



**HARBOUR EAST – MARINE DRIVE COMMUNITY COUNCIL  
SPECIAL MEETING  
MINUTES  
September 2, 2021**

PRESENT:                   Councillor David Hendsbee, Chair  
                                Councillor Becky Kent, Vice Chair  
                                Councillor Trish Purdy  
                                Councillor Sam Austin  
                                Councillor Tony Mancini

STAFF:                     Joshua Judah, Q.C., Solicitor  
                                Simon Ross-Siegel, Legislative Assistant  
                                Liam MacSween, Legislative Support

*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](http://halifax.ca).*

*The meeting was called to order at 6:09 p.m. and recessed at 8:34 p.m. Community reconvened in at 8:45 p.m. and adjourned at 9:06 p.m.*

## **1. CALL TO ORDER**

Councillor Hendsbee, Chair called the meeting to order at 6:09 p.m.

## **2. APPROVAL OF MINUTES – August 5, 2021 Special Meeting**

MOVED by Councillor Purdy, seconded by Councillor Kent

**THAT the Special Meeting minutes of August 5, 2021 be approved as circulated.**

**MOTION PUT AND PASSED.**

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

Additions: None

Deletions: None

MOVED by Councillor Kent, seconded by Councillor Purdy

**THAT the agenda be approved as presented.**

**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 – 6:00 p.m.**

#### **10.1.1 Case 23221: Land Use By-law amendment for Eastern Shore Lifestyle Centre - 22324 Highway, Sheet Harbour**

The following was before Community Council:

- A staff recommendation/information report dated April 18, 2021
- A staff presentation dated September 2, 2021
- Correspondence from Lynn Farris, Gord and Lorna Logan

Jacqueline Belisle, Planner II, Rural Policy and Applications, Current Planning presented Case 23221: Land Use By-law amendment for the Eastern Shore Lifestyle Centre at 22324 Highway, Sheet Harbour an application by the Halifax Regional Municipality to permit a municipal community facility which would incorporate recreation, library and fire services on the subject property. A copy of the staff presentation is on file.

The Chair opened the Public Hearing, reviewed the rules of procedure, and called for the registered speaker to address Community Council.

**Greg Cross**, of Harrigan's Cove speaking on behalf of the Eastern Shore Lifestyle Centre Committee spoke in support of the application advising that a new community facility that incorporates fire, recreation and library services on the Eastern Shore is needed. Cross concluded by noting that the Committee will

work with the HRM to ensure that every effort to mitigate the impact of construction on neighbouring property owners will be taken.

There were no additional registered speakers present.

MOVED by Councillor Kent, seconded by Councillor Purdy

**THAT the public hearing be closed.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Kent, seconded by Councillor Austin

**THAT Harbour East-Marine Drive Community Council adopt the amendments to the Land Use By-law for Eastern Shore (East) Plan Area, as set out in Attachment A of the April 28, 2021 report.**

**MOTION PUT AND PASSED.**

**10.1.2 Case 21584: Development Agreement for lands at 18 Rosedale Drive, and Floral Avenue, Dartmouth**

The following was before Community Council:

- A staff recommendation report dated August 5, 2021
- A staff presentation dated September 2, 2021
- Correspondence from Eric Noel, Joan Elizabeth Eaton, T. Chandler Haliburton, Daniel Wambolt, Bruce Fraser, Armindo Nunes, Violet Rosengarten, Dave St. Laurent, Alex Tattrie, Jordon Nieuwhof, Angela Rafuse, Tamara S, Cherie Gaudet, Anne Guy, Alex Hosein, Robert MacDonald; Michael Cain

Carl Purvis, Planning Applications Program Manager, Current Planning presented Case 21684: an application by Fathom Studio for a development agreement to enable two mixed use buildings atop a shared semi-underground parking garage at 18 Rosedale Drive and Floral Avenue, Dartmouth. A copy of the staff presentation is on file.

Purvis responded to questions from Community Council respecting provisions within the Development Agreement for stormwater management, tree retention and privacy buffering and the allowable gross floor area ratio if the development were considered under the Centre Plan.

Purvis responded to follow up questions from Community Council respecting the Traffic Impact Statement submitted by the applicant and provisions within HRM's Construction Mitigation By-law which address the impact of construction on neighbouring property owners such as pest management and blasting protection.

