



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
SPECIAL MEETING
MINUTES
March 4, 2021**

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

STAFF: Jamy-Ellen Klenavic, Planner II, Urban Enabled Applications
Darrell Joudrey, Planner II, Current Planning
Brittney MacLean, Planner II, Current Planning
Meaghan Dalton, Planner I, Regional Planning
Carl Purvis, Planning Applications Program Manager, Current Planning
Jillian MacLellan, Planner III, Regional Planning
Bruce Chisholm, Partnership Coordinator, Program Support Services
Josh Judah, Solicitor
Simon Ross-Siegel, Legislative Assistant
Alicia Wall, 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.

The meeting was called to order at 6:00 p.m. Community Council moved into an In Camera (In Private) session at 7:38 p.m. and Community Council adjourned at 7:51 p.m.

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES – Special Meeting February 4, 2021

MOVED by Councillor Austin, seconded by Councillor Kent

THAT the minutes of February 4, 2021 be approved as presented.

MOTION PUT AND PASSED.

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

Addition: 16.1 Councillor Austin: Fence along Woodland Avenue

MOVED by Councillor Austin, seconded by Councillor Purdy

THAT the Order of Business 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

Councillor Kent declared a conflict of interest for item 15.1 and did not participate in the discussion or vote.

6. MOTIONS OF RECONSIDERATION – NONE

7. MOTIONS OF RESCISSION – NONE

8. CONSIDERATION OF DEFERRED BUSINESS – NONE

9. NOTICES OF TABLED MATTERS – NONE

10.1 PUBLIC HEARINGS

10.1.1 Case 23274: Secondary Suites and Backyard Suites Housekeeping Amendments

The following was before Community Council:

- A staff recommendation report dated January 4, 2021
- A staff presentation

Meaghan Dalton, Planner I, Regional Planning presented Case 23274. This case is with respect to housekeeping amendments required to correct typos and incorrect section references found in various Land Use By-laws by staff. A copy of the staff presentation is on file.

MOVED by Councillor Purdy seconded by Councillor Mancini

THAT Harbour East-Marine Drive Community Council adopt the proposed amendments to the Land Use By-laws for Dartmouth, Downtown Dartmouth, Lawrencetown and Planning Districts 8 & 9 as set out in Attachment A of the January 4, 2021 report.

MOTION PUT AND PASSED.

10.2 VARIANCE HEARING – NONE

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

The Legislative Assistant noted that correspondence was received for item 13.1.2. The Legislative Assistant also noted that general correspondence was received from Phil Helliwell. All correspondence was circulated to the Committee.

11.2 Petitions – None

11.3 Presentations

11.3.1 Alderney Landing Update – Sandra McKenzie, Chair of the Board of Directors of Alderney Landing

Sandra MacKenzie, Chair, Board of Directors of Alderney Landing passed the floor over to Bea MacGregor to speak about how Alderney Landing is managing through Covid-19 and future endeavors. Bea MacGregor, Executive Director, Alderney Landing advised that pre-Covid, Alderney Landing hosted approximately 600 events and 300,000 people yearly. There have been numerous cancellations over the past year and Alderney Landing has had to adapt to ever changing public health restrictions. They are considered a leader in Covid-safe events and have developed a 3-tier Covid plan for each event hosted. Some of major events that were able to proceed included the Fire and Water Festival and the Bluenose Ghosts Festival. New revenue streams created during the pandemic have resulted in a projection of breaking even by the end of March, 2021 despite financial losses as a result of Covid-19. Some of the goals for 2021 and beyond are to grow signature events, expand seating, increase greenery and grow cultural market events. A copy of the presentation is on file.

Community Council noted the importance of showcasing local musicians and that having musicians play at the Farmer's Market would be a nice complement to the market. Bea MacGregor noted that due to public health restrictions Alderney Landing cannot have musicians playing at the market but stated they continue to watch for changes in current restrictions and that Alderney Landing welcomes opportunities to showcase local musicians.

The Chair thanked Sandra MacKenzie and Bea MacGregor for their presentation.

12. INFORMATION ITEMS BROUGHT FORWARD – NONE

13. REPORTS/DISCUSSION

13.1 STAFF

13.1.1 Case 22198: Development Agreement for 4442 Clam Harbour Road, Clam Bay

The following was before Community Council:

- A staff recommendation report dated January 19, 2021

Carl Purvis, Planning Applications Program Manager, Planning and Development stated that the development agreement is to legalize the salvage yard use by going through the formal process. The site has been used as a salvage yard for quite some time.

MOVED by Councillor Purdy, 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 January 19, 2021 report, to allow for the continued operation of a salvage yard at 4442 Clam Harbour Road, Lake Charlotte, and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.2 Accessory Buildings in Watercourse Setbacks and Buffers: Eastern Passage/ Cow Bay Land Use By-law

The following was before Community Council:

- A staff recommendation report dated December 1, 2020
- Correspondence from Ken LaBelle and Ron Walker

Community Council noted the importance of recognizing the historical uses in the area and acknowledged the working shoreline in Eastern Passage. Several members spoke regarding differences between coastline and harbour land. Carl Purvis, Planning Applications Program Manager, answered questions regarding proposed future changes and watercourse setbacks.

MOVED by Councillor Kent, seconded by Councillor Austin

THAT Harbour East-Marine Drive Community Council direct staff to use the results of the Forthcoming Coastal Preparedness Deliverables in the HaliFACT Plan to inform future changes to Watercourse Setbacks and Buffers within the Eastern Passage / Cow Bay Land Use By-law with consideration given to achieving a consistent approach to watercourse setbacks and buffers among all HRM Land Use By-laws.

