

HARBOUR EAST COMMUNITY COUNCIL
MINUTES

July 31, 1997

- PRESENT:** Councillor Bruce Hetherington, Chair
Deputy Mayor Jack Greenough
Councillor Condo Sarto
Councillor Clint Schofield
Councillor John Cunningham
- REGRETS:** Councillor Ron Cooper
Councillor Harry McInroy
- STAFF:** Ted Tam, Manager Design Services Regional Operations
Donna Davis-Lohnes, Manager Planning Services Eastern Region
Roger Wells, Planner
Gerry Goneau, Solicitor
Julia Horncastle, Assistant Municipal Clerk

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1. **INVOCATION**

The meeting was called to order at 7:00 p.m. with an invocation.

2. **APPROVAL OF MINUTES**

MOVED by Councillors Sarto and Cunningham that the minutes of the July 3, 1997 meeting be approved as circulated. **MOTION PUT AND PASSED.**

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

The Assistant Municipal Clerk requested "Tender No. 97-339, Concrete Sidewalk Construction - Dartmouth - Cole Harbour Area" be added to the agenda (item 12.1)

MOVED by Deputy Mayor Greenough and Councillor Schofield that the Order of Business, as amended, be approved. **MOTION PUT AND PASSED.**

4. **BUSINESS ARISING OUT OF THE MINUTES - NONE**

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

8. **PUBLIC HEARINGS**

8.1 **Application No. CDD-CHW-02-96-08 - Application by Anahid Investments Limited to enter into a development agreement for a CDD at Morris Lake**

- A report, dated July 16, 1997, from Gail Foisy, Administrative/PAC Coordinator, entitled "File No. CDD-CHW-02-96-08 - Application by Anahid Investments Limited for a Comprehensive Development District (CDD) in the Cole Harbour/ Westphal plan area", was before Community Council for consideration.

Mr. Roger Wells, Planner, with the aid of overheads, presented the staff report advising a previous application had been made and rejected by the former Cole Harbour Community Council for the upper portion of the site primarily due to drainage problems experienced by the properties along that side of the Caldwell Road. He advised the developer and Councillor Hetherington have met with the residents and remedial

measures have been incorporated into the proposed development agreement.

In response to Councillor Hetherington, Mr. Wells advised mailboxes will be scattered throughout the development rather than in one general location.

In response to Councillor Sarto, Mr. Wells advised that a full time inspector will be on site at all times noting this would be at the developers expense.

Councillor Schofield asked why was there was no provision for sidewalks on road D stating it will be busier than the collector road. In response, Mr. Wells advised it is only proposed to be built as a local 50 foot street and it is a loop street coming back onto road C. He advised with local streets it has been administrative policy that sidewalks are not necessarily required.

Councillor Cunningham asked what the distance was from the end of the development to the lake. Mr. Wells advised it ranges from approximately 300 ft at one end to 600 ft. towards the north. On further question, Mr. Wells, with the aid of the overhead, indicated the tree line.

In response to Councillor Sarto, Mr. Wells advised the street width from curb to curb is 28 feet for a local street and 30 feet for a collector street. On further question, Mr. Wells advised the minimum setback for a collector street was 20 feet and 15 feet for a local street noting the setbacks would be staggered throughout the development.

In response to Deputy Mayor Greenough, Mr. Wells advised the development would be single family homes.

Speakers in favour

Mr. Barry Zwicker, Wallace MacDonald Lively, representing the developer, addressed Community Council advising the site was being developed based on policies put in the planning strategy specifically for this site. He advised the first stage of the flow monitoring program has gone through successfully and the second flow monitoring phase will start two thirds of the way through this project. He noted that a large percentage of the site had had top soil and materials removed a number of years ago and has been left exposed to the elements, stating this is the area that is going to be developed and there will be very little disturbance to the green areas. He outlined controls that will be put in place with regards to siltation runoff so as not to have a detrimental effect on Morris Lake.

