

HARBOUR EAST COMMUNITY COUNCIL  
MINUTES

January 17, 2012

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

STAFF:             Ms. Jennifer Weagle, Legislative Assistant

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**1. CALL TO ORDER**

The Chair called the meeting to order at 6:08 p.m. at 90 Alderney Drive, Dartmouth, with the Invocation led by Councillor Smith.

**2. APPROVAL OF MINUTES – December 8, 2012**

**MOVED by Councillor McCluskey, seconded by Councillor Fisher, that the Harbour East Community Council minutes of December 8, 2012 be approved as circulated. MOTION PUT AND PASSED.**

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

**MOVED by Councillor McCluskey, seconded by Councillor Nicoll, that the order of business be approved as presented. MOTION PUT AND PASSED.**

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

**4.1 Status Sheet**

**4.1.1 Memorial Ball Hockey Rink - Leaman Drive**

Councillor Smith updated that he has had discussions with staff, and this matter can be removed from the status sheet.

**4.1.2 Sculpture Park - Dartmouth Waterfront**

No update. This item will remain on the status sheet.

**4.1.3 Project 1286: Dartmouth Main Street Plan Review**

Councillor Fisher updated that a report with proposed MPS and LUB amendments forthcoming to Community Council in late March 2012, followed by a public hearing at Regional Council. This item will remain on the status sheet.

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

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

**8. HEARINGS**

**8.1 Public Hearings - NONE**

**8.2 Variance Appeal Hearings - NONE**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - NONE**

**9.2 Petitions - NONE**

**9.3 Presentations - NONE**

**10. REPORTS**

**10.1 Staff Reports**

**10.1.1 Case 17385: Notting Village Development Agreement, Non-Substantive Amendment**

A staff report dated December 15, 2011 was before Community Council.

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

- 1. Approve, by resolution of Council, the subdivision of 184 Wyse Road (Notting Village), as contained in Attachment A to the December 15 2011 report and as shown on the amended Schedule B; and**
- 2. Require that the Amending Development 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, which ever is later; otherwise this approval shall be void and any obligations arising hereunder shall be at an end.**

Mr. Shayne Vipond, Planner, responded to questions of clarification from members, noting that there will be no changes to access to the property.

**MOTION PUT AND PASSED.**

**10.1.2 Case 17345: Russell Lake West Development Agreement, Non-Substantive Amendment**

A staff report dated December 15, 2011 was before Community Council.

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

1. **Approve, by resolution of Council, the reconfiguration of Krause Court from 30 to 34 single family lots as set out in the proposed amending agreement included as Attachment A to the December 15, 2011 report; and**
2. **Require that the Development 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 shall be void and any obligations arising hereunder shall be at an end.**

Councillor Karsten commented that this is a simple case of amending the development agreement to change the number of lots from 30 to 34.

**MOTION PUT AND PASSED.**

**10.1.3 Case 16898: 307 Prince Albert Road Development Agreement, Monaco Investments**

A staff report dated December 15, 2011 was before Community Council.

Mr. Mitch Dickey, Planner, HRM Planning Services, presented the report to Community Council.

Councillor McCluskey indicated that, with regard to Policy IP-1(c) Zoning By-law, respecting “that the proposal is compatible and consistent with adjacent uses and the existing development form in the area in terms of the use, bulk, and scale of the proposal”, compatibility was not mentioned in staff’s presentation. Mr. Dickey advised that compatibility is one of the criteria which is addressed in the staff report, and noted that an important point to bear in mind is the importance of the existing commercial zoning on the site, and the broad range of uses, and scale of height and massing that could take place.

Councillor McCluskey commented that at the time the 35 foot height limit surrounding Lake Banook to protect the paddling course was set, there was no real study done to determine if it was the right boundary. Mr. Dickey advised at that time that a public meeting was held and input was sought from Canoe Kayak Canada.

Councillor McCluskey inquired as to the number of units permitted in the building, if the building were all one bedroom units. Mr. Dickey indicated that the developer is proposing about ¼ one-bedroom units, and the rest two-bedroom units. If the building were all one bedroom units, 90 to 93 units would be permitted. Staff use the former R-4 zone as a guideline for Dartmouth.

In response to a question from Councillor McCluskey, Mr. Dickey advised that the permit for a hotel on the site was taken out in late fall 2011. He indicated he could get back to Councillor McCluskey with the exact date on the permit.

Councillor McCluskey inquired why there was no wind study done on this property. Mr. Dickey advised that staff did ask for and receive a wind study from the developer, which is referenced in the staff report. Staff will distribute the entire study to members of Council in advance of the public hearing.

Councillor Smith clarified, for the benefit of those in attendance, that tonight is not the public hearing on this development. He noted that none of the alternatives listed in the report apply as options for the meeting this evening. Mr. Dickey confirmed that the alternatives listed in the report would all apply following the public hearing.

Councillor Fisher clarified that no decision will be made on this development this evening, it is before Community Council to give Notice of Motion and schedule a public hearing.

**MOVED by Councillor Fisher, seconded by Councillor Karsten, that Harbour East Community Council give Notice of Motion to consider both the proposed rezonings and development agreement as set out in Map 3 and Attachment A of the December 15, 2011 report, and schedule a Public Hearing.**

Councillor McCluskey noted that she will be voting against the development because she feels it is not compatible with the neighbourhood which is surrounded by single family homes, it will have a shadow effect on the surrounding properties, and will generate traffic and wind. She also noted that there has been no determination as to how building height would affect wind on the lake.

Councillor Karsten commented that he understands the rules with regard to giving Notice of Motion to schedule a public hearing set out that there was to be no debate on the matter. The Chair confirmed that at this meeting Community Council may only debate whether to give Notice of Motion and may not debate the proposed rezonings or development agreement.

