

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

July 7, 2011

PRESENT: Councillor Gloria McCluskey, Chair
Councillor Darren Fisher
Councillor Bill Karsten
Councillor Jackie Barkhouse

REGRETS: Councillor Lorelei Nicoll, Vice Chair
Deputy Mayor Jim Smith

STAFF: Mr. Martin Ward, 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 Fisher.

2. APPROVAL OF MINUTES – June 9, 2011

MOVED by Councillor Barkhouse, seconded by Councillor Karsten, that the minutes of June 9, 2011 be approved as circulated. MOTION PUT AND PASSED.

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

Regrets were noted from Councillor Nicoll and Deputy Mayor Smith.

Additions:

- 12.1 Councillor Karsten – Request for staff report – C1 zoning and permitted uses in the Auburn Drive area, Dartmouth

Community Council agreed to address the Hearings (Items 8.1.1 and 8.2.1) as the first orders of business.

MOVED by Councillor Karsten, seconded by Councillor Barkhouse, that the agenda be approved, as amended. MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 16568 – Land Use By-law Amendments – Larger Accessory Buildings

A report dated May 25, 2011 was before Community Council.

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

Mr. Joudrey responded to questions from Community Council, advising the following:

- There was nothing added to the by-law that would regulate material;
- There were no changes to the by-law with regard to livestock;
- The accessory building cannot be set forward on the front of the lot any further than the front of the dwelling.

The Chair opened the floor for those wishing to speak for or against the Land Use By-Law amendments.

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

MOVED by Councillor Barkhouse, seconded by Councillor Karsten, that Harbour East Community Council approve the proposed amendments to the Cole Harbour/Westphal and Eastern Passage/Cow Bay Land Use By-laws as shown in Attachments A and B, to allow larger accessory buildings in unserviced areas. MOTION PUT AND PASSED.

8.2 Variance Appeal Hearings

8.2.1 Appeal of Site Plan Approval & Variance Approval – 78 Shore Road, Dartmouth

A report dated June 30, 2011 was before Community Council.

Mr. Paul Boucher, Development Technician, reviewed the report with Community Council. Mr. Boucher outlined the appeal of the Development Officer's decision on two approvals issued for 78 Shore Road in Dartmouth: to approve a site plan for a three unit townhouse dwelling, and to grant a variance of the setback from the Best Street street line from 15 feet to 10 feet.

Mr. Boucher responded to questions from Community Council, advising the following:

- There is a shared driveway proposed for the back of the property, accessed off Best Street;
- The proposed townhouse units would be consistent with the Regional Plan, in terms of infill;
- The proposal would not interfere with any of the Downtown Dartmouth viewplanes;
- The house in the rear of the subject property is elevated above the proposed townhouses.

The Chair opened the floor for anyone wishing to speak for or against the variance.

Ms. Lynn Gray, owner of the property directly behind the subject property, addressed Community Council. She advised that she doesn't live there, but she recently purchased the property on April 22nd. There was a deadline to be for appeals for April 26th, and when she spoke with development staff about another matter, they quickly gathered the information on 78 Shore Road for her. Ms. Gray referred to the appeal letter she submitted, which is attached to the staff report. She has had an opportunity to speak with the developer and property owner and is now comfortable with the three units. Her main concern is that the set back would be decreased from 15 to 10 feet on the Best Street side. The bottom level of her property will no longer have a view and the upper

level views will be compromised. She questioned whether the extra five feet is needed to develop these three units. Ms. Gray noted concern with maintenance of the gabion retaining wall on her property.

Mr. Ted Mitchell, Connor Architect and Planners, on behalf of the property owner, advised that the townhouses were designed to fit within the limits of the By-laws and restrictions. He noted that they have offered to re-design the roofline to open it up, and they will be photographing the existing gabion retaining wall to ensure that it is maintained.

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

MOVED by Councillor Fisher, seconded by Councillor Karsten, that Harbour East Community Council uphold the Development Officer's decision to:

1. Approve the site plan for a three unit townhouse dwelling; and
2. Grant the variance.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Ball Hockey Rink - Leaman Drive

Update provided that a report is forthcoming, anticipated for the August meeting. Item to remain on the status sheet.

4.1.2 Sculpture Park - Dartmouth Waterfront

Councillor McCluskey asked that staff be requested to move forward with this item.

