



**HARBOUR EAST COMMUNITY COUNCIL  
MINUTES  
August 4, 2016**

PRESENT: Councillor Lorelei Nicoll, Chair  
Councillor Bill Karsten, Vice Chair  
Councillor Tony Mancini  
Councillor Gloria McCluskey  
Councillor David Hendsbee

STAFF: Ms. Cathy Collett, Legislative Assistant  
Ms. Roxanne MacLaurin, Solicitor

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

*The agenda, supporting documents, and information items circulated to Harbor East Community Council are available online: <http://www.halifax.ca/Commcoun/east/index.php>*

*The meeting was called to order at 6:00 p.m. and adjourned at 8:28 p.m.*

**1. CALL TO ORDER**

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

**2. APPROVAL OF MINUTES – June 30, 2016**

MOVED by Councillor McCluskey, seconded by Councillor Mancini

**THAT the minutes of June 30, 2016 be approved as presented.**

**MOTION PUT AND PASSED.**

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

MOVED by Councillor Karsten, seconded by Councillor McCluskey

**THAT the order of business be approved as presented.**

**MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**5. CALL FOR DECLARATION OF CONFLICT OF INTERESTS**

**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 20296: Development Agreement for 29 Parkstone Road, Dartmouth**

The following was before the Committee:

- A staff report dated May 20, 2016
- A staff presentation regarding Case 20296

The Chair invited Mr. Nathan Hall, Planning Intern, to come forward and address the Community Council.

Mr. Hall briefly outlined the application.

The applicant came forward to address the Council and responded to questions of clarification from Committee Members with regards to the placement of firewalls and fire doors.

The Chair opened the public hearing.

The Chair called three times for speakers, there being none it was MOVED by Councillor McCluskey, seconded by Councillor Karsten

**THAT the public hearing close.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Tony Mancini, seconded by Councillor Gloria McCluskey

**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 report dated May 20, 2016; 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 David Hendsbee expressed his hope that cases such as these in the future would address fire codes and consider in-house sprinkler systems.

**MOTION PUT AND PASSED.**

**10.1.2 Case 20192: Development Agreement Amendment, 721 Windmill Road, Dartmouth**

The following was before the Committee:

- A staff report regarding Case 20192
- A staff presentation regarding Case 20192

The Chair invited Mr. Nathan Hall to come forward and address the Community Council.

Mr. Hall provided a presentation, including a series of photographs of the property in question, regarding the proposed amendments to the Development Agreement for 721 Windmill Road, Dartmouth. He explained that the main concern of the neighbours was the lack of a visual screen between the apartment building and the neighbouring single-use dwellings.

Ms. Roxanne MacLaurin, Solicitor, noted that the Halifax Regional Municipality Legal Department cannot support that the developer has legal access over Basinview drive as stated on page four of the staff report.

Mr. Hall noted that the footpath accessing Basinview Drive that could be seen in the photographs was not officially a pedestrian access, but that preventing this access posed a safety concern.

Responding to questions of clarification, Mr. Hall explained that the footpath is used by residents of the Riviera (the property located at 721 Windmill Road) to access the bus stop on Windmill Road that is near the top of Basinview Drive – he noted that it would be a longer distance to walk down Windmill Road towards the bus stop and that this section of Windmill Road does not have sidewalks.

Mr. Gary Hill, applicant and one of the owners of the Riviera, came forward to address the Community Council.

Mr. Hill commented that if a structure such as a fence or a vegetation barrier was built on the boundary line, it would create a width problem for the road. He noted that Basinview Drive is a dirt road and that it is already narrow. Mr. Hill displayed a number of photographs of the property and commented that the owner at 20 Basinview Drive was not in favour of the construction of a fence.

Responding to questions of clarification, Mr. Hall explained that the screen required by the original Development Agreement was not proposed to follow the property line exactly, as that would hinder the use of the road.

The Chair invited any member of the public to come forward.

