



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL
MINUTES
October 30, 2023**

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

REGRETS: Deputy Mayor Sam Austin

STAFF: Josh Judah, Solicitor
Annie Sherry, Legislative Assistant
Elizabeth Macdonald, 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.

The meeting was called to order at 6:00 p.m. and Community Council adjourned at 8:03 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 – October 5, 2023

MOVED by Councillor Mancini seconded by Councillor Hendsbee

THAT the minutes of October 5, 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

MOVED by Councillor Hendsbee, seconded by Councillor Kent

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 HEARINGS

10.1.1 Case 2023-00306: Substantive Amendment to Development Agreement for 14 Lake Major Road, Westphal

The following was before Community Council:

- Staff report dated September 21, 2023
- Staff presentation dated October 30, 2023

Alyson Dobrota, Planner II gave a presentation and responded to questions of clarification from Community Council.

The hearing opened at 6:15 p.m.

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

Stephen Adams, Stephen Adams Consulting Services Inc., on behalf of the applicant spoke to the nature of the snow removal business operated by the applicant and stated that if the amendment was

approved, the building would remain, and all business operations would take place indoors. Adams responded to questions of clarification from the Community Council.

The Chair reviewed the rules of procedure for public hearings. The Chair noted there were no registered speakers and called three times for any other members of the public wishing to speak; there were none.

MOVED by Councillor Hendsbee, seconded by Councillor Kent

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:18 p.m.

MOVED by Councillor Hendsbee, seconded by Councillor Kent

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 September 21, 2023; 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.**

MOTION PUT AND PASSED.

10.2 VARIANCE APPEAL HEARINGS

10.2.1 Case VAR-2023-00781: Appeal of Variance Approval – 410 Ponderosa Drive, Lake Echo

The following was before Community Council:

- Staff report dated October 24, 2023
- Staff presentation dated October 30, 2023

Justin Smith, 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 appellant to come forward and address Community Council.

The hearing opened at 6:27 p.m.

The Chair noted that the appellant was not present, and that their written submission had been forwarded to Community Council.

The Chair invited property owners within the notification area to come forward and address Community Council.

Susan Cole, Lake Echo spoke in favour of the variance.

Peter Nightingale, Development Officer provided clarification that property owners outside of the notification area could come forward to request to be considered as an interested party.

The Chair invited the property owner to come forward to address Community Council.

Jamie Stratton, property owner spoke to the history of the structure located at 410 Ponderosa Drive and noted the structure was present on the property at the time of purchase.

MOVED by Councillor Hendsbee, seconded by Councillor Kent

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 6:31 p.m.

MOVED by Councillor Hendsbee, seconded by Councillor Kent

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

The Community Council noted the structure was in existence prior to the current property owner's purchase of the property, was likely constructed without a permit, and denying the appeal would allow the property owner to apply for a permit to connect power to the garage.

MOTION PUT AND DEFEATED.

Decision of the Development Officer upheld.

10.2.2 Case 23563: Appeal of Site Plan Approval – Highway 7, Porters Lake, PID 40740276

The following was before Community Council:

- Staff report dated September 29, 2023
- Correspondence from Linda Mosher, Deb Day, Paul Norwood, Susan Cole, Ann Marie Neuman, Glenda M. Hiltz, and Brandan Mombourquette
- Staff presentation dated October 30, 2023
- Applicant presentation dated October 30, 2023

Ashlee Bevis, Principal Planner gave a presentation and responded to questions of clarification from Community Council.

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

The Chair reviewed the rules of procedure for site plan approval appeal hearings, opened the hearing, and invited the appellants to come forward and address Community Council.

The hearing opened at 6:49 p.m.

Brayden Thomas, on behalf of appellant Shu Wei Chen gave a presentation and spoke to the presence of unaccounted for wetlands on the property, concerns with run-off and contamination, the potential environmental risks posed by the presence of a Construction and Demolition (C&D) Materials Processing Facility such as dust and noise pollution and the lack of vegetative buffer present. Thomas responded to questions of clarification from Community Council.

Randy Stoddard and Janice Stoddard, on behalf of appellant Jean Stoddard spoke to damage of the vegetation in the area following wildfires in 2009, concerns the vegetation would not provide an adequate buffer as suggested in the application, that the approved site plan did not accurately reflect the multiple wetlands, and explained waterways would be impacted by the development. They responded to questions of clarification from Community Council.

The Chair invited anyone wishing to be identified as an interested person to come forward.

Mike Thomas, Lake Echo spoke to concerns with the site plan misrepresenting the property, lack of vegetative buffer present at the site, and questioned the process surrounding the boundary identification of the wetlands. Thomas further explained that if the project were approved, the site could lead to well water contamination, citing the case of Harrietsfield, Nova Scotia where a former landfill leached contaminants into the ground and impacted the wells of nearby homes. Thomas responded to questions of clarification from Community Council.

Linda Mosher, Porters Lake spoke in favour of the appeal, their attendance at Nova Scotia Utility and Review Board (UARB) meetings regarding the case and encouraged members of Community Council to review the documentation submitted by members of the community to the UARB.

Deb Day, Lake Echo spoke to supports and education provided to community members regarding the possible impacts that the approval of a Construction and Demolition (C&D) facility could have on the area and questioned the definition and criteria of the term “high standard” used in the staff report. Day further noted concerns with the Municipal Planning Strategy and Land Use By-law for Planning Districts 8 and 9 not adequately protecting residents from potential negative impacts of a C&D facility and questioned the jurisdiction of the Province of Nova Scotia related to water and air quality monitoring.

Amy Gunderson, Nature Ridge Homes spoke on behalf of the Nature Ridge subdivision located near the proposed location of the C&D facility and explained that the staff report did not properly consider the environmental, social, and economic impacts to the subdivision, cited potential decreases in property value and the risk of spontaneous combustion.

Dan Reagan, Porters Lake spoke in favour of the appeal and their concern that even a minor environmental change could negatively affect the aquatic habitat and aquatic life present in the Lake Echo due to the low pH of the lake and questioned the presence of adequate environmental oversights.

The Chair noted that the appellants Cody White and Natasha Warnell White, and Patricia Bonn were not present, and their written submissions had been forwarded to Community Council.

The Chair invited the property owner to respond to questions raised during the hearing.

Jenifer Tsang, Sunrose Land Use Consulting, on behalf of the applicant responded to questions raised by the public and referenced traffic, environmental and engineering studies undertaken by the applicant and the subsequent reports produced. Tsang explained the site would be monitored by Halifax Regional Municipality (HRM) and regular reports would be provided to HRM and the construction of the C&D facility would be properly documented. Tsang responded to questions of clarification from Community Council.

MOVED by Councillor Hendsbee, seconded by Councillor Mancini

THAT the hearing be closed.

MOTION PUT AND PASSED.

The hearing closed at 7:41 p.m.

MOVED by Councillor Hendsbee, seconded by Councillor Kent

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

Members of Community Council raised concerns on the inadequacies of the site plan's proposed vegetation buffer in addressing the impact of the C&D facility on surrounding properties, including the quality of life of residents and environmental externalities. Concerns were also expressed that a rural residential area was not an appropriate location for a C&D facility, that there was a need for HRM to re-evaluate and update the criteria of its Solid Waste Strategy and Municipal Planning Strategy, and that the information provided from the public supported the possibility of unidentified wetlands which were not shown on the plan.

Josh Judah, Solicitor responded to questions of clarification from Community Council regarding options that could be explored to receive further information on potential wetlands on the property. Judah advised that Community Council could request a supplemental report from staff and pause the hearing until it was provided, or proceed with the hearing with the ability of the property owner to bring a future revised application dealing with the concerns if the appeal was allowed.

MOTION PUT AND PASSED.

Decision of the Development Officer overturned.

11. CORRESPONDENCE, PETITIONS & DELEGATIONS

11.1 Correspondence

Correspondence was received and circulated for item 10.2.2.

For a detailed list of correspondence received refer to the specific agenda item.

11.2 Petitions - None

11.3 Presentations - None

12. PUBLIC PARTICIPATION

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

13. INFORMATION ITEMS BROUGHT FORWARD - NONE

14. REPORTS

14.1 STAFF – NONE

14.2 MEMBERS OF COMMUNITY COUNCIL – NONE

14.3 COMMITTEE UPDATES – NONE

15. MOTIONS – NONE

16. IN CAMERA (IN PRIVATE) – NONE

17. ADDED ITEMS – NONE

18. NOTICES OF MOTION – NONE

19. DATE OF NEXT MEETING – December 7, 2023

20. ADJOURNMENT

The meeting was adjourned at 8:03 p.m.

**Harbour East-Marine Drive Community Council
Minutes
October 30, 2023**

Elizabeth Macdonald
Legislative Assistant