

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
FEBRUARY 1, 2001

PRESENT: Councillor Bruce Hetherington, Chair
Councillor Ron Cooper
Councillor Harry McInroy
Councillor Condo Sarto
Councillor Jim Smith
Councillor Brian Warshick

ABSENT
WITH REGRETS: Councillor John Cunningham

STAFF: Mr. Barry Allen, Municipal Solicitor
Ms. Julia Horncastle, Assistant Municipal Clerk

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Councillor Hetherington recognized Mr. Darrell Dexter, MLA and Mr. Ed Purdy, engineer for the former City of Dartmouth, present in the gallery.

1. **INVOCATION**

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

2. **APPROVAL OF THE MINUTES - November 28, 2000 (special session) and January 4, 2001 (regular session)**

MOVED by Councillor Sarto, seconded by Councillor Warshick, that the minutes of November 28, 2000 (special session) and January 4, 2001 (regular session) be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

Councillor Hetherington requested Information Item #2, Report from Barry S. Allen, Manager, Legal Services, re: Powers of Community Councils be brought forward to the regular agenda.

MOVED by Councillor McInroy, seconded by Councillor Cooper, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

5. **MOTIONS OF RECONSIDERATION - NONE**

6. **MOTIONS OF RESCISSION - NONE**

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Case 00319 - Proposed Amendments to the Land Use By-Laws for Cole Harbour/Westphal, Eastern Passage/Cow Bay, and Dartmouth, Concerning accessory buildings and commercial vehicles**

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated December 21, 2000, on the above noted, was before Community Council.

Ms. Maria Jacobs, Planning Technician, with the aid of overheads presented the staff report.

Amend Dartmouth's MPS and LUB to allow staff to consider minor variances regarding the height of buildings

MOVED by Councillor McInroy, seconded by Councillor Cooper, that the Dartmouth Municipal Planning Strategy and Land Use By-Law not be amended in order to accommodate Mr. Bugbee's garage and appropriate steps be taken to ensure compliance with existing regulations. MOTION PUT AND PASSED (Councillor Hetherington voted against)

Accessory Buildings in Front Yards

MOVED by Councillor McInroy, seconded by Councillor Cooper, that the Land Use By-Law documents for Cole Harbour/Westphal, Dartmouth and Eastern Passage/Cow Bay be amended to prohibit the location of accessory buildings within any front yard of a residential property. Further, setback and separation distances for accessory buildings in the Land Use By-Law documents for Cole Harbour/Westphal and Eastern Passage/Cow Bay be retained as they currently exist in these areas. MOTION PUT AND PASSED UNANIMOUSLY.

Clarifying How Height of an Accessory Building is Determined

MOVED by Councillor Cooper, seconded by Councillor Sarto, that:

- 1) amendments be made to the Land Use By-Laws for Cole Harbour/Westphal, Eastern Passage/Cow Bay, and Dartmouth to standardize the maximum height of an accessory building to be 15 feet; and**
- 2) amend Dartmouth's Land Use By-Law to define height, including the term "established grade", and to amend in the definition of height in all three by-laws to state that the height is to the peak of the roof. As a result, the definition of height would state "from the average established grade to peak of the roof"**

MOTION PUT AND PASSED UNANIMOUSLY.

Councillor Cooper requested the report clearly identifying what the exact situation is in Dartmouth and the Cole Harbour/Westphal, Eastern Passage/Cow Bay with regards to

building heights; specifically, if the situation that existed in the three buildings in Cole Harbour could be repeated.

Commercial Vehicles

Councillor Cooper noted the vehicle weight was to be the vehicle weight plus any load on the vehicle. On question, Ms. Jacobs advised the definition of a gross vehicle is for the current weight without carrying capacity.

Mr. Pyle advised there are vehicles that are borderline and, what a person does with a vehicle, could determine whether it fits the definition of a commercial vehicle.

Councillor Hetherington noted that under provincial law any ½ ton truck is not allowed to park for more than three hours on a residential street.

In response to Councillor Sarto, Community Council was advised a commercial vehicle would be one over five tons or one that is registered and bears a yellow licence plate.

MOVED by Councillor Warshick, seconded by Councillor Sarto, that this item be deferred pending clarification regarding wording with respect to commercial vehicles and modifications made to these vehicles. MOTION PUT AND PASSED UNANIMOUSLY.

