

HARBOUR EAST COMMUNITY COUNCIL

MINUTES

February 7, 2008

PRESENT: Councillor Bill Karsten, Chair  
Councillor Andrew Younger  
Councillor Harry McInroy  
Councillor Jim Smith  
Councillor Gloria McCluskey  
Councillor Jackie Barkhouse

STAFF: Ms. Roxanne McLaurin, Solicitor, Legal Services  
Ms. Melody Campbell, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting of Harbour East Community Council to order at 7:00 p.m.

**2. APPROVAL OF MINUTES - January 10, 2008**

**MOVED BY Councillor McCluskey, seconded by Councillor Younger that the minutes of Harbour East Community Council January 10, 2008, as presented, be approved. MOTION PUT AND PASSED.**

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

**Added Items:**

- 12.1 Request Staff Report on initiating the process to amend the MPS to provide for height restrictions in the Wright Cove planning area - Councillor Smith
- 12.2 Request a report on the Urban Forest area on Nantucket and whether HRM should ask the Province to remove restrictions on the permitted uses of this area. Councillor Smith
- 12.3 Dartmouth Heritage Museum Society - Dartmouth City Hall Building - Councillor McCluskey
- 12.4 Freshwater Trail - Russell Lake West Subdivision - Councillor Younger
- 12.5 Plans and proposed budgets for the Sullivans Pond/Lake Banook Greenway and the Incline Plain/Starr site studies - Councillor McCluskey

**MOVED BY Councillor Younger, seconded by Councillor McCluskey that the agenda, as amended, be approved. MOTION PUT AND PASSED.**

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

An update of the status report was discussed.

**5. MOTIONS OF RECONSIDERATION - NONE**

**6. MOTIONS OF RESCISSION - NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS - NONE**

**8. HEARINGS**

**8.1. Appeal of the Development Officer's decision to refuse a Variance at 30 Montague Road, Dartmouth, NS**

Mr. Audas presented the report Appeal of the Development Officer's decision to refuse a Variance at 30 Montaque Road, Dartmouth, NS.

Councillor McInroy inquired if variances go with the homeowner or the lot. Mr. Audas advised that any variance would belong to the lot.

Councillor McCluskey asked if a busy street could make a difference in the result. Mr. Audas added that the area is considered semi-urban rural, and busy streets could make a difference in the result. Councillor McCluskey also noted that the property was close to the waterway, are there any restrictions applied to fertilizers with the property being so close to the lake.

Councillor Karsten called for those wishing to speak in favour or in opposition to the variance.

**Mr. Timothy Smith**, the applicant, spoke to Council regarding his request for the variance. Mr. and Mrs. Smith currently reside in Musquodoboit Harbour. They purchased the property at 30 Montaque Road approximately three months ago with the intent to build a home on the site. The reason that this particular house plan was chosen was it was the only plan narrow enough for the property. Mr. Smith advised that he requests that he be permitted to build a two foot overhang towards the lake side of the property on the second floor of the house. This would be the house's first floor, although it will not be touching the ground.

Mr. Smith added that he appreciates the consideration given by Council members.

Councillor Karsten called three times for any additional speakers. Hearing none the following motion was placed:

**MOVED BY Councillor Younger, seconded by Councillor McCluskey to close the variance hearing. MOTION PUT AND PASSED.**

**MOVED BY Councillor McInroy, seconded by Councillor Smith, that Harbour East Community Council overrule the Development Officer's decision to refuse the variance at 30 Montaque Road. Variance to be at back of house - 4.1 feet. MOTION PUT AND PASSED.**

Councillor McCluskey supports this motion although as mentioned previously has concerns as it relates to the use of fertilizer and the lake.

Councillor Younger expressed some concerns in the advertising of the Variance. The advertisement states that the Variance is at the front of the property, now with the amendment, it is going to be toward the back side of the house. He added that the lot size is very small. Councillor Younger was also concerned about lake issues, as this is a concern for many residents in Dartmouth. Councillor Younger supports the motion but does have concerns as mentioned.

Ms. McLaurin advised that the change to the Variance could be approved by Harbour East Community Council.

## **9. CORRESPONDENCE, PETITIONS AND PRESENTATIONS**

### **9.1 Correspondence**

Correspondence was received from Quakenbush, Thomson and Robbins regarding the approval of a variance at 73 King Street in Dartmouth, Case 13609.

### **9.2 Petitions**

Councillor McCluskey presented a petition from Mr. David Nicholl and residents regarding a dangerous intersection at Brookdale Crescent and Glen Manor Drive. The petition will be forwarded to staff.

### **9.3 Presentations**

Councillor Karsten welcomed the members of the Halifax Regional Library to Harbour East Community Council. Mr. Jim Morgenstern provided a presentation on the Woodlawn Library Planning Study.

The purpose of the study is to:

- Evaluate library constraints
- To determine the need for a new library or an expansion
- To determine potential sites and recommend a preferred site.