Councillor Hetherington asked if the 9.5 acres of parkland hinged on the whole area or just on this development. Mr. Zwicker advised that if servicing capacity is available at some point in the future, then similar principles will apply with the submission of a plan and then

to Community Council from PAC.

Mr. Rob Kirby, 505 Caldwell Road, addressed Community Council speaking in favour of the application giving a chronology of the ongoing drainage problems experienced by the residents as a result of runoff from the Morris Lake development lands. He stated the proposal by Anahid Developments will alleviate the drainage problems and stated he was in favour of the proposal. He advised the proposal will see the installation of french drains as well as the properties being graded flat.

Mr. Andrew Robertson, 507 Caldwell Road, addressed Community Council stating the proposal addresses the concerns of the residents and, as a result, he was in favour of the proposal.

Ms. Audrey Wambolt, 509 Caldwell Road, addressed Community Council, stating she is in favour of the development agreement proposal. She said the homeowners have lived with the issue for approximately two years and it is time to bring it to a conclusion.

Mr. Kelly McKay, 497 Caldwell Road, addressed Community Council, stating he was in favour of the proposed development.

The resident of 503 Caldwell stating he was in agreement with the proposal.

Speakers in opposition

No speakers in opposition.

MOVED by Deputy Mayor Greenough and Councillor Sarto that the public hearing be closed. MOTION PUT AND PASSED.

Councillor Schofield stated he was concerned with there being no sidewalks on what he would consider the busier of the streets.

MOVED by Councillors Cunningham and Sarto that the Harbour East Community Council enter into a CDD development agreement, as revised and dated July 15, 1997, for a 120 lot single detached dwelling unit development known as Morris Lake Estates. Further, that the development agreement be signed within 120 days, or any extension thereof granted by the Community Council on request of the applicant, from the date of final approval of said agreement by Harbour East Community Council and any other bodies as necessary, whichever approval is later, including applicable appeal periods. Otherwise, the approval will be void and obligations arising hereunder shall be at an end. MOTION PUT AND PASSED.

Councillor Hetherington stated it has been a long process whereby the concerns of the residents needed to be addressed and, with those concerns addressed in the new proposal, he was in favour of the development agreement.

Deputy Mayor Greenough cautioned that in correcting the problem of those residents on Caldwell Road another problem is not being created and stating he is not in favour of small lots.

Councillor Sarto stated he was in support of the application.

MOTION PUT AND PASSED.

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS - NONE

10. REPORTS - NONE

11. MOTIONS

MOVED by Councillors Cunningham and Sarto that the Dartmouth Common Committee be reconstituted becoming a committee of the Harbour East Community Council. MOTION PUT AND PASSED.

Councillor Schofield noted, for the record, there are those who feel the former committee did not act responsibly.

12. ADDED ITEMS

12.1 Tender No. 97-339, Concrete Sidewalk Construction - Dartmouth - Cole Harbour Area

- A report, dated July 22, 1997, from George McLellan, Commissioner of Regional Operations, entitled "Tender No. 97-339, Concrete Sidewalk Construction - Dartmouth - Cole Harbour Area" was before Community Council for consideration.

MOVED by Councillors Sarto and Schofield that the Harbour East Community Council approve the estimated local improvement charges relating to new concrete sidewalk construction in the amounts of \$6,560.00 for Belle Vista Drive, \$44,160.00 for Collins Grove and \$22,400.00 for Lakeshire Crescent and as outlined in the staff report. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

15. ITEMS FOR NEXT AGENDA - NONE

16. NEXT MEETING

The next meeting is scheduled for Thursday, August 21, 1997 at 7:00 p.m. in the Helen Creighton Room, Dartmouth Regional Library, Alderney Drive.

17. ADJOURNMENT

MOVED by Councillors Schofield and Sarto that the meeting be adjourned at 9:00 p.m. **MOTION PUT AND PASSED.**

Original Signed

✓
Julia Horncastle
ASSISTANT MUNICIPAL CLERK