

"THAT the PAC be given the responsibility of preparing a submission for presentation to the Planning Act Review Committee with the understanding that the report be put in draft form for dissemination to Council prior to final draft for submission."
Motion Carried. (See Motion to Amend.)

It was moved by Councillor Lichter and seconded by Councillor Deveaux:

"THAT PAC and Staff prepare initial draft of submission for presentation to Council."
Motion Carried.

Warden Settle stated that Item No.7 is a presentation by Mr. H.T. Doane re Flood Risk Mapping - Bedford Sackville.

Councillor Lichter asked if the letter that had been discussed under Letters and Correspondence was closed. The motion was that as soon as that letter is written by Staff, it be included in the Agenda. We have gone four weeks now and there are no letters included in the Agenda, that is, letters originating from this building and I assume the reason for it is because of the delays concerning the minutes of meetings.

Councillor Cosman asked if the letter of June 8 from the Minister, Mr. Cochrane is going to be dealt with today. It's on the Councillor's desks but not in the Agenda booklet. It has to do with appointments to the Housing Authority, Halifax West.

Mr. Meech replied that it was intended to deal with it today but it didn't come in until after the Agenda had been prepared.

Council decided to deal with that letter after the presentation by Mr. Doane.

Mr. Doane stated that his reason for coming today is that there is a program that the Federal and Provincial governments have instituted. Actually it was nearly a year ago that the agreement was signed between the two governments for a reduction of flood damage in Nova Scotia. Flood damages are pretty expensive in Canada this year but fortunately, not very many in Nova Scotia. Ten million dollars was paid out by the Nova Scotian and Canadian governments in the last ten years for floods that took place. This does not include municipal costs which surely must be a concern to you and to private citizens. When people sustain losses like this they raise protests and say the government should do something and very often, governments at all levels are called upon to find some kind of relief. It may just be sort of very immediate relief providing some temporary housing and so on but, there is often a call for more long range measures. The point though, is that governments are susceptible to receiving complaints from people. The government program that was agreed upon about a year ago has several aspects to it. The first point is to prevent more problems. It's important to identify the areas that are hazardous, to identify flood planes. Secondly, you tell people what the hazards are so that anyone who may be concerned will know that this area or various areas are subject to flooding. Thirdly, the provincial and federal governments have undertaken to use their physical tools to discourage vulnerable development on hazardous sites. Fourthly, is to seek the Planning Authority's cooperation so as to reduce private losses by controlling the land use on flood planes. As you know, the provincial government and to an even greater degree, the federal government really does not have land use planning authority and it rests with Councils such as yours. Really it's very largely in your hands to prevent people from building on areas that will result in their having a disaster to deal with. We are seeking policy and decisions by you people and other Councils to help keep people from developing vulnerable public works on flood planes. There is provision in the agreements that have been made to study and hopefully to discover how to construct works or take other measures to reduce the damage that would otherwise occur. Just briefly, there were three agreements made last year. The first is the general agreement which runs from 1978 to 1988 and in that the Province and the Federal government agreed to cooperate in various things. One of the things that's provided for in the general agreement is a designation of flood planes. This is quite important because it means that areas that are known or are determined to be subject to flooding and the criterion here is what they call a one in a hundred year flood. Perhaps it's better to say that there is a one percent probability of having it any one year. One of the other provisions of the general agreement is that there is provision for other agreements and one of the other agreements that has been made is the mapping, flood-risk mapping. That runs from 1978 to 1983 and there are twelve areas that have been designated in the Province that are to be mapped. The budget for the five year program is \$600,000.00. Thorough studies will be done so that with a very good degree of authority, one can say that the one percent flood will rise to such and such a height and this area will be flooded and that area next to it will not be flooded. There's another sub-agreement of the general agreement and that is for studies to determine what solutions there may be to existing problems of flooding. The possibility of dams or dykes or channel improvements et cetera are the structural kind of solutions to problems. There may be administrative solutions to problems, such as zoning or that kind of thing and that inevitably means some kind of constraints on building. The studies of the sub-agreement runs for five years and it has a budget of \$300,000. These figures are not definite but they were estimated a year ago. He thinks the intention is that after studies have been carried out and solutions have apparently been found, then there will be agreements made probably with Municipal Councils such as yours and the Provinces and the Federal Government but he doesn't know if there would be two or three agreements or one agreement involving the three parties. But there would be agreements made for works to plan solutions to the problems and to implement the solutions they have been found under the studies. The organization is such that there is a Steering Committee consisting of two Federal and two Provincial members and he is acting as Secretary of the Steering Committee and that Committee has to agree on any works, any studies or any expenditures that

that are to be made and one or other of the Ministers, that is, the Minister of Environment for Canada or the Minister of Environment for Nova Scotia, then is able to make a contract with someone to do the work. The Steering Committee has to agree to any expenditures. Then we have technical committees for actually implementing the studies and he is chairing two of them. These technical committees are made up of Federal and Provincial Civil Servants.

Councillor Cosman stated that one of the problems she sees is the Sackville River which is one of the rivers you're looking at. Sometimes it comes down to the municipal level of government which grants the building permits for homes to be built within that flood plane. She asked how do we as a Municipality grapple with refusing building permits in flood planes, because in essence, we freeze the owners' right to use his land. Do we then get in a position of having to reinstate the owner for the loss of the use of his land? When you're doing the study, will you be developing design criterion for perhaps buildings that are going to be built in flood planes? When you come down to the individual guy on an individual lot that is in the flood plane such as exists in Bedford, what do we do as a Municipality?

Mr. Doane replied that he hoped you would designate or accept something parallel to the designation which we would propose under the agreements that he spoke of. Which means that you would say to the people this is not a place to build a house. Now that doesn't get around the problem that you speak of, of the need to compensate or somehow reimburse the people for their reduced utility of their land. That's a tough question, it's not peculiar to flood plane zoning and it's application and in lots of instances it doesn't make it any easier that's widely applicable either. He thinks that the obligation is on them and on you to make it clear to people that this is an area which is subject to flooding and it would be unwise to build there. It's a tough proposition but he's here looking for your help.

Councillor Cosman raised the question of whether there is going to be any Federal or Provincial money to literally give a person compensation if we're going to say you cannot build upon your land in the flood planes within the Municipality. Is it going to come back to the Municipality to provide that kind of money or is there going to be a program Federally and Provincially that will do?

Mr. Doane replied that he didn't know that there is, he knows there is not a program of that sort now. He doesn't know if there is any intention that there would be that kind of program provided, but he could imagine that there might be a program where existing buildings might be moved or raised or otherwise floodproofed.

Councillor Topple asked if Council's position would be one of advising people that this is not the area to build in, perhaps some mapping that Federal, Provincial and Municipal authorities would accept as the areas not desirable for building because of flooding conditions, that possibly the mortgage companies would say that they wouldn't fund developments in those areas, or the insurance companies, possibly. He thinks the onus is not really on government to compensate somebody for his land. He thinks it is the responsibility of the government to suggest that you should not be building there.

Mr. Doane stated that's very much the way the program would go. They are undertaking now, under this Federal Provincial program to develop, that is to prepare, maps that will show the areas that are subject to flooding and they would publicize those as widely as possible and in addition to the CMHC sort of sanction against lending money and so on, there would also be, if the area is designated, the sort of absolving of the Federal and Provincial government of responsibility of providing disaster assistance.

Councillor Topple stated that the Municipality should not really be legislating against people building in those areas, in other words, refusing their permit.

Mr. Doane replied that he'd like to see that, but it's your prerogative, they would suggest that that would be a good idea.

Councillor Topple stated that we'd be accepting the responsibility in that case to compensate, because we could really not prove that he would be flooded out.

Mr. Doane replied that he wasn't sure about proving that he would be flooded out.

Councillor Topple asked if in terms of mapping, would you see actual markers laid out on identified flood planes? Would we see it done sort of a plan type of thing, would people be prepared to identify the flood planes?

Mr. Doane replied that no, the intention is not that we would mark on the ground or in the field. His feeling is that we would probably publish a map, something like you might put on newsprint and put in the centre of a newspaper. So it would be a fairly large map with the principal roads and rivers, of course, shown and have the areas subject to flooding shaded. That would be the official map. There would be several copies of it, certainly one would be available here and there would be other places it would be available too.

Councillor Wiseman asked if Mr. Doane had suggested that there would be funding for structural improvements from the Federal government if it is applicable.

Mr. Doane replied that he had suggested that there may be.

Councillor Wisman asked if that's just on existing structures.

Mr. Doane replied that no, it could be to change existing structures, it could be to put in new structures. It is pretty wide open and if it is a matter of solving a problem because there is money needs to be spent, he thinks it's a possibility. That might even include the sort of thing that would compensate people for the loss of use of land but he'd be very surprised at that part.

Councillor Wiseman inquired if that would also be available to people who wanted to build in flood planes or in areas that were going to be flooded later and Mr. Doane replied that no, he didn't think so. Councillor Wiseman stated that this is what she's saying, is to upgrade the structures so that they wouldn't be flooded out.

Mr. Doane replied that it's possible that they may be of some help to upgrade existing structures but he doesn't think if someone wanted to build on a flood plane that there would be any aid given to them in order to make a better or stronger or a floodproofed structure rather than what they would otherwise propose.

Councillor Margeson stated that some of the experience that we have when we clear a piece of land, take all the trees and so on off that piece of land, it seems to flood much easier than when the trees were present, so perhaps some of the things, we may be causing ourselves. One of the things that's bothering him is the fact that when you're planning to do some mapping, would the maps be made available to our Planning people and Building Inspectors so that they would have a special zone, call them flood plane zones, and therefore there would be no building on these. Maybe it would be wise to purchase that piece of land and have it as a park and have trees planted through this area which may help cut down on the amount of natural floodings. Are you looking that far back in your preventative measures to control flooding?

Mr. Doane replied that he thinks the Planning Departments of the Municipalities are the prime target of most of the mapping effort and so certainly the maps will be made available to them.

Councillor Lawrence inquired if when Mr. Doane talked about a hundred year flood mapping and a twenty year flood mapping and also about turning off the tap for Federal money to CMHC and DREE, would that be for the hundred year flood areas or only the twenty.

