



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL  
MINUTES  
February 2, 2023**

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

REGRETS: Councillor Becky Kent

STAFF: Joshua Judah, Solicitor  
Andrea Lovasi-Wood, Legislative Assistant

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

*The meeting was called to order at 6:01 p.m., and recessed at 6:43 p.m. Community Council reconvened at 6:47 p.m. Community Council adjourned at 8:53 p.m.*

**1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT**

The Chair called the meeting to order at 6:01 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 – January 12, 2023**

MOVED by Councillor Austin, seconded by Councillor Mancini

**THAT the minutes of January 12, 2023 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

As provided for in section 37 (1) of Administrative Order One, *Respecting the Procedures of the Council*, Councillor Hendsbee requested that Item 10.2.1 Case 24105: Appeal of Variance Refusal – 1783 East Petpeswick Rd, East Petpeswick be considered prior to item 10.1.

MOVED by Councillor Austin, seconded by Councillor Hendsbee

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

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

The following was before Council:

- Staff report dated December 9, 2022
- Staff presentation dated February 2, 2023

Meaghan Maund, Planner III gave a presentation and responded to questions of clarification from Council.

The hearing opened at 6:59 p.m.

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

**Michael Napier, Michael Napier Architecture, Applicant** spoke to the proposed amending development agreement. Napier described how the inclusion of building street height variation created a better street environment and how the replacement of office building and hotel with apartment buildings provided increased population density. Napier responded to questions from Community Council.

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

The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak on the matter, there were none.

MOVED by Councillor Mancini, seconded by Councillor Austin

**THAT the hearing be closed.**

**MOTION PUT AND PASSED.**

The hearing closed at 7:09 p.m.

MOVED by Councillor Mancini, seconded by Councillor Austin

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

- 1. Approve the proposed amending development agreement, which shall be substantially of the same form as set out in Attachment A of the staff report dated December 9, 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.**

Community Council noted that the increased population density would occur over time as the development's phases were completed and that increased population density did not present harm to neighbouring property owners.

**MOTION PUT AND PASSED.**

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

The following was before Council:

- Staff report dated January 6, 2023 with revised Attachment A dated January 12, 2023
- Correspondence from Patti Christie, Kimberley Dares, Nick Russell, Darcy Eisan, Monique Mullins-Roberts, Dusan Soudek, Joanne Lamey
- Staff presentation dated February 2, 2023
- Applicant presentation dated February 2, 2023

Dean MacDougall, Planner III gave a presentation and responded to questions of clarification from Community Council.

The hearing opened at 7:34 p.m.

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

**Anne Winters, WSP Global Inc., Applicant** gave a presentation. Winters and Mary Jarvis, Acting Senior Director, National Capital Region and the Atlantic, Canada Lands responded to questions of clarification from Community Council.

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

**The Honourable Susan LeBlanc, MLA, Dartmouth North** spoke in favour of the proposed development agreement and requested that the applicant's definition of affordable housing include affordable housing for all income levels to address Dartmouth North's low rental vacancy rate and highest average rate increase. LeBlanc suggested that affordable rent/mortgage should be based on 30% of an individual's income.

**Patti Christie, District 6** spoke about Shannon Park's community history and expressed support for the proposed development agreement. Christie acknowledged the applicant's commitment to public engagement and the need for the proposed 3,000 housing units due to HRM's growing population.

**Lisa Hayhurst, Chair, Dartmouth Acorn, Highfield Park** spoke about Shannon Park's affordable housing history, requested that 20% of the development be allocated to non-market housing and that the affordable housing allocation be included in the proposed development agreement.

**Maura Donovan, Dartmouth** spoke in favour of the proposed development's inclusion of affordable housing. Donovan suggested that affordable rent/mortgage be based upon 30% of income to create a mixed income community and asked the applicant to work with non profits and housing coops to create the affordable housing units.

