

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

October 6, 2011

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

REGRETS: Deputy Mayor Smith

STAFF: Ms. Mary Ellen Donovan, Municipal 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 being led by Councillor Nicoll.

2. APPROVAL OF MINUTES – September 15, 2011

MOVED by Councillor Nicoll, seconded by Councillor Karsten, that the Harbour East Community Council minutes of September 15, 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 Deputy Mayor Smith.

Community Council agreed to address item 8.1.1 Case 16988 – Development Agreement for 216 Main Street, Dartmouth, as the first order of business.

MOVED by Councillor Nicoll, seconded by Councillor Fisher, that the order of business be approved as amended. MOTION PUT AND PASSED.

8.1 Public Hearings

8.1.1 Case 16988 – Development Agreement for 216 Main Street, Dartmouth

A staff report dated September 1, 2011 was before Community Council.

Correspondence from Lana Gresiuk dated October 5, 2011 was before Community Council.

Mr. Darrell Joudrey, Planner, presented the report to Community Council, to enter into a development agreement for a spa and hair salon use on the lands located at 216 Main Street, Dartmouth.

Mr. Joudrey responded to questions of clarification from members, noting the following:

- The development agreement sets out the hours of operation for the business as not before 9:00 a.m. and not after 7:00 p.m., 7 days a week. The business presently operates until 5:00 p.m.
- The purpose of this development agreement is to rectify a current situation.

The Chair opened the floor for those wishing to speak in favour or against the proposal.

Mr. Daniel Poirier, owner of the subject property, indicated that Mr. Joudrey gave a good overview of the property and the situation and offered to answer any questions from members.

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

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

- 1. Approve the proposed development agreement as set out in Attachment A of the September 1, 2011 report to permit a spa and hair salon use within the existing building on lands as shown on Map 1 of the September 1, 2011 report on Main Street, Dartmouth;**
- 2. Require the 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.**

Councillor Fisher noted that the public information meeting for this case was well attended and the concerns raised were all addressed in the development agreement. The main concern was the rear entrance, which will now be closed off. Also the direction of the lighting has been dealt with in development agreement.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 Status Sheet

4.1.1 Ball Hockey Rink - Leaman Drive

No update provided. Item to remain on the status sheet.

4.1.2 Sculpture Park - Dartmouth Waterfront

No update provided. Item to remain on status sheet.

4.1.3 Project 1286: Dartmouth Main Street Plan Review

Update provided that this project is ongoing. A report with proposed MPS and LUB amendments is forthcoming. Item to remain on the status sheet.

4.1.4 Temporary Accessory Shelters in Dartmouth

No update provided. Item to remain on the status sheet.

4.1.5 Case 16568: LUB Amendments – Larger Accessory Buildings

Staff report received and this item was addressed later in the meeting (refer to Item 7.2). This item can be deleted from the status sheet.

4.1.6 Dartmouth Common Master Plan – non conforming parking lot

No update provided. This item to remain on the status sheet.

4.1.7 C1 zoning and permitted uses – Cole Harbour Planning Area, Dartmouth

No update provided. This item to remain on the status sheet.

5. MOTIONS OF RECONSIDERATION – None

6. MOTIONS OF RESCISSION – None

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Case 16986 – Telecommunication Tower, Cole Harbour Road, Cole Harbour

This item was deferred from the September 15, 2011 Harbour East Community Council meeting.

The following information was before Community Council:

- A staff report dated September 1, 2011;
- Correspondence received from members of the public;
- A petition against the proposed tower containing 1132 names;
- A petition against the proposed tower containing 336 names;
- A supplementary staff report dated September 26, 2011;
- An additional submission received September 26, 2011 from Mr. Don Fahie.

Mr. Darrell Joudrey, Planner, reviewed the supplementary report with Community Council.

MOVED by Councillor Nicoll, seconded by Councillor Fisher, that Harbour East Community Council forward a negative recommendation to Industry Canada in relation to the proposal by Bragg Communications Inc. for a proposed 40 metre self supporting telecommunication tower and associated equipment shelters at 1000 Cole Harbour Road, Cole Harbour.

Responding to questions from Councillor Nicoll, Mr. Joudrey advised that the MPS designations at 1000 Cole Harbour Road is community commercial, the intent of which was that the existing residential, larger commercial, and multiple unit residential would be considered by development agreement, to ensure that there was adequate buffering and separation, and to ensure compatibility between the uses.

The Chair inquired of staff and the Solicitor whether Community Council could choose to not forward a recommendation. The Solicitor confirmed that Community Council may choose to do so, and Mr. Kurt Pyle, Supervisor, Planning Applications, concurred that this would be at Community Council's discretion.

At the request of Councillor Fisher, Mr. Pyle clarified that if Community Council chose not to make a recommendation, then Industry Canada would have to make a decision on their own without the input of Community Council. If Community Council chose to support the staff recommendation for a negative recommendation, then Industry Canada may ask for more consultation.

Councillor Nicoll spoke in support of the staff recommendation, noting that Community Council have heard from residents and the Cole Harbour Business Association, from other levels of government and from Eastlink on this matter. She feels that the location for this proposed tower is not favourable because of the abutting residential properties. She believes that there are other locations more suitable for the tower. Councillor Nicoll commented on the negative feedback received from residents on this proposal. She noted the lack of communication in general on the placement of telecommunication towers in HRM, and the need for a functional plan dealing with this issue.

Further discussion ensued on the application, following which the question was called for.

MOTION PUT AND PASSED.

7.2 Land Use By-law Amendment – Higher Accessory Buildings

This item was deferred from the September 15, 2011 Harbour East Community Council meeting.

A report dated September 1, 2011 was before Community Council.

Mr. Kurt Pyle, Supervisor, Planning Applications, reviewed the report with Community Council. At the request of members, Mr. Pyle provided clarification regarding the use of the terms "higher" and "larger" in this case.

MOVED by Councillor Barkhouse, seconded by Councillor Karsten, that Harbour East Community Council not initiate a land use by-law amendment application to consider larger or higher accessory buildings on larger lots in the serviced area of Eastern Passage and Cow Bay. MOTION PUT AND PASSED.

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 16988 – Development Agreement for 216 Main Street, Dartmouth

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

8.2 Variance Appeal Hearings - None

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentation - None

10. REPORTS

10.1 Staff – None

10.2 Members of Council – None

10.3 Boards and Committees - None

11. MOTIONS - None

12. ADDED ITEMS

13. NOTICES OF MOTION - None

14. PUBLIC PARTICIPATION

Ms. Gerrie Irwin, Cole Harbour, spoke to the telecommunication tower application discussed earlier in the meeting. She commented that she finds the location inappropriate for a telecommunication tower.

At the request of Ms. Irwin, Mr. Joudrey clarified that 1000 Cole Harbour Road is not under development agreement. That the warehouse use was permitted before the current area plan was put in place. A use like that now would have to go through a development agreement because of the square footage.

15. NEXT MEETING DATE

The next meeting is scheduled for Thursday, November 10, 2011 at 6:00 p.m.

16. ADJOURNMENT

The meeting was adjourned at 6:55 p.m.

Jennifer Weagle
Legislative Assistant