Mr. Doane stated that there are a couple of ways of thinking about this. One is that the twenty year flood, the area that will be covered by the twenty year flood would be considered to be what we call a flood way and in that area, covered by that magnitude of flood, there would not be any development permitted, that is, permitted by the CMHC or DREE or other funding arrangements at all. Based on the thinking that that is the area that is necessary for the flood waters to flow in. The difference is between standing flood waters and flowing flood waters. That's kind of an artificial criterion, that twenty year flood is the flood way and that's the area that is required to carry flood waters and there should be no structures in that at all. In the one hundred year or one percent risk area, there may be some development permitted if it is adequately flood proofed and adequate flood proofing requires a fair amount of study as to the height of water and the number of structural considerations as well.

Councillor Lawrence again inquired if that meant that Federal funding wouldn't be applicable to the twenty year flood area, but perhaps it would be for the twenty year flood area. We're talking about a sizeable area if you're thinking about a hundred year area and she's just interested in where the Federal tap is going to be turned off.

Mr. Doane replied that no, he thinks it will be turned off for the hundred year flood plane.

Councillor Lawrence inquired if it is certain that the Nova Scotia Housing Commission will agree to a similar kind of arrangement in either the twenty or the hundred year category. Mr. Doane replied that he was a little bit unsure about this. Councillor Lawrence asked if he was stressing in this operation the idea of compensation. She stated that she thinks it's highly unrealistic of him to come to the Municipal level of Government and say to us that he thinks it would be a nice idea if we didn't allow people to build on flood planes if he's not going to give us any kind of backup support when it comes to the legal actions which we might be liable to.

Mr. Doane replied that he thinks that Council probably catches it in the neck every time somebody has a flood and if you can save some of that, that will be some compensation.

Councillor Lawrence then asked who was on the Steering Committee. Mr. Doane replied that the Steering Committee consists of the Deputy Minister of Environment, Mr. C.D. Carter; the Director of Water Planning Management branch in the Environment Department, Mr. John Jones; Mr. V.C. Dohaney, Director of Inland Waters Directorate for Environment Canada; and the other member is presently Mr. L.V. Brandon, but the expectation is that he will be succeeded by the Director General for the Atlantic region of Environment Canada, Dr. C.J. Edmonds.

Councillor Topple asked if Mr. Doane considered man-made flood planes as an area you should stay away from now, such as downstream of power dams and so on. Mr. Doane replied that yes, he thinks that's a legitimate consideration. A flood plane is a flood plane regardless of whether it's caused by a man-made structure or not.

Councillor Topple then stated that when you talk about man-made flood planes, if you're talking about not allowing people to develop there, what happens if for instance, the Power Commission were to go ahead and put a dam in an area where a development has already been started upstream of the development, should we then say well, we're not going to allow any more developments in that area?

Mr. Doane replied that he didn't know, he would imagine that it's pretty touchy.

Councillor Deveaux asked how this program came about. Was it through the Provincial or Federal government or somebody else? Mr. Doane replied that he thought it was fair to say that the Federal government probably took the initiative in the first place.

Councillor Deveaux then asked about contractors responsibilities regarding houses that have been sold which are subject to flooding. He asked if Mr. Doane's committee could look at this situation or would they be open to this type of thing. Councillor Deveaux felt that contractors got off scott-free and individual householders might be faced with huge extra amounts of money to cure the system after they have bought their homes.

Mr. Doane stated that the number of areas that he can look at, or that the program can look at, is somewhat limited as far as looking at it in depth, but he has pretty good contacts with both the Provincial and Federal Environment people who are quite knowledgeable about hydrology and flooding and that kind of thing.

Warden Settle then thanked Mr. Doane for his presentation.

Mr. Meech stated that Council have just received a letter from the Minister responsible for the Housing Commission indicating that the terms of office of Mr. Louis Kehoe and Mrs. Reta Mattinson, members of the Halifax County West Housing Authority, will expire as of August 15, 1979 and it has been the practise in the past, while it is the Minister who makes the actual appointments, the government or the Minister has normally followed a procedure whereby they have asked for nominations from the Municipality. Mr. Meech then asked for nominations for a person who would represent the Municipality on the Nominating Committee. There will also be a representative from the Housing Commission.

It was moved by Councillor Cosman and seconded by Councillor Sutherland:

"THAT Councillor Eisenhauer be appointed to the Nominating Committee as a member representing Halifax County Council."
Motion Carried.

At this time Council presented Mr. H.G. Bensted with a plaque acknowledging his years of service to the Municipality of the County of Halifax.

Mr. Meech then stated that there is correspondence from the Union of Nova Scotia Municipalities advising of the Committee that had been appointed to review the Settlement Act with the request that should we have any matters that we would wish to put forward as it relates to the Settlement Act, in particular, concerns, and if they are received by a certain date, then they will be passed along to the appropriate Committee. This Settlement Act deals mainly with respect to settlement as it relates to the Social Assistance program.

Councillor Lawrence inquired if this would ordinarily be dealt with by a Social Assistance Committee or should it be referred to them by Council?

It was moved by Councillor Lawrence and seconded by Councillor Cosman:

"THAT the matter of the Settlement Act be referred to the Social Assistance Committee."
Motion Carried.

Deputy Warden Gaetz inquired what this matter of the Settlement Act was all about.

Mr. Meech stated that it is, is that the government in cooperation with the Union of Nova Scotia Municipalities, has been reviewing the Settlement Act which is the act that is used for purposes of determining settlement with respect to payment of Municipal Assistance or which Municipality is responsible. He believed it had a couple of other purposes but primarily for that purpose whereby one has to have a continuous year residency in a particular Municipality and then that Municipality becomes responsible as it relates to welfare and persons being placed in Homes for Special Care et cetera.

Mr. Meech then stated that there were a couple of other items in the correspondence. The Board of Trade had distributed some with regard to Metro area promotion and the development of a brochure which is just for information purposes. There was also the response from the Minister of Highways with respect to the resolution that had been passed by Council on the business of Trunk 1 and 2 in Bedford, whereby it had been requested that we ask that it be redesignated as a Limited Access Highway. There is also the correspondence with respect to the resolution that had been passed some months ago bringing a couple of matters to the attention of the postal authorities.

The following items were added to the Agenda:

Councillor Lawrence: Advance Polling Day.
Councillor Cosman: Special Powers of Council and Senior Citizen's Housing in Bedford.
Councillor Wiseman: Municipal Incentives Grant.
Councillor Deveaux: Road to Oceanview School and Use of School Bus.
Deputy Warden Gaetz: Sewer and Water Boundary Lines.

It was moved by Councillor Sutherland and seconded by Councillor Deveaux:

"THAT the Agenda be closed."
Motion Carried.

Mr. Meech spoke about the Report of the Planning Advisory Committee. The first item is with respect to a public hearing concerning an undersized lot and the hearing has been scheduled for this evening at 7 p.m. The second item is with respect to the zoning application no. 10-79, a request to zone Lots A & C, Lands of L.E. Shaw Limited and a portion of Lot G-3D, Lands of St. Paul's Home for Girls, Bedford Industrial Park, from an unzoned status to Industrial General Zone (I-1).

It was moved by Councillor Lawrence and seconded by Councillor Margeson:

"THAT the Report of the Planning Advisory Committee be approved."
Motion Carried.

Councillor Cosman stated that she was absent from the Planning Advisory Committee meeting this morning when this application came forward and she wished to have someone reassure her that the operation will have satisfactory dust emission controls and satisfactory controls of the run-off.

Mr. Gough stated that Planning Department was not aware of these problems and to the best of their knowledge it was supposed to be the same type of industry that L.E. Shaw had had there a few years ago and that it was just going to be larger and run by this other firm.

Councillor Cosman asked if she could have some kind of assurance that they're not inviting an industry into the community near residential areas that's going to put out a lot of smoke and dust and in particular, as well as the air pollution concern, there is the question of how much wash water is going to be pumped. Warden Settle suggested that this would probably come out at the hearing but Councillor Cosman was doubtful. She inquired if the Department of Environment was involved in this type of operation and would they set the criteria for this.

Mr. Gough stated that the Department of the Environment, mentioned in the Staff Report, advised that the information supplied by the company indicated the new facility should not pollute the environment.

There was a great deal of discussion among Councillors regarding this application. Councillor Cosman did not think that all the pertinent information would come out at the hearing. Councillor Sutherland inquired if Council in fact actually required this type of protection.

Mr. Gough stated that he could understand Councillor Cosman's concern but he felt that this aspect should be dealt with at the Building Permit stage and not at the Zone changing stage. All that the Planning Department can do is get the assurance from the Department of Environment, the final plans have to be submitted to Environment after the required zoning is received, and at that particular time a decision will be made.

Councillor Benjamin did not think the matter should be referred back to PAC but rather that the date be changed so that Councillor Cosman would be able to attend the hearing. If at the public hearing, sufficient evidence is not available, then defer the decision as has been done in the past until further information can be gained.

Councillor Topple stated that as a member of the PAC, he voted in favour of this public hearing with reservations. He did not vote in favour of the rezoning request but he did feel it should go to the public hearing. His concern was not whether or not they were going to put in lagoons and so on but whether or not the type of use indicated would ever go on the land once it was rezoned Industrial. He thinks that should be the main concern, not whether or not there are lagoons for a cement plant.

Councillor Lawrence felt that Council or PAC should communicate these concerns to the people who are applying for the rezoning and she assumes that either they will come up with reassurances at the public hearing or they won't and Council should judge accordingly at that time. She stated she was in favour of changing the date so that Councillor Cosman could be in attendance but she did not believe it served any useful purpose to send it back to PAC.

There was further discussion regarding this application.

It was moved by Councillor Cosman and seconded by Councillor Wiseman:

"THAT the public hearing re Application No. 10-79, Lands of L.E. Shaw Limited, Bedford be held on August 13, 1979 at 7 p.m. and that Staff provide additional information regarding air pollution and industrial waste."
Motion Carried.

Mr. Meech summarized the Report of the Chief Building Inspector. Approval is recommended for the following requests for lesser side yard clearances: #1 - 5.6 feet, Lot 12A, Macleod Moir Subdivision, Harrietsfield and the applicant is Jose Coprez. A sketch is attached along with the letter for request from the applicant. #2 - 7.6 feet, Lot C, Willowdale Estates, Cole Harbour and the applicant is Bantam Contractors.

