

REGULAR SESSION - OCTOBER 18, 1994

- (b) change "Developer" in 15(2) to Developer/future lot owner."

- (h) Under "Amendments" (page 8) - Section 16(2)(c) was reworded to reflect:

"A conversion of single detached dwelling units from standard sized lots to small lots provided that a minimum of 50% of the single detached dwelling units are on standard size lots."

- (i) Under "Offsite Development" (page 8) - Section 17(2) was reworded as follows which includes a new section 17(3). The current 17(3) becomes 17(4):

17(2) "Offsite development relating to this project includes:

 - (a) Any improvements deemed necessary by the Department of Transportation and Communications, as per their standards and which relate directly to this development; such improvements to include but not limited to 25% contribution to the Town's cost of the signalization to the intersection of Union Street and the Bedford Highway;
 - (b) Any offsite sanitary sewer system or laterals necessary to link the sanitary sewer system servicing the development to the Town's existing sanitary sewer system;
 - (c) Any offsite storm water system necessary to link Storm Water System of the project to the Town's existing storm water system.

17(3) The Developer's 25% contribution to the cost of signalization of the intersection of Union Street and the Bedford Highway shall become due and payable within 30 days of receipt of any demand in writing from the Town to the Developer for such payment and such demand shall only be made subsequent to the Town determining that traffic movements have reached the minimum threshold level for the requirement for signalization."

Ms. Tsang indicated the amendments had been recommended by Mr. Peter McInroy, Solicitor, to legally clarify certain clauses but that none of the amendments significantly altered the substance or conditions contained in the Development Agreement. Ms. Tsang closed her comments by advising it was Staff's recommendation to enter into a Development Agreement, including the above-noted amendments, with Redden Brothers Development Ltd. for the Union Street RCDD.

REGULAR SESSION - OCTOBER 18, 1994

In response to an enquiry from Councillor Harris Hutt as to how close the Town was getting to installing signalization at the Union St./Bedford Highway Intersection, Mr. Rick Paynter, advised the warrant count is sufficient to require signalization now. He indicated the approval of this Development Agreement would require the Town to follow through with the installation of signalization over the next 1 - 2 years.

Councillor Len Goucher expressed concern with Section 16(2) (page 8 of the contract) as he felt there was a discrepancy between subsections 2(a) and 2(c).

Ms. Davis-Lohnes noted that 2(c) allows for an increase in density, but that the change is specific (standard single unit to small lot single unit). Further, she noted this is the only flexibility with respect to density enabled in the development agreement.

ON MOTION of Councillors John Davies and Harris Hutt, it was moved to enter into a Development Agreement with Redden Brothers Development Limited to permit the proposed amended development of the 33 acres within the Union Street RCDD subject to the following conditions:

- (a) provision of a cash contribution to the infiltration reduction program until such time that additional capacity at the sewage treatment plant is obtained;
- (b) provision of detailed site plans for the townhouse and apartment sites to ensure conformance with the Development Agreement;
- (c) development of a detailed storm water management plan and attachment of the terms of reference for same to the Development Agreement;
- (d) the developer be responsible for servicing the development in such a way that it does not negatively impact on the existing storm and sanitary sewer systems;
- (e) the developer contribute 25% of the cost of signalization of the Union Street/Bedford Highway intersection as well as extend the existing sidewalk on Union Street to the entrance of the RCDD development.

In speaking to the Motion, Councillor Anne Cosgrove enquired as to when the Town will hear from the National Historic and Monuments Board on this matter. In response, Ms. Davis-Lohnes advised she understood comment would be received by November. Further, the meeting was advised that the Town has discussed the proposed development agreement with staff of the Board. Accordingly, the Town understands that a decision on the Development Agreement will have no bearing on the Board's decision. Staff feels comfortable with the information received to date from the Board, and therefore recommends the entering into of a Development Agreement with Redden Brothers Development Ltd.

Councillor Len Goucher enquired to Mr. Peter McInroy, Solicitor, should this Council defer a decision on this matter to the new Council, would it be interpreted as a negative vote against the Development Agreement.