4.1.3 Dartmouth Lakes Advisory Board – HRM's Storm Water Management Functional Plan

Update provided that the role of the watershed advisory boards with respect to the Storm Water Management Functional Plan is being addressed with the Environment & Sustainability Standing Committee, and a report on this will be forwarded to HECC. Item to remain on the status sheet.

4.1.4 Project 1286: Dartmouth Main Street Plan Review

Councillor Karsten advised that the plan review is now with Legal Services and will be coming to Community Council in September. This item to remain on the status sheet.

4.1.5 Temporary Accessory Shelters in Dartmouth

This item was dealt with later in the meeting, see item 10.1.1. This item to remain on the status sheet.

4.1.6 Dartmouth Common Master Plan

This item was dealt with later in the meeting, see item 7.1. This item to be removed from the status sheet.

4.1.7 Case 16568: LUB Amendments – Larger Accessory Buildings

The public hearing on this matter was held at the beginning of the meeting, see item 8.1.1. This item to be removed from the status sheet.

4.1.8 Dartmouth Lakes Advisory Board – Levels in Lake Banook and Lake Mic Mac

This item was dealt with later in the meeting, see item 7.2. This item to be removed from the status sheet.

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – Date

7.1 Dartmouth Common Master Plan

This matter was deferred from the June 9, 2011 meeting.

The following information was before Community Council:

- A staff report dated May 27, 2011;
- Email correspondence between Elizabeth Macdonald and staff;
- The Dartmouth Common Master Plan Final Report, prepared by CBCL Limited, dated June 30, 2010.

Holly Richardson, Coordinator, Real Property Policy, Real Property Planning, presented the Dartmouth Common Master Plan to Community Council. A copy of the presentation is on file. During the presentation, Ms. Richardson clarified that the public housing on the Dartmouth Common land is jointly owned by all three levels of government. A title search has been completed to confirm this. She also clarified that Attachment B of the

May 27, 2011 staff report “Evolution of Dartmouth Common Boundary and Legislative Amendments” does not include the recent provincial amendments of 2011, which she outlined in the presentation.

Ms. Richardson responded to questions of clarification from members at this time. Councillor Karsten noted for the record that there is interest in having staff look at options for reclaiming the parcel of land formerly belonging to the Dartmouth Common where the Scotiabank is currently located.

Councillor McCluskey noted that paved parking lots are not permitted on Common land, and pointed out that there is a paved HRM-owned parking lot NW of Park Avenue. Ms. Richardson indicated that this parking lot has been flagged as an issue, and further discussion is needed at the management level between the Real Estate department and the Planning Department.

Responding to an inquiry about the former Park School site, Ms. Richardson indicated that one of the concepts is to add a skateboard park or an ice rink, while maintaining the well used courts and equipment currently there.

Responding to further questions about safety and lighting, Ms. Richardson advised that in the proposed capital budget list there are capital priorities that include lighting across the Commons over the next three years. She directed members to the table on page 8 of the staff report which outlines the Dartmouth Common Implementation Priorities.

Councillor McCluskey suggested that staff consult with the First Nations community regarding to any improvements to the St. Paul’s cemetery site.

With regard to concerns of cyclists damaging pathways through Leighton Dillman Park, Ms. Richardson advised that staff would consult with the Active Transportation Advisory Committee on this matter.

Ms. Richardson clarified that the Dartmouth Common Plan was never officially adopted by the City of Dartmouth, although ACOA funding was secured. She advised at the request of Councillor McCluskey that she would get back to her with details of this funding.

MOVED by Councillor Karsten, seconded by Councillor Barkhouse, that Harbour East Community Council request a staff report on the “non-compliant” HRM-owned parking lot NW of Park Avenue, and that this item be added to the status sheet. MOTION PUT AND PASSED.

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

- 1. Approve the Dartmouth Common Master Plan in principle as a guideline for future management and development of the Dartmouth Common; and**

2. **Refer the short and medium term investment priorities to the Capital Steering Committee for possible inclusion in the Five Year Project Budget.**

MOTION PUT AND PASSED.

7.2 Dartmouth Lakes Advisory Board – Levels in Lake Banook & Lake Mic Mac

This matter was deferred from the June 9, 2011 meeting.

A report from the Dartmouth Lakes Advisory Board dated May 6, 2011 was before Community Council.

A Briefing Note from staff dated July 7, 2011 was before Community Council.