It was moved by Councillor Baker and seconded by Councillor Lachance:

"THAT the Report of the Chief Building Inspector be approved."
Motion Carried.

Mr. Meech then summarized the Report of the Finance and Executive Committee stating that the first item deals with respect to surplus school property at East Ship Harbour which was transferred to the Four Harbours Legion by the Municipality of the County of Halifax a number of years ago under an agreement. The agreement required a total sum of \$10,000.00 payable to the Municipality of the County of Halifax over a period of twenty years. The Four Harbours Branch has paid the County of Halifax approximately \$3,000.00. They have now requested that the County convey this property to the Legion for a cash settlement. By resolution of the Committee there's a recommendation to Council to approve the acceptance in the amount of \$3,000.00 as a final cash settlement for the transfer of the East Ship Harbour school property to the Four Harbours Legion Branch. The second item is for information with respect to a change in procedure re payment of Councillors for attendance at Committees, Board meetings, et cetera. The procedure will now provide that a record will be kept on a two week basis for each Councillor's attendance at these meetings and a cheque will be mailed out every two weeks for payment of same and Councillors will still continue to receive a report as to the meetings the payments relate to. The third item deals with the adjustment of the property tax account. This has come about as a result of the communication received from the Director of Assessment whereby it has been determined that a gross or manifest error was made in the assessment of a particular property and their information under the Assessment Act whereby Council can agree to adjust the property taxes for the current year.

It was moved by Councillor Lachance and seconded by Councillor Walker:

"THAT the Report of the Finance and Executive Committee be approved."
Motion Carried.

There was considerable discussion among Councillors concerning the payment for the property to be deeded to the Legion.

Councillor MacKenzie stated that the Municipality was not able to give the Legion a clear title to the property and that they had declined paying any further payments until such time as the Municipality was able to provide a clear title to them and it was suggested that they would come up with a survey at their own expense which they have just recently done. They have made this offer of \$3,000. to the Municipality in order to get clear title to it. They have provided a new water supply to the facility and he believes they have put in a new furnace in the hall. They are prepared to pay the sum of \$3,000.00 to the Municipality in return for the deed.

Mr. Meech then summarized the Supplementary Report of the Finance and Executive Committee. It deals with the matter of the Main Street Program that came up at the last session of Council. At that time there was a recommendation that the communities of Bedford and Sackville be designated for assistance under the program and that the matter be referred to the Finance and Executive Committee to explore and study the matter of financial implications as it relates to the Municipality. The Committee has looked at it and their recommendation is that the Municipality of the County of Halifax designate Bedford and Sackville Main Highways under the Provincial Main Street Program and this would be subject to these districts being responsible for any amounts over and above that received from the Province for this program. In other words, that would be the Municipality's share that would be necessary to be provided under the program.

It was moved by Councillor Cosman and seconded by Councillor Eisenhauer:

"THAT the Supplementary Report of the Finance and Executive Committee be approved."
Motion Carried.

Councillor Cosman stated that she thinks she's sort of in a tight position here, that she's going to speak on an application for the Council to use its special powers under Section 72A to permit the use of senior citizens housing complex on R-1 lands in Bedford. Evidently the owner of the lands, Mr. Kelly, came in and spoke with someone from the Planning Department but did not realize that in order to go this route he should submit an application to be brought to Planning Advisory to bring to Council. He just went back home with his facts and figures feeling that she could bring it forward to Council as an application. There's some confusion in his mind as to the proper procedure to carry out. The problem is that we have land designated for senior citizens housing in Bedford but the funding from the government will run out she believes, in a three week period if a date is not set for this public hearing and then the funding would be lost.

It was moved by Councillor Cosman and seconded by Councillor Sutherland:

"THAT Council set July 31, 1979 for a public hearing under the special powers of Council Section 72A to permit the use of the senior citizens complex on the R-1 Zone, on lands of

Mort Kelly in Bedford."
Motion Carried.

Councillor Lawrence inquired why regular rezoning procedures were not begun for this property.

Councillor Cosman replied that the time frame is the reason for that. If it is put into the mill of the regular rezonings where it takes up to five months, then the funding could be lost. Asking Council to use its' special powers shortens the time frame considerably. A great deal of dickering has gone on about the location for a site and during the last two weeks the site has been chosen, literally, under the threat that funding was to be withdrawn for this housing to be built in Bedford. When the representative of the Housing Commission spoke to Council concerning senior citizens he mentioned then that if sites were not located in a very short time the funding would be withdrawn.

Councillor Lawrence asked if Council did hold a hearing at the next session two weeks from now, would that still take effect? There's still a thirty day appeal period even after something is approved under Section 72, is there not? It seemed to her that little by little Council is getting into the situation where they're using Section 72 all the time, rather than the regular rezoning procedures and she is a little anxious about that.

Councillor Benjamin stated that a fair amount of ground work has been done in the Bedford area while the residents in the immediate area have been contacted, apparently there is no objection from the local residents. He understands, through Councillor Cosman, that the Bedford Service Commission would be sympathetic to this senior citizens housing project to get underway. The Nova Scotia Housing Commission, have, on the advice of the Councillors' feeling that it would go through Council, gone ahead with plans for this complex and it's a question now of timing in order to get the funding which would be available from the Federal government for the Provincial government to proceed with this housing operation. If we run out of time, it would be questionable whether this project could get off the ground and the great need for senior housing development would be lost. In order to get around that, you need further delays, such as going through the normal procedure, be it two months or greater, might be detrimental to the success of the senior citizens' complex. So in order to safeguard this project it was a thought that perhaps on behalf of Francene Cosman, he approached the Clerk asking that it be added to the day's Agenda. He stated that he felt this is not detrimental to the locale, Bedford. People who do object will certainly come out at the public hearing and voice their objections. We're not depriving the local residents or anybody in the area from having a voice, we're simply speeding up the public hearing process to an earlier date by doing it through Council.

Councillor Topple stated that he also was concerned about the number of times that Council uses special legislation and he thinks, although Councillor Benjamin stated that at the public hearing people could come out and object, he thinks the Solicitor also stated that there is no appeal in that particular case because you're not changing the zoning, so he thinks the appeal might be launched if anybody is opposing this thing through the building permits again which could delay it a lot longer than if Council went through the proper channels. It seems to him that the Provincial or the Federal governments are trying to push Municipal governments into doing things that are not in accordance with their own laws and regulations and that bothers him a bit.

Councillor Margeson stated that if Council has some means in this Municipality for speeding things up, why don't they get at it and do it. He didn't see any reason for dragging their feet. That's a requirement, the senior citizens need some housing. Let's get on the job and get it done.

Mr. Meech stated that he had just been asking the Solicitor what would take place if this was carried through. We don't actually rezone the property so what they've got is sort of a non-conforming use. Everybody understands that if in the future they wanted to expand it they would require another rezoning hearing.

Councillor Lichter raised the subject of the Weed Control Report. Mr. Conrad's report, dated June 16, and on the 15th he went to Truro and talked with Mr. Don Palfrey on the spraying by-pass from Shuben-acadie to Milford to be sprayed as soon as possible. Councillor Lichter is concerned about that particular item. In May he spoke very strongly against highway spraying. As a result of that, a motion was passed which was forwarded to the Minister of Agriculture on May 23 by staff here. There has been no reply to Council from the Minister but Councillor Lichter has some private correspondence from him. Number one, they have no intention of stopping spraying; 2. they don't have any intention of controlling spraying; 3. they have no intention of doing anything because the chemical is safe. In his correspondence, when he reached this point, he recommended to the Minister that if he is so convinced the chemical is safe then he should demonstrate it by spraying himself and his family or other employees of the government and then Councillor Lichter might be convinced. The Minister's letter indicated to Councillor Lichter that there is no need to demonstrate the safety of the spray because the spray is safe. Councillor Lichter believes that that kind of an argument is an interesting one, at the least. However, since neither he nor Council seemed to get anywhere with the former Minister, it occurred to him that it may be a lot easier to deal with Mr. Conrad who is at least partly employed by the Municipality. Councillor Lichter would like to request that Mr. Conrad be invited to the next Council Session to speak on and answer questions concerning the safety of the chemicals used, what methods are they using to control spray drift and the Councillor would like to hear Mr. Conrad's opinion on the need for mass spraying versus hand spraying which he does occasionally and Councillor Lichter would like Council's support on this.

It was moved by Deputy Warden Gaetz and seconded by Councillor Wiseman:

"THAT Council adjourn."
Motion Carried.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

COUNCIL MINUTES

Tuesday, July 17, 1979

Warden Settle opened the Session with the Lord's Prayer at 2:00 p.m. and Mr. Meech called the roll.

It was moved by Deputy Warden Gaetz and seconded by Councillor Deveaux:

"THAT Mrs. Cashen be appointed recording secretary."
Motion Carried.

Addition of items to the Agenda for the first Session in August:

Councillor Margeson - Health
 - Lighting for Schools
Councillor Lawrence - Councillor's Mail Boxes

It was moved by Councillor Fader and seconded by Councillor Eisenhauer:

"THAT the Agenda be closed."
Motion Carried.

The first item added to today's Agenda from last Session was raised by Councillor Lawrence respecting Advance Polling Day.

Councillor Lawrence told Council what the Municipal Elections Act states about Advance Polling Day. Councillor Lawrence believes there should be an additional Advance Polling Day held on the Friday preceeding the normal Advance Polling Day so that people belonging to particular religious sects which regard Saturday as the Sabbath might be able to vote without breaking the Sabbath.

It was moved by Councillor Lawrence and seconded by Councillor Poirier:

"THAT the County of Halifax have an additional Advance Polling Day on the Friday preceeding the Saturday of the regular Advance Poll be referred to the Finance & Executive Committee for their recommendation." Motion Carried.

Mr. Meech stated that opening up additional polling booths would add additional costs to the election.

There was considerable discussion among Councillors regarding this issue.

Councillor Wiseman reminded Council that the matter of the Municipal Incentives Grant had been referred to Finance and Executive Committee and that a report was to be brought back to Council. She wondered what had come of this as she had heard nothing to date.

Mr. Meech stated that there was a report prepared detailing the amounts that have been or are to be collected, some indication of the source of funds in relation to the areas. In discussion with Mr. Bensted he was told that the matter got discussed in Finance and Executive but there was no consensus reached with regard to distribution of the funds.

