



**HARBOUR EAST- MARINE COMMUNITY COUNCIL
MINUTES
January 12, 2023**

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

STAFF: Elise Martino, Solicitor
Liam MacSween, Elections and Special Projects Manager

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

The agenda, reports, supporting documents, information items circulated, and video (if available) are online at halifax.ca.

The meeting was called to order at 6:06 p.m. and adjourned at 7:37 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 6:06 p.m. and acknowledged that the meeting took place in the traditional and ancestral territory of the Mi'kmaq people, and that we are all treaty people.

2. APPROVAL OF MINUTES – December 1, 2022

MOVED by Councillor Mancini, seconded by Councillor Hendsbee

THAT the minutes of December 1, 2022 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 Mancini

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

Deputy Mayor Austin noted a conflict in relation to Item No. 13.1.2 Case 23805: Development Agreement for lands located on Portland Street and Carver Street, Dartmouth.

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – December 1, 2022

8.1 PUBLIC HEARING - Case 23928: Development Agreement for 386 Cow Bay Road, Eastern Passage

The following was before Community Council:

- A staff report dated September 16, 2022
- A staff presentation dated January 12, 2023
- Correspondence from Dave Walsh

First Reading was given on October 24, 2022.

Darrell Joudrey, Planner II, Current Planning gave a presentation on Case 23928 and responded to questions of clarification from Community Council regarding building setbacks, the location of the parking lot in the front of the property, visual screening, and fire safety regulations which take place at the time of permitting.

The Chair opened the hearing and invited the applicant to come forward and address Community Council.

The hearing opened at 6:27 p.m.

Matthew Jarski, Architect, speaking on behalf of the **Applicant, ROMS KAIG Spryfield Ltd.**, advised that a formal presentation would not be provided but noted availability to respond to questions of clarification from Community Council. Jarski, responded to questions of Community Council in relation fire exits noting that the fire exits are located through the interior of the building and that each unit would also have a fire exit through the patio doors in each unit.

Responding to a question from Community Council about neighbourhood compatibility, Jarski clarified that the windows for the proposed building are larger than most buildings in the area and that the applicant is open to making changes to the colour of the building. Jarski advised that the massing of the building is not out of step with other buildings in the area and that the Development Agreement allows for changes to the landscaping of the subject property subject to Community Council's approval.

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

Mike Murray, of Eastern Passage requested that a decision on the matter be deferred for an additional two weeks to allow community members additional time to obtain legal advice on the matter.

In response to a question of clarification from Community Council, Darrell Joudrey advised that any decision made by Community Council in relation to Case 23928 can be appealed by members of the community to the Nova Scotia Utility and Review Board.

The Chair called three times for additional speakers; there were none.

MOVED by Councillor Mancini, seconded by Councillor Kent

THAT the public hearing close.

MOTION PUT AND PASSED.

MOVED by Councillor Kent, seconded by Councillor Mancini

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 staff report dated September 16, 2022; and**
- 2. Require the 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.**

Councillor Kent noted that a deferral of Case 23928 by Harbour East - Marine Drive Community Council would be difficult to support due to a lack of planning policy rational to warrant a further delay and the need for new housing stock in the area.

MOTION PUT AND PASSED.

9. NOTICES OF TABLED MATTERS – NONE

10. HEARINGS

10.1 PUBLIC HEARINGS

10.1.1 Case 22875: Development Agreement for 11 Canal Street, Dartmouth

The following was before Community Council:

- A staff report dated September 26, 2022

- A staff presentation dated January 12, 2023
- Applicant presentation dated January 12, 2023

First Reading was given on December 1, 2022.

Dean MacDougall, Planner III, Current Planning gave a presentation on Case 22875 and responded to questions of clarification from Community Council regarding proposed street upgrades for Canal Street to determine grading and elevation details so that the applicant can design the proposed building. MacDougall further advised that the street upgrades for Canal Street are expected to be complete in 2026 with construction taking place in 2025.

The Chair opened the hearing and invited the applicant to come forward and address Community Council.

The hearing opened at 7:06 p.m.

John Dib, on behalf of the applicant **WM Fares Architects**, provided a presentation on Case 22875 and responded to questions of clarification from Community Council in relation to the consideration of commercial uses on the subject property advising that “at home commercial uses” would be permitted but the subject property would remain residential.

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

Victor Cox, of Dartmouth requested further information on the timing of the proposed upgrades to Canal Street and the timing of the proposed development.

Barry Gallant, of Dartmouth, noted the need for more residential development in the area and request further information on when the property will be fully developed.

The Chair called three times for additional speakers; there were none.

Responding to points raised during the public hearing, **John Gib** advised that pending the permitting process, the intent of the applicant will be to construct the proposed building simultaneously with the upgrading work taking place on Canal Street.

MOVED by Councillor Mancini, seconded by Councillor Kent

THAT the public hearing close.

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 same form as set out in Attachment A of the staff report dated September 26, 2022; and**
- 2. Require 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.**

Dean MacDougall clarified that staff anticipate that construction will begin on the street upgrades for Canal Street will begin in 2025, with an estimated completion date of November 2026.

MOTION PUT AND PASSED.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for items 8.1.

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 22734: Development Agreement for the Former Shannon Park Lands, Dartmouth

The following was before Community Council:

- A staff recommendation report dated January 6, 2023 with revised Attachment A only (January 12, 2023)

MOVED by Councillor Mancini, seconded by Councillor Kent

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 January 6, 2023, to allow for the redevelopment of a new residential community on the former Shannon Park lands, Dartmouth and schedule a public hearing.

MOTION PUT AND PASSED.

Deputy Mayor Austin left the meeting at 7:30 p.m.

13.1.2 Case 23805: Development Agreement for lands located on Portland Street and Carver Street, Dartmouth

The following was before Community Council:

- A staff recommendation report dated December 9, 2022

MOVED by Councillor Kent, seconded by Councillor Mancini

THAT Harbour East-Marine Drive Community Council give First Reading to consider approval of the proposed amendment to the Land Use By-law for Dartmouth, as set out in Attachment A of the staff report dated December 9, 2022, to rezone lands located on Portland Street and Carver Street, Dartmouth from the R-1 (Single Family Dwelling) Zone to the R-4 (Multiple Family Residential) Zone – High Density, to allow a 6-storey, mixed-use, multi-unit building, and schedule a public hearing.

MOTION PUT AND PASSED.

Deputy Mayor Austin rejoined the meeting at 7:32 p.m.

13.1.3 Case 24230: Amending Development Agreement for Harbour Isle on Marketplace Drive, Dartmouth

The following was before Community Council:

- A staff recommendation report dated December 9, 2022

MOVED by Councillor Mancini, seconded by Councillor Kent

THAT Harbour East – Marine Drive Community Council give notice of motion to consider the proposed amending development agreement, as set out in Attachment A of the staff report dated December 9, 2022, to permit additional residential density, a change in land use on three lots, and changes to built form requirements, and schedule a public hearing.

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

The Chair called three times for speakers to address Community Council; there were none.

19. DATE OF NEXT MEETING – February 2, 2023

20. ADJOURNMENT

The meeting was adjourned at 7:37 p.m.

Liam MacSween
Elections and Special Projects Manager