The Study process is divided into four phases:

1. Planning
2. Consultation and Issue Identification
3. Analysis and Recommendation
4. Report Preparation and Review

Councillor Younger is pleased to see this going forward. The Councillor has some concerns that the site be accessible to residents in the Russell Lake area, as there is no transit in the area. He stressed the need to find a location that services the area.

Councillor McCluskey required clarification on the service area and inquired if some of the area could be serviced by the library at Cole Harbour Place. Mr. Morgenstern advised that yes that is a possibility. The service area may change as the study progresses.

Councillor Karsten thanked the group for the presentation.

## **10. REPORTS - NONE**

## **11. MOTIONS - NONE**

## **12. ADDED ITEMS**

### **12.1 Request Staff Report on initiating the process to amend the MPS to provide for height restrictions in the Wright Cove planning area - Councillor Smith**

The Wright Cove study will be coming to Council, but there is no mention of building height restrictions in that area. There is concern that height restrictions were not addressed.

**MOVED BY Councillor Smith, seconded by McInroy that Harbour East Community Council request a staff report on initiating the process to amend the MPS to provide for height restrictions in the Wright Cove Planning Area.**

**12.2 Request a report on the Urban Forest area on Nantucket and whether HRM should ask the Province to remove restrictions on the permitted uses of this area**

Councillor Smith requests that HRM to have permission to remove restrictions on the Dartmouth Common area. Many residents would like the area cleared out more for safety reasons.

**MOVED BY Councillor Smith, seconded by McCluskey that Harbour East Community Council request a staff report on the Urban Forest area on Nantucket and whether HRM should ask the Province to remove restrictions on the permitted uses of this area. MOTION PUT AND PASSED.**

**12.3 Dartmouth Heritage Museum Society - Dartmouth City Hall Building - Councillor McCluskey**

**MOVED BY Councillor McCluskey, seconded by Councillor Younger, that Harbour East Community Council recommend to Regional Council that should the Dartmouth City Hall building on Alderney Drive become vacant, that priority be given to allowing the Dartmouth Heritage Museum Society first option to use the facility for museum purposes, and that the Dartmouth Heritage Museum Society be given permission to conduct a feasibility study and due diligence on the property, providing that such study and due diligence not interfere with operations of the current tenant of the building. MOTION PUT AND PASSED.**

**12.4 Freshwater Trail - Russell Lake West Subdivision - Councillor Younger**

Councillor Younger noted that this motion is not against any plans of the Dartmouth Lakes Advisory Board. This is to clear up a misinterpretation of the buffer zone and clear cutting. Clear cutting has been done in the area, taking away from the forest area.

**MOVED BY Councillor Younger, seconded by Councillor McCluskey that Harbour East Community Council direct staff rescind the re-instatement plan proposed for Freshwater Trail in the Russell Lake West subdivision, and request a new plan be submitted to HRM, on the basis that it does not conform with the approved re-instatement guidelines in section 7.2(e) of the Development Agreement for the same proposal, specifically that the requirements in section 7.2(e) require that "the property owner shall be liable for all costs associated with returning the buffer to the state it was in prior to construction, clearing, or other activity. This shall include vegetation of a similar size, age, and appearance as would naturally**

be occurring in the buffer. **MOTION PUT AND PASSED.**

**12.5 Plans and proposed budgets for the Sullivans Pond/Lake Banook Greenway and the Incline Plane/Starr site studies - Councillor McCluskey**

**MOVED BY Councillor McCluskey, seconded by Councillor McInroy that Harbour East Community Council recommend to Regional Council that the plans and proposed budgets for both the Sullivan's Pond / Lake Banook Greenway and the Incline Plane / Starr site studies be brought to a meeting of Regional Council with due haste, and in sufficient time that the recommendations of both plans can be considered in the 2008/9 HRM budget and forward this recommendation to Marine Drive, Valley and Canal Community Council for their consideration. MOTION PUT AND PASSED.**

**13. NOTICES OF MOTIONS - NONE**

**14. PUBLIC PARTICIPATION**

Mr. Shalom Mandeville, Founder of Soil Water Conservation, provided Council with an update to the Organizations ongoing work with water quality and lake issues.

Mr. Guy Estabrooks, 719 Windmill Road, expressed concern to no restrictions on building heights in the Wright Cove area. There is a requirement for a zoning by-law restricting height. He would like to see buildings at a 5-6 story maximum. Higher buildings will obstruct view planes and will not fit with the look of the neighbourhood. Mr. Estabrooks also requested that the salt water marsh area on the south side of Windmill Road be protected from development. Is there any way a 50 foot setback be implemented.

**15. NEXT MEETING**

Next scheduled meeting will be on Thursday, March 6, 2008 at 7:00 p.m.

**16. ADJOURNMENT**

The meeting adjourned at 8:15 p.m.

Melody Campbell  
Legislative Assistant