Councillor Wiseman inquired if it could be brought back to Council so that a decision could be made. It was agreed by Council that Finance and Executive would bring a report back to Council at the next meeting.

Councillor Deveaux inquired if the matter regarding a roadway into Oceanview School which was being discussed last year between Public Works and the School Board had been resolved.

It was moved by Councillor Deveaux and seconded by Councillor Baker:

"THAT this matter be referred to the School Board and some report brought back next month and if need be, they could pass it back to Public Works again."
Motion Carried.

Councillor Deveaux also spoke about the extra use of School Buses within 24 hours of a special case arising.

It was moved by Councillor Deveaux and seconded by Councillor Margeson:

"THAT the subject of the utilization of school buses for extra curricular activities or special functions as it relates to senior citizens be referred to the School Board for their consideration."
Motion Carried.

There was considerable discussion and debate regarding this issue. Councillor Lachance stated that the Board's position was that they would assist local groups wherever possible providing they had gone through the necessary procedures. The buses would be available as long as there was permission from the right people.

Deputy Warden Gaetz brought up about sewer and water boundaries as they relate to the situation with Autoport. He felt that the municipal boundaries should be reviewed.

It was moved by Deputy Warden Gaetz and seconded by Councillor Deveaux:

"THAT this matter be referred to the Municipal Development Committee."
(See Motion to Defer)

Councillor Poirier spoke in great depth about the water and sewer problems in District 2.

There was further discussion about this matter and Mr. Meech stated that this decision is one to be made by Council through Planning. Councillors Lichter and Deveaux expressed concerns about this motion and Councillor Deveaux felt that this Committee set up to review the boundaries should be in close contact with the Department of Public Works before any decision is made.

It was moved by Councillor Margeson and seconded by Councillor Deveaux:

"THAT this item be deferred to the last item on today's Agenda."
Motion Carried.

It was moved by Councillor Poirier and seconded by Councillor Deveaux:

"THAT because of the serious health hazard existing in District 2, immediate contact is to be made with the Minister of Municipal Affairs and the Premier requesting immediate action on a solid commitment and a meeting set up with these two Departments and our own officials to resolve this situation."
Motion Carried.

There was further discussion with regard to this subject. Councillor Benjamin spoke on the arsenic problems in Waverley and stated that costs have escalated to the point where cost sharing is no longer adequate and he wants action taken now, not further studies.

It was moved by Councillor Smith and seconded by Deputy Warden Gaetz:

"THAT the Minutes of the Public Hearing of April 9, 1979 be approved."
Motion Carried.

It was moved by Deputy Warden Gaetz and seconded by Councillor Sutherland:

"THAT the Minutes of May 15, 1979 Council Session be approved."
Motion Carried.

Mr. Meech briefly went through the letters and correspondence. Councillor Wiseman requested clarification on the list of lakes tested by the Department of Health and asked where the status of lakes was omitted, did that mean those particular ones were safe for swimming. Councillor Smith stated that according to Dr. Sullivan, unless there was something stipulated in the report then the waters were safe.

It was moved by Deputy Warden Gaetz and seconded by Councillor Wiseman:

"THAT the following persons be appointed as Law Enforcement Officers: Ronald Eagles and Raymond Hines."
Motion Carried.

Councillor Lichter inquired if the municipal share referred to in the letter regarding Main Street Program was to come out of general tax revenue or from area rates. Mr. Meech replied that this was approved on the basis that it would be charged back to those specific areas but as far as the Province is concerned we have to make the commitment that we're willing to absorb the municipal share.

It was moved by Councillor Sutherland and seconded by Councillor Benjamin:

"THAT the Report of the Warden be received."
Motion Carried.

Mr. Meech briefly discussed the decision of the Board of Public Utilities and stated that a meeting would be held in the very near future to discuss this whole matter as it relates to the Municipality.

It was moved by Deputy Warden Gaetz and seconded by Councillor Lawrence:

"THAT the Report of the Director of Planning and Development be approved."
Motion Carried.

Mr. Meech summarized the Report of the Planning Advisory Committee with respect to the Rezoning Application of Edward Godbout, Caldwell Road and Murray Road, Eastern Passage, from R-2 and R-4 to C-1. He stated that the report recommends that Council hold a Public Hearing on this application with a suggested date of August 13, 1979. There was considerable discussion regarding the dates.

It was moved by Deputy Warden Gaetz and seconded by Councillor Eisenhauer:

"THAT a Public Hearing be held on August 8, 1979 concerning the Rezoning Application 12-79 and on the application scheduled for August 7, and that the one scheduled previously for August 13, 1979 remain on that date."
Motion Carried.

It was moved by Councillor Lawrence and seconded by Councillor Deveaux:

"THAT the Report of the Planning Advisory Committee as amended be approved."
Motion Carried.

There was a great deal of discussion between Councillors regarding this Report. Councillor Lawrence stated that it was not the intention of the Report to imply that Planning Advisory Committee should represent Council at the hearings. She stated that the gist of Item 6 should be that PAC urges Council to respond to the call for briefs to the Planning Act Review Committee and it's Council's decision whether or not it participates in those hearings. Mr. Meech stated that all the Planning Act Review Committee wishes to know right now is how many groups will be making submissions. He added that it was decided at last Council Session that the final product submitted would be something that was approved by Council before being sent to the Committee for review.

Councillor Lichter inquired about the item concerning Under Sized Lot Legislation. There was a great deal of discussion around this item, especially as it relates to the application of Mrs. Pettipas. Solicitor Cragg stated that she had moved the trailer to her Under Sized lot illegally, as she had applied to do it three times previously and was refused.

It was moved by Deputy Warden Gaetz and seconded by Councillor Lichter:

"THAT the Report of the Planning Advisory Committee be changed from rejection of this matter to its' removal from the Report."
Motion Carried.

It was moved by Deputy Warden Gaetz and seconded by Councillor Walker:

"THAT a Public Hearing be held with respect to the application of Marjorie Pettipas under the Under Sized Lot Legislation on August 21, 1979."
Motion Carried.

There was further discussion regarding this piece of legislation and several Councillors felt that the legislation should be reviewed as it is now out of date.

It was moved by Councillor Margeson and seconded by Councillor Topple:

"THAT the Under Sized Lot Legislation be reviewed by the Solicitor and the Planning Department with a view to rescinding it or updating it."
Motion Carried.

It was moved by Councillor Deveaux and seconded by Councillor Smith:

"THAT the Resolution accepting title to Lands of Murray Ritchie, Lot Y, Cole Harbour, subject to the Solicitor certifying title, be approved."
Motion Carried.

It was moved by Councillor Fader and seconded by Councillor Williams:

"THAT the Report of the Chief Building Inspector be approved."
Motion Carried.

It was moved by Councillor Lachance and seconded by Deputy Warden Gaetz:

"THAT the Report of the Municipal School Board be received."
Motion Carried.

It was moved by Deputy Warden Gaetz and seconded by Councillor Wiseman:

"THAT the Report of the School Capital Programme Committee be approved."
Motion Carried.

There was some discussion regarding this Report.

It was moved by Councillor Williams and seconded by Councillor Lichter:

"THAT a letter be sent to the Minister of Education commending him on his approach to the programs that Council has had on the drawing board for so many years, such as the Dutch Settlement School, Hillside School, Bell Park and the John A. MacKay."
Motion Carried.

There was considerable discussion regarding the access road to Sackville High School.

It was moved by Councillor Walker and seconded by Councillor Fader:

"THAT the matter of the Sackville High Access Road be referred to the Solicitor for a detailed report."
Motion Carried.

Mr. Meech reviewed the report of the Board of Health and their recommendation regarding the Greenridge Trailer Court. Basically their recommendation is that it be recommended to the Public Works Committee that the Municipal Services Boundary be extended to include all of the Greenridge Trailer Court to correct a health problem and to allow for approximately 12 additional trailers to be added to the system. Mr. Meech summarized the situation involving Mr. Fredericks application for expansion. Mr. Meech stated that Council had two alternatives. Council can either deny the request to connect to the County sewer system on the basis that the park is beyond the serviced boundary or Council could amend the serviced boundary, however, this would not seem advisable at this time without first proceeding to carry out an extensive study of the entire area to determine if there are justifiable reasons for their expanding the serviceable boundary. The other alternative would be to accept the report and recommendation of the Board of Health and permit connection to the sewer system on the basis that the existing septic tank system is unsatisfactory thereby constituting a potential health hazard. Should Council decide to support the second alternative Mr. Meech recommended that approval be granted on the basis of 1) that the Board of Health has recommended servicing to eliminate a potential health hazard, 2) that the approval be specifically restricted to servicing of a maximum of 61 lots, and 3) that the park owner is responsible for all costs relating to the connection to the central sewer system. Mr. Meech emphasized the importance of making a decision as this matter has gone on for quite some time now.

It was moved by Councillor Deveaux and seconded by Councillor Margeson:

"THAT Council approve the recommendation of the Board of Health and permit connection to the sewer system of Mr. Fredericks trailer park subject to the three conditions set down by Mr. Meech."
Motion Carried.

Councillor Deveaux expressed his sincere thanks to Council for the support given this issue.

It was moved by Councillor Fader and seconded by Deputy Warden Gaetz:

"THAT the Report of the Finance and Executive Committee be approved."
Motion Carried.

There was considerable discussion among Council regarding the new Society for Prevention of Cruelty budget. Mr. Meech responded to many questions from Councillors and it was suggested that Mr. Marsdon be invited to the next Session to answer questions of Councillors.

It was moved by Councillor Lachance and seconded by Councillor Topple:

"THAT this matter be deferred to the next Session of Council and that Mr. Marsdon be invited to attend that Session."
Motion Carried.

It was moved by Councillor Walker and seconded by Councillor Baker:

"THAT the Resolution re: Temporary Borrowing, Water Booster Pumping Station, Bedford be approved."
Motion Carried.

It was moved by Councillor Walker and seconded by Councillor Fader:

"THAT the Resolution re: Pension Benefits for H.G. Bensted be approved."
Motion Carried.

Mr. Meech summarized the Supplementary Report of the Director of Public Works. The first item deals with respect to the provision of water services to the Uplands Park Subdivision, Hammonds Plains. The report is attached and the recommendation of that Committee is that the project be approved by Council. The gross cost of the project is \$72,000 and the approval should be subject to the fact that we would receive the normal cost sharing available through the Department of Municipal Affairs and based on our review of it, it would indicate that the costs should be approximately equal to the net annual revenues that would be billed to the Uplands Park Village Commission for the water usage

based on the rates that are presently before the Board of Public Utilities.