Mr. Cameron Deacoff, Environmental Performance Officer, addressed members, noting that the Dartmouth Lakes Advisory Board had expressed concern about Lake Banook and Lake Mic Mac water levels, and held a discussion about how water levels were managed, which resulted in questions about water level management. At the request of DLAB, a presentation was made by Halifax Water. In May 2011 members again considered their initial discussion, and the presentation made, and decided that they were less than fully satisfied, and passed a motion which resulted in the May 6th report to Community Council.

Councillor McCluskey noted that she has received calls of concern from residents and paddling clubs about the water levels, and she has seen a prompt response from Halifax Water to her calls.

Mr. Deacoff indicated that DLAB wants Halifax Water to make changes to how and when levels are changed, and changes to the public advisory process.

At the request of Councillor Fisher, Mr. Deacoff commented that DLAB sees the solution as a combination of improvements to staff practices and technology. He indicated that a tidal gauge could measure the height of the water.

MOVED by Councillor Karsten, seconded by Councillor Barkhouse, that this matter be referred to Halifax Water for their assessment of the request from DLAB. MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 16568 – Land Use By-law Amendments – Larger Accessory Buildings

This item was dealt with earlier in the meeting. Refer to page 3.

8.2 Variance Appeal Hearings

8.2.1 Appeal of Site Plan Approval & Variance Approval – 78 Shore Road, Dartmouth

This item was dealt with earlier in the meeting. Refer to page 4.

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentation - None

10. REPORTS

10.1 Staff

10.1.1 Temporary Accessory Shelters in Dartmouth

A report dated June 14, 2011 was before Community Council.

Councillor Karsten indicated that, after review of this report, he has spoken with staff about revising the report to examine the entire Harbour East area.

MOVED by Councillor Karsten, seconded by Councillor Fisher, that staff amend the June 14, 2011 report to include all of the Harbour East area. MOTION PUT AND PASSED.

10.1.2 Case 16687: MPS/LUB Amendments and Development Agreement for Portland Street, Dartmouth

A report dated June 22, 2011 was before Community Council.

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

- 1. Give Notice of Motion to consider the proposed development agreement as set out in Attachment C of this report and schedule a joint public hearing with Regional Council;**

2. **Recommend that Halifax Regional Council give First Reading to consider the proposed amendments, as highlighted on Maps 1 and 2 of this report, to the Downtown Dartmouth Municipal Planning Strategy and Land Use By-law as set out in Attachments A and B of this report and schedule a joint public hearing with Harbour East Community Council;**
3. **Recommend that Halifax Regional Council approve the proposed amendments to the Downtown Dartmouth Municipal Planning Strategy and Land Use By-law to expand the Downtown Business District as set out in Attachments A and B.**

MOTION PUT AND PASSED.

10.1.3 Project 01367 – Downtown Dartmouth Viewplanes & Building Height and Form Provisions

A report dated June 23, 2011 was before Community Council.

Mitch Dickey, Planner, presented the report to Community Council. Mr. Dickey reviewed community engagement carried out for this project, and the top four views for protection (in order of public ranking), as follows:

- #1 - View B – from existing observation platform
- #2 - View C – from former museum site
- #3 - View D – from bench along trail
- #4 - View E – trail intersection above gazebo

Mr. Dickey discussed the proposed modeling exercise on these views. He discussed the rationale for discontinuing the Brightwood view planes since this is private property, and that the public sentiment from the community engagement was in agreement.

Mr. Dickey responded to questions of clarification from members at this time.

MOVED by Councillor Barkhouse, seconded by Councillor Karsten, that Harbour East Community Council direct staff to:

1. **Conduct modelling on Views B, C, D and E from the Dartmouth Common as outlined in the June 23, 2011 report and illustrated on Figures 1, 2, and 3; and**
2. **Take no action to define either the existing view plane, or any new views, from the Brightwood Golf Course.**

MOTION PUT AND PASSED.

11. **MOTIONS - None**

12. ADDED ITEMS

12.1 Councillor Karsten – Request for staff report – C1 Zoning in Auburn Drive Area of Dartmouth

MOVED by Councillor Karsten, seconded by Councillor Fisher, that Harbour East Community Council request a staff report regarding C1 zoning and permitted uses in the Auburn Drive area of Dartmouth. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

No members of the public came forward at this time.

15. NEXT MEETING DATE – August 4, 2011

The next meeting is scheduled for Thursday, August 4, 2011 at 6:00 p.m. in the Chamber at 90 Alderney Drive, Dartmouth.

16. ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Jennifer Weagle
Legislative Assistant