



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
June 8, 2017**

PRESENT: Councillor Bill Karsten, Chair
 Councillor Tony Mancini, Vice Chair
 Councillor David Hendsbee
 Councillor Lorelei Nicoll
 Councillor Sam Austin

STAFF: Claire Gillivan, Solicitor
 Krista Vining, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, reports, supporting documents, and information items circulated are online at halifax.ca.

The meeting was called to order at 6:00 p.m. Community Council adjourned at 7:43 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 6:00 p.m.

2. APPROVAL OF MINUTES – May 4, 2017

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee

THAT the minutes of May 4, 2017 be approved as circulated.

MOTION PUT AND PASSED.

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

Additions:

16.1 Case 19626: Development Agreement for Multiple Unit Residential Dwelling and Commercial Development at 836 and 842 Portland Street, Dartmouth

16.2 Case 20573: Establishment of a Public Participation Committee for the CDD lands at 651 Portland Hills Drive, Dartmouth

MOVED by Councillor Hendsbee, seconded by Councillor Mancini

THAT the agenda be approved as amended.

Two-third majority vote required.

MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS – NONE

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 19602: Rezoning Old Miller Road, Cole Harbour

The following was before Community Council:

- A staff recommendation report dated April 20, 2017
- Correspondence from Peter Esty

Shane Vipond, Planner III, presented the application by Lee Theriault on behalf of the property owner, Louis MacEachern, to rezone a portion of Old Miller Road to enable the development of four (4) lots for single unit dwellings. The planner noted that there was a typographical error in the public advertisement which indicated .8 hectares or 4 acres of land and should have read *1.61 hectares or 4 acres of land*, which is reflected appropriately throughout the April 20, 2017 staff report and presentation.

Chair opened the public hearing and invited the applicant to come forward to address the Community Council. The applicant did not to address Community Council at this time.

Members sought clarification on the initial dual application to rezone up to six (6) lots with central water being extended to the lands. The planner explained that at the start of the application there was latitude to consider extending the water services to the fifth (5th) and sixth (6th) lots under the 2004 Regional Municipal Planning Strategy (MPS). Policies around water-service extensions were tighten up in 2014 MPS, which does not leave much interpretation. As a result, staff are no longer able to support the extension of services to those lands. The applicant decided to go with onsite well and septic for the fifth (5th) and six (6th) lands. The planner further clarified that under rezoning, staff cannot prescribe conditions for stormwater management, but that the permitting process would ensure that stormwater is managed onsite.

The Chair called for members of the public to come forward and speak for or against the matter.

Peter Esty, Cole Harbour, commented on the square footage of the four (4) lots and suggested that the additional two (2) lots, which would have extended to the northern boundary, would have finished off the area and did not agree with the 2014 MPS water-extension policies holding up the development of the additional lots. The speaker also asked whether the developer would have to come back with a specific development proposal and saw this as a subsequent step in the process. The speaker wanted to ensure that development on these lots had a similar look and feel with the adjacent G-16 policy neighbourhood.

Veronica Marsman, Akoma Holdings supported the application, noting that they would be looking to go through a similar rezoning of their lands in the future.

The Chair call three times for any other speakers to come forward. There were none.

The Chair invite the applicant to address points raised, to which they chose not to speak.

MOVED by Councillor Hendsbee, seconded by Councillor Mancini

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Nicoll, seconded by Councillor Austin

That Harbour East-Marine Drive Community Council adopt the amendment to Schedule A of the Land Use By-law for Cole Harbour/ Westphal, as set out in Attachment A of the staff report dated April 20, 2017.

Members spoke in support of the application, with staff responding to additional questions around the process and next steps.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 10.1.1. This correspondence was circulated to Community Council.

11.2 Petitions – None

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS – NONE

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

Councillor Karsten stepped down as chair at this time, and Councillor Mancini assumed the chair.

