

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

August 5, 2010

PRESENT: Councillor Gloria McCluskey, Chair
Councillor Lorelei Nicoll
Councillor Bill Karsten
Councillor Jim Smith

REGRETS: Councillor Darren Fisher
Councillor Jackie Barkhouse

STAFF: Ms. Roxanne MacLaurin, Municipal Solicitor
Ms. Sherryl Murphy, Deputy Municipal Clerk

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1. CALL TO ORDER

Councillor McCluskey called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Karsten.

2. APPROVAL OF MINUTES - July 8, 2010

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the minutes of July 8, 2010, as distributed, be approved. MOTION PUT AND PASSED.

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

Additions:

12.1 Case 15952: Development Agreement - Windmill Road, Dartmouth

12.2 Case 16032: Development Agreement - 613 Main Street

12.3 Overhead RA Crosswalk Lighting - Boland Avenue/Karen Street - Councillor Smith

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet Review

4.1.1 Accessory Buildings

Councillor Nicoll noted that this matter had been dealt with at the July meeting of Harbour East Community Council. This matter will be removed from the Status Sheet.

4.1.2 Quonset Huts

Councillor Nicoll noted that this matter had been dealt with at the July meeting of Harbour East Community Council. This matter will be removed from the Status Sheet.

4.1.3 Speed Bumps - Pelzant & John Street

No update received, this matter is to remain on the status sheet.

4.1.4 Public Consultations - Hines Road/Howard Avenue

Staff advised that this matter is with the applicant. Public Consultation will be held when a response is received from the applicant. This matter is to remain on the status sheet.

4. MOTIONS OF RECONSIDERATION - NONE

5. MOTIONS OF RESCISSION - NONE

6. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. HEARINGS

8.1 Public Hearing

8.1.1 Case 15991: Development Agreement - 1956 Shore Road, Eastern Passage

- A report dated June 17, 2010 was before Council.

Mr. Darrell Joudrey, Planner, presented the report to Council.

Following the presentation, the following points of clarification were provided to Council:

- the third unit is located in the basement
- if sewage capacity were not a concern, the application would meet the criteria contained in the MPS

Councillor McCluskey called for those wishing to speak in favour of or opposition to the proposal.

Ms. Christina Salvadore, Halifax, addressed Council noting that she was the applicant. Using a powerpoint presentation, Ms. Salvadore showed a picture of the dwelling on 1596 Shore Road. She noted that the electric meter showing on the front of the home had been in place when she purchased the property. Additionally, the basement was plumbed for a third unit and the seller had indicated a third unit could be developed.

Ms. Salvadore went on to briefly describe the history of this application which culminated in this meeting. She indicated that the Development agreement does not propose any additional square feet, nor is it proposing any different use. Halifax Water has indicated in writing that they have no issue with the unit as it does not require any adjustment to the service connection. The proposal meets with the C-2 Zone relative to

parking and the driveway meets the Streets By-law. Ms. Salvadore indicated that she has not received any complaints from her adjacent neighbours, in fact, they are quite happy with the work she has done to improve the property.

In closing, Ms. Salvadore indicated that at the time the third unit was constructed, she believed that it was permitted.

In response to a question from Councillor Karsten regarding the unit being occupied following HRM's order to leave the unit unoccupied, Ms. Salvadore noted that the decision was made for financial reasons given that the process was longer than expected.

Councillor Nicoll requested that staff provide the Halifax Water document referred to in Ms. Salvadore's comments to members of Council.

Councillor McCluskey called three times for any additional speakers, hearing none, the following motion was placed:

MOVED by Councillor Smith, seconded by Councillor Nicoll, that the public hearing be closed. MOTION PUT AND PASSED.

MOVED by Councillor Smith, seconded by Councillor McCluskey, that Harbour East Community Council:

- 1. Approve the proposed development agreement as outlined in Attachment A of the staff report dated June 17, 2010;**
- 2. Require the agreement be signed 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, including the applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Smith, on behalf of Councillor Barkhouse, read a statement in support of the application.

Councillor Smith went on to maintain that the situation before Community Council was not uncommon and that Community Council has approved units in similar situations. He further indicated that the primary issue here is the matter of sewage capacity and that it is unreasonable to suggest that this one unit will significantly impact capacity. He urged Community Council to be generous in their decision making.

Councillor Karsten indicated that his concern was with regard to the precedent that would be set noting that he was empathetic to the applicant's position.

Councillor Nicoll noted that her concern was also with the precedent that would be set. She indicated that there are a number of developers in her area who are eager to develop and have been denied that opportunity due to capacity issues. She indicated that she would not be supporting the motion..

Councillor McCluskey, agreeing with Councillor Smith, indicated that she would be supporting the motion.

MOTION PUT AND PASSED.