**Sue LaPierre, United Way Halifax** spoke in favour of the proposed development agreement. LaPierre asked that the applicant's definition of affordability include all incomes levels especially lower income brackets and that the development's affordable housing be permanent.

**Brian Gifford, District 8** spoke about the strong interest in affordable housing expressed during the applicant's public consultation sessions. Gifford proposed that 20% of the development be allocated to non-market housing, that affordable housing be allotted at every stage of development and that the affordable housing allocation be at no cost to non-market housing developers.

**Timothy Allenby, Co-Chair, Dartmouth Acorn** spoke about the challenges people in the lowest income brackets experience in securing affordable rents. Allenby expressed support of the proposed development and asked that the development's affordable housing allocation include the lowest income level to benefit those who require the most assistance.

**Erin Walters, Dartmouth** spoke about concerns that Shannon Park Elementary students have access to the park that was proposed to be developed adjoining the school property.

**Miia Suokonautio, Executive Director, YWCA Halifax** spoke about the need for the proposed affordable housing's construction and ongoing maintenance be funded by the development's market housing construction because affordable housing cannot pay for its own construction.

**Denise Meserve, North End Dartmouth** spoke about the need for affordable housing in HRM not just within the proposed development.

**Mike Acker, Dartmouth North** spoke about the need that the proposed development include senior housing, a long term care facility and a medical clinic because of the importance of aging in place to reduce stress on long term care facilities.

**Tim O'Rourke, Ocean Breeze Village** spoke in support of the concerns expressed by previous speakers and noted concerns about potential future closures of Princess Margaret Boulevard during construction and responded to question of clarification.

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

The Chair invited the applicant to respond to questions raised by the public. The applicant chose not to respond.

MOVED by Councillor Hendsbee, seconded by Councillor Austin

**THAT the hearing be closed.**

**MOTION PUT AND PASSED.**

The hearing closed at 8:28 p.m.

MOVED by Councillor Mancini, seconded by Councillor Austin

**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 revised Attachment A of the staff report dated January 6, 2023; 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.**

Community Council noted that the proposed development provided a complete community with parks, active transportation, a transit hub and affordable housing. Community Council further noted the applicant's reputation to provide affordable housing in their developments and the significant amount of community engagement during the development's planning.

**MOTION PUT AND PASSED.**

## **10.2 VARIANCE APPEAL HEARINGS**

### **10.2.1 Case 24105: Appeal of Variance Refusal – 1783 East Petpeswick Rd, East Petpeswick**

The following was before Council:

- Staff report dated January 16, 2023
- Correspondence from Caroline Van Haeften, Isabel MacDonald and Paul Eisan, Darrell and Kay Anderson, Paula Milsom, Terri Hayes, Amandine Danse, Karen Schlick, Maïa Bujold, D. Allan Gaskin, Kimberly Lamarche, Deborah Moulton, Bethana Sullivan, Shazia Mazhar, Kathy Lynch, Derek Joseph and Jessica Corrigan, Patricia Macfarlane, Lisa Nash, Patricia Lapointe, Anne Jennings, Robert and Darlene Arnold, Thomas Foley, Helen Wilton, Kaitie Walker, David Balcom, Emily Preeper, Emily Preeper, Anne and Tim Thomas, Kevin Bozowskyj, Marit Montgomery, Jen Oakes
- Staff presentation dated February 2, 2023

Victoria Evans, Planner I gave a presentation and responded to questions of clarification from Community Council.

The Chair reviewed the rules of procedure for variance hearings, opened the hearing, and invited the property owner to come forward and address Community Council.

The hearing opened at 6:16 p.m.

**Robin Clayton, applicant** spoke to the land use by-law's intent was to protect well water quality. Clayton stated there was no evidence of poor water quality on their or neighbouring properties caused by their horse, Angel. Clayton detailed the measures they have undertaken to prevent contamination of the water supply as well as their neighbours' support of their variance request. Clayton responded to questions of clarification from Community Council.