It was moved by Councillor Lawrence and seconded by Councillor Baker:

"THAT this Supplementary Report of the Public Works Committee be approved."
Motion Carried.

Councillor Eisenhower expressed his thanks to the Public Works Department for dealing with this issue.

Mr. Meech stated that the second matter came about as a result of works that are underway by the Department of Highways on the Bicentennial Highway where they are adding additional lanes and it relates to the need to develop the second bridge structure at the Hammonds Plains intersection with the Bicentennial. He stated that he understands our water and sewer mains are located in that area and with the work being done by Highways it becomes necessary for us to make certain changes in the routing. As he understands it, when the easement was obtained from the Department of Highways as per usual the agreement would provide that Highways had to undertake some modifications or some works in the future that naturally the Municipality would have to accept responsibility of any costs associated with respect to relocation of water or sewer mains and the estimated cost of this work for the sewer portion is \$4500 and for the water portion it's \$8750 for a total of \$13,250.00. We are going to make an application to the Department of Municipal Affairs to attempt to see whether or not we can get cost sharing under the Municipal Services Act.

It was moved by Councillor Deveaux and seconded by Councillor Baker:

"THAT this project be proceeded with."
Motion Carried.

It was moved by Councillor Walker and seconded by Councillor Eisenhower:

"THAT Council adjourn."
Motion Carried.

M I N U T E S & R E P O R T S

of the

T H I R D Y E A R M E E T I N G S

of the

T H I R T Y - N I N T H C O U N C I L

of the

M U N I C I P A L I T Y O F T H E C O U N T Y O F H A L I F A X

J U N E C O U N C I L S E S S I O N

T U E S D A Y, J U N E 5th, and J U N E 19th, 1979

S P E C I A L C O U N C I L S E S S I O N S J U N E 5th, & J U N E 12th, 1979

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

PUBLIC HEARING

Present: Miss Smith, Planning Department
Councillor Lawrence
Councillor Baker
Councillor Deveaux
Councillor Topple
Councillor LaChance
Deputy Warden Gaetz
Councillor Smith
Councillor MacKenzie
Councillor McCabe
Councillor Lichter
Councillor Margeson
Councillor Cosman
Robert Cragg, Municipal Solicitor

Deputy Warden Gaetz opened the meeting at 7:00 p.m. with the Lord's Prayer. The Municipal Clerk, Mr. Meech called the roll.

Deputy Warden Gaetz explained the format of a Public Hearing to the public in the gallery.

Deputy Warden Gaetz advised that this is a Public Hearing regarding a request to rezone lands of LeRoy Maynard Brown located on the former Fairy Aviation Taxi Strip at Eastern Passage from R4 (Residential General Zone) to C1 (Commercial Local Business Zone), District 6.

Miss Smith of the Planning Department pointed out that this application had been property advertised and only received one objection letter from Mr. Harry White. She indicated on a map the use of land in the immediate area. She pointed out that the zoning in the area is predominantly I-1 (Industrial General Zone) due to service stations, grocery store, tavern, etc. She said that there is a mobile home park zone and some R2 zoning in the area. She described the size of the property in question and recommended that this application be approved. Miss Smith gave some background information pertaining to the property in question with respect to its former use and future use. She pointed out that the Public Works department has recommended approval of this application. The Planning Dept. feels that because of the mixed uses and zoning in the area, heavily industrial and commercial, will not intrude upon the R4 zoning. Also the property had been used for 37 years for industry and commercial purposes.

The Deputy Warden asked if there was anyone in the gallery who wished to speak in favour of this rezoning to come forward.

Mr. Brown, a lawyer with Boyne, Hones, Murrant & Young, of 33 Queen St. in Dartmouth stepped forward. He stated that he was in favour of this application for business and personal reasons and awaited questions from the Council.

Mr. Brown confirmed the fact that this property had been used for industrial and commercial ventures for the past 37 years.

Councillor Topple questioned the type of operation and work carried out. Mr. Brown pointed out that the L & M Brown Transport Co. had done its own work on its vehicles.

Councillor Topple questioned future operation whereby other truckers would have a repair outlet there.

Mr. Brown said that there is no plan and there have been no discussions that he was aware of to that effect and the company had not, in its past, engaged in that type of activity.

Councillor Lichter confirmed the company owned one truck, and asked if it was feasible for a company to have only one truck and for that purpose have a large garage and add to it.

Mr. Brown pointed out that the company carries petroleum products from the refineries in Eastern Passage to various points. The company operates a number of tank trailers, roughly 12, and hires independent truckers to haul those tanks. The one truck is to maintain the ability to serve a client in an emergency but otherwise it is merely a tank trailer operation and for that number of tanks he said it would be feasible to carry out repairs within the company. He pointed out the most practical entry and exit routes for the property.

Councillor Topple clarified the fact that the piece of land known as the Fairey Aviation Taxi Strip is owned by the Provincial Dept. of Highways.

Deputy Warden Gaetz called on anyone else in the gallery who wished to speak in favour of this application to step forward.

Hearing no response, he called for anyone in the gallery who wished to speak against this application.

Mr. Harry White stepped forward. His reason for objecting to the rezoning was that he felt a commercial establishment in that area will encroach on the private properties and residence and consequently devalue same. He did not object to the past use of the land and has no objection with respect to the operation of the company upon the land adjacent to his. His objection was that the commercial zoning would devalue his land.

Mr. White pointed out to members of Council on the sketch as to the location of his home which actually fronted on Hines Road.

Councillor Deveaux asked if someone from our Planning Dept. could give Mr. White some idea with respect to the amount a commercial zone would depreciate his property. Councillor Lawrence pointed out that any figures would have to come from an assessor.

Councillor LaChance expressed concern about the present condition of the property being poor rather than the commercial zoning devaluing the property. Mr. White pointed out that the vacant buildings were there for some time and when the buildings were occupied, the property was respectable and well maintained.

Mr. White pointed out that only trees and shrubbery were growing on the 30 foot right of way and that it is used by people who reside beyond the point of his property.

Mr. White pointed out that his desire would be to keep this piece of property zoned as R4 and Mr. Brown carry out his business as he had planned.

The Solicitor defined nonconforming use of land and pointed out the reason why a rezoning application had to be made. Councillor Deveaux clarified that if this application was rejected, then Mr. Brown could not use the land for his intentions and for that matter, no future developer could use the land for commercial or industrial purposes unless the zoning was changed.

Mr. White pointed out that the property did not lay dormant for 1 year between the time that Standard Construction used it for business ventures and the time Mr. Brown bought the land. However, the solicitor said that this was not verified by the owner by Affidavit or Declaration.

There was discussion with respect to the possibility of having Standard Construction swear that the property was in use for industrial and commercial purposes so that the property still may be considered to be used as a nonconforming use. Standard Construction were not approached because they leased the land and are not the owner and the affidavit would have to come from the owner of the land.

Mr. White pointed out that he could verify that fact because he used to go over to the property and speak with the workers there.

Mr. Cragg pointed out that the Declaration would have to be signed and the Municipality satisfied by the best means possible and he would suggest that the best means possible is the owner. Mr Cragg pointed out that Mr. Hefler would not issue a building permit under the present circumstances.

Councillor Smith expresses concern about the other residents' feelings. Mr. White pointed out that the land opposite his residents remains R4 zoning. He pointed out that it is only a Mrs. Donaldson and himself that are adjoining to the C1 zoning that is proposed who are directly affected. He also said that another resident on the south side of the property would have been present if that resident didn't have to work.

Deputy Warden Gaetz asked for anyone else in the gallery who wished to come down and speak against the proposed rezoning. There was no response.

The Municipal Clerk read the letter of objection submitted by Mr. White to the Municipal Council.

Councillor Deveaux pointed out that the residents would feel easier if the Brown property was properly fenced etc. and obtained in writing a promise by Mr. Brown to fence his property so that the residents' property would not depreciate as much. Councillor Deveaux pointed out to Council that between Mr. Eddy, and the property in question there will be a buffer zone, so to speak, in the vicinity of 50 feet. The residents who are opposed to this rezoning are wondering if the new owners of the property will live up to the promise with respect to the use of the land. Also the vacant apartment shall be renovated and lived in by a watchman. Right now the land is not well maintained. The train also posed a threat to the residents, however, the Federal government brought that in even though the people were opposed of it. Although Councillor Deveaux sympathised with residents who are opposed to the rezoning application, he felt considering the circumstances, that he would have to go along with the recommendation of the PAC.

It was moved by Councillor Deveaux, seconded by Councillor Smith:

"THAT the zoning By-law be amended and is hereby so amended as per Application No. 6-79 by rezoning lands of LeRoy Maynard Brown, Eastern Passage from R4(Residential General Zone) to C1 (Commercial Local Business Zone)." Motion carried.

Councillor Smith stated that there didn't seem to be a consistency in the area of the activities to go on that land as far as the opposition was concerned. She said that residents didn't object to Mr. Brown's operation as long as the R4 zoning remains. However, Mr. White's letter objected not only for zoning reasons, but due to traffic increase and noise increase and it leaves a question in her mind as to the reason why they don't want the zone changed.

Councillor Deveaux told Councillor Smith that L. & M. Brown Company is proposing to go into the area. If the zone is changed, then the Company will purchase the land for business purposes. He pointed out that the only other major commercial business in the area would be Autoport.

Councillor MacKenzie stated that he was opposed to the rezoning and felt that the land should be inspected through the unsightly premises by-law.

Councillor Cosman wanted to know if the any effort had been made by the present owner to clean up the land. She expressed concern about commercial ventures in a residential area and spot rezoning in residential areas. For that reason she does not support the motion.

Councillor Topple pointed out that if rezoning is approved, then the lot is also rezoned for future owners as well. Also, he pointed out, is the fact that the value of the property does go down. He expressed concern about insurance rates on homes in the area when this type of business goes on near the residential homes.

Councillor Deveaux pointed out that the Planning Committee did not have any finalized plans of keeping that area residential, however, he would like to have more input from the people before any plans are finalized.