**Mr. Phil Reid** commented that he works at the NewCap office building that is one of the neighbouring properties to 721 Windmill Road. He identified two issues, the first being that the road is narrow and it is dangerous for both pedestrians and drivers to have people walking along it. He suggested that moving the bus stop may be a solution that would lessen the number of pedestrians walking down Basinview Drive. Mr. Reid explained that the second issue is that the trust established in the original Development Agreement has been broken and that the applicant should be required to fulfill the obligations of the original Development Agreement. He noted that the owners of 721 Windmill Road knew what the layout was at the time and that there is nothing to justify changes to the Development Agreement at this time.

Councillor Karsten emphasized the importance of abiding by a Development Agreement, but questioned whether the requirements of the original Development Agreement in terms of the foliage screen would solve the current problem of pedestrian access.

**Ms. Mary Schumacher** of Basinview Drive commented that she has lived there for 60 years and that the area used to be cottage country. She explained that the drive was put in to allow residents to exit on land, as it had previously been accessible only by boat. She suggested that there is quite a bit of forsythia in the area, and that more could be planted to create a screen and prevent pedestrian access. She also indicated that she thought there had been a plan to put a sidewalk in on Windmill Road in front of the Riviera and along to the bus stop. She noted that in several instances pedestrians have blocked her access on Basinview Drive and that she has had items thrown at her, garbage dropped in her yard, and rude comments yelled at her. She concluded that she is in favour the original Development Agreement being fulfilled by the provision of an opaque foliage screen.

**Mr. K. J. Gandhi**, tenant of the Riviera and one of the owners of the building commented that he had been through the whole process and that the line for the fence that was indicated at that time of the original Development Agreement was along the property line.

**Mr. Ed Schumacher** of Basinview Drive emphasized the need for an opaque buffer as originally agreed upon.

The Chair called three times for speakers, there being none it was MOVED by Councillor McCluskey, seconded by Councillor Hendsbee

**THAT the public hearing close.**

**MOTION PUT AND PASSED.**

MOVED by Councillor Mancini, seconded by Councillor Karsten

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

- 1. Approve the proposed amending development agreement which shall be substantially of the same form set out in Attachment A of this report; and**
- 2. Require the amending 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.**

Councillor Karsten stated that he would vote against the Staff Recommendation if adherence to the original Development Agreement would solve the issues presented by the participants of the public

hearing, but that he does not believe that the original Development Agreement specifies opaque, so he is not sure that honouring the original D.A. would fix the problem.

Councillor McCluskey commented that the original Development Agreement stated that there would be no pedestrian access, and while the foot path used for access by residents was not put in place by the owner of 721 Windmill Road, the owner should keep the promises made in the original Development Agreement and take measures to prevent pedestrian access

Ms. Roxanne MacLaurin, Solicitor, commented that if the Community Council wished to amend the Development Agreement at this time, the amendments would have to be agreed upon by the developer.

Councillor Karsten commented that the matter should be deferred.

Members of the Community Council commented that they should have the original Development Agreement before them so as to make an informed decision.

Councillor Mancini stated that the matter should be deferred pending a supplementary report.

MOVED by Councillor Mancini, seconded by Councillor Karsten

**THAT Harbour East-Marine Drive defer Case 20192 pending a supplementary staff report regarding the possible provision of a shorter fence, an opaque buffer along the roadway, and consideration of the original Development Agreement**

**DEFERRAL PUT AND PASSED.**

**10.2 Variance Hearings - None**

**11. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**11.1 Correspondence - None**

**11.2 Petitions - None**

**11.3 Presentations – None**

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

**13. REPORTS**

**13.1 STAFF**

**13.1.1 Case 19426: Development Agreement for 1095 & 1101 Cole Harbour Road, Dartmouth**

The following was before the Committee:

- A staff report dated July 7, 2016

MOVED by Councillor Karsten, seconded by Councillor Hendsbee

**THAT Harbour East – Marine Drive Community Council give notice of motion to consider the proposed development agreement, as set out in Attachment A of this report, to permit the development of a 4 storey 48 unit multiple unit building and 2 commercial buildings at 1095 and 1101 Cole Harbour Road, Cole Harbour and schedule a public hearing for September 8, 2016.**

**MOTION PUT AND PASSED.**

**13.1.2 Case 19927: Rezoning to R2 Shore Road**

The following was before the Committee:

- A staff report dated July 6, 2016

MOVED by Councillor Karsten, seconded by Councillor McCluskey

**THAT Harbour East-Marine Drive Community Council give notice of motion to consider the proposed amendment to the Eastern Passage/Cow Bay Land Use By-law as set out in Attachment A, to rezone a portion of lands located on Shore Road, Eastern Passage, from R-1 (Single Unit Dwelling) to R-2 (Two Unit Dwelling), and schedule a public hearing for the November meeting of HEMDCC.**

**MOTION PUT AND PASSED.**

**13.1.3 Case 20260: Non Substantive Amendments at Evergreen Drive**

The following was before the Committee:

- A staff report dated July 7, 2016

MOVED by Councillor McCluskey, seconded by Councillor Mancini

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

- 1. Approve, by resolution, the proposed Second Amending Agreement as contained in Attachment A of this report to enable an extension of the date of commencement of development and allow the development of the 8 Townhouse units in Phase 2 to occur without the need for a non-substantive amendment at Evergreen Drive, Cole Harbour; and**
- 2. Require the Second Amending 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 late, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

Councillor Karsten commented that it is important to honour the Development Agreement and that he sees no reason to extend it.

Mr. Darrel Joudrey, Planner with Urban Applications, came forward to provide clarification. He explained that the past owner came before HEMDCC in 2015 and requesting a two year extension and a one year extension was granted at this time. Now there is a new owner and it is the new owner who is requesting the extension.

Responding to questions of clarification from Community Council members, Mr. Joudrey explained that if an extension was not granted, the process would have to begin again.

Councillor Nicoll suggested that the staff recommendation could be amended to stipulate an extension of one year. The mover and seconder of the motion indicated that this was a friendly amendment, as such, the motion now reads:

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

- 1. Approve, by resolution, the proposed Second Amending Agreement as contained in Attachment A of this report to enable an extension of the date of commencement of development for one year and allow the development of the 8 Townhouse units in Phase 2 to occur without the need for a non-substantive amendment at Evergreen Drive, Cole Harbour; and**

**2. Require the Second Amending 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 late, otherwise this approval will be void and obligations arising hereunder shall be at an end.**

**AMENDED MOTION PUT AND PASSED**

**13.1.4 Case 19500: Development Agreement – 169 Wyse Road, Dartmouth**

The following was before the Committee:

- A staff report dated July 21, 2016

MOVED by Councillor McCluskey, seconded by Councillor

**That the Harbour East-Marine Drive Community Council:  
Give notice of motion to consider the proposed development agreement, as set out in Attachment A of this report, to allow for a 10-storey apartment building containing ground floor commercial uses at 169 Wyse Road, Dartmouth and schedule a public hearing for September 8, 2016.**

**MOTION PUT AND PASSED.**

**13.1.5 Port Wallace Secondary Plan Report**

The following was before the Committee:

- A staff report dated June 7, 2016

MOVED by Councillor Mancini, seconded by Councillor McCluskey

**That the Harbour East-Marine Drive Community Council recommends that Halifax Regional Council:**

**1. Include the 53 and 242 acre parcels shown on Attachment A within the Port Wallace Secondary Planning study area; and**

**2. Initiate an MPS amendment process to zone the Conrad quarry lands shown on Attachment A for industrial and highway commercial uses and follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.**

**MOTION PUT AND PASSED.**

**13.2 BOARD & COMMITTEE**

**13.2.1 Port Wallace Public Participation Committee Report**

The following was before the Committee:

- A Committee report dated June 7, 2016

MOVED by Councillor Mancini, seconded by Councillor Karsten

**THAT the Harbour East – Marine Drive Community Council recommends that Halifax Regional Council consider the Conrad request to:**

1. Have 470 acres of its quarry lands zoned for industrial uses and proceed with a separate planning process from that of the remainder of Port Wallace;
2. Have a 53 acre parcel included in the Port Wallace secondary planning process to allow for residential development; and
3. Allow for 242 of the 470 acres of the quarry lands to be serviced with municipal water and wastewater services and to allow for highway commercial uses on this portion of the property

**MOTION PUT AND PASSED.**

**13.3 MEMBERS OF COMMUNITY COUNCIL**

**14. MOTIONS**

**15. IN CAMERA (IN PRIVATE) - NONE**

**16. ADDED ITEMS**

**17. NOTICES OF MOTION**

**18. PUBLIC PARTICIPATION**

**Tom Swanson**, Halifax, explained that, with regards to the Evergreen Drive property addressed in item 13.1.3, the present client was not aware that the Development Agreement would expire in January of 2016 and that the present owner has initiated legal surveying and architectural planning. Mr. Swanson thanked the Community Council for the extension.

**Tim Chestnut**, director of the Epic Kids weekend, commented that the event had a record number of participants in 2016 and the record for largest single day participation. He noted that two local schools received cheques for \$3000.00 and that he is hopeful that he will be able to obtain funding through the Canada 150 grant. He explained that he hopes to bring in people both nationally and internationally to participated in the largest Canada Day run in 2017. Mr. Chestnut thanked HRM for supporting the 2016 Epic event.

**Angela Brusshet**, Dartmouth, noted that she remembers the Dartmouth landmarks and is bothered by the Halifax logo. She commented that she will always be proud to call Dartmouth Home and that the Dartmouth Coalition would like to see the logo removed.

**Elizabeth Campbell**, Dartmouth, explained that she was interested in the discussion that she thought would be held at Council with regards to branding. She commented that she believes the branding started in the 1960's with the Halifax Board of trade and that the Halifax Chamber of Commerce advocated for a singular identity and that is what we have now. Ms. Campbell commented that there has been a loss of Dartmouth landmarks and the Dartmouth name.

**Warren Wesson**, District 5, commented that he took a bus trip around Dartmouth during the long weekend and went to the public gardens and then to the Dartmouth General by ferry. He noted that it is difficult to take a picture without the picture including the new Halifax brand flag. He expressed his dislike of the brand and commented on the importance of democracy.

**Victor Matthews**, Dartmouth, commented that on returning home from Europe he has noticed that HRM is obsessed with the new logo. He noted that the branding is done more in Dartmouth than anywhere else in HRM

**Mary Sutherland**, Dartmouth, commented that the new Halifax brand is very upsetting and that she is upset that others are upset. She expressed a hope that Council will change the brand back to HRM.



**Janet Quigley**, Dartmouth, commented that she upset by the new logo and wants it removed.

**Colin May** commented that he received a reply from the HRM Access and Privacy Officer, with regards to his Freedom of Information request for the performance based pay increases for all members of the HRM planning department. He explained that the names of the employees alongside the individual amounts they received were not provided, and thus he has filed a request for review with the province. He noted that of 41 Planning Staff, only 2 employees did not receive performance based ratings. Mr. May explained that he was looking into the Planning Staff records because he has attended Public Hearings and wants to cross reference them with the My Action Plan documents (which performance based pay is connected to) to see if this corresponds with what is said by staff at the public hearings. He commented that no one knows why several hundred HRM employees receive performance based pay and that in order to figure it out, the only alternative to waiting for the provincial decision is to crowdsource or win the funds for a private lawyer.

**19. DATE OF NEXT MEETING – September 8, 2016 –** Harbour East-Marine Drive Community Council Meeting Space, Alderney Landing, Dartmouth.

**20. ADJOURNMENT**

The meeting adjourned at 8:28 p.m.

Cathy Collett  
Legislative Assistant