



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
September 6, 2018**

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

REGRETS: Councillor Tony Mancini, Chair

STAFF: Joshua Judah, Senior 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., recessed at 9:20 p.m. and reconvened at 9:23 p.m.
Community Council adjourned at 9:24 p.m.*

1. CALL TO ORDER

The Vice Chair called the meeting to order at 6:02 p.m.

2. APPROVAL OF MINUTES – August 2, 2018

MOVED by Councillor Nicoll, seconded by Councillor Hendsbee

THAT the minutes of August 2, 2018 be approved as circulated.

MOTION PUT AND PASSED.

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

Members agreed to deal with Item 10.1.2 Case 20269: Development Agreement – 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth after the balance of the agenda.

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

THAT the Order of Business be approved as amended.

Two-thirds 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 21548: Amendment to the Dartmouth Land Use By-Law to rezone lands at 4 Fernhill Drive, Dartmouth

The following was before Community Council:

- A staff recommendation report dated July 3, 2018
- Correspondence from Ken Lotherington

Jamy-Ellen Klenavic, Planner II, Urban Enabled Applications presented the application by Shelley Dickey Land Use Planning, on behalf of LakeCity Employment Services Association to rezone the subject site to support and, potentially, expand the LakeCity Woodworkers enterprise at 386 Windmill Road. A copy of the presentation is on file.

Councillor Austin opened the public hearing and invited the applicant to come forward and address Council.

Shelley Dickey, Representing LakeCity Woodworkers provide an overview of the operations and what was onsite. Rezoning would allow them to expand and have additional parking and storage to enhance their role in the community.

Councillor Austin reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

Elizabeth Kennedy, Dartmouth supported the application to expand the business, starting with the parking lot. Kennedy was concerned with health issues from paint and varnish fumes coming from the site and the impact it has had on the neighbourhood. They noted problems with the size of LakeCity's air exchanger and referred to discussions with LakeCity regarding improvements. Kennedy responded to a question raised, clarifying that a paint store on Fernhill Drive had been shut down due to improper ventilation.

Teresa Puddifant, Dartmouth support LakeCity and the work they do but was concerned with the rezoning. They supported overflow parking and additional storage but questioned how the rezoning would impact the commercial aspect and if the community would have a say in future changes on the property. Puddifant was also concerned with the health impact from the fumes omitted from LakeCity.

Robert Russell, Dartmouth echoed concerns about the chemical fumes and lack of proper filtration/ventilation. They were also concerned that noise levels would increase as the parking lot would be used for LakeCity's TinyHome project. Russell questioned if 4 Fernhill Drive was sold with the understanding that it would be rezoned commercial.

Tim Olive, Dartmouth clarified that they were speaking as a citizen and not as a member of the LakeCity Board, which they had stepped down from in the summer. Olive spoke to the LakeCity's program and services. They pointed out that environmental reviews were undertaken by the Nova Scotia Department of Environment and the Municipality and was concerned with the comments made about health issues from chemical fumes without provided proof.

Steve Ordge, Dartmouth questioned how a commercial business has been able to operate in residential zoning for the past 30 years. Ordge commented on health issues and increased fumes from development and impact it has on the neighbourhood. They supported the work LakeCity does but did not agree with expanding the parking lot as it would leave room for future changes without community input. Ordge also wondered what kind of buffer would be in place.

Steven Thompson, Fernhill Drive agreed with speakers' comments about fumes. They supported the work LakeCity does but wondered if the business would be better located in an industrial park away from residential properties. Fernhill sought clarification on the work LakeCity does with plastics.

Councillor Austin called three times for any other members of the public wishing to speak on the matter, there were none.

Councillor Austin invited the applicant forward to speak to points raised by the public.

Christine Latter-Stratton on behalf of LakeCity spoke to the work and support they give to the community and being apart of the community. LakeCity meets all the environmental standards and they have no plans to expand the business. In response to a question raised about plastics, LakeCity is involved with a recycling company in Burnside that turns plastic grocery bags into wood. Latter- Stratton spoke to their TinyHome project to raise funds for youth programing and there are no plans to have an assembly line in the parking lot.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Hendsbee, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council adopt the amendment to the Land Use By-law for Dartmouth, as set out in Attachment A of the staff report dated July 3, 2018.