8.2 VARIANCE HEARINGS - NONE

9. PRESENTATIONS, CORRESPONDENCE AND DELEGATIONS

9.1 Presentations - None

9.2 Correspondence

**9.2.1 Downtown Dartmouth Business Commission - Sculpture Park
Dartmouth Waterfront**

- Correspondence dated July 14, 2010 from Mr. T. Olive, Executive Director, Downtown Dartmouth Business Commission re DDBC Submission - Sculpture Park Dartmouth Waterfront was before Community Council.

Mr. Tim Olive provided a brief presentation of his written submission noting that the Dartmouth waterfront does not have the amenities to attract families and tourists. Access to the harbour views are impeded by the existing structures and a significant change is required to increase the activity on the waterfront and also encourage visitors to seek goods and services in downtown Dartmouth.

Mr. Olive indicated that the proposal sees the further development of the Downtown Waterfront Park to include a sculpture park which would attract families and visitors. He went on to indicate that the vision is one of public private partnership and that a public/private committee would be established to initiate a process to develop the park.

MOVED by Councillor Smith, seconded by Councillor Karsten that Harbour East Community Council :

1. **Approve in principle the initiation of a process to develop the Dartmouth Waterfront Park as a Sculpture Park, subject the creation of a public/private partnership committee under HRM existing guidelines; and**
2. **Request that staff provide a report in this regard.**

Mr. Olive responded to questions from members of Community Council.

MOTION PUT AND PASSED.

Councillor McCluskey thanked Mr. Olive for his presentation.

9.3 Petitions

10. REPORTS

10.1 Staff Reports

10.1.1 Case 15863 - Multiple Unit Dwelling, 185 Windmill Road, Dartmouth

- A staff report dated July 27, 2010 was before Council.

MOVED by Councillor Nicoll, seconded by Councillor Smith that Harbour East Community Council give Notice of Motion to consider the proposed development agreement as set out in Attachment A of the staff report dated July 27, 2010, and schedule a public hearing date. MOTION PUT AND PASSED.

The public hearing date was set as September 16, 2010.

10.2 Members of Council

10.2.1 Review of Commercial Signs under the Land Use By-law for Downtown Dartmouth - Councillor McCluskey

- This matter was added to the agenda at the request of Councilor McCluskey.

MOVED by Councillor Karsten, seconded by Councillor Nicoll that Harbour East Community Council request that staff undertake a review of requirements for commercial signs under the Land Use By-law for Downtown Dartmouth, specifically regarding size, permitted materials and placement. MOTION PUT AND PASSED.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Case 15952: Development Agreement - Windmill Road, Dartmouth

- A staff report dated July 22, 2010 was before Council.

MOVED by Councillor Nicoll, seconded by Councillor Karsten that Harbour East Community Council give Notice of Motion to consider the development agreement for Case 15952, Windmill Road, Dartmouth as set out in Attachment A of the July 22, 2010 staff report and schedule a public hearing. MOTION PUT AND PASSED.

The public hearing date has been set as October 7, 2010

12.2 Case 16032: Development Agreement - 613 Main Street

- A staff report dated July 13, 2010 was before Council.

MOVED by Councillor Nicoll, seconded by Councillor Smith that Harbour East Community Council Notice of Motion to consider the proposed development agreement for Case 16032, 613 Main Street, Dartmouth as set out in Attachment A of the July 13, 2010 staff report and schedule a public hearing. MOTION PUT AND PASSED.

The public hearing date has been set as September 16, 2010

12.3 Overhead RA Crosswalk Lighting - Boland Avenue/Karen Street - Councillor Smith

- This matter was added to the agenda, during the setting of the agenda.

MOVED by Councillor Smith, seconded by Councillor Karsten that Harbour East Community Council request staff to provide a report regarding the installation of overhead RA crosswalk lighting at the intersection of Boland Avenue and Karen Street. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Shalom Mandaville, Dartmouth, addressed Community Council relative to lake water quality management and the impact on fish and other water species when water quality is not maintained. He requested that Community Council consider establishing a Lakes Advisory Board which had significant authority.

Mr. Nick Pyrce, Dartmouth, noting the matter considered by Council earlier this evening, asked, as a planning community, are we promoting planning issues, regulations, etc. enough. He went on to suggest that, using technology, public private partnership could be developed to better promote these matters.

Mr. MacPhee, Dartmouth, expressed concern regarding the activity at 18 Skyview Terrace. He indicated that a trailer was parked on the front lawn, a flier business is being operated from the home and there are large trucks delivering fliers. He noted that these activities are destroying the neighbourhood and it seems nothing can be done.

In response to a question from Community Council, Mr. Mitch Dickey, Planner, indicated that a trailer can be stored on the front lawn in this area, but use is not permitted.

Councillor Karsten suggested that Mr. MacPhee make a formal complaint in an effort to see what action could be take.

15. NEXT MEETING - September 16, 2010

16. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Sherryl Murphy
Deputy Municipal Clerk