The Chair opened the Public Hearing and invited the applicant to come forward and address Community Council on Case 21584.

**Chris Crawford**, Vice President, Director of Architecture and Interiors and **Rob Leblanc**, President, Director of Planning with Fathom Studio provided a presentation on behalf of the applicant and property owner Joseph Arab on Case 21584. A copy of the applicant's presentation is on file.

Responding to questions from Community Council, Leblanc advised that the tree line along Hester Street will be maintained as it would greatly assist in stormwater management and privacy screening for adjacent properties. Leblanc provided further commentary respecting affordable units for the subject property subject to available Canada Housing and Mortgage Corporation (CMHC) programming.

The Chair reviewed the rules of procedure for public hearings and called for the registered speaker.

**Chris Cox**, of Halifax spoke in support of the application advising that it provides needed residential rental units for the community and HRM. Cox further noted that the design incorporates taller buildings that allow for more green space as opposed to what could have been built under the Centre Plan.

**Richard Arab**, of Halifax spoke in support of the application as presented and noted the need for more rental unit availability in HRM. Arab commented that design of the building will help to revitalize the neighbourhood.

**Bruce Fraser**, of Dartmouth raised concern with water entering the sump pump room at the Church located on Hester Street. Fraser advised of Chronic leakage of water originating from existing retaining wall on the subject property and requested clarification on how this will be addressed if the application is approved.

**Bill Toulaney**, of Dartmouth was registered as a speaker but was unavailable.

**David Fallows**, of Halifax spoke in favour of the application reiterating points raised by previous speakers in relation to the need for more rental units in HRM. Fallows also commented that the development will be an improvement to the neighbourhood.

**Tony Zareski**, of Halifax spoke in favour of the application reiterating points raised by previous speakers respecting the need for more rental units in HRM. Zareski noted that the application, if approved, will also assist in freeing up more affordable rental units in the Community.

**Sam Reeves**, of North End Halifax spoke in favour of the development reiterating points raised by the previous speakers respecting the need for additional residential rental units in HRM. Reeves provided additional commentary on how the development will revitalize the existing neighbourhood.

**Chris Smith**, of Dartmouth spoke in favour of the development reiterating points raised by previous speakers respecting the need for more rental units in HRM. Smith spoke in favour of design of the building advising that it allows for tree retention and better privacy screening for adjacent properties than the original proposal.

**Chris Coristine**, of Dartmouth spoke in favour of the development reiterating points raised by previous speakers respecting the need for additional residential rental units and the positive impact the building will have in the neighbourhood if approved.

**Scott McKnight**, of Wellington, spoke in favour of the development advising that it represents a renewal for the area. McKnight reiterated points raised by previous speakers respecting the need for more residential rental units in HRM.

**Paul O'Connor**, of Halifax, spoke in favour of the development noting that the neighbourhood could benefit from similar developments. O'Connor suggested that amendments to the Centre Plan are required to allow for the construction of similar developments.

**Jordan Nieuwhof**, of Dartmouth, advised of the need of new developments that are affordable and integrate with the heritage and the culture of existing neighbourhoods. Nieuwhof expressed concern with the proposal in relation to privacy for existing homes, the impact of wind and shade on existing properties, compatibility with the neighborhood, parking, and tree retention.

**Cassey Malone**, of Dartmouth reiterated the concerns raised by previous speaker with respect to privacy for existing homes, the impact of wind and shade on existing properties, compatibility with the neighborhood, parking, and tree retention. Malone provided further commentary on the need for affordable housing and encouraged that the tree line along Hester Street be protected if the application is approved.

**Tim Richardson**, of Prospect spoke in favour of the application reiterating points raised by previous speakers relating to the need for more residential rental units in HRM and the positive impact the development will have for the neighbourhood if approved.

**Alexander Arab**, of Halifax spoke in favour of the application reiterating points raised by previous speakers relating to the need for more residential rental units in HRM and the positive impact the development will have for the neighbourhood if approved.

There were no further registered speakers. The Chair invited the Applicant(s) to respond to points raised during the public hearing.

**Rob Leblanc** clarified that the parking garage entry location on Rosedale Drive and provided commentary on the stormwater management plan that will be addressed at the permitting stage. Leblanc commented that the larger setbacks with the new design aids with stormwater management along with the proposed tree retention.