MOTION PUT AND DEFEATED.

MOVED by Councillor Kent, seconded by Councillor Purdy

THAT Harbour East Marine Drive Community Council recommends:

- 1. That Regional Council initiate an amendment to the Eastern Passage/Cow Bay Municipal Planning Strategy and any corresponding amendments to the Land Use By-law to allow exceptions for accessory buildings and other development such as that which is exempt from watercourse setbacks in portions of the Planning District 5 Land Use By-law, to be located within watercourse setback and buffer areas for the C-2 lots of Shore Road, and Main Road lots from Fishermans Cove area to Shearwater in District 3; and**
- 2. The plan amendment follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.**

Some members asked questions regarding the ability to deal with matters arising as a result of houseboats. Staff responded that the proposed amendments would only address accessory buildings and a houseboat would not be considered an accessory building under the current or proposed framework.

MOTION PUT AND PASSED.

13.1.3 Case 22797: Rezoning and Development Agreement for 95 Caledonia Road, Dartmouth

The following was before Community Council:

- A staff recommendation report dated January 22, 2021

Jamy-Ellen Klenavic, Planner II, Urban Enabled Applications, provided an overview of the proposed development and answered questions. Community Council noted that the area has not experienced many development applications in the recent past and noted that some area residents have expressed support for the proposed development. Councillors asked questions regarding the size of the notification area for the public hearing and requested that it be expanded. Staff confirmed they would expand the notification area.

MOVED by Councillor Mancini, seconded by Councillor Kent

THAT Harbour East-Marine Drive Community Council:

- 1. 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 January 22, 2021 report, to rezone the subject site from C-1 (Local Business) to C-2 (General Business), and schedule a public hearing; and,**
- 2. Give notice of motion to consider the proposed Development Agreement, as set out in Attachment B, and schedule a public hearing for the Development Agreement, which shall be held concurrently with that indicated in Recommendation 1.**

MOTION PUT AND PASSED.

13.1.4 Case 22651: Land Use By-Law amendment for lands fronting on Hines Road, Eastern Passage

The following was before Community Council:

- A staff recommendation report dated February 10, 2021
- A staff presentation

Brittney MacLean, Planner II, Current Planning presented case 22651. The site is currently zoned R-1 and the applicant is seeking a rezoning to I-1. There have been some previous applications for residential development on this site, however none of them proceeded. The lands are currently vacant and will be accessed from Hines Road. There are wetlands located on the site. The wetlands are not a part of the proposal and have a separate zoning of environmental conservation (EC).

Public engagement was achieved through a mailout, webpage, signage on site and a Public Information Meeting held on December 9, 2020. Feedback from the public included safety and speeding concerns with respect to large vehicles on Hines Road, inadequate infrastructure to support the development on Hines Road, negative environmental impacts, drainage concerns and loss of the community feel.

It was noted that a traffic study was completed and reviewed by HRM engineers. No negative impacts were identified.

MOVED by Councillor Kent, seconded by Councillor Purdy

THAT Harbour East-Marine Drive Community Council give First Reading to consider approval of The proposed amendment to the Land Use By-law for Eastern Passage/Cow Bay, as set out in Attachment A of the February 10, 2021 report, to rezone portions of the properties identified as PIDs 40103806, 40103780, 40103772, and 40103798 from R-1 (Single Unit Dwelling) Zone to the I-1 (Light Industry) Zone and schedule a public hearing.

MOTION PUT AND PASSED.

13.1.5 Case 22748: Amending Development Agreement for 30 and 38 Silvers Lane, Eastern Passage

The following was before Community Council:

- A staff recommendation report dated February 12, 2021

Darrell Joudrey, Planner II, Current Planning provided a brief overview of case 22748.

MOVED by Councillor Kent, seconded by Councillor Purdy

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 February 12, 2021 report, to allow for the development of lands at 30 and 38 Silvers Lane in Eastern Passage 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 PERSONNEL MATTER – Private and Confidential Report

The following was before Community Council:

- A private & confidential recommendation report dated February 19, 2021

MOVED by Councillor Mancini, seconded by Councillor Austin

THAT Harbour East-Marine Drive Community Council:

- 1. Approve the direction regarding the personnel matter as discussed In-Camera**
- 2. Direct that the private and confidential staff report dated February 19, 2021 be maintained private and confidential.**

MOTION PUT AND PASSED.

16. ADDED ITEMS

16.1 Councillor Austin: Fence along Woodland Avenue

The fence that runs along Woodland Avenue appears to have been constructed all at once when Kingston Crescent was built. At least one section of the fence was rebuilt by the City of Dartmouth when the sidewalk was added to Woodland Avenue. Residents on Kingston Crescent contend that the City of Dartmouth agreed to take on responsibility for the maintenance and upkeep of the fence. Initial work by staff hasn't resulted in many written records. Residents noted that HRM rebuilt a section that was damaged in a car crash and that the Municipality has painted and repaired the fence in the past. Clarity as to ownership of the fence and what, if any, municipal responsibilities for it is needed.

MOVED by Councillor Austin, seconded by Councillor Mancini

THAT Harbour East Marine Drive Community Council request a staff report into the status of the fence that runs along Woodland Avenue in the backyards of homes on Kingston Crescent. The staff report should examine what municipal responsibilities exist regarding this fence and include an examination of written records, including Dartmouth City Council minutes.

MOTION PUT AND PASSED.

17. NOTICES OF MOTION – NONE

18. DATE OF NEXT MEETING – April 1, 2021

19. ADJOURNMENT

The meeting was adjourned at 7:51 p.m.

Alicia Wall
Legislative Support