION

Ms Judy Glengarry received clarification on the public consultation meeting schedule and process.

A representative of the Citizens for Brightwood Society noted there has been a lot of talk about what will happen to those lands which has been cause for concern to the residents in the area. She stated the residents are concerned with the process as there is very little community involvement.

15. NEXT MEETING

The next meeting is scheduled for Wednesday, May 25, 2005.

16. ADJOURNMENT

The meeting was adjourned at 8:55 p.m.

Julia Horncastle
Legislative Assistant