Councillor Margeson wondered if there is any way that commercial use on this land could be verified to the satisfaction of the Municipality and the By-laws so that a nonconforming use could still be in effect and still have the R4 zoning. The people seem to want to have the land occupied to discourage vandalism or fire.

Solicitor Cragg pointed out that the Declaration does not actually pinpoint it and say that the property was continuously used for commercial property. The Solicitor pointed out that even though the property may have been assessed commercial, it may not necessarily had been used for commercial purposes.

Councillor Lawrence pointed out to members of council that if the nonconforming status of the property remained, alterations could not be made to accommodate the operation of the business. She said that the intention of the nonconforming use clause is that eventually the nonconforming uses will change and alter and fall into line with the prevailing zoning. She agrees that this is an intrusion into an area that is maybe hemmed in by commercial and industrial uses, but still seems to be mainly residential. She will not support the motion.

Councillor LaChance voiced his opinion in that the proper thing to do is to rezone the property. He said that the only reason Council would not go along with this would be in strong opposition, however, there isn't any strong opposition except for one resident who is only mildly opposed. He pointed out that this matter had been investigated by our staff and on that basis Council should support the application.

Councillor Deveaux expressed the same view as Councillor LaChance.

The next item on the agenda was with respect to Application No. 11-79 - Bedford, request to rezone Lot k-1 of the Kenneth M. Knowles Subd., Lands of Cayman Group Ltd., 1725 Bedford Highway at Bedford from R1 (residential Singel Family Dwelling) zone to C1(Commercial Local Business) zone.

Miss Smith of the Planning Department stated that this application received no correspondence in favour of or opposed to this application. She pointed out the land in question on a map. She pointed out that there were commercial uses adjacent to this property and also single family homes. The existing zoning is R1 however there are commercial operations located adjacent and across from the subject land. She stated that the Planning Department is recommending approval of this application. She said that the Public Works Department has no objection to this approval.

Deputy Warden Gaetz called for anyone in the gallery wishing to come forward to speak in favour of this application.

Mr. Tom McGuire, officer of the Cayman Group, which is the developer and the owner of the property in question. He pointed out that his company some time ago took residential land in a heavy traffic area and zoned it commercial. The property in question is apparently just an extension of this commercial zoning. He pointed out a lot of money was spent in the commercial operations and the land has been well maintained.

Mr. McGuire stated that there are approximately 25 people employed due to the commercial business on the land and approximately 10 more will be employed if this portion of land will be rezoned and the service expanded.

page 4...

Mr. McGuire pointed out the past use of the land and that it is not a desirable residential area. He pointed out that there is a great amount of traffic along the Bedford Highway, especially at peak times. He pointed out that the owners did not want the rezoning four or five years ago due to higher taxation and at that time it was more residential than commercial. Now it is more commercial than residential and the people of the area do not object to the rezoning.

Deputy Warden called for anyone else in the gallery wishing to speak in favour of this application to come forward. Hearing no response he called again for anyone wishing to speak in favour of this application to step forward. After three times calling there was no response.

The Municipal Clerk advised that there were no objections in writing to the rezoning.

Councillor Cosman stated that this stretch of highway has lost all its residential quality. The traffic is great and the planning in Bedford is considering to have this whole area zoned commercial with a buffer zone between the commercial area and the residential part. She pointed out that Mr. McGuire has a good operation on the site and that it is not a spot rezoning. It's more an extension to the existing commercial zoning that is already there and it seems to be a logical use for that land.

It was moved by Councillor Cosman, seconded by Councillor Lawrence:

"THAT the zoning by-law be amended and is hereby so amended as per Application No. 11-79, Lot K1, Kenneth M. Knowles Subd., lands of Cayman Group Limited, Bedford, from R1 (Residential Single Family Dwelling) zone to C1 (Commercial Local Business) zone be approved."
Motion carried.

There being no further business the meeting adjourned.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

PUBLIC HEARING

Tuesday, June 12, 1979

Present Were: Councillor Baker
Councillor Benjamin
Councillor Cosman
Councillor Eisenhauer
Councillor Fader
Councillor McCabe
Councillor Poirier
Warden Settle
Councillor Smith

Deputy Warden Gaetz
Councillor Lawrence
Councillor Lichter
Councillor MacKenzie
Councillor Margeson
Councillor Sutherland
Councillor Walker
Councillor Williams
Councillor Wiseman

Warden Settle opened the meeting at 7:00 p.m. with the Lord's Prayer and the roll was called by Mr. Kelly.

It was moved by Councillor Williams and seconded by Councillor Walker:

"THAT Mrs. Cashen be appointed recording secretary."
Motion Carried.

Warden Settle informed Council that this is a public hearing on two items. Number 1 being the zoning application #7-79, a request to rezone Lot R-1 of the Maple Grove Subdivision, lands of Three Star Developments Limited, Highway No. 1 at Lower Sackville from R-1 (Residential Single Family Zone) to R-4 (Residential General Zone) in Municipal District 17. The second request is to amend the Zoning By-Law of the Municipality of the County of Halifax to include an attached housing zone.

Miss Smith: This application has been advertised as prescribed under the terms of the Planning Act and we have received no correspondence or phone calls either in favour of or opposed to this application. The property is located on Highway #1, just north of the intersection of the Beaverbank Road and #1 Highway. It's shown on the map as a star. Adjacent land uses in the area consist of an adjacent commercial property which is Dino's Lunch. Closer down the road there's a Maritime Tel and Tel sub-station, Ross Trailer Sales, Ben's Thrift Store and a church. There's also a fire station on that corner, an Irving Garage and further north of the property there's a large mobile home park. There's a 40 unit apartment building and a Green Gables Store and across the highway from the property in question there are two schools, Sackville Heights Elementary and Junior High School. The remaining uses along that section of the highway are predominately single family dwellings. The zoning in the area is rather mixed. There's C-1 (Commercial Local Business Zone), the mobile home park is zoned T (Mobile Home Park Zone). Behind the property in question there is extensive Town House and R-1 zoning and across the street there is considerable R-2 zoning as well as Parks and Institutional zoning and the school property. Most of the commercial zonings that are shown on the map along #1 Highway are the result of spot rezoning applications that have been approved by Council in the past. The lot in question is approximately 16,526 square feet in area and it has roughly 101 feet of frontage on #1 Highway. The Planning Department is recommending that this application be rejected. The purpose of the application is to construct an 11 unit apartment building on the property. The Department of Public Works have submitted the following comments regarding this application: "Maple Grove Subdivision is a development of a parcel of land approximately 22 acres. The lots comprising this subdivision were originally intended as single family lots. A rezoning was granted in this subdivision to a maximum of duplex lots so that the design criteria for the sanitary sewer of 18 persons per acre could be achieved. At present this development comprises a total of 79 single family lots and 11 duplex lots for a total number of proposed dwelling units of 101. The density granted by this subdivision has reached the 18 persons per acre design criteria and any further subdivision to a higher density would exceed the design criteria for the sewer system. Therefore this rezoning application should be denied." The Planning Department are recommending rejection of this application for the following reasons: We generally feel that over the past number of years this area, which at one time was a stable residential area, has been diluted by the infiltration of spot commercial zoning such as I pointed out to you on the map. Right now the commercial core of Sackville seems to be between the Cobequid Road and the Beaverbank Road and we would like to encourage commercial uses to develop along that area. This request of zone change to R-4 not only permits apartments but it also permits certain commercial uses. Secondly, we're rather concerned about the highway and the traffic in that area. Up until you reach the Beaverbank Road the highway is a 4 lane highway and when it reaches the Beaverbank Road it narrows down to a 2 lane and just past the subject property there is quite a sharp curve. There are two schools in the area, an elementary school and there are considerable numbers of children on the streets at times. Another point against the application, we feel that in 1975 Three Star Developments applied to rezone this lot to Commercial, C-1, with the hopes of locating a Green Gables Store on this property. At that time Council rejected this application and our report was the same then as it is now so I would assume that Council rejected the application then for the same reasons we've given tonight. Finally, we would like to point out that the apartment building may not be such a bad use for this area but unfortunately Public Works have said that the

sewer system in this area will not handle that kind of density.

Councillor Cosman: Is it likely, if Public Works have made this type of comment and the zoning were allowed, would they get the building permit based on the recommendation against this type of density from Public Works?

Miss Smith: If the zoning was allowed and Public Works comment remained the same, that would be something that the building inspector would have to determine.

Councillor Cosman: If it were on a septic field and so on and the Public Health said that they would not give Public Health approval then presumably the building inspector would not grant a building permit in that instance would it? I guess I'm trying to weigh out whether the building inspector has to put his same onus on the Public Works Department to report in a serviced area as it would on a septic field system.

There was further discussion among Councillors Fader, Sutherland and Eisenhauer with Miss Smith but the Councillors remarks were inaudible.

Warden Settle called for anyone in the gallery who wished to speak in favour of the application to come forward and address Council.