Members discussed the application, noting that By-law N-200, Respecting Noise outlines prohibited times. Members supported the application to expand the parking lot but suggested neighbouring residents work with the area Councillor and LakeCity to make improvements to the ventilation to remediate fumes.

MOTION PUT AND PASSED.

Councillor Austin stepped down as Chair and Councillor Karsten assumed the Chair.

10.1.2 Case 20269: Development Agreement – 307 Prince Albert Road and 5 Glenwood Avenue, Dartmouth

The following was before Community Council:

- A supplementary staff recommendation report dated June 20, 2018
- Correspondence from Roberto Armenta, Pam Rubin, Janet McCarthy, Gary Vermeir, P. Carpenter, Mike Murphy, Nancy Thomas, L.M. Live, John Thornton, Amber Gareau, Chrystal Marshall, Claire McIlveen, and Edwin Head, Jeff Weatherhead, John and Irene Schofield, Merle Gracie, Theresa RolletMcWilliams, Nancy Yeats, Gail Ferguson, Mary Anne Earle, Corinne Cox, Anne Timmins, Judy Dudar, Tom and Frances Howard, Louise d'Entremont, Chrystal Murphy, John Cahill, Violet Rosengarten, Denise Monbourquette, Gail McElmon, Marlene Corey, Pam, Taylor and Matthew Ferguson, Tasha Armenta, Patricia Othen, Erik Gyurcsanyi, Alan Collins, Susan Arklay-Lehman, Mary Stewart, Maurice E. Lloyd, Karen Bennett, Scott Tunis, Wendy Lill, Bill Rothwell, Arlene Diepenbrock, Terence and Patricia Rowell, Barbara Merriam, Alastair Smith, L. Eisener, Jann Peters, Juantia Cooper, Cindy Were, Andrew McQuillin, Barbara MacAlpine, Kevin O'Brien, Paul Losier, Archie Munroe, Susan Bungay, Rick Bungay, John Ulrich, Leslie Waugh, Michael Vlahos, Cathy Carpenter, Anne Campbell, Heidi Sayle, Rosie Porter, Shelagh Skerry, Sharon MacDonald, Suzanne Martin, Mark Nicholson, Alison Crowe, Joanna Wine, Lorena MacDonald, Olivia Smith, Lee Johnson, Glenn Bowie, Jed Roche, Susan MacDonald, Sandy Norman, Virginia Wheeler, Larry Clark, Miche and Reed Oldershaw, Lois Loewen, Linda Negulic, and A. J. MacLeod

Luc Ouellet, Planner III presented the application by Monaco Investment Partnerships to remove the existing buildings on the subject site and construct an eight (8) storey multi-unit residential building containing ground floor commercial uses. A copy of the presentation is on file.

Ouellet responded to questions raised by the Community Council providing clarification. They noted that there are no height limitations for some General Commercial developments (e.g. hotel or other commercial uses); however, height controls are put in place for a multiple family residential development. Ouellet indicated that they had not been contacted directly or received correspondence from Canoe Kayak Nova Scotia or other clubs on the matter. They further explained that the minimum distance from the proposed building to the canoe course on Lake Banook is over 300 metres. There are obstructions in between the site and the lake. Staff looked at the previous wind study completed for the original application for a 15-storey building which would have a negligible impact on Lake Banook. As the current proposal is for eight (8) storey building, staff did not see reason to complete further wind tunnel testing. In response to allowable density, Ouellet explained that the Development Agreement process allows flexibility to Community Council.

Councillor Karsten opened the public hearing and invited the applicant to come forward and address Council. It was noted that the applicant or a representative was not present at this time.

Councillor Karsten reviewed the rules of procedure for public hearings and called for anyone wishing to speak on the matter.

