



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
July 13, 2022**

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

REGRETS: Councillor David Hendsbee

STAFF: Joshua Judah, Senior Solicitor
Andrea Lovasi-Wood, Legislative Assistant
Kim Johnson, 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., and recessed at 8:37 p.m. Community Council reconvened in at 8:45 p.m. and adjourned at 9:09 p.m.

1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT

The Chair called the meeting to order at 6:00 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 – June 9, 2022

MOVED by Councillor Austin, seconded by Councillor Kent

THAT the minutes of June 9, 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 Austin, 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 HEARING

10.1.1 Case 24022: Partial rezoning of 2143 and 2155 Cow Bay Road, Cow Bay

The following was before Community Council:

- Staff recommendation report dated April 25, 2022
- Staff presentation dated July 13, 2022

First Reading was given on June 9, 2022.

Shayne Vipond, Planner III, Current Planning gave a presentation on Case 24022 and responded to questions of clarification from Community Council regarding setbacks for ocean frontage, access for surrounding properties, and rezoning adjacent properties.

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

The hearing opened at 6:15 p.m.

Eric Bannerman, Applicant spoke on behalf of both property owners. Bannerman wishes to build a family home on one property and requests support for the zoning change. The change would also allow the second property owner more flexibility when offering the property for sale.

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

There were none present. The Chair called three times for any other speakers to come forward and address Community Council; there were none.

MOVED by Councillor Kent, seconded by Councillor Austin

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:20 p.m.

MOVED by Councillor Kent, seconded by Councillor Austin

THAT Harbour East-Marine Drive Community Council adopt the amendment to the Eastern Passage/Cow Bay Land Use By-law, as set out in Attachment A of the April 25, 2022 report.

Councillor Kent indicated this is an area with a long history. There have been a number of attempts to rezone in the area, and this amendment would provide opportunity for lower density. Councillor Kent encouraged Community Council to vote in favour of the amendment to the Eastern Passage/Cow Bay Land Use By-law.

MOTION PUT AND PASSED.

10.1.2 Case 23032: Rezoning for 538 Pleasant Street, Dartmouth

The following was before Community Council:

- Staff recommendation report dated March 22, 2022
- Correspondence from Kim and Keith Provo, Linda White, H el ene Lemay, Sandra Preeper, Debbie Cormier, Donna and David Dillon, Jason Brunt, Michael MacDonald, P.Eng., Glenn Munro, Richard Lambert, Cory Westaway, and Sarah Goodwin
- Staff presentation dated July 13, 2022
- Applicant presentation dated July 13, 2022

First Reading was given on June 9, 2022.

Dean MacDougall, Planner III, Current Planning gave a presentation on Case 23032 regarding the application to rezone 538 Pleasant Street, Dartmouth, from the C-2 (General Business) Zone to the I-2 (General Industrial) Zone to allow a concrete ready-mix facility. MacDougall responded to questions of clarification from Community Council regarding traffic and buffering, numbers from the Traffic Impact Study (TIS), and obnoxious uses as defined in the Land Use By-law. MacDougall confirmed that the Dartmouth Municipal Planning Strategy (MPS) guides development in South Woodside.

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

The hearing opened at 6:42 p.m.

Margot Young, EDM Planning Services Ltd. (EDM), applicant, shared that EDM and OSCO Concrete held a community meeting in June, where residents shared concern with lack of planning and with heavy industry in the community. Young highlighted similar facilities to demonstrate impact on communities, and spoke to traffic, site appearance, safety, and the time sensitivity of concrete products.

In response to questions from Community Council, David Bancroft, OSCO Concrete, spoke to potential access to a signaled intersection, the unique nature of this property with a rail line, and highlighted this will be a clean modern facility that will utilize existing structures. Bancroft provided detail from the TIS and traffic volume, and also spoke to employee parking.

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

Rachel Saulnier, Woodside spoke against the application, indicating this is a quiet family neighbourhood with growing property values. Saulnier expressed concern about the impact on air quality and traffic, and indicated another location in an established industrial area would be a better fit for this business.

Danny Chedrawe, Halifax spoke in favour of the application. Chedrawe's business relies on concrete products and believes this location would benefit the construction industry as well as consumers. Chedrawe believes noise and dust will be minimal in a modern ready-mix facility; the applicant is a reputable company that would have minimal impact on the surrounding neighbourhood.

Alexander DePietris, Woodside spoke in favour of the application. DePietris works in the construction industry and locating the facility in Woodside would contribute to timely delivery of product to construction sites. DePietris believes this type of facility does not generate much noise and drivers operate safely.

Lacy MacDonald, Woodside spoke against the application. As a new homeowner in the area, MacDonald would like to see ongoing revitalization of the community and fears the impact of the proposed business on property values. MacDonald feels an industrial facility is better suited in an established industrial area.