The Chair invited property owners within the notification area to speak regarding the appeal; there were none.

The Chair invited anyone who identified that they were affected by the decision differently than the general public to speak.

**Marit Montgomery-Nixon, Musquodoboit Harbour** spoke in support of the applicant's variance request. Montgomery-Nixon detailed the applicant's care for their horse Angel, the applicant's measures to protect the water supply, the lack of complaints regarding water quality and that the keeping of horses was common in their rural area.

**Jennifer Oaks, Musquodoboit Harbour** spoke on behalf of their six-year-old who loved horses including Angel and stated that Angel be protected by remaining with their owner. Oaks stressed there was no clear reason that the horse be removed from the property due to the joy that Angel brought their family and the community.

**Jessica Corrigan, East Petpeswick** spoke about how the Land Use Bylaw was written to protect interests of existing small lots in the local fishing community. Corrigan stated that they and other neighbours of the applicant supported the applicant's variance request because the applicant properly maintained their property for their rescued horse.

**Shannon Monk, East Petpeswick** spoke about the sense of community in East Petpeswick and the contribution made to the community by the applicant and their horse.

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

MOVED by Councillor Hendsbee, seconded by Councillor Mancini

**THAT the hearing be closed.**

**MOTION PUT AND PASSED.**

The hearing closed at 6:34 p.m.

MOVED by Councillor Hendsbee, seconded by Councillor Mancini

**THAT Harbour East-Marine Drive Community Council allow the appeal.**

Community Council noted the two abutting neighbours supported the applicant's variance request, that the local Municipal Planning Strategy and Land Use Bylaw needed updates to include small use agriculture and to address the odd size of area properties. Community Council spoke to the applicant's

efforts to maintain the horse barn and that there was no evidence that the water supply was contaminated.

Josh Judah, Solicitor and Peter Nightingale, Principal Planner and Development Officer responded to questions of clarification from Community Council.

**MOTION PUT AND PASSED.**

Decision of the Development Officer overturned.

**11. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**11.1 Correspondence**

Correspondence was received and circulated for items: 10.1.2 and 10.2.1.

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 23032: Land Use By-Law amendment for 538 Pleasant Street, Dartmouth**

The following was before Community Council:

- Staff report dated January 19, 2023

MOVED by Councillor Austin, seconded by Councillor Hendsbee

**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 January 19, 2023.**

Joshua Judah, Solicitor responded to questions of clarification from Community Council.

**MOTION PUT AND PASSED.**

**13.1.2 Case 23862: Development Agreement for 1200-1216 Cole Harbour Road, Cole Harbour**

The following was before Community Council:

- Staff report dated January 18, 2023

MOVED by Councillor Hendsbee, seconded by Councillor Mancini

**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 18, 2023, to permit a multiple unit dwelling, and schedule a public hearing.**

**MOTION PUT AND PASSED.**

**13.2 MEMBERS OF COMMUNITY COUNCIL – NONE**

**14. MOTIONS – NONE**

**15. IN CAMERA (IN PRIVATE)**

**15.1 LEGAL MATTER - Private and Confidential Report**

This matter was dealt with in public as follows:

The following was before Community Council:

- Private and confidential staff report dated December 14, 2022

MOVED by Councillor Hendsbee, seconded by Councillor Mancini

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

1. **Adopt the recommendations as outlined in the private and confidential report dated December 14, 2022; and**
2. **Direct that the private and confidential report dated December 14, 2022 be maintained private and confidential.**

**MOTION PUT AND PASSED.**

**16. ADDED ITEMS – NONE**

**17. NOTICES OF MOTION – NONE**

**18. PUBLIC PARTICIPATION**

The Chair noted there were no registered speakers and called three times of any speakers present; there were none.

**19. DATE OF NEXT MEETING – March 2, 2023**

**20. ADJOURNMENT**

The meeting was adjourned at 8:53 p.m.

Andrea Lovasi-Wood  
Legislative Assistant