16. ADDED ITEMS

16.1 Case 19626: Development Agreement for Multiple Unit Residential Dwelling and Commercial Development at 836 and 842 Portland Street, Dartmouth

The following was before the Community Council:

- A supplementary staff report dated June 1, 2017
- A staff memorandum dated June 6, 2017
- A staff recommendation report dated August 16, 2016
- Minute Extracts from the HEMDCC September 8, 2016, meeting and Halifax Regional Council December 6, 2016, meeting

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the proposed development agreement, which shall be substantially of the same form as set out in Attachment A of the supplementary report dated June 1, 2017, to permit two commercial buildings and a multiple unit residential dwelling at 836 and 842 Portland Street, Dartmouth;**
- 2. Require that the proposed 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 will be void and obligations arising hereunder shall be at an end.**
- 3. Approve, by resolution, the discharge of the existing development agreement that applies to the lands as shown in Attachment D of the staff recommendation report dated August 16, 2016, to take effect upon the registration of the new development agreement; and**
- 4. Require the discharge 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.**

Although members supported the development proposal, they could not support the proposed right-hand access off Portland Street. Member provided examples of heavy traffic along Portland Street, and the increase chance for collisions and shortcutting. Comments were also made to icy conditions in the winter months and the steepness of Breakheart Hill. In discussion with the planner and legal, the following motion was put forward:

MOVED by Councillor Austin, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council defer Case 19626 and request a supplementary staff report to look at removing the right-hand access off Portland Street, Dartmouth.

Staff were uncertain of the timeframe to bring the supplementary report to Community Council, explaining that they will need to consult with other Municipal departments and the applicant.

MOTION TO DEFER PUT AND PASSED.

16.2 Case 20573: Establishment of a Public Participation Committee for the CDD lands at 651 Portland Hills Drive, Dartmouth

The following was before Community Council:

- A staff recommendation report dated May 23, 2017

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the formation of a Planning Advisory Committee (Public Participation Committee) to advise the Harbour East-Marine Drive Community Council with respect to planning matters for Portland Hills; and**
- 2. Approve the Terms of Reference for the Planning Advisory Committee (Public Participation Committee) as provided in Attachment A of the staff report dated May 23, 2017.**

Members commented on the mandate of the Public Participation Committee, which is required under the Morris Lake Master Plan policy.

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT the Terms of Reference be amended to reflect membership up to six (6) members, for the Planning Advisory Committee (Public Participation Committee).

Staff confirmed they would work with the Clerk's Office to meet the composition requirements for membership and that the intent was to dissolve the Committee once the planning matters for Portland Hills has been completed.

MOTION TO AMEND PUT AND PASSED.

The motion before the Community Council now reads:

MOVED by Councillor Karsten, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the formation of a Planning Advisory Committee (Public Participation Committee) to advise the Harbour East-Marine Drive Community Council with respect to planning matters for Portland Hills; and**
- 2. Approve the Terms of Reference, as amended to reflect membership up to six (6) members, for the Planning Advisory Committee (Public Participation Committee) as provided in Attachment A of the staff report dated May 23, 2017.**

MOTION AS AMENDED PUT AND PASSED.

Councillor Karsten resumed as chair and Councillor Mancini took their seat.

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

Patrick Stubbart, Dartmouth, expressed concerns with Shubie Park's off-leash dog area, and trying to obtain information through the Freedom of Information and Protection of Privacy Act on the decision and implementation. Stubbart recognized others in attendance that live around the park and who share concerns with issues such as: continuous barking from 6 a.m. to 10 p.m., which is affecting their mental health; owners not respecting the on-leash areas of the park; increased speed; and traffic on Locks Road.

Stephanie LeGrow, Dartmouth, echoed similar concerns as the previous speaker respecting Shubie Park. LeGrow pointed out that there were a number of children in the area and safety is a concern with the amount of traffic, suggesting the need for education and appropriately located signage in the park.

Ed Barnstead, Dartmouth, shared concerns with dogs being off-leash at Shubie Park and suggested that they be relocated off the beach. Barnstead agreed with the previous speakers' comments, and the need for owners to be more responsible, pick up after their dogs, and have control around others.

Warren Wesson, Dartmouth, spoke to a recent homicide in Dartmouth, and police and volunteers' efforts to search for evidence. Wesson suggested that although not all circumstances of this nature are preventable, some are and the need to make the connections.

Gerry Irwin, Cole Harbour, shared their support for dogs and suggested the Municipality try and identify the worst times for incidences and the worst/repeat offenders. Irwin also commented on the traffic issues along Portland Street and the steepness at Breakheart Hill.

19. DATE OF NEXT MEETING - July 6, 2017, 6:00 p.m. HEMDCC Meeting Space Main Floor, Alderney Gate 60 Alderney Drive, Dartmouth

20. ADJOURNMENT

The meeting was adjourned at 7:43 p.m.

Krista Vining
Legislative Assistant