Jeff Weatherhead, Dartmouth spoke to Dartmouth being a strong distinct community with unique characteristics in each neighbourhood. They commented on the proposed plan for residential growth in Dartmouth and sought clarification on the process for waiving a second wind tunnel analysis for this development. The speaker expressed concern with the technology used to produce the wind tunnel analysis, expressing that it has never been updated, verified or published. Weatherhead suggested using RWDI's technology as a better alternative to the desk top wind tunnel study. They further spoke to the historical value of the race course and expressed concern that the height and density of the development would impact neighbouring market values. It was their view that the eight (8) storey development would impact the wind on the lake and they asked Community Council to vote against the development.

Archie Munroe, Dartmouth commented that Grahams Corner is a strong vibrant community. They suggested that increased density in the neighbourhood would further increase traffic and hazards in area that has a history of motor vehicle accidents. Munroe did support a moderate building at this site, explaining that the proposed height and scale was incompatible with the neighbourhood. They also commented on the developer's total investment and failure to consolidate adjacent lands.

Paul Mombourquette, Dartmouth reflected on the proposed development in proximity to Paddlers Cove and the impact the applicant has had on them and their late spouse. Mombourquette commented on the density and not knowing how the wind would impact the race course, but suggested it would have an impact on the light and course's reputation.

Charles Whalen, Dartmouth agreed that the development was too tall for the neighbourhood and supported a six (6) storey development. They wanted to ensure that the building would be setback off of the street and had proper frontage with trees.

Larry Clark, Dartmouth was opposed to the eight (8) storey development as it was not compatible with the neighbourhood and would set a precedent for larger buildings on smaller parcels of land for the area. They would support six (6) storeys or less. Clark noted the 35-metre height restriction around Lake Banook except for the proposed property. The speaker echoed remarks made about the wind impact on the lake, increased density to the neighbourhood and impact on the infrastructure. The speaker pointed out the recent blooms of blue-green algae in Lake Banook resulting from changes made to the lake and increased toxins.

Maurice Lloyd, Dartmouth commented on the rapid growth over the years in Dartmouth. They endorsed other speakers' comments and the development fitting in with the existing community. They pointed out the community turnout and the number of signatures on the petition submitted at the meeting; the community does not support the proposal. They asked Community Council to deny the application.

Violet Rosengarten, Dartmouth agreed with previous speakers' comments. Rosengarten explained the importance of Lake Banook as a gathering place for the community and aquatic clubs. They did not want to see high-rise developments near the lake.

Virginia Schonhoffer, Dartmouth asked the Community Council to deny the application for reasons expressed by previous speakers.

Lorena MacDonald, Dartmouth agreed with remarks made by earlier speakers on the density and impact on market values, and wanted the Community Council to deny the application. MacDonald expressed concern with ice formation on the sidewalk from the proposed development's shadowing and the impact to fish in the lake. They questioned how the development was compatible with the neighbourhood.

Liz Campbell, Dartmouth was not opposed to development but did not support the proposal for eight (8) storeys. Campbell commented on the Lake Banook Residents Associations' efforts to protect Lake Banook.

Bill Rothwell, Dartmouth agreed with previous speakers, especially concerns raised around density, impact on the race course and lack of compatibility.

Gloria McCluskey, Dartmouth echoed concerns raised around wind, traffic, property values and protecting Lake Banook. McCluskey highlighted the various events that take place on the lake that help the economy. They pointed out that the Draft Centre Plan supports a six (6) storey development for the area.

Andrea McQuillin, Dartmouth opposed the development because of traffic, density and height.

Terry Mitchell, Dartmouth suggested having a caveat in place if the proposal is approved, making the developer responsible to address any wind impact on Lake Banook.

John Dalziel, Dartmouth echoed remarks made about setting a precedent and the community not supporting the proposal. Dalziel sought clarification on the development being able to change the external appearance of the building without Community Council's approval. They supported a development of six (6) storeys.

Tasha Armenta spoke to neighbourhood compatibility and supported a development of six (6) storeys with less density.

Michell Deveau, Dartmouth echoed concerns on traffic impact and present difficulties parking on Glenwood Avenue, which would increase with this the proposal. They supported a development of six (6) storeys.