8. PUBLIC HEARINGS

8.1 Case No. 00313 - Application by Halifax Regional Municipality to amend the provisions of the Downtown Business District Zone of the Land Use By-Law for Downtown Dartmouth

- A report prepared for Mr. Paul Dunphy, Director, Planning and Development Services, dated November 24, 2000, on the above noted, was before Community Council.

Ms. Jacqueline Hamilton, Planner, advised this is a staff initiated amendment to correct an omission during the approval of the Land Use By-Law. She advised the amendment would clarify the lot dimensions for townhouses. She advised the amendment is consistent with the plan policy and staff is recommending approval.

Councillor Hetherington called three times for anyone wishing to speak either in favour of or in opposition to the proposal. Hearing none, the following motion was placed.

MOVED by Councillor Sarto, seconded by Councillor Warshick, that the public hearing be closed. MOTION PUT AND PASSED UNANIMOUSLY.

Decision of Community Council

MOVED by Councillor Sarto, seconded by Councillor Warshick, that the Harbour East Community Council approve the amendment to Section 10 (5) (1) (a) of the Land Use By-Law for Downtown Dartmouth, as presented in Attachment 1 of the staff report dated November 24, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 Case 00186 - Application to rezone 45 Cranberry Crescent, Forest Hills, Dartmouth

- A report prepared for Mr. Paul Dunphy, Director of Planning and Development Services, dated December 5, 2000, on the above noted, was before Community Council.

Ms. Jacqueline Hamilton, Planner, with the aid of overheads, presented the staff report advising, the application has been submitted by the Housing section of the Provincial Department of Community Services and, as the site is no longer required as a school site, the request for rezoning has been submitted for development with single family residential.

In response to Councillor Sarto, Community Council was advised there will be a settling pond and there will be on site controls. The Province has agreed to provide a sediment and erosion control plan.

In response to Councillor Sarto, Mr. Mike Delay, CBCL, advised the objective of the overall storm water management plan was that it would stay in place after the development is completed. He advised there will be very site specific plans to deal with sediments and runoff while construction takes place. He stated the intention is to construct all the facilities in the plan prior to construction. He advised storm sceptors will be constructed prior to any construction. He advised the intention is to have a piped storm sewer through the development area which would continue on to the existing storm sewer on Wildwood Blvd. The intent of the pre treatment system is that it would intercept storm water not only from the proposed development but from the entire area.

In response to Councillor Sarto, Community Council was advised the storm drainage system was designed to handle a one in one year storm.

In response to Councillor McInroy, Community Council was advised HRM Parkland Planning

has agreed to accept the conservation area and it will not be an active piece of parkland.

Representation by Public

Mr. Terry Drisdell

Mr. Terry Drisdell, Department of Community Services, stated, once the school board had decided that the land was surplus to their needs, housing decided what it wanted to use the land for a low density housing development that would fit in with the surrounding area without any impact. They wanted to develop the lands in a way that would incur minimum site disturbance. He stated that the residents had requested substantial vegetation be left in tact. There would be areas left in their natural state at the back of the properties which could be considered as a conservation easement. Another concern of the residents was the access to the parkland on the other side. He noted there is a walkway that runs across Tantling Crescent and residents in the area were adamant in maintaining that access so it has been incorporated into the plan with a new walkway through the development. He stated the HRM Parks Department was quite concerned with having a parkland that was located towards the back of the site.

He advised the plan had been examined by the engineering department with regards to its adequacy to absorb the traffic generated by the site. Water Commission looked at it in terms of making sure there was sufficient water pressure for both domestic and fire fighting needs. Regional School Board examined the plan to make sure the school population generated by the site could be accommodated in the area schools. All the departments that have reviewed the plan have found it to be adequate in terms of being accommodated by existing services.

Residents in the area expressed concern with the impact this development would have on Cranberry Lake. To ensure the water in the lake was not adversely affected they commissioned CBCL to develop a storm water management plan. The plan proposes four separate components which involves infiltration trenches which would gather the water from the rooftops and from the drain tiles, run from the house out towards the storm system in the street, through a perforated pipe and be absorbed into the site. The second component involved larger pipes in the street and the laterals from the drain tiles would be connected into it. This system would pick up the water from the front lawn and from the street itself and run it into the catch basins in the street. This would connect into a pipe system that would run down to the existing storm water system.