Councillor McCluskey commented that she had initially wanted to put forward a negative motion on this matter, but she cannot because of a change to *Administrative Order One*. The Chair confirmed that as per section 25(8) of *Admin. Order One*, "Where a member of Council wishes to bring forward a motion in opposition to the motion contained in the report before Council on the Agenda, Council shall first vote on the motion before them in the report."

A recorded vote was requested.

**MOTION LOST. (3 in favour, 3 against)**

Those voting in favour of the motion were Deputy Mayor Karsten and Councillors Fisher and Nicoll.

Those voting against the motion were Councillors Barkhouse, McCluskey, and Smith.

#### **10.1.4 Russell Lake Water Quality**

A staff report dated December 19, 2011 was before Community Council.

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

- 1. Forward a copy of the December 19, 2011 report to the Dartmouth Lakes Advisory Board (DLAB) and request a written report of recommended policy alternatives for the consideration of HECC to enhance the preservation of water quality, particularly at Russell Lake;**
- 2. Following receipt of the referenced DLAB report, direct staff to hold a community consultation, entitled “Options for the Protection of Russell Lake”, to review:
  - a. The recommended policy alternatives presented by DLAB;**
  - b. Additional community or other stakeholder options or alternatives;**
  - c. The historical and relevant data related to water quality.****
- 3. Direct staff to prepare a recommendation report to Harbour East Community Council reviewing all the presented options and alternatives.**

Mr. Richard MacLellan, Manager, Energy and Environment, provided some back ground to the December 19, 2011 staff report, and responded to questions of clarification from members.

Members commented that they look forward to feedback from the Dartmouth Lakes Advisory Board on this matter.

**MOTION PUT AND PASSED.**

**10.2 Members of Council - NONE**

**10.3 Boards & Committees - NONE**

**11. MOTIONS - NONE**

**12. ADDED ITEM**

**13. NOTICES OF MOTION**

Councillor Karsten commented, for the record, that if this were Regional Council with more members, he would be asking for a Motion of Reconsideration on Case 16898 (item 10.1.3). He noted that he recognizes that it would be a moot point to do so considering that the vote was tied.

#### **14. PUBLIC PARTICIPATION**

**Mr. Tony Maskine**, resident of Halifax and business owner in Dartmouth, advised that he represents Monaco Investments, the applicant in Case 16898. He requested that Community Council reconsider allowing this application to go forward for a public hearing. Mr. Maskine asked that this be considered a formal request as a part of the record.

**Mr. Bernie Day**, Jeddore, asked Community Council to reconsider the application for Case 16898. He noted that while he lives 30 miles away from the development site, he feels this is an important issue because as residents of the country get older they like to move into apartment buildings because they can't keep up their houses in the country. They want a nice, new place to live close to hospitals and amenities. Mr. Day commented that there are a lot of apartment buildings going up in the Fairview area and Dartmouth needs more apartment buildings for older people. He feels that the public hearing on this matter should take place and this development should be allowed to go through.

**Mr. Tom Campbell**, 40 North Street, Bedford and Oyster Pond, Jeddore, noted disappointment that the public hearing process was eliminated from this application (Case 16898), regardless of whether this was a good or bad development. He thinks that Community Council should reconsider and allow the public hearing to go forward for the public to have their say, and to allow Community Council to make an educated decision.

**Ms. Nancy Mekineslik**, 64 Glenwood Avenue, Dartmouth, thanked Community Council for giving consideration at this stage to the concerns of residents of the Banook area with regard to the scale of the proposal (Case 16898). Ms. Mekineslik commented that she was involved in developing the Municipal Planning Strategy for Dartmouth, which involved significant public consultation, the most important considerations of which were community views, scale and characteristics.

**Ms. Irene Schofield**, 30 Harris Road, Dartmouth, advised that she is pleased with the decision made this evening (for Case 16898). She is a senior citizen and she wishes to remain in her home. The area is very congested with traffic already and they often have to cut through the Superstore parking lot to get through the traffic. Ms. Schofield indicated that she does not oppose an apartment building on the site, she opposes the height and density of the proposal, and the re-zoning of the land.

**Mr. Bill Mills**, 6 Orkney Drive, Dartmouth, commented that for this to be a full democratic process, Community Council should let the application go forward to have a



full public hearing, instead of residents giving their comments during public participation. He asked that Community Council reconsider and bring this back to a public process.

**Mr. Tim Chestnut**, 17 John Brenton Drive, Dartmouth, advised that he is the Race Director for a triathlon race called Epic Dartmouth that will be held on July 1, 2012, involving swimming, biking and running components. Mr. Chestnut reviewed the history of triathlon as a sport, and commented that Nova Scotia has a high number of triathletes that travel internationally every year to compete. The event will consist of three different races – Aqua Dartmouth, Epic Dartmouth, and Iron Dartmouth. They are working on a project “Epic Dartmouth Celebration of Sport” in conjunction with Sport Nova Scotia, to showcase Nova Scotian sports during the event. They are currently recruiting volunteers for the event and more information can be found at Epic Dartmouth .com or on Twitter.

**Mr. Heather Miller**, 31 Welch Lane, Halifax, advised that she has worked with Mr. Maskine for the last two years on the development (Case 16898) and has enjoyed getting to know Dartmouth. She noted that she is very disappointed with the lack of public process this evening. Ms. Miller commented on the potential of the city and sharing its assets with others, such as Lake Banook. She noted disappointment that many of the people she has spoken with over the past two years will not be given an opportunity to give their opinion on the development.

**15. NEXT MEETING DATE – February 9, 2011, 6:00 p.m.**

**16. ADJOURNMENT**

The meeting was adjourned at 7:15 p.m.

Jennifer Weagle  
Legislative Assistant