BEN PROSSIN - JOHN GARDIN - ALEX GARDIN - JAMES GARDIN

Ben Prossin: The three Gardins have operated, for a number of years, a company called Three Star Developments. The three principals live in the immediate area, contribute to the economy, are good citizens and are known as quality builders. Part of their corporate sense of responsibility to the citizens in the immediate vicinity of this proposed development, I believe, was demonstrated this past Sunday evening when, along with the Councillor for the area, Councillor Sutherland, they convened a meeting of local residents who were interested in the development and who might have further questions. It has been shown in certain other areas in Metropolitan Halifax where a reasonable and a good development goes up, multiple family in a single family area, the value of single family homes indeed can rise rather than drop, if it's a good development. The unit that is proposed is not a highrise, high density 40, 50 unit building. It's a two and a half storey apartment building which is going to contain 11 units. There will be a parking area, both for the residents, the tenants of the project as well as a few visitors. There's going to be an attempt, in working with the lot, to keep as much of the natural environment as possible intact and according to the lay of that particular piece of land and the gentle slope it's thought that this is quite possible. As few trees as possible will be taken away and there will be green and grassy areas surrounding the building. The building itself will not appreciably increase the traffic situation at that particular intersection. It's a busy intersection, admittedly, at the moment and 11 additional units will not appreciably add or detract from the present traffic situation. The Sackville area is a growing area, and there is a need, not only for single and duplex type units but for apartment developments as well. Apartment development in this area has not kept pace with home ownership. The fact of the matter is that the commercial development, which is the fear of the Planning Department in this area, exists. What we're requesting is not a commercial zoning. Technically, this development is beyond the commercial strip by about 3 lots and if we will look at page 2 of the report from the Planning Department I think we can see that it's just up from the intersection slightly. But what surrounds it? On the right hand side we have a vacant lot owned by Miss Barrett, next door to that we have another Three Star property, which is vacant, next to that we have M T & T, next to that we have Ross Trailer and next to that we have Ben's Thrift Store. If we go to the left side, what do we have? We have Dino's, a small business complex, we have a lot owned by Mrs. Davis and then we have the Victoria Apartments, which is a large complex. This particular lot is surrounded on all sides by commercial development. What's behind it? There is the Three Star subdivision but as you will notice there is also a large trailer court. We're not attempting to intervene or interject into a residential area a commercial or multi-family situation. We're suggesting that along that main highway there is already in existence the format which would permit this particular development and indeed it would probably be quite unfair to the developer if Council refused to permit the development to go ahead. It's a commercial strip now and all we're suggesting is that Council recognize the fact and deal in fairness with the developer. That commercial strip extends up to the Victoria Apartments and the Green Gables store in that area. As a matter of fact, this development will probably improve the appearance of the area because out of a vacant lot in the midst of this commercial development we're going to have a bit of green area and a nice looking building. In the conclusion of the Planning Committee report there were two prime conclusions. One was the concern of the Planning Department that the commercial nature of this development would take away from the idea that the Planning people have of limiting the commercial strip and I think I've just indicated the commercial strip is already there and we're not infringing upon it. The second was a concern of the Department of Public Works with regard to the sewer situation. I think it was quite adequately pointed out by Councillor Fader that this concern of the Public Works comes as some concern to us. Three Star have suggested that this particular lot really does not form part of their subdivision in fact. There are services available on the main highway and what the Department of Public Works has sought to include it within the subdivision framework and not simply removed it from that framework and said here, it belongs on the main highway. There's enough servicing on the main highway, as I understand it, to provide for this lot if our request is approved this evening. We're suggesting that this should be serviced from the #1 Highway. There may still be some questions from local neighbours and they're prepared to answer them this evening if there are more from either the neighbours or from the members of Council. We respectfully request that the application made to rezone be approved.

Councillors Benjamin, Cosman, Fader, Williams and Solicitor Cragg raised some points which were

replied to by Mr. Prossin.

Councillor Sutherland: Warden, if I might just try to clarify - the theory of the capacity of the sewers. It's based on a catchment area or a drainage area known as the high points or the contours of the land over a distance of X number of feet and the sewers are generally designed to accommodate an average of 18 persons per acre but it's a very very difficult theory to defend because we've run into it in several other cases where I think the County has tried to do it in segments in saying yes, this area will qualify because it's overextended, we have higher density in this area versus the lower density in that particular one. I know Public Works have come forward many times and they've said look, you're over or you're under but this Council has never really voted on those particular issues. It appeared at the meeting that Mr. Gardin had'nt firmed up the plans, but it looked as though the majority were going to be single family. I think Mr. Prossin indicated tonight that they were coming a little closer there saying 6 and 5. Is that a true indication of what you're proposing thereabouts?

Mr. Prossin: That's a very rough indication, that's why I said approximately. It could be 7 and 5. The preponderance would probably be one bedroom but it would be about 6/5, 7/4 but not much variation from that, so your assumption is right.

Councillor Sutherland: Okay, is there any commercial component of the complex?

Mr. Prossin: Not at all. It's residential, 11 units, but at the moment there are no banks, no restaurants, nothing like that planned.

Councillor Margeson: I wondered if there was a possibility, you know, 101 feet for a driveway that annexes to a sizeable apartment that you're proposing really is good planning. I'm just wondering if you shouldn't have two lots rather than the one lot.

Mr. Prossin: That of course would be, I guess, a matter for architects, developers et cetera and I have a developer sitting with me.

Mr. Gardin: Well, Councillor Margeson, I would say that it all depends on the outline of your building per se because you could actually build a perfectly square building and it would be as compact as anything else but of course, if you did build a rectangular shape, very elongated then you would see a very long building.

Councillor Margeson inquired as to the size of the building and Mr. Gardin told him it is 46 by 64 frontage with approximately 8 feet left on one side and on the other side it would be 64 and then it would be 72 to 86 feet. There was further discussion regarding this matter. Councillor Margeson inquired if there was a possibility of entering from the back of the building rather than from the front but Mr. Gardin said no because there is a tremendous drop there.

After some more discussion Warden Settle called for anyone else in favour of rezoning these lands to come down and speak but he received no response. Warden Settle then asked for anyone who wished to speak in opposition to the rezoning from R-1 to R-4.

Richard Murtha: Members of Council, my name is Richard Murtha, I'm a solicitor practicing in Sackville and I live in the subdivision. I'm hear this evening not to speak very strongly against the development that the Gardin brothers have proposed. I've lived in the area for almost three years, I have been satisfied with the home that was constructed by the Gardins for myself. I think it is fair to say that they built a quality home but it is also very true to say that the quality homes they construct are paid for by the people that move into the area. There are perhaps several things that should be discussed and which I am concerned about. One thing that was brought up had to do with the report prepared by Public Works under the direction, I expect, of Mr. Gallagher's office. I suggest that the Department of Engineering plays a very important role in many decisions affecting the County, that a decision should not be made until a conclusive answer might be given by Mr. Gallagher. I'm just asking that a very careful consideration be given and I think that at least that is in order. Another matter that concerns me is one that is mentioned briefly in the report having to do with the school system in the area. I would agree that Sackville is a growth area. Sackville has many growing pains and perhaps many of the pains have to do with whether or not Sackville itself should become its own body. But nevertheless, one of the very principal problems, very serious concerns of the people residing in this area is the school facilities. I expect that as time passes on the road will be widened and I think we might expect, since we have a limited amount of property to work with here, that there might very well be an expropriation, forcing the road to widen to perhaps taking some land from the Gardins' lot. We have no guarantee that the land to be taken from the individual owners will be taken from one side of the road or the other. The proposal that I've heard this evening indicates that there would be a narrow passageway, 14 feet on one side and 8 feet on another side. If there is going to be 100 feet of a 250 foot depth of property used for a green area towards the back that I think is very nice, it would be very pleasing to the eye, but perhaps very impractical for a developer who would want to attract people that would be looking for parking when they would have their 2 bedroom apartment. There are 14 parking spaces available so that the people that would be living there, whether they be in 2 bedroom apartments or 1 bedroom would certainly, at some time, be limited to the number of parking spaces they would have. That would present a concern. A concern to the residents of the subdivision because the possibility of walking down, parking on the Crescent or some other area and walking down a gradual slope to their apartment building might be more enticing than parking along Highway #1. That would perhaps pose itself as a very serious concern to the people

that are living in the homes along the Crescent. Another concern that might be lodged by the residents in the area is one of recreational play area. There are, as we know, in Sackville, not very many places now developed for children to entertain themselves. We might be then looking at this green area, this 100 feet, as being the recreational area for the children in the area. The children of the area might very well, and by children of the area I'm perhaps referring to children that might be offspring of residents of this proposed structure perhaps occupying the streets or the area that would be in the subdivision behind. I discussed briefly the school system. My son, who is a student in the elementary school had something like 33 children in his class the first year. The school is overcrowded right now; the school has no room to grow. The other consideration might be looking down the road, if we are in fact looking down the road. We might be looking to the Millwood development that might eventually come through and I think the first phase of this development may very well be filtering in to the Sackville Heights Elementary and Junior High Schools, which again would compound the situation that we have now. We have a concern also about the sewer system. We don't have an answer to that. We'd like to have the answer to that before Council makes a decision. If this goes through we then must ask ourselves what happens to the other parcel of land that is owned by these same developers which is landlocked which is closer to commercial usage. What will the next question be, will there be a place for another small development or will there not be. There are many concerns that don't show here. Think about the sidewalks, think about the widening of the road and think of, in fact, how many parking spaces you're going to have and whether or not it would be a very attractive place if there was no parking and if there were no people that were interested in occupying. If you had a vacant building or partially vacant building, what dangers will we have there? But just take the facts as you have them, please work with them and consider them carefully.

Councillor Cosman: Do you know the occupancy rate around Sackville? Are they running full or empty or do you have any opinion on this?

Mr. Murtha: The last time I was a party to anything of that nature was in December of 1976 when I appeared before the Planning Appeal Board. An application which was made by the Nova Scotia Housing Commission to rezone lands along the Glendale area. At that point in time Ernest Clark, who is the Planner for N.S. Housing Commission appeared and many plans were submitted showing various apartment buildings located in the area. It was shown, at that point in time, that the apartment buildings were, in many cases, vacant. There were, perhaps many apartment buildings that were occupied but it was thought at that time there were enough apartment buildings. In all honesty, in all fairness to the Gardins and to their Counsel and to the Council today I can't accurately speak as to what the situation is today.

David Blaney: My name is David Blaney and I live in the subdivision. I just want to add credence to Mr. Murtha's good treatment, I think, of the problem we're experiencing. They certainly are not sweeping generalizations. As a matter of fact, the most sweeping generalization was a picture painted to Councillors in respect to the area surrounding the lot in question which was made, I think, highly commercial were the words chosen by the solicitor for the Gardin brothers, although there is a Ben's Thrift Store for bread and a telephone company and Dino's Lunch, quite true. The Ben's Bakery is well treed and not really in the line of sight of the subdivision in question. The telephone company is, again, quite covered by trees and blocked from sight again by a single unit dwelling and most importantly, a little place called Dino's Lunch which may raise in you some questions about the nefarious fly-by-night outfit. It happens to be the residence of the man called Dino, which is a large white house which is set back and taken care of as much as he can. I forgot to mention the trailer park. Ross Trailer Sales is not a normal "Honest Joe's Trailers", it's again a residence which his front lawn has some trailers on with no neon lights flashing off and on. It is, in fact, a quasi residential area all along that strip. Once again we allude to the planning in Sackville as non commercial. However, there's another disguised reason that I come forth because perhaps the passiveness of the subdivision, the reason for it is expressed in, I think, almost unanimous appreciation of the Gardin brothers efforts in this area. This move took us all by surprise. We've never been organized as a group before, in fact we still are not, however the two meetings we had were very good for us and there was, I would say, silent acceptance of the proposal at the last meeting had. The reason I silently supported it is because I'm in a quandry in how everything works in rezoning. I felt that if we said no to this requirement that certainly it would go to sale and become a commercially zoned area, so I was taking the lesser of two evils. We much need, in Sackville, pockets of green and if we don't make a stand we're in big trouble. I will add one final point. In fact, you agree to this rezoning, then stand by for a particularly hard fight for any other encroachment in our area.

