

HARBOUR EAST COMMUNITY COUNCIL
MINUTES
October 9, 2003

PRESENT: Councillor John Cunningham, Vice Chair
 Councillor Ron Cooper
 Deputy Mayor Harry McInroy
 Councillor Condo Sarto
 Councillor Brian Warshick
 Councillor Jim Smith

ABSENT
WITH REGRETS: Councillor Bruce Hetherington

STAFF: Ms. Karen Brown, Municipal Solicitor
 Ms. Julia Horncastle, Legislative Assistant

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1. CALL TO ORDER

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

2. APPROVAL OF MINUTES - July 10 and 15, 2003

MOVED by Councillor Smith, seconded by Deputy Mayor McInroy, that the minutes of July 10 and 15, 2003, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

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

Additions

12.1 Councillor Smith - Traffic Controls - Intersection of Albro Lake Road and Victoria Road

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

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 STATUS SHEET ITEMS

4.1.1 Beazley Field Upgrades

No information received. To remain on Status Sheet.

4.1.2 Schedule for Clearing of Storm Sewer Lines, Catch Basins in North Dartmouth

Councillor Smith noted that staff had advised that a report was being prepared and requested that the report be provided for the November meeting.

4.1.3 Wilderness Park, Dartmouth

No information received. To remain on Status Sheet.

4.1.4 Proposed Industrial Park, South Woodside

No information received. To remain on Status Sheet.

4.1.5 Hardman Group Parking Facility

No information received. To remain on Status Sheet.

4.1.6 Powers of Community Council

No information received. To remain on Status Sheet.

4.1.7 Subdivision of Lot 41 Ritcey Crescent

No information received. To remain on Status Sheet.

4.1.8 Servicing Plan for Ball and Sports Fields in the HECC area

No information received. To remain on Status Sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS - NONE

8. PUBLIC/VARIANCE HEARING

8.1 PUBLIC HEARING

8.1.1 Case 00592 - Rezoning Application, 462 Arklow Drive, Cole Harbour

- A report from the Harbour East Planning Advisory Committee, dated September 11, 2003, on the above noted, was before Community Council.

Ms. Jill Justason, Planner, with the aid of overheads, presented the staff report.

Councillor Cunningham called for those wishing to speak either in favour of or in opposition to the proposed rezoning. Hearing none, the following motion was placed.

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

MOVED by Councillor Cooper, seconded by Deputy Mayor McInroy, that the Harbour East Community Council approve the proposed rezoning of 462 Arklow Drive, Cole

Harbour, from C-1 (Neighbourhood Business) Zone to R-2 (Two Unit Dwelling) Zone, as shown on Map 1 of the staff report dated September 10, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

8.2 VARIANCE HEARING

8.2.1 Appeal of Development Officer's Decision to Approve an Application

- A report from Sean Audas, Development Officer, dated September 26, 2003, on the above noted, was before Community Council.

Mr. Sean Audas, Development Officer, with the aid of overheads, presented the staff report.

Councillor Cunningham called for those wishing to speak either in favour of or in opposition to the appeal.

Mr. Gary White, applicant, addressed Community Council advising the driveway will be moved to be in line with the garage. The garage will be built on the same setback as the house.

Councillor Cunningham called for any additional speakers. Hearing none, the following motion was placed.

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

MOVED by Deputy Mayor McInroy, seconded by Councillor Cooper, that Community Council uphold the Development Officer's decision to approve the variance.

Deputy Mayor McInroy noted that this is a application that does meet all the criteria for a variance. There are other properties with sideyard clearance exceptions in the area. It does will not violate the consistence in the aesthetics in the neighbourhood and the location is such that it would have negligible impact.

MOTION PUT AND PASSED UNANIMOUSLY.

9. CORRESPONDENCE AND DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 Case 00479 - Amendments to the MPS and LUB for Eastern Passage/Cow Bay

- A report from the Harbour East Planning Advisory Committee, dated September 11, 2003, and staff report dated August 25, 2003, on the above noted was before Community Council.

MOVED by Deputy Mayor McInroy, seconded by Councillor Warshick, that Harbour East Community Council:

- 1. Recommend that Regional Council give First Reading to amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law, presented as Attachment V of the staff report dated August 25, 2003, and to schedule a public hearing;**
- 2. Recommend that Regional Council adopt the amendments to the Eastern Passage/Cow Bay Municipal Planning Strategy and Land Use By-Law provided in Attachment V of the staff report dated August 25, 2003.**

MOTION PUT AND PASSED UNANIMOUSLY.

10.2 Dartmouth Lakes Advisory Board - Extension of Term to November, 2005

MOVED by Councillor Sarto, seconded by Councillor Cooper, that the term of the members of the Dartmouth Lakes Advisory Board be extended to November, 2005. MOTION PUT AND PASSED UNANIMOUSLY.

10.3 Councillor Smith - Traffic Controls - Intersection of Albro Lake Road and Victoria Road

MOVED by Councillor Smith, seconded by Deputy Mayor McInroy, that a staff report be requested regarding the installation of a left hand turn signal at the intersection of Albro Lake Road and Victoria Road, Dartmouth. Further, it was requested that the previous report request for Primrose Street be included in this report. MOTION PUT AND PASSED UNANIMOUSLY.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Councillor Smith - Don Bayer Sports Field, Burnside

MOVED by Councillor Smith, seconded by Councillor Cooper, that a staff report be requested on the status of the Don Bayer Sports Field and what staff is intending to do with the site. MOTION PUT AND PASSED UNANIMOUSLY.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

Mr. Gerald Marshall addressed Community Council asking when the sewer boundary will be extending to allow hook up by the Fleet Co-op property.

Deputy Mayor McInroy noted that it was his understanding that when Colby South was approved for development there was a requirement for the services to be installed to allow the owners of the noted property to connect. The Deputy Mayor advised that that phase of Colby South is not going forward thus there may not be any servicing to the Co-op lands in the next number of years. He advised the developer would have to put in the services and connection would be made when Colby South was finalized, noting it has not been developed to this point.

MOVED by Deputy Mayor McInroy, seconded by Councillor Cooper, that staff report be requested summarizing the status of this situation for the November meeting. Further, the history of the situation be also included as part of the report. MOTION PUT AND PASSED UNANIMOUSLY.

Ms. Shauna Dawson, Montague Estates, expressed concern with the golf course in the area. She advised there is only one entrance and exit into the subdivision, the nets are down since the storm and golf balls are being hit onto neighbouring properties as well the community has been left with the responsibility of buffering their own property.

Mr. Neil Thomas speaking on the same issue, noted there is only one watermain to the golf course, feels the developer is in violation of his development agreement, the golf course has resulted in increased traffic, there is no buffer between the golf course and the neighbouring properties and the golf course has been opened without the net being in place.

15. NEXT MEETING

The next meeting is scheduled for Thursday, November 6, 2003.

16. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Julia Horncastle
Legislative Assistant