Rick Lambert, Woodside spoke against the application. Lambert recognizes the need to support development, but the nearby designated industrial zone would be a more suitable location. Lambert questioned the volume of truck traffic as presented by the applicant, indicating numbers shared at the recent community meeting were much higher.

The Honourable Barbara Adams, MLA, Eastern Passage spoke against the application and clarified they were speaking as the area MLA not as the Minister for Seniors and Long Term Care. Adams spoke to the history of the community's issues with former industrial sites. Adams stated a concrete facility may be needed, but this would be a step back for this particular community. Input received by Adams from the community has been exclusively against the application. Adams urged Community Council to consider a planning strategy specifically for South Woodside. Adams responded to questions of clarification from Community Council, indicating that should the municipality approve the application, provincial approval would also be required to proceed.

Tom Henderson, Woodside spoke against the application. Henderson spoke to current conditions regarding traffic and pedestrian safety and the negative effect on safety with increased truck traffic. Henderson drew a parallel between the industrialization of South Woodside with that of Africville, with policy enabling the destruction of community. South Woodside, like Africville, has a culture that is under threat, with potential to be increasingly boxed in by industry.

Cheryl Scotland, Dartmouth spoke against the application. Formerly from Woodside, Scotland feels the community is just starting to get back on its feet after Imperial Oil. Traffic volumes are high already, with residents of surrounding communities commuting for essential services. Scotland feels more planning is required to ensure a vibrant community and asked Community Council to consider this.

Robert Webber, Woodside spoke against the application. Webber also spoke about the revitalization of the community following Imperial Oil. Webber feels there is already dust, fumes, and safety issues with existing traffic in the area. Webber remembers houses and cars covered in oil and soot and fears the same with dust from the proposed facility.

Randall Johnston, Woodside spoke against the application. Johnston concurs that the road is already very dangerous. Johnston recognizes the need for industry, but questions heavy industry in proximity to a growing residential area and fears the return of poor air quality and residue on houses and cars.

Julian Scherz, Woodside spoke against application. As a new resident of Woodside, Scherz spoke to the impact on traffic volume and property values.

Tracy Dobson, HRM spoke in favour of the application. As an employee of OSCO Concrete, Dobson believes the volume of truck travel mentioned is excessive, with far fewer trucks anticipated during peak hours. Dobson responded to safety concerns, indicating very large trucks at full load move very slowly. With current technology, the facility will not generate noise; 'bag houses' are used to minimize dust and a post-2008 fleet utilize filters to reduce emissions.

Cory Westaway, HRM spoke in favour of the application. An employee of Strescon, OSCO Construction Group, Westaway conducted a sound monitoring test simulating a normal operational day. Westaway felt existing noise levels from Pleasant Street traffic would drown out noise from operations. Westaway responded to questions of clarification from Community Council regarding the timing of the testing.

Phil Sherring, Cole Harbour spoke in favour of the application. An employee of OSCO Concrete, Sherring addressed concerns regarding noise and dust. Sherring believes the potential to utilize the rail lines will contribute to a lesser environmental footprint, reducing greenhouse gas emissions.

Brianna Wyatt, Woodside spoke against the application. Wyatt disagreed about usage of the rail lines, which will affect the entire waterfront area. Wyatt feels situating this business in a growing residential and commercial area in the midst of a housing crisis isn't appropriate.

Rosemarie MacArthur, Woodside spoke against the application. MacArthur believes the adjacent industrial area is better suited than the proposed location. MacArthur indicated surprise regarding the rail line as this was not mentioned at the community meeting.

Kim Matthews, Woodside spoke against the application. Matthews believes the excitement felt by the closure of Imperial Oil is being dampened and distrust is rising in the community. Matthews would like to see other locations considered and noted large trucks moving slowly would contribute to existing traffic congestion.

Paul Moore, Brunswick Brokers was involved in the site selection for OSCO Concrete. Moore indicated there is a scarcity of industrial land combined with high demand. This site meets requirements in terms of size, access and timing, and provides unique opportunity with rail access. Moore responded to questions from Community Council, clarifying that timing refers to meeting requirements for delivery of time-sensitive material.

Pam Woodman, Halifax spoke in favour of the application. Woodman is the Executive Director of the Atlantic Concrete Association, representing 130 plants in Atlantic Canada. Woodman indicates many plants are very integrated in their communities, and has heard no complaints about those sited in residential areas. Woodman spoke to plant and driver certification, indicating OSCO Concrete meets and exceeds CSA standards.

The Chair invited the applicant to respond to comments raised by the public.