Tim Rissesco, Dartmouth noted they were a member of the Banook Canoe Club Board and that the proposed development was discussed at the Board's recent Annual General Meeting. Paddlers are opposed to the development and they suggested the race course will be impacted.

Dave McPherson, Dartmouth supported a development of six (6) storeys as identified in the Draft Centre Plan for the area.

Derek Vallis, Dartmouth agreed with speakers remarks on density, noise, traffic. They echoed points made on the desk top wind tunnel study not providing real life results. Vallis supported a development of five (5) storeys or less and asked the Community Council to consider the economics and health of the community.

Agnus Guarcsnay, Dartmouth opposed the development and asked the Community Council to deny the proposal.

Broben Cooper, Dartmouth wanted the Community Council to deny the proposal.

JD Wheeler expressed that an eight (8) storey building was not compatible with the area.

Councillor Karsten called three times for any other members of the public wishing to speak on the matter, there were none.

It was noted that the applicant was now in attendance. Councillor Karsten invited the applicant to speak.

Tony Maskine, president of Monaco Investments Partnership clarified that the density could range from 70 to 80 units depending on the size of the unit's shape and form. Maskine referred to approved developments on Wyse Road and Pleasant Street, Dartmouth that were of similar scale. They

commented on rejuvenation of the neighborhood and stated that in their view the development is compatible. They support the results of the traffic study and wind tunnel study completed, and trusted that Lake Banook would be protected. Maskine reminded that as-of-right commercial use of this site would significantly allow for greater density and have greater traffic ramifications. The applicant explained that they have not received a formal comment from paddling or rowing clubs. In response to questions raised, they clarified that a six (6) storey development was only marginally viable. A six storey building would be a wood structure with a pitched roof design, 12 to 16 feet in height. The materials and design would not be of the quality proposed.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

THAT the public hearing be closed.

MOTION PUT AND PASSED.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the proposed development agreement, which shall be substantially in the same form as set out in Attachment A of the staff report dated June 20, 2018; 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 will be void and obligations arising hereunder shall be at an end.**

Members discussed the motion, speaking both in favour and in opposition of the development, and the current planning process which the proposal was being considered under. Those opposed to the development supported a building height of six (6) storeys or less, which is supported in the Draft Centre Plan. Members who supported the proposal, agreed that they would have preferred a six (6) storey building, but as explained by the developer it is not viable. Note was regarding the building's the urban design principles and having the opportunity to add new residences and businesses on a derelict site. It was the view that one extra floor and a small penthouse was not a good enough reason to deny the proposal given its many positive aspects. In terms of wind impact on Lake Banook, it was suggested that even if the building were to generate winds it would not affect the lake because of the building's relatively modest height and mitigating design elements. It was also the view that traffic impact would be minimal, as not everyone would be traveling at the same time.

MOTION PUT AND PASSED.

Councillor Austin resumed as Chair and Councillor Karsten took their seat.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for items 10.1.1 and 10.1.2. This correspondence was circulated to Community Council.

11.2 Petitions

11.2.1 Councillor Austin

Councillor Austin submitted a petition on behalf of Jeff Weatherhead, Banook Area Residents Association, containing 440 signatures from residents opposed to the development proposal of an eight

(8) storey (including penthouse) 90unit residential high rise building on the funeral home site (Case 20269).

11.3 Presentations

11.3.1 Doug Skinner - Traffic issues arising from the proposed Port Wallis Residential Development (Case 21601)

The following was before Community Council:

- A request to present from Doug Skinner dated July 18, 2018
- Handout of presentation speaking notes

Doug Skinner presented their perspective on the traffic analysis for the proposed development of the Port Wallace Lands. Area residents are questioning why the developers want to build a community that has a population density much higher than anything surrounding. Residents are also questioning why a new development would be built when it cannot be completed without causing serious harm to an existing community by imposing unsafe traffic levels with no long-term solution. Recommendations include:

- Produce a new traffic study to establish correct baseline data
- New report to predict impact on Highways 107, 111, 118 and bridges
 - Predict external route volumes at 25%, 50% and 100% build
 - Include peak traffic projections for CBL Industrial Lands
- Undertake consultation and coordinated planning with NSTIR to twin Highway 107 as early as possible
- Rework plans and reduce population to 1/3 of present proposal to stay within available traffic capacity at full build
- Maintain R-1 zoning of CBL lands west of Highway 107
- Reconsider all proposed new intersections with Waverley Road
- Construct a Barry's Run Crossing and new Highway 107 interchange connecting Avenue du Portage to Highway 107

A copy of the presentation is on file.