REGULAR SESSION - OCTOBER 18, 1994

Mr. Peter McInroy responded by stating there is a section of the Planning Act which notes that if a Council does not let a proposal go through the planning process i.e. a Public Hearing, this would be considered by the courts as a deemed refusal. Should this Council decide to defer to the new Council, a second Public Hearing must be held.

A brief discussion ensued on whether this matter should be deferred.

Councillor Len Goucher noted that the proponent had requested a delay in order to pursue discussions with the Federal Government.

Ms. Davis-Lohnes advised that correspondence had been received by the proponent on September 30, 1994 requesting this matter be deferred until the Council meeting of October 18th or 25th.

Councillor Len Goucher advised that the Federal Government was not in a position to make a decision as yet.

Mr. Peter McInroy noted that Councillor Len Goucher appears to want a Motion of deferral pending a Federal decision on this matter. He recommended that any further discussion on deferral of the Development Agreement at this point, should be discussed In Camera.

The meeting broke for a 15 minute recess at 8:45 p.m.

The meeting resumed at 9:00 p.m.

Councillor Len Goucher reiterated his concerns on Section 16 2(a) and (c) of the contract. Further, he enquired if a clause could be inserted to protect against increasing density.

Ms. Davis-Lohnes advised that staff is comfortable with the existing wording, however, should any changes be made to 16(2)(c), or if it was deleted, the Town could have to consult with the developer. It is staff's recommendation the wording remain as is.

Mayor Kelly enquired of Town Council if anyone else had a concern with this particular section of the Agreement. Those who advised in the affirmative included Mayor Kelly and Councillor Len Goucher.

Councillor Len Goucher advised he could not support the Motion as it failed to meet the intent of the Municipal Planning Strategy, particularly: Policy R-15; R-16 subsections 4, 6, 7, 8, 12; Policy E-18; Policy E-38; Policy E-40 and Policy Z-3 subsections 4, 5(2), 5(5), 5(6), 5(8), 5(10), 5(13), 6(2) and 6(8).

REGULAR SESSION - OCTOBER 18, 1994

Councillor Harris Hutt enquired if any or all of these policies have been considered by staff. Ms. Davis-Lohnes advised that all applicable policies within the Municipal Planning Strategy have been addressed in the staff report.

Councillor Anne Cosgrove advised she could not support the Motion as the Petroglyph Advisory Committee Report has not yet been dealt with.

A brief discussion ensued on the number of options available to deal with storm water management. It was noted that although the developer is responsible for the storm water management plan, the Town makes the final decision. Mr. Rick Paynter advised there was no specific design solution available this evening but that same will evolve as the plan is developed. The meeting was reminded that the Storm Water and Environment Protection Plans will be critiqued by an independent consultant in addition to Town Planning and Engineering Staff.

Mayor Peter Kelly advised he could not support the Motion as it failed to meet the intent of the Municipal Planning Strategy, particularly Policies R-15 and Z-3 (5)(2), 5(5), 5(6), 5(8), 6(2) and 6(8).

Councillor Stephen Oickle advised he could not support the Motion as it pertained to Policies R-14, 16(12) and R-19.

MOTION DEFEATED. Councillors Harris Hutt, John Davies and Deputy Mayor Bill MacLean voted in the affirmative. Councillors Stephen Oickle, Anne Cosgrove, Len Goucher and Mayor Kelly voted in the negative.

6.2 Public Hearing #94-06 - Proposed Development Agreement - Hilary Grant - Owner of Spruce Island

Ms. Jenifer Tsang reviewed minor amendments to a proposed Development Agreement between the Town and Hilary and Justin Grant for a development proposal on Spruce Island noting the following:

- (1) Section (b) - "The Project" - (page 2) to be re-worded:

"A single unit dwelling to be used as a cabin (i.e. not to be occupied on a continual or year round basis."

- (2) The following section is to be added to Schedule C:

BUILDING HEIGHT

- (a) the height of the single unit dwelling shall not exceed 17 feet

- (b) the height of the boathouse shall not exceed 18 feet.

Ms. Tsang also indicated the single unit dwelling (cabin) is the main building of the project and the boathouse is considered to be an accessory structure. Matters relating to size and location of accessory structures can be considered through a Development Agreement.

Ms. Jenifer Tsang closed her comments by advising it is staff's recommendation that Town Council enter into a Development Agreement with Hilary and Justin Grant with the above-noted amendments.