Leblanc explained that the existing larger trees along Hester Street are in the six-foot buffer area and will not be removed. Leblanc added that some trees may need to be trimmed in consultation with an arborist to allow for the construction of the building. Leblanc advised the applicant is looking at green roof solutions and that the applicant will work under the Construction Mitigation By-law to ensure minimal impact on neighbouring properties while construction takes place if the application is approved.

**Joseph Arab**, property owner, advised that five to ten percent of the unit in the development will be affordable units depending on the program availability from CMHC. Arab advised that the rents for these units could be up to 30 percent below market provide or median household income. Arab concluded by noting that this could amount to 10-20 affordable units within the development.

MOVED by Councillor Austin, seconded by Councillor Purdy

**THAT the public hearing be closed.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Austin, seconded by Councillor Mancini

**THAT Harbour East-Marine Drive Community Council:**

- 1. Approve the proposed development agreement, which shall be substantially of the form as set out in Attachment A of the August 5, 2020 report; and**
- 2. Require the agreement be signed by the property owner within 240 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.**

Harbour East-Marine Drive Community Council expressed its support of the application as presented by noting that the applicant's proposal is more compatible with the existing neighbourhood. Community Council cited the increased height of the building allowing for more density, reduced lot coverage, and the preservation of more greenspace as rational for not supporting the recommendation of staff outlined in the August 5, 2021 staff report. Community Council further noted that current proposal by Development Agreement lessens the impact of development on neighbouring properties more than what would be would have been permitted as of right under the Regional Centre Land Use By-law.

**MOTION PUT AND PASSED.**

**10.2 VARIANCE APPEAL HEARING – NONE**

## **11. CORRESPONDENCE, PETITIONS & DELEGATIONS**

### **11.1 Correspondence**

The Legislative Assistant noted that correspondence was received and circulated for items: 10.1.1, 10.1.2 and 13.1.2. For a detailed list of correspondence received refer to the specific agenda item.

### **11.2 Petitions – NONE**

### **11.3 Presentation – NONE**

## **12. INFORMATION ITEMS BROUGHT FORWARD – NONE**

## **13. REPORTS**

### **13.1 STAFF**

#### **13.1.1 Case 23401: Non-substantive amendments to an existing development agreement for 249, 251 and 257 Windmill Road, Dartmouth**

The following was before Community Council:

- A staff recommendation report dated June 8, 2021

MOVED by Councillor Austin, seconded by Councillor Purdy

**THAT Harbour East-Marine Drive Community Council:**

- 1. Approve, by resolution, the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the June 8, 2021 report; and**
- 2. Require the amending development agreement be signed by the property owner within 240 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.**

Melissa Eavis, Planner III, gave a presentation on Case 23401: Non-substantive amendments to an existing development agreement for 249 and 257 Windmill Road, Dartmouth and responded to questions of clarification from Harbour East – Marine Drive Community Council. A copy of the staff presentation is on file.

### **MOTION PUT AND PASSED.**

#### **13.1.2 Case 23609: Non-substantive amendments to an existing development agreement for Evergreen Drive, Cole Harbour**

The following was before Community Council:

- A staff recommendation report dated June 10, 2021
- Correspondence from Bob Feindel

MOVED by Councillor Purdy, seconded by Councillor Mancini

**THAT Harbour East-Marine Drive Community Council:**

- 1. Approve, by resolution, the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the June 10, 2021 report; and**
- 2. Require the agreement be signed by the property owner within 240 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.**

Melissa Eavis, Planner III, gave a presentation on Case 23609: Non-substantive amendments to an existing development agreement for Evergreen Drive, Cole Harbour and responded to questions of

clarification from Harbour East - Marine Drive Community Council. A copy of the staff presentation is on file.

**MOTION PUT AND PASSED.**

**14. MOTIONS – NONE**

**15. IN CAMERA (IN PRIVATE) – NONE**

**16. ADDED ITEMS – NONE**

**17. NOTICES OF MOTION – NONE**

**18. PUBLIC PARTICIPATION**

There were no registered speakers for public participation.

**19. DATE OF NEXT MEETING – October 7, 2021**

**20. ADJOURNMENT**

The meeting was adjourned at 9:06 p.m.

Liam MacSween  
Legislative Support