The Chair thanked Doug Skinner for their presentation.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS

13.1 STAFF

Councillor Austin stepped down as Chair and Councillor Karsten assumed the Chair.

13.1.1 Fence Permit #166854 – 8 Gaston Road, Dartmouth

The following was before Community Council:

- A staff recommendation report dated July 16, 2018

MOVED by Councillor Austin, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council approve the request to construct fencing in excess of 6.5 feet in height at 8 Gaston Road, Dartmouth.

MOTION PUT AND PASSED.

Councillor Austin resumed as Chair and Councillor Karsten took their seat.

13.1.2 Case 21910: Discharge of Development Agreement for Harbour Ridge Golf Club, 108 Harbour Ridge Drive (and surrounding properties), East Petpeswick

The following was before Community Council:

- A staff recommendation report dated August 20, 2018

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll

THAT Harbour East-Marine Drive Community Council approve, by resolution, the proposed discharge of the development agreement between Halifax Regional Municipality and Harbour Ridge Developments Limited dated December 17, 1999 and filed in the Registry of Deeds on March 6, 2000 as document 6445 in Book 6528, pages 926 to 952, from the following properties:

- a) 108 Harbour Ridge Drive, East Petpeswick (PID 40832800)
- b) 843 East Petpeswick Road (PID 40863466)
- c) 851 East Petpeswick Road (PID 40863474)
- d) 855 East Petpeswick Road (PID 40863482)
- e) 9 Harbour Ridge Drive (PID 40879611)
- f) 22 Harbour Ridge Drive (PID 41032285)
- g) 40 Harbour Ridge Drive (PID 41032293)
- h) 58 Harbour Ridge Drive (PID 41032301)
- i) 96 Harbour Ridge Drive (PID 41164005); and
- j) 103 Harbour Ridge Drive (PID 41164013).

MOTION PUT AND PASSED.

13.1.3 Case 20541: Development Agreement for Harbour Isle on Marketplace Drive, Dartmouth

The following was before Community Council:

- A staff recommendation report dated August 20, 2018

MOVED by Councillor Nicoll, seconded by Councillor Karsten

THAT Harbour East-Marine Drive Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of the staff report dated August 20, 2018, to allow for 6 multi-unit residential buildings and 3 commercial buildings on lands along Marketplace Drive, Dartmouth, and schedule a public hearing.

MOTION PUT AND PASSED.

Public Hearing scheduled for October 4, 2018.

13.1.4 Case 20573: Development Agreement and Discharging Development Agreement for 651 Portland Hills, Dartmouth

The following was before Community Council:

- A staff recommendation report dated August 20, 2018

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

THAT Harbour East-Marine Drive Community Council give notice of motion to consider the proposed Development Agreement, as set out in Attachment A of the staff report dated August 20, 2018, to develop a 7-storey mixed use building at 651 Portland Hills Drive in Dartmouth, and schedule a public hearing.

MOTION PUT AND PASSED.

Public Hearing scheduled for October 4, 2018.

14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE) – NONE

16. ADDED ITEMS – NONE

Community Council recessed at 9:20 p.m. and reconvened at 9:23 p.m.

17. NOTICES OF MOTION – NONE

18. PUBLIC PARTICIPATION

No members of the public came forward.

19. DATE OF NEXT MEETING – October 4, 2018 at 6:00 p.m. HEMDCC Meeting Space, 60 Alderney Drive, Dartmouth

20. ADJOURNMENT

The meeting was adjourned at 9:24 p.m.

Krista Vining
Legislative Assistant