One of the other components of the plan involved the installation of a number of swales which would be built around the perimeter of the site so that any overland flow would be diverted towards the back of the site during construction. The storm sceptres would also trap hydrocarbons, oils and other pollutants and allows them to settle in a container that is pumped

out on a regular basis. It is the intention that the storm sceptres would be constructed and installed before any development of the site takes place. He noted that any erosion and sedimentation control plan has to follow the guidelines set out by the provincial department of the environment. He advised a permanent french drain will be installed at the back of the property. He stated they are proposing to sell the lots ten at a time so that all properties are not being developed at the same time. He advised another control is that all mounds of exposed earth are to be covered at the end of each day.

Mr. Barry Innes

Mr. Barry Innes advised he was in favour of the development as he would like to see the land developed noting, it is a hangout and development of the property would help alleviate this problem.

Mr. Cliff Tyner

Mr. Cliff Tyner, Cranberry Lake Society, stated the Society is impressed with the proposed sediment and erosion controls and what CBCL has done to maintain water clarity etc.

Mr. Darryl Dexter, MLA

Mr. Darryl Dexter referenced the proposed transference of the storm water system to HRM and the costs associated and noted the report does not provide information on what the actual cost will be on a yearly basis to maintain the system. The second concern is the ability of the schools in the area to absorb the proposed number of children that will result from the development. He suggested the area be developed to accommodate a need for the community such as affordable seniors housing.

In response to Councillor Sarto, Community Council was advised that the purchasers of the lots will have to be educated on how the storm system works and advised there is a component of the system on their lot that they will be responsible for.

In response to Councillor Cooper, Community Council was advised the services are tendered. He advised all the services on the street, the street itself and, in this case, many components of the storm water management system will have to be endorsed and taken over by the Municipality before any of the lots can be sold.

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

MOVED by Councillor Sarto, seconded by Councillor Warshick, that the Harbour East

Community Council approve the proposed rezoning from S(Institutional) to R-1 (Single Family Residential) and P (Park) and C (Conservation) Zone for lands on Cranberry Crescent, as shown on Map 1 of the staff report dated December 5, 2000. MOTION PUT AND PASSED UNANIMOUSLY.

(Councillor Warshick left the meeting at 9:55 p.m.)

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

9.1 Presentations

9.1.1 Siting of Sewage Treatment Plant on Canadian Coast Guard Lands

Mr. Sandy Hogan, 20 Harbour Drive and Ms. Linda Forbes, Acting Chair of the Central Dartmouth Neighbourhood Association addressed Community Council on the proposed siting of a sewage treatment plant on the Canadian Coast Guard Lands in Woodside.

9.1.2 Cole Harbour Parks and Trails Association

Mr. Jim Tudor and Mr. Paul Euloth, Regional Trails Coordinator, provided an update on the activities of the Cole Harbour Parks and Trails Association.

9.2 Petitions - None

10. REPORTS

10.1 Reconstitution of the Dartmouth Common Committee (request for deferral)

- A memorandum from Peter Bigelow, Manager, Parks and Open Spaces, dated January 25, 2001, on the above noted was before Community Council.

MOVED by Councillor Sarto, seconded by Councillor McInroy, that the request for deferral to March 1, 2001 be approved. MOTION PUT AND PASSED.

10.2 Implementation of a Construction and Demolition - C&D Waste Management Strategy

Community Council agreed to hold a joint meeting with the Harbour East Planning Advisory Committee on Wednesday, February 21, 2001 at 7:00 p.m.

10.3 Recreation Area Rate Policy

It was agreed that this item would be placed on the March 1, 2001 Information Items agenda.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Information Report from Barry S. Allen, Legal Services, re: Powers of Community Councils

Community Council agreed to defer this item to the March 1, 2001 agenda.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Public participation was not held due to the lateness of the hour.

15. NEXT MEETING

The next meeting is scheduled for Thursday, March 1, 2001 at 7:00 p.m.

16. ADJOURNMENT

MOVED by Councillor Sarto, seconded by Councillor Smith, that the meeting be adjourned at 10:25 p.m. MOTION PUT AND PASSED UNANIMOUSLY.

**Julia Horncastle
Assistant Municipal Clerk**