David Bancroft, General Manager, OSCO Concrete indicated their understanding of the history and concerns of the community, and outlined measures to be implemented for reducing noise and dust. Bancroft indicated access to a signaled intersection is being pursued, and clarified that ready-mix facilities are very different from concrete plants, which do generate dust and are considered more dangerous facilities. Bancroft urged the community to allow OSCO Concrete to demonstrate their ability to be good corporate citizens in South Woodside.

The Chair called three times for any other speakers to come forward and address Community Council; there were none present.

MOVED by Councillor Kent, seconded by Councillor Austin

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 8:13 p.m.

MOVED by Councillor Kent, seconded by Councillor Austin

THAT Harbour East-Marine Drive Community Council adopt the amendment to Schedule 1 – Zoning Map for Dartmouth, of the Land Use By-law for Dartmouth, as set out in Attachment A of the March 22, 2022 report.

In response to Community Council, MacDougall clarified the appeal process and current zoning of adjacent refinery lands.

Community Council deliberated on the zoning change, speaking to the difficulty of balancing the need for housing, development and the demand for concrete ready-mix in Dartmouth with community input and planning policy. Community Council acknowledged that OSCO Concrete demonstrates a commitment to being a good corporate citizen and is a quality business. Community Council noted the Regional Municipal Planning Strategy (RMPS) policies EC-5, EC-12, EC-13, EC-14, and EC-22 reference to Harbour Designation, indicating that the proposed concrete ready-mix operation does not satisfy the specified harbour-related uses. Community Council further noted the potential traffic impacts of the proposed operation on Pleasant Street, the four-lane corridor which is the primary transportation route for South Woodside and Eastern Passage. The proposed access to the property is not located at a signaled intersection, and the sightline considerations in the Traffic Impact Study do not consider the impacts of slow-moving trucks on the flow and safety of traffic on Pleasant Street. In addition, the proposed rezoning would potentially allow cabarets, cannabis and pawn shops, and these uses are a risk to the community if the proposed industrial use is not approved by the province. Community Council further noted the history the community has with industry, the community's desire to move away from industrial uses and the need for a community specific planning strategy for South Woodside, as the original RMPS and policies for the area were drafted prior to Imperial Oil's closure and the opportunities that now exist for the area including access to the harbour.

MOTION PUT AND DEFEATED.

10.2 VARIANCE HEARING

10.2.1 Case 23398: Appeal of Variance Refusal – 52 Shalimar Crescent, Cole Harbour

The following was before Community Council:

- Staff recommendation report dated June 27, 2022
- Correspondence from Florence and Wayne Stackhouse, Daniel J.A.A. and Ruth A. Sirois, David Gerald Turner and Patricia Hume Turner, Jason Munro and Tara Doucette, Michael and Jackie Fitzgerald, and Roxanna and Danny Boyd

- Staff presentation dated July 13, 2022

Telina Debly, Planner I, Current Planning gave a presentation on Case 23398 and responded to questions of clarification from Community Council regarding the origin of the issue.

Joshua Judah, Senior Solicitor, responded to questions of process regarding the relationship between this appeal before Community Council and the prosecution of the compliance matter currently before the court.

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 8:52 p.m.

Joseph Lower, property owner was in attendance in the early part of the meeting but was unable to remain for the hearing and emailed their regrets to the district Councillor.

There were no registered speakers. The Chair called three times for any other speakers within the notification area to come forward and address Community Council; there were none.

MOVED by Councillor Kent, seconded by Councillor Purdy

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 8:57 p.m.

MOVED by Councillor Purdy, seconded by Councillor Austin

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

Community Council deliberated, highlighting the property owner's disregard for the permit process and the two stop work orders from Municipal Compliance. Community Council expressed regret that the property owner could not be in attendance to present their arguments. In considering the property owner's appeal, Community Council noted that the By-law provides clear guidance regarding property line setbacks. Given the property owner's disregard for the By-law requirement, input from the community, and the case being before the courts regarding the failure of the property owner to comply with permitting requirements, Community Council supports the staff recommendation to uphold the decision of the Development Officer.

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

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 Presentations - None

- 12. INFORMATION ITEMS BROUGHT FORWARD – NONE
- 13. REPORTS/DISCUSSION – NONE
- 14. MOTIONS – NONE

15. IN CAMERA (IN PRIVATE)

15.1 In Camera (In Private) Minutes – June 9, 2022

This matter was dealt with in public.

MOVED by Councillor Kent, seconded by Councillor Purdy

THAT the In Camera (In Private) minutes of June 9, 2022 be approved as circulated.

MOTION PUT AND PASSED.

- 16. ADDED ITEMS – NONE
- 17. NOTICES OF MOTION – NONE
- 18. PUBLIC PARTICIPATION – NONE

19. DATE OF NEXT MEETING – September 1, 2022

20. ADJOURNMENT

The meeting was adjourned at 9:09 p.m.

Kim Johnson
Legislative Support