Councillor Poirier: Are you suggesting that the lot shouldn't be used at all? That it should be kept green?

Mr. Blaney: No, I'm wishing that. I'm suggesting that R-1 is the closest way to keep that green, to maximize the green, so therefore I object to the R-4 rezoning on that grounds.

Councillor Poirier: We have had some pictures passed around here and the commercial establishments you say are there are quite visible in the pictures. What do you find objectionable about this apartment building?

Mr. Blaney: I must admit, Councillor Poirier, what I object mostly is not to the design which, in all faith, I know they will follow. It is the thin edge of the wedge I'm afraid of. Well if you want specifics and I come up here perhaps with romantic ideas, for one thing, if you stood on that road or any child particularly that can't jump very quickly you would soon be killed if you did not

take great steps to avoid traffic. This is a particularly highly dangerous situation and I can only think a multi-dwelling unit would be much more dangerous than a single unit.

Councillor Cosman: Did I understand you correctly when you said that as a result of this Sunday meeting you sort of quietly took the choice of the lesser evil and that if you thought it was going to be commercial then you'd rather have R-4? Did you not realize it was zoned R-1 at that meeting?

Mr. Blaney: Oh, yes I did. What I passively accepted was the rezoning to R-4 and I must admit that I did, based on it being the lesser of the evils.

It was moved by Councillor Williams and seconded by Councillor Benjamin:

"THAT the public hearing with respect to Application #7-79 be deferred to July 3, 1979."
Motion Carried.

There was discussion by Councillors regarding the deferment.

Warden Settle: The second application, is #2 on the Agenda which is a request to amend the Zoning By-Law of the County of Halifax to include an Attached Housing Zone.

Mr. Campbell: In the introduction to the Attached Housing Zone Report there are some brief statements as to the history behind this particular amendment to the Zoning By-Law. In particular I draw your attention to the fact that Council considered a similar By-Law on August 21, 1978. However, due to the public input, particularly from various developers throughout the County. The decision on this item was deferred and the Planning Advisory Committee was requested to study the many submissions that were made and the PAC has done this and tonight an amended version of that amendment is before you. I would just like to bring two points to your attention about this particular new zone. We do have this type of development already in the County, especially within the N.S. Housing Commission developments because this type of development can be done under a Planned Unit Development By-Law and of course the type of development I'm talking about is row housing or attached housing where you have 8 units in a row. The difference with this Attached Housing Zone is it allows this type of development on lands which are over one acre, thereby allowing a smaller developer to have a project such as this. At the time of the hearing on the last proposed amendment there were many concerns that were brought out, one of them in particular that we mention here was, that did not change in the amendment, and that was the 20 foot frontage requirement. The PAC has maintained the 20 foot minimum, noting that this can still be reduced to 15 feet on the outside of a curve with 20 foot still remaining at the building line. It's quite detailed and it has been distributed prior to this hearing tonight.

Warden Settle asked for speakers in favour of the amendment to come forward.

Roger Neate: My name is Roger Neate and I'm Chairman of the HUDAC Liaison Committee and HUDAC is the Housing and Urban Development Association of Canada and the Liaison Committee is a committee of the Nova Scotia Division of that. We have reviewed the document and there are several other areas that we would like to submit our concerns regarding and I'll read the brief if I may, per word. "Once again the Housing and Urban Development Association of Nova Scotia publicly applauds the initiative and concern of both Staff and Council of this Municipality in recognizing the inevitability of this form of housing. Costs of land, servicing, construction and the Municipal infrastructure continue to escalate at near ten percent. It is obvious that we must continue to investigate and incorporate changes which will recognize this inevitability. In preparing this brief we have proceeded recognizing that the purpose of any Municipal By-Law is to protect the health, safety or welfare of the general public and any extension of this purpose is to infringe into areas not intended to be protected by a zoning by-law. Our first comment is direct to item 1(1)(dx). This item does not read well in our opinion and we would be rewording somewhat as follows: "Item (dx) 'attached housing' means dwelling units attached vertically to one or more similar dwelling units in the same building block." Our next concern relates to 66AA(2)(b). We believe that this item should be deleted in its entirety. We would also draw to your attention the economics of utilizing the existing infrastructure of services, schools and so on with land use of 15 units per gross acre as allowed herein as opposed to approximately 4 units per acre allowed under R-1 and we show that only as an example. Clause 66(3)(b). This clause is again totally unacceptable to our association as it is an imposing restriction which will result in adding costs to the ultimate home buyer. We suggest that if this Municipality wishes to impose any minimum restriction it should be based on 16 feet. And here we're referring to unit width. This document has far more other acceptable density restrictions such as clause 66AA(5). Clause 66(3)(e). We would suggest that the 10 foot side yard is overly restrictive and would submit for your consideration, the following wording: "where a window to a habitable room occurs at an end of a building, a side yard of 10 feet should be provided. In all other cases a side yard shall be 6 feet." Clause 66(3)(f). In response to this proposed clause we submit that the protection of front yard is, in fact, a fallacy and that the rear yard privacy area requires much more consideration. We offer the following wording as an alternative: "every building block, including carports and garages, shall recognize the front yards of adjacent existing buildings. In all other cases no front yard shall be required except where a car parking space, garage or carport is provided in the front yard, in which case the front yard shall be a minimum of 20 feet." Clause 66AA(4). We suggest the deletion of this clause in its entirety as it addressed itself to design. It does not recognize such items as topography which, when coupled with this proposed clause, add costs to be borne by the ultimate purchaser. Clause 66AA(7). We would suggest that your purpose could as well be served by being a little less restrictive and wording this clause to confine the height of this possible sight line restriction, and here we're referring to fencing, we offer for your consideration the following

wording: "construction of fences in the minimum front yard setback shall be limited to 750 millimetres in height" and, since CMHC has made us go to metric for those of us that are still working in either soft conversion or feet that's about 2 feet 6". Clause 66AA(8)(a), (b) and (c). As there could be a disagreement on a mathematical base between zones we suggest that this document be amended to be specific when referring to zones. And here we feel that R-1 should be specified as it relates to land and monies in lieu of land for recreational use, R-2, R-3, R-4 et cetera. We aren't negative at all about the fact but we feel that attached housing is very much the housing form of the future. We think that this document is required and we think it's required very, very soon. We only stress that we do want the document to be right.

Deputy Warden Gaetz: This 66(3)(e), doesn't our By-Law call for an 8 foot side yard clearance on a 2 storey building? Why should we go to 6 feet instead of adhering to our 8 feet?

Mr. Neate: Well in answer townhousing or attached housing there's no question but that the density restrictions are there and the 15 units per gross acre are going to determine an awful lot of these things, but I suggest that 66(3)(e) as it is suggested in the proposed By-Law amendment, looks for a side yard of 10 feet and we're suggesting that if there's no window to a habitable area that in fact that could be dropped to 6 feet and perhaps the land utilization could be better.

Councillor Sutherland: Okay, on page 3, item (e), if I can remember it's with reference to the side yard clearance but I think when the committee discussed that the possibility of the need for bringing fire apparatus or something to the rear of the buildings was discussed and I think that was the reluctance to reducing that side yard.

Mr. Campbell: Yes, that's correct, and also another comment is that when you're dealing with townhouses or attached housing development you're dealing with quite a high density. You're dealing with 2,000 square foot lots and it was felt that if you divide the two rows by at least 20 feet it would add a little bit to the separation, break up the monotony of having a row and then another row and provide a little open space.

Councillor Sutherland: The other item is item (f) and it's with reference to the 20 foot minimum setback from the street lines.

Mr. Campbell: Well when the committee was reviewing this, one of the requests of the committee was that we go to all the other Municipalities within the area and check and see what their By-Laws were. In fact, 20 feet was very often the standard used. The other reason - the 20 feet is there for other reasons - safety reasons, from traffic point of view. To provide also, a little green space in front of the dwelling.

Councillor Lichter: Did I understand you correctly objecting to 8(a), (b) and (c) not being specific enough, and that's 66AA(8)(a), (b) and (c). The paragraphs that read about 7% donation or 10% donation and money applied into a plan. Could you explain a bit why you consider that not specific enough?

Mr. Neate: I believe that's perhaps an error in putting this together, that in fact, the By-Law as proposed here is being very specific to an attached housing zone anyway so I withdraw that comment, it was misplaced.

Councillor Lichter: But you don't object to 7%, 10% respectively in (a) and (b)?

Mr. Neate: No.

Councillor Sutherland: Item 66(3)(b) on top of page 3. You're indicating there should be flexibility rather than the 20 foot minimum?

Mr. Neate: That's correct. Quite frankly we can show good and just cause for our asking this and that is that 16 foot is widely accepted as an acceptable standard. What we're saying is that the By-Law has other far better acceptable density restrictions such as the 15 units per gross acre and allow the architect, allow the developer, allow the builder some flexibility in designing the unit.

Councillor Sutherland: But would you be prepared to go down to 16 feet as being minimum.

Mr. Neate: We feel that 16 feet is a workable number, far more workable than 20 feet, yes.

Councillor Smith: This was one question I had to ask. Have you ever gone to the people in these apartments or in these townhouses and asked their thoughts on the idea.

Mr. Neate: Most certainly, the first 13 people on our waiting list are people from our previous developments so I'm suggesting that if the people that do have disagreements, we'd be quite happy to hear from them and we've found people to be quite satisfied with 16 feet or 18 feet I should say.

Councillor Lawrence: To rebut a couple of things that were said by this gentleman. First of all, I don't believe that this Attached Housing By-Law, in whatever form it's going to be passed by Council, is there for all time. Nothing is there for all time. Everything is amendable and undoubtedly will be amended as conditions warrant and as there are pressures to alter a By-Law. The other point I wanted to make is, it's being stressed that basically, if various size specifications are cut down in