In response to an enquiry from Councillor Len Goucher as to who pays for any legal costs should a decision of Town Council be appealed, Ms. Davis-Lohnes advised that the Town bears all legal costs for its participation in the appeal.

Councillor Stephen Oickle advised he could not support the proposal due to the fact there were no Town water or sewer services to the site.

A brief discussion ensued on how the sewer lines could be extended to the island.

In response to an enquiry from Councillor Stephen Oickle if a septic tank could be installed on the island, Ms. Davis-Lohnes advised approval would be required from the Department of Health. She also indicated that soil conditions on the island would determine whether such an approval could be granted.

Councillor Oickle asked about the development of lots on Sandy Lake. Ms. Davis-Lohnes indicated the area is zoned Residential Reserve which allows for the same uses as Residential Single Unit. If someone wished to build on a Sandy Lake lot that has no street frontage, a Development Agreement would be required, as is the case with Spruce Island.

ON MOTION of Councillors Harris Hutt and Anne Cosgrove, it was moved to enter into the proposed amended Development Agreement with Hilary Grant to permit the construction of a cabin and boathouse on Spruce Island.

In speaking to the Motion, Mayor Peter Kelly advised he could not support the Motion as the project failed to meet the intent of the Municipal Planning Strategy, particularly Policy Z-3(2).

Councillor Len Goucher advised he could not support the Motion as the project failed to meet the intent of the Municipal Planning Strategy, particularly Policy Z-3(2). He further noted that the residents in the area were opposed to the proposal.

REGULAR SESSION - OCTOBER 18, 1994

In response to an enquiry from Councillor Harris Hutt if an island is considered part of adjacent land, Ms. Davis-Lohnes advised that islands have no adjacent uses, but do have surrounding uses i.e. lands around Bedford Basin. The meeting was further advised that this proposal meets all the requirements of the Municipal Planning Strategy.

Deputy Mayor Bill MacLean advised he did not feel the proposal proved compatible with the surrounding area.

In response to an enquiry from Councillor Anne Cosgrove as to what will happen to the island if this proposal is turned down, Ms. Davis-Lohnes advised that Mrs. Grant may decide to tent on the island as it is under private ownership. Further, the meeting was advised that the concern with compatibility is addressed by the fact that the boathouse and cabin are screened by the natural vegetation on the island. The boathouse and cabin will not be visible from the end of Shore Drive. Ms. Davis-Lohnes also advised that Mrs. Grant submit another development proposal that involves clear cutting of the entire island, if she wishes.

Ms. Davis-Lohnes advised that an application could be made for an on site septic system, because the island is an existing lot. However, it was noted that approval of the system would depend on soil conditions and that Mrs. Grant did not wish to have a septic field installed on the island.

MOTION DEFEATED. Councillors Anne Cosgrove and Harris Hutt voted in the affirmative. Mayor Peter Kelly, Deputy Mayor Bill MacLean and Councillors Len Goucher, Stephen Oickle and John Davies voted in the negative.

6.3 Public Hearing #94-07 - Proposed Amendment to the Generalized Future Land Use Map re Mainstreet Commercial

ON MOTION of Deputy Mayor Bill MacLean and Councillor Harris Hutt, it was moved that the Generalized Future Land Use Designation be changed from Mainstreet Commercial to Residential for properties fronting on the Bedford Highway between Locke Street and Landsburg Road and the properties known as 2 and 4 Locke St. **MOTION APPROVED UNANIMOUSLY.**

8. NEW BUSINESS CONTINUED

8.2 Primary Program - Halifax County-Bedford District School Board

Councillor Len Goucher advised that Town Council had agreed that the Primary

REGULAR SESSION - OCTOBER 18, 1994

Program within the Halifax County Bedford District School Board required additional funding. Further, Councillor Goucher requested that a report from Mr. Don Trider from the School Board, be compiled depicting the number of student/teacher required to bring the system down to normal size and the amount of funding required for the 1994/95 school year.

9. QUESTIONS

9.1 The Status Sheet was accepted for information.

10. ADJOURNMENT

As there was no further business, the meeting adjourned at approximately 9:00 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER