



NEW FILE

Halifax Regional Municipality

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County Council minutes

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MINUTES & REPORTS

of the

FIRST YEAR MEETINGS

of the

FORTIETH COUNCIL

of the

MUNICIPALITY OF THE COUNTY OF HALIFAX

JANUARY COUNCIL SESSION

Tuesday, January 8 and 15, 1980

SPECIAL COUNCIL SESSION JANUARY 14, 1980

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

PUBLIC HEARING MINUTES

Monday, January 14, 1980

Present Were: Councillor Walker Deputy Warden Poirier
 Councillor Williams Councillor Baker
 Councillor Stewart Councillor Topple
 Councillor Gaetz Councillor Smith
 Councillor MacKenzie Councillor McCabe
 Councillor Lichter Councillor MacKay
 Councillor Eisenhauer Councillor Wiseman

Deputy Warden Poirier opened the Public Hearing at 7 p.m. with the Lord's Prayer followed by Mr. Kelly calling the roll.

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

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

Rezoning Application No. 26-79 - Request to rezone a portion of the lands of Fred and Noel Arab located on Highway No. 1 at Lower Sackville from R-1 (Residential Single Family Dwelling Zone) to C-1 (Commercial Local Business Zone). District 16.

Deputy Warden Poirier outlined the procedure for public hearings.

Mr. Campbell: Deputy Warden, members of Council - this zoning application this evening is for the lands of Fred and Noel Arab located on Highway No. 1, Lower Sackville, Halifax County, Nova Scotia. The application is for a portion of land to be zoned from R-1 (Residential Single Family Dwelling Zone) to C-1 (Commercial Local Business Zone). The lands in question, if you look at the Rezoning Report, are located in Sackville on Highway No. 1. The lot being zoned is in the back of an existing furniture and office commercial structure and briefly I will discuss first the actual intent of the applicant. This rezoning will allow an addition to the existing office building for a 12,000 square foot building. Right now the applicant cannot make this addition because of the existing R-1 zoning. The Planning Department has been informed that the remaining portion of the larger lot of land will be eventually used for residential purposes. The existing zoning in the area is what I'll first deal with and then go back to an actual description of the lot and we'll go to our projector. We'll do the land use first. The land use is predominantly commercial adjacent to the lot in question with parking to the left of the structure. There is a real estate office directly to the right, animal hospital also to the right. Across the street is a pizza establishment, a tavern and a shopping centre along with a building supplies building just down Highway No. 1. Also adjacent to it, however, is a 3 unit apartment building, just adjacent to the area being rezoned, as well as on Kaye Street there are a number of single family homes and on Florence Street there are single family homes also. The parcel of land in question is outlined heavily in black and it is now zoned R-1 and above this parcel it is predominantly zoned R-1 with a small strip of Park and Industrial zoning. The 200 foot commercial strip extends totally, at least within this diagram here, along the Highway No.1 with some R-4 and R-2 zoning across on Leaside Drive. For a better look at Lot Z, lands of Mr. Arab, of which this portion will be taken off. This is the remaining portion which Mr. Arab says will be developed as commercial development. The comments from the various departments are as follows: First of all, the Public Works Department states that they have no real reason why this application should not be approved. Secondly, the Planning Department points out a number of items. First of all, although Lot Z is zoned R-1 this land is uncleared and will not have road frontage until added to Lot H-E-79. Even with this addition it appears that the development of more than one single family dwelling will necessitate the construction of a public road. This, of course, is referring to the larger block of land behind the furniture establishment. In addition it is felt that the apparent slope of the land may place certain constraints upon construction and density. The portion of Lot Z in question, that is the portion that is going to be rezoned, abuts an existing commercial zone which is developed for commercial use. Given that it has been a general policy of Council to encourage commercial development in this area of Sackville the approval of this application, and the subsequent addition of this land to the Elkourhi property, appear to be reasonable. In recommending the approval of this application the Planning Department would like to advise Council that any further extension of commercial zoning on this property may not be looked upon favourably by this Department. It is felt that further commercial zoning may negatively impact the residential uses on Kaye Street, which were indicated on the land use plan. In light of the logical proposal for use of the land in question and in support of existing commercial area of Sackville it is recommended this application be approved.

Councillor Wiseman: On the map that's shown on page 5 there was some property off Lawrence Street where the commercial zoning was extended last year. Is this what's shown here on this map? It shows to be a small jut there in the commercial zoning.

Mr. Campbell: Yes.

Councillor Wiseman: That was the full extent of that change?

Mr. Campbell: Yes.

Deputy Warden Poirier called for speakers in favour of the zone changing to come forward.

Daniel Campbell: Your Worship, members of Council, thank you for this opportunity. My name is Daniel Campbell, I'm the lawyer representing Mr. Michael Elkourhi, who is here with me. Mr. Elkourhi is the proposed developer on the property which is before you. This is a rather simple proposal and I don't think there's much I can add to the Planning Department's report. Mr. Elkourhi's proposal, his intentions were correctly stated in the Planning Report. He proposes to expand his existing building to include another approximately 12,000 square feet of display and warehousing space. The present building, I think we agreed, is a good one and this will just be an extension of it. I do not see how it can adversely affect adjacent properties in that the new building will be directed totally towards Highway No. 1, both by the fact that this is going to be attached to an existing building and by the fact of the slope of the land towards the highway. Other than that if there are any questions which Mr. Elkourhi and I can answer for the benefit of Council we'd be delighted to.

Councillor MacKay: Mr. Campbell, you're representing Mr. Elkhouri, at this time, would you know if Mr. Arab, the owner of the land is in Council, will he be presenting a brief to Council?

Mr. Campbell: I don't know Mr. Arab, I don't believe he is here. I don't believe he will be making a representation.

Councillor MacKay: Well, whereas Mr. Elkourhi is purchasing the land from Mr. Arab no doubt he would know. Would he be present at this Council meeting?

Mr. Campbell: No, Mr. Arab isn't present.

Councillor MacKay: Well, on behalf of residents, on behalf of members of the district, there's some overriding factors and implications that may or may not be involved and I had hoped that Mr. Arab would be present here so that he may be able to answer some of the questions. Have you had any discussions or has Mr. Elkourhi had any discussions with Mr. Arab as to intended use of remaining portions of land? Now there are many questions I would like to ask and I don't know if you'd be in the position to answer them constructively even if you had been talking to Mr. Arab.

Mr. Campbell: I'm afraid I'm not in a position to answer any questions like that. All I can say is that the land is zoned R-1 and there's no proposal to change that so it would be limited to R-1 uses. Anything other than that would require a further application.

Councillor MacKay: Mr. Elkourhi do you have any agreement other than a verbal agreement with Mr. Arab that, upon rezoning of the land, that you have an agreement to, in fact, purchase it?

Mr. Campbell: There is a written agreement.

Councillor MacKay: And, assuming that it would be rezoned and the purchase of lands go through, how soon would you begin construction?

Mr. Campbell: It's largely a function of interest rates at the moment. As soon as possible.

Councillor MacKay: That portion of land that is involved is 24,211 square feet. Approximately how much of that land would you use for development purposes for the extension of your existing building?

Mr. Campbell: The regulations, I believe, permit in excess of 50 percent. The proposal is 12,000 square feet of new building so that's about 50 percent of the lot.

Councillor MacKay: And what would be the sole purpose of the extension? Strictly warehouse?

Mr. Campbell: Partly display area. If you've been in Mr. Elkourhi's store you may have some idea of what I'm talking about but it's a large furniture display area. This will be expanded and there will also be warehouse storage space. Approximately 6,000 feet of showroom and approximately 6,000 square feet of warehouse.

Councillor MacKay: And would your doorways where you presently unload your vehicles on the north end, south end, would they remain in the same location or would you be using other

Locations for an entrance to load and unload your vehicles?

Mr. Campbell: I don't believe the final plans have been prepared yet. My understanding is the existing door behind the Pat King office would remain and there'll be a door on the other end of the building, I guess the north end of the building.

Councillor MacKay: And the final question I would have to ask, has there been a tradeoff or future tradeoff on lands with the land adjacent to it as proposed for McDonald's Restaurant, to allow an easement between the properties for probable future sewer and/or water purposes?

Mr. Campbell: Sorry, I don't understand.

Councillor MacKay: On the adjacent lot on the north side, which is now presently a parking lot and it's proposed to be developed for a restaurant, for McDonald's of the McDonald franchise, has there been a tradeoff on lands with Mr. Arab to allow an easement between the properties for water and/or sewer services?

Mr. Campbell: That McDonald's lot, to the best of my knowledge, is not owned by Mr. Elkourhi.

Deputy Warden Poirier called three times for further speakers in favour of the rezoning and there was no response. She then called for speakers opposed to the rezoning.

Mary O'Neill: Your Worship, members of Council, Ladies and Gentlemen, my name is Mary O'Neill, I live at 190 Kaye Street. I wish to make a short statement on behalf of my colleagues here tonight representing the neighbourhood adjoining Mr. Arab's property, a portion of which is the subject of tonight's hearing. As has been indicated in the petition presently on file with the Planning Department by these residents we are very concerned with the impact of expanding development along Highway Number 1 on our pleasant residential neighbourhood. While we do not oppose the present application for rezoning by Mr. Arab we fear this application, if accepted, may set a precedent for future rezoning of R-1 land in this area. We ask the Councillors, as our elected representatives, to keep in mind our interests and concerns as residential owners and taxpayers when considering this and any future rezoning applications for these R-1 lands.

Councillor Lichter: I would like to ask a few questions of Mrs. O'Neill. Approximately what distance is there between Kaye Street houses and the proposed rezoned part?

Mrs. O'Neill: The distance between the Kaye Street houses and the existing commercial land is 463 feet.

Councillor Lichter: Now when you indicated that you are really up here to oppose this particular one I think you indicated in a certain way that you are concerned about the future growing of this particular commercial zone back toward Kaye Street?

Mrs. O'Neill: Or that land will not be used or rezoned to something else.

Councillor Lichter: I don't know whether it's in this report or some other report that I have seen but it was indicated that it will be virtually impossible to use that back lot, if you like, or that piece of land for anything other than residential or possibly not even residential - so I just want you to realize that when we consider this application we are going to consider it in isolation and not in connection with future applications that we can only speculate on. Thank you.

Councillor MacKay: Mrs. O'Neill, I'm familiar with the reasonings behind your appearance here tonight but I'm afraid other Councillors are not. Would you please explain what happened to the petition - well first of all you had circulated a petition. Would you please explain for what and what happened to it and what its present status is.

Mrs. O'Neill: Well we had earlier sent in a petition asking for, if you remember seeing on the map, there was a green belt institutional on part of Kaye Street. We asked for it to be extended. We were discouraged from proceeding with this because there would have to be an opening left in this green buffer zone to allow access to the lands. Our concern has always been that the land would not be developed R-1 and we wanted some protection for our residential area. We're still concerned that the next zoning application will not be residential but R-3 or R-4 and this expansion of the commercial zone would lend more favourably for this type of future application.

Deputy Warden Poirier called three times for further speakers in opposition to the application and there was no response.

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

"THAT Application No. 26-79 to rezone lands of Fred and Noel Arab located on Highway No. 1, Lower Sackville, Halifax County, Nova Scotia, District 16 from R-1 (Residential Single Family Dwelling Zone) to C-1 (Commercial Local Business Zone) be approved." Motion Carried.

Councillor Lichter: I'm in favour of this application because I see it as an application whereby a person undertakes to invest a sizeable sum of money in expanding a presently well operated commercial establishment. I think we do need employment, this might possibly create more employment in the area. I also consider the application favourably because we are talking about a person's land which belongs to that person and to no one else. It will be up to the Council at another time to see whether the Park and Institutional Zoning that Mrs. O'Neill spoke about and which Councillor MacKay alluded to, to decide on that issue. I think that this one has to be decided on the facts that were put forth by the Planning Department. They favour the application because the area is predominantly commercial and I would like to urge all Councillors to support this motion.

Councillor MacKay: Madam Warden, Councillors, I'd like to speak in favour of the application also. First of all may I say I'm very dismayed that Mr. Arab was not in attendance tonight because I, personally, and I'm sure the residents here in attendance would like to know his plans for future development of the lands, which appears to be a very valuable pocket of land with no apparent access and there has been effectively, a couple of lots have been consolidated and would suggest a future consolidation of lands. And also supposed to be a known fact that Kaye Street cannot be used for an access road, can only be used for a private access, as stated by the Planning Department, for one dwelling or dwellings thereof and it just sold off an access from Highway No. 1, which is a main highway, to an individual or company to be used for a future restaurant. This is over and above the McDonald's Restaurant of which I don't know who the owner is, who has sold it to McDonald's and also has supposedly approached Mrs. Murphy, who lives in that general area, and made an offer to purchase lands from her. And also with an overlying factor of the adjacent property which is zoned R-1 and owned by the Nova Scotia Housing Commission at the present time and Pat King Limited has an option on it to purchase it, for what purpose I don't know and the residents had a petition being circulated before an extension of the 100 foot buffer zone which would effectively create a buffer between any future development and also their residential area, and I find may not get any answers on those questions, but at the same time don't want to hinder any future growth of an existing commercial development. It's only a slight addition to the 200 foot area that is now presently zoned commercial, it doesn't have any apparent hindrance to anybody in the immediate area and I certainly welcome the addition and also the expansion of any commercial development in Sackville as long as it's compatible to the surrounding territory, which in my own personal conviction it is and does not present any problem.

Public Hearing Adjourned.

January Council Session - 1980

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THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF COUNCIL SESSION

Tuesday, January 8, 1980

Warden Lawrence opened the Council Session at 2 p.m. with the Lord's prayer followed by Mr. Kelly calling the roll.

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

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

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

"THAT the Minutes of Special Session, November 20, 1979 be approved."
Motion Carried.

Letters and Correspondence:

Letter from Solicitor Cragg on Fire Wards confirming verbal report given at the last Council Session, December 18, 1979.

Response from Mr. O'Brien, Regional Manager of the Nova Scotia Housing Commission, on a need and demand survey for Senior Citizen Housing in Sheet Harbour.

Letter from Wendell Phinney, the President of the Union of Nova Scotia Municipalities with an Election Act review questionnaire.

Letter from Ron MacDonald, Chairman of Education Week on the subject of Council's involvement in Education Week, April 27 to May 3, 1980.

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

"THAT the correspondence be received."
Motion Carried.

Letter of appreciation from Eugene Deveaux to Warden Lawrence and members of Halifax County Council dated January 6, 1980.

Councillor Margeson expressed his appreciation for the flowers received and the visits of members of Council while in hospital.

Letter from R.N. Pugsley, Q.C. requesting permission for Mr. Steele of EPA to speak to Council regarding their application to Air Transport Committee. Agreed by Council.

Mr. Steele spoke to Council with respect to the application of EPA and answered questions put to him by members of Council.

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

"THAT the December motion supporting Canadian Pacific Airlines be rescinded."
Motion Carried.

Warden Lawrence read the letter of December 17, 1979 from CPAir to Council.

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

"THAT Council support EPA in their petition to the Department of Transport in the public hearings for flights between Halifax and Toronto."
Motion Carried.

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

"THAT the following be and the same is hereby adopted and enacted as a By-Law of the Municipality of the County of Halifax when and if the same is received the approval of the Minister of Municipal Affairs and the Municipal Clerk be and is hereby instructed to forward the same to the Minister and request his approval hereof. A By-Law to amend the Municipal Officers By-Law. 1. Subsection (2) of Section 6 of the Municipal Officers By-Law is repealed and the following is substituted therefore: 6.(2) The Warden shall be paid an honorarium of twenty-four thousand dollars (\$24,000.00) a year and, in addition, shall be paid a travel allowance for actual miles travelled to and from official functions and meetings at which the Warden's attendance is required or necessary. 2. Subsection (2) of

Section 7 of the Municipal Officers By-Law is repealed and the following is substituted therefore: 7.(2) The Deputy Warden shall be paid an honorarium of two thousand dollars (\$2,000.00) a year in addition to any other remuneration and expense monies to which the Deputy Warden is entitled by law."
Motion Carried.

Councillor Lichter questioned the item of Special Studies pertaining to sludge disposal study and a Humber Park sewage study. Mr. Wilson responded to the question.

Councillor Lichter noted that the Agenda booklet does not include all letters written by request of Council. A few letters have not been in any of the booklets, one of them being that Council voted to write to the Minister of Municipal Affairs re permitting buildings going up on lanes that are not approved by the Department of Highways would be a regressive step and Mr. Meech was instructed to write to indicate the feelings of Council that it certainly would not be a regressive step.

Addition of Items to the Agenda:

Councillor MacKay	Millwood
Councillor Gaetz	Councillor's salaries
Councillor Margeson	Schools for Beaverbank area
Councillor McCabe	Mail delivery in the Senior Citizens' apartment in Middle Musquodoboit
Councillor Walker	Hubbards Senior Citizens' Complex
Councillor Adams	Rodent Control Officer

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

"THAT the Agenda be closed."
Motion Carried.

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

"THAT the Report of the Management Committee be approved."
Motion Carried.

Councillor Topple noted that in the Memo to Ken Meech from Percy Fawson, both Gordon Bell Junior High School and Bell Park Junior High School are both mentioned and that it should read Gordon Bell Senior High School.

It was moved by Councillor Curren and seconded by Councillor Stewart:

"THAT the Supplementary Report of the Policy Committee be approved."
(See Motion to Defer)

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

"THAT the approval of the Supplementary Report of the Policy Committee be deferred until next Council Session."
Motion Carried.

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

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

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

"THAT the motion be amended by deleting the second item on Metro Transit to be dealt with separately."
Motion Carried.

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

"THAT the second resolution of Metro Transit Commission Contribution be dealt with first."
Motion Carried.

Recess while Mr. Wilson was contacted in order to answer questions put to him by Councillors.

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

"THAT the method of financing be referred back to the Department of Finance and the Policy Committee for further study."
Motion Carried.

There was a great deal of debate by Councillors regarding the proposed area rate on the districts using the service and questions were asked of Mr. Wilson.

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

"THAT the first section under the Metro Transit Commission be deferred to the Policy Committee."
Motion Carried.

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

"THAT Council send a letter to the Chairman of the Metro Transit Commission, Mr. Harris, asking that arrangements be made to better utilize the present demonstration transit feeder system by having the buses travel to Beaverbank Villa via Kinsac to meet the people's needs and thereby support the efforts of the Beaverbank/Kinsac Transit Committee to better utilize these services."
Motion Carried.

Mr. Meech advised Council that members of CNR will be attending the Council Session on January 15th.

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

"THAT the Temporary Borrowing resolution of \$23,000.00 for Uplands Park, Hammonds Plains - Water - Job 79-3 be approved."
Motion Carried.

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

"THAT the Temporary Borrowing resolution of \$3,000,000.00 re Sewer Purposes - Job 78-1 be approved."
Motion Carried.

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

"THAT the Temporary Borrowing resolution of \$2,000,000.00 for Operating Purposes be approved."
Motion Carried.

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

"THAT Section 3 of the Planning Advisory Committee Report of December 18, 1979 be rescinded."
Motion Carried.

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

"THAT the issue of Section 3 of the Planning Advisory Committee Report of December 18, 1979 come back to Council in the first February Council Session."
Motion Carried.

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

"THAT Council give Planning Staff permission to prepare a report on the proposal of annexation of the Public Service Commission watershed lands presently within the Municipality of the County of Halifax to the City of Halifax."
Motion Carried.

Councillor Williams requested, within a reasonable time, a complete map from the Planning Department of the watershed lands that are now owned by the Public Service Commission.

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

"THAT a cost of living increase of eight percent (8%) to all non-union employees be approved."
Motion Carried.

Warden Lawrence discussed briefly some items of information.

Mr. Meech read the Moratorium re the Job Evaluation and Classification System.

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

"THAT the Report of the Policy Committee be received and recommend to Management Committee

that they proceed with the implementation of the Policy Decision to carry out the recommendations of the Report."
Motion Carried.

There was a great deal of debate among Councillors with Mr. Meech offering explanations concerning the report.

It was moved by Councillor Margeson:

"THAT Council adjourn."
Motion Carried.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF COUNCIL SESSION

Tuesday, January 15, 1980

Warden Lawrence opened the Council Session at 2 p.m. with the Lord's prayer followed by Mr. Kelly calling the roll.

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

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

Deputy Warden Poirier took the Chair.

Letters and Correspondence:

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

"THAT Council go back to the Postmaster General and ask him to seriously reconsider his position on immobile people."
Motion Defeated.

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

"THAT Mr. Moriarty be invited to come before Council and explain the postal situation as he sees it as to direct postal services for Nova Scotia."
Motion Carried.

Warden Lawrence took the Chair.

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

"THAT a letter be sent to the Attorney General requesting further clarification regarding roads in mobile home parks."
Motion Carried.

Councillor Topple pointed out that in the previous motion regarding the Postmaster General that as the amendment to the motion carried but the original motion was defeated that no action would be taken regarding mail delivery to disabled persons and the Solicitor concurred with this.

It was suggested by Councillor Williams and agreed by Council that in the letter to the Attorney General it would be best if Council also included an invitation to visit with Council so that the matter could be discussed.

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

"THAT Council ask Mr. Moriarty to accept an invitation to visit Council and discuss mail delivery to disabled persons in the Province of Nova Scotia."
Motion Carried.

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

"THAT Warden Lawrence represent the County at the hearings of the Air Transport Committee."
Motion Carried.

It was agreed by Council that the Attorney General be invited to discuss the topic of the mobile home parks and the policing in the western end of the County at the same time.

Mr. Law of the C.N.R. appeared before Council and discussed commuter service with the Councillors. Several questions were asked and answered.

It was moved by Councillor Benjamin and seconded by Deputy Warden Poirier:

"THAT Council request the Provincial Government to form a Task Force for costing of a commuter rail service for the Metro area."
Motion Carried.

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

"THAT Council ask Via Rail to look into the feasibility of providing rail transport for tourism this summer in the Metropolitan area."
Motion Carried.

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

"THAT the Report of the Management Committee be received."
Motion Carried.

The first item in the Management Committee Report was outlined by the Clerk, Mr. Meech.

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

"THAT Council approve an adjustment of the sewer charge of 110 feet of frontage in the amount of \$1,650.00 - 30 Old Sackville Road."
Motion Defeated.

There was a great deal of discussion regarding this recommendation of the Management Committee on these sewer charges.

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

"THAT this be referred back to Management Committee."
Motion Defeated.

The second item in the Management Committee Report was outlined by Mr. Meech.

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

"THAT the conveyance to the Department of Highways of eleven feet of buffer zone for the purpose of construction of sidewalks, Glendale Avenue area, be approved."
Motion Carried.

The third item in the Management Committee Report was outlined by Mr. Meech.

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

"THAT Council approve the 1980 Suburban Paving Program."
Motion Carried.

Mr. Meech outlined the item 4 of the Management Committee Report.

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

"THAT adjustments of Clearwater sewer charges under the provisions of the sewer legislation on the property of Ruth A. Lombard, 1025 Windsor Highway, Lower Sackville of \$866.41 and the property of Earl S. Williams, Caldwell Road, Cole Harbour of \$1,100.00 be approved."
Motion Carried.

Mr. Meech outlined item 5 of the Management Committee Report.

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

"THAT the report of the 1980 salary differentials, Sackville and District Fire Department, be approved."
Motion Carried.

The Clerk outlined item 6 of the Management Committee Report.

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

"THAT Council approve an agreement between the Municipality of the County of Halifax and the Nova Scotia Housing Commission respecting a loan agreement re water system - Sackville."
Motion Carried.

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

"THAT Council approve the temporary appointment of Mr. K.R. Meech to the Metro Transit Commission during the absence of Councillor Eugene Deveaux."
Motion Carried.

Item 8 of the Management Committee Report was outlined by Mr. Meech.

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

"THAT Council approve the operating grants be allocated in 1980 on the same basis as in 1979."
Motion Carried.

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

"THAT the Report of the Policy Committee be received."
Motion Carried.

The first item of the Policy Report was outlined by Mr. Meech.

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

"THAT the last sentence of item 1 be amended to read 'they should not expect payment unless they are a member of that Committee or Board or have been formally invited to attend by the Chairman of that Committee or by the Council as a Whole.'
Motion Defeated.

Mr. Meech outlined item 2 of the Policy Report.

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

"THAT each Councillor and non-Council appointee submit a claim for meetings attended on a 2 week basis."
Motion Defeated.

There was a great deal of discussion by Councillors concerning this issue.

Item 3 of the Policy Report was outlined by Mr. Meech.

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

"THAT a delegation consisting of the Chairmen of Policy, Management and School Board, along with Mr. Gillis, Mr. Meech and Mr. Wilson, meet with the Minister of Municipal Affairs and the Minister of Education respecting a four (4) year projection school debt charges."
Motion Carried.

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

"THAT the Management Committee look at a design for schools which will be most suitable for all schools in order to save the cost of architectural fees."
Motion Carried.

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

"THAT Council adjourn to 7:30 p.m. for supper."
Motion Carried.

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

"THAT Council consider the recommendation brought in by the Task Force Committee to increase the Councillors' pay to \$7,000.00".
Motion Carried.

Warden Lawrence brought to the attention of Council an item regarding an amendment to the Municipal By-Law which is a rewording of a change in the Municipal Officers By-Law. There were a few errors or omissions in the wording approved on January 8, 1980.

Mr. Cragg noted that the changes made are in the amendment to the Municipal Officers By-Law. At Council there was no mention of the fact that either the salary to be paid to the Warden or the honorarium to be paid to the Deputy Warden were to have any expense allowance. It came to his attention that, in fact, the Warden was to have one-third expense allowance and the Deputy Warden one-third as well so those have been inserted in the two amendments 6(2) and 7(2). Other than that they remain essentially the same. There's also three deletions, the Municipal Council By-Law which deletes reference to the Warden. Without these deletions it would mean that the Warden could technically get the twenty-four thousand dollar salary together with the salary and committee pay which the Warden would be entitled to by virtue of being in Council.

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

"THAT the amended version of the Municipal Officers By-Law be approved."
Motion Carried.

Councillor MacKay requested that the public be given a telephone number to call after hours and on weekends in order to be advised of the thickness of ice on lakes in the County and it was decided that different methods of alerting the public about the subject would be discussed and brought to Management Committee.

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

"THAT a letter go to the Housing Commission asking for a Progress Report on the Hubbards Senior Citizens' Housing."
Motion Carried.

Councillor Adams requested an answer to the question of where District #8 now stands with regard to rodent control and Mr. Meech replied that there was a resolution requesting that a Staff Report be prepared and it will be updated and brought to Council at the next Council Session.

Councillor Benjamin advised Council that there was a letter from the Minister of Health to the County Board of Health requesting that action be taken on a Rodent Control Officer in Halifax County because of the trichonosis outbreak in Halifax County. Councillor Adams suggested that rats are hibernating in the old dumps which existed before garbage collection was instituted and that these should be eradicated as soon as possible.

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

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

There was a great deal of discussion regarding two appeals filed by the Bedford Service Commission to the Planning Appeal Board for the Province of Nova Scotia.

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

"THAT Solicitor Cragg represent the County at the Appeal Hearings on both Sections (a) and (b) of the Supplementary Report of the Planning Advisory Committee."
Motion Carried.

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

"THAT the Public Land Donation (1) Lakeland Acres Subdivision, Beaverbank, Lot 59 and (2) Collins Park Subdivision, Fletcher's Lake, Block M be accepted."
Motion Carried.

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

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

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

"THAT the Report of the Municipal School Board be referred to the Policy Committee to evaluate the detailed recommendations being made by the School Board and make a recommendation back to Council."
Motion Carried.

It was moved by Councillor Gaetz:

"THAT Council Adjourn."
Motion Carried.

Adjourned 9 p.m.

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THE MUNICIPALITY OF THE COUNTY OF HALIFAX

PUBLIC HEARING MINUTES

Monday, February 4, 1980

Present Were:	Deputy Warden Poirier	Councillor MacKenzie
	Warden Lawrence	Councillor McCabe
	Councillor Williams	Councillor Lichter
	Councillor Baker	Councillor Benjamin
	Councillor Deveaux	Councillor Margeson
	Councillor Stewart	Councillor MacKay
	Councillor Topple	Councillor Curren
	Councillor Adams	Councillor Eisenhauer
	Councillor Gaetz	Councillor MacDonald
	Councillor Smith	Councillor Wiseman

Warden Lawrence opened the Public Hearing at 7 p.m. with the Lord's Prayer followed by Mr. Kelly calling the roll.

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

"That Estelle Hiltz be appointed recording secretary."
Motion carried.

Application to consider a development scheme for the lands of Cape Chignecto Lands Ltd. at College Lake to allow for the subdivision of lots to be used only for seasonal recreational use, in District 12 under the Municipality's Planned Unit Development By-law.

Warden Lawrence advised those present of the procedure to be used for this public hearing and requested Mr. Gough to outline the main points in the Planned Unit Development Agreement.

Mr. Gough: Thank you Warden, Members of Council. We wish to advise Council that these two separate public hearings which you're holding this evening have been advertised as prescribed under the terms of Planned Unit Development By-law and there's been no written communications received either in favour of or opposed to these proposed agreements. The two applications, being namely 1-79 and 2-79, although they're being dealt with separately, are approximately five miles apart and Mr. Campbell will endeavour to show you where they are located up at the corner of Halifax County, Guysborough County, Pictou County and those Municipalities, by the way, have been advised of the public hearings and we've not heard anything from them. The application, per se, is about 70 miles from Halifax and the main purpose of the development is to have cottage lots on a private road. This College Lake development, which is actually the one we're talking about first, that is approximately 39.7 acres of land and it is to be subdivided into 27 lots and, as I mentioned, it is to allow the subdivision of lots on a private road and the specifications, of course, for this road are attached to the agreement which you are holding the hearing on tonight. The Provincial Departments involve Transportation, Health, Municipal Affairs and Environment have all given their respective approvals for the development and the Health approval is also attached to the agreement. This draft agreement is also before Council, it was drawn up under the terms of the Planned Unit Development By-law and the solicitor has given favourable comment from his point of view. In accordance with the By-law your Planning Advisory Committee has recommended the acquisition of the 10 percent cash contribution in lieu of public lands relative to both developments and this amount totals, in both developments, to ten thousand dollars. The Municipality made a decision they would not accept lands in this particular case. The recommendation on the basis of the approvals received by the Provincial agencies and under the Planned Unit Development Agreement ability to control the projecting of services to the seasonal recreation residential development your Planning and Development Department recommends approvals of both development schemes. Now we're aware that there might be some questions and if any Councillor has any questions either myself or Mr. Campbell will endeavour to answer them. There's also representatives here from Cape Chignecto tonight that I believe they're going to come down and you might have a question for them.

Warden Lawrence asked for anyone who wished to speak in favour of this Planned Unit Development Agreement for College Lake Village to come forward.

Vincent Clark: Thank you Warden Lawrence and good evening Ladies and Gentlemen of the Halifax County Council. My name is Vince Clark and I am official of Chignecto Lands Limited. It was just approximately one year ago that this very Council approved a development on another lake in approximately the same area. I can tell you that this Planned Unit Development Agreement is identical. All the terms and conditions are similar to that one which was approved by this body a year ago, the only difference being, of course, the numbers to suit the occasion. As the

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Development Officers have already explained to you we have gone through all the necessary government channels and obtained approval and now we request your consideration for final approval. I will be pleased to attempt to answer any questions that you would like to ask me.

Councillor MacKenzie: Warden Lawrence I'd just like to ask Mr. Clark if all the lots have been sold in the development that had been approved a year ago.

Mr. Clark: No, there are still, I believe, 12 or 15 left to be sold.

Councillor MacKenzie: How many lots were involved?

Mr. Clark: There was 48 initially.

Councillor MacKenzie: How far is your development located from a residential area?

Mr. Clark: You're talking about the College Lake one now?

Councillor MacKenzie: Well they're only 5 miles apart eh?

Mr. Clark: That's right. About 10 miles I think, approximately, and that'll be from Dean's Settlement. That would be the nearest.

Councillor Deveaux: Yes Madam Warden. Mr. Clark what are the size of the lots?

Mr. Clark: These lots on College Lake average, I would think, approximately one and three quarter acres. They are large lots and of course, by the Department of Health regulations, they must be at least 150 feet on the front and they must be at least 40,000 square feet in size, so even the smallest lot wouldn't be that size but on College Lake they average approximately one and three quarter acres. On the other development we're discussing here this evening, West Loon Lake, they approach about two acres average size, so they are large.

Councillor MacKenzie: Are all those lots located on lake frontage, or do they have frontage on the lake?

Mr. Clark: Yes, all lake frontage. We didn't try to tier them at all, we didn't wish to overcrowd the place.

Councillor Benjamin: I wonder if you can tell us is there any public access, public lands left that could be used if there was development behind the lake? Would they have access to the lake through any common access at any point?

Mr. Clark: Yes, if you refer to your plans we're not surrounding these lakes. We're talking about College Lake in particular at the moment. We're only developing the west side. There's still all the east side of the lake which would be access to the public.

Councillor Benjamin: What I was concerned with, if in the future there was a development take place further inland behind your west side of that lake would they have access to the lake at any point through your subdivision?

Mr. Clark: No they would not but we are not providing for any such plans here. We don't believe that it should be done and therefore we have not made any provision for it.

Councillor Benjamin: Perhaps I should have researched this more thoroughly but what is the total distance of your shoreline of the lake?

Mr. Clark: About three quarters of a mile approximately.

Councillor MacDonald: Do you own the land behind the development?

Mr. Clark: This company does not but we are a subsidiary of a company that does.

Councillor Benjamin: Is there any provision for common use of that lake at any point near your development? Shore beach or access?

Mr. Clark: No, no more so than any other lake that happens to be on private property. It's a private timberland property I should say. The Scott Paper Company, who is our parent company and I think you're all aware of this, our woods of the Scott Paper Company and as timberlands are open to the public at all times, except when they're closed for dry conditions, for hunting, fishing, boating at cetera so this would not be a problem.

Councillor McCabe: I would certainly support this application for the zoning of this property. I'm fairly well, what shall I say, I've had some association with Scott Paper and their staff and I find they're a good corporate citizen. I hear their trucks rolling by my home sometimes before I get up and I get up pretty early but it's the sound of dollars and that's what we need

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in the rural areas and I guess we could stand it in a good many other areas and I certainly would support the application and I would be prepared to move it.

Councillor Baker: I notice here where the individual cottage purchaser must be responsible for the disposal of the garbage. Have they a pickup by contract or how do you dispose of the garbage?

Mr. Clark: No, this is entirely up to the individual to look after his own garbage disposal. In most cases, this is not our first experience with lakeside cottage developments. We've been doing it now, off and on, for 7 or 8 years. Most of these cottage lot owners are weekend or very seasonal in nature. They take their garbage home with them or they dispose of it in some other manner themselves. This is a private situation so they will not require Municipal pickups.

Councillor Baker: What I'm thinking here is you say they take them home and then someone from that district could be taking it to another district and they'd be responsible for their garbage.

Mr. Clark: Probably picked up at their house, yes, in town.

Councillor Gaetz: I'm wondering, an agreement like this now can be handed down to future owners? If you're going to sell these lots, I presume, to people - this is what you propose to do - we always understood that you couldn't do that from one owner to another, you couldn't put a rider on. In my estimation this is the form of a rider that accompanies this development. This is all right, I may ask the Solicitor his comments on it, if this here will carry on. If I want to buy a lot from someone who's going to be the previous owner of that, I am bound to this agreement?

Solicitor Cragg: This agreement, Councillor, is relating more to the development of the lands prior to sale and does not, in its entirety, bind the purchaser of that lot within the development. There are a few provisions within this agreement that do, in fact, state that they will put a restrictive covenant in the Deed relating to certain things such as garbage, which is discussed, but it's really a pre-development agreement.

Councillor Gaetz: So if I buy a lot I'll be forced to accept this agreement as per se?

Solicitor Cragg: When you buy your lot most of the provisions in this agreement have been done.

Councillor Gaetz: Then if I buy from a previous owner I must accept the agreement per se?

Solicitor Cragg: Once someone's already bought a lot, put something on it and sold it to you the agreement, I would suspect, is pretty well used up. It's an agreement between the developer and the Municipality as to how he is going to develop it.

Councillor Gaetz: Well this is what I want to get straight in my mind, that it does not apply then to the individual owner.

Solicitor Cragg: Mostly it doesn't.

Councillor Gaetz: Now so far as that road is concerned, how many lots all together?

Mr. Clark: On this particular lake there's 27.

Councillor Gaetz: Supposing every lot is bought, you're going to have 27 taxpayers there who have a private road to keep up?

Mr. Clark: Yes, that will be true.

Councillor Gaetz: And they won't require snow removal, they won't require gravelling or salting or sanding or anything? This will be entirely their own prerogative how they do it? They can't come to the Provincial Government and say "we're taxpayers, you must look after our road"?

Mr. Clark: This is a private road sir.

Councillor Gaetz: Because I've had considerable amount of, I'll say complications with people living on private roads in regard - well I'm a taxpayer, why can't I get the service the same as other people. And this is what I'm wondering about with this development. Now if you get 27 homes there are they going to be satisfied to sit back and say okay, let's plough to the main roads but don't bother with us? This may be a hypothetical question but I've, you know, I'm wondering just how that can be arranged.

Mr. Clark: We have, in our Deeds, a list of covenants and restrictions, one of which, of course, is that these lots shall be used for seasonal recreational use only and they know that. The Deeds are countersigned. If you buy a lot sir you would have to sign the Deed agreeing to the covenants and restrictions that are contained in the Deed so that you are fully aware of what you buy when you buy a lot.

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Mr. Clark: No, there's a clause in the Deed stating that the covenants and restrictions run with the Deed.

Councillor Gaetz: And that's permissible, Mr. Solicitor,?

Solicitor Cragg: Yes.

Councillor Topple: Madam Warden I'd like to question that again with the Solicitor. For instance if I were to buy one of those lots two years down the road after they're all sold, and perhaps a whole group of people came in there to buy them and with the talk of the oil explorations, for instance, that area might be a very good area to live in and everybody decided to move in permanently and then demand school busing and so on, what position would the Municipality be in? You couldn't refuse, I would suggest.

Solicitor Cragg: Well that really is aside and apart from this PUD agreement. This agreement just relates to the development of the area in question. Once it's developed and you have 27 individuals owning the land, well the developer, he's not involved any more and the roadway will be, in some form, turned over to the residents. They will have to maintain it and keep it up.

Councillor Topple: My point is, though, whatever is in the Deed in the first place is not necessarily binding to the second property owner legally or, again, if he wished to live there on a permanent basis I think the Municipality would be pretty hard-pressed to try and stop him. And then again he could demand, under the Education Act, the school bus services and we would be obliged to provide those.

Solicitor Cragg: Well the restrictive covenants, whatever they may be, would flow with the land.

Councillor Topple: What could you do if somebody violated them?

Solicitor Cragg: Well that's the same as there's a law that says you can't murder somebody.

Councillor Topple: It's like a law with no fine isn't it?

Councillor Smith: I'm just wondering, Mr. Clark, when you mention season, recreational homes which season would you be referring to? In this day and age all seasons can be used for recreation.

Mr. Clark: Yes, that's a good question. Snowmobiles have changed the situation as far as using cottages in the winter time. In fact right now if you go out there you can't get in the road on the development that we put in last year because it hasn't been ploughed but they are getting in with snowmobiles. But that's a fair question, I don't know which season. Take your pick.

Councillor Smith: So therefore you're saying it's not really a one season home. You couldn't really put it down as a seasonal home because of the fact that recreation goes on for a full year - so they would, in effect, be all year round homes.

Mr. Clark: Yes, if they have time to have recreation for the full year. Most people wouldn't want to commute out there in those areas. On weekends, yes, but that's sort of seasonal when you only figure one or two days a week. They are not, per se, established as permanent residences, they are used for cottages. That's been our experience in all the other areas. Cottage lot developments.

Councillor Gaetz: I happened to be in the woods about 5 miles today. There are going to be cottages going up and that's in full use now with snowmobiles so I certainly concur with Councillor Smith. That is, you don't get recreation for any one time of the year. It applies to all 12 months, fishing, hunting and, this time of the year, with snowmobiles for recreation through the woods.

Mr. Clark: It's been our experience in other areas that cottage lots are used for that. They're used for weekends, for holidays, for summer recreation basically but, you're quite right, they have access to these areas now because of the snowmobile. But they're not, almost without exception they're not being used for regular residential homes because most of them have to work. They can't get to and from their work from these places but they can use them for recreational at any time of the year.

Councillor Benjamin: Yes, I wonder, Your Honour, if perhaps Mr. Clark would relate what experience he's had with the other subdivision. Have they been using them seasonal or year round. What has he found the habits of the people have been?

Mr. Clark: I've found them very seasonal. There has been, perhaps, one or two cases that I can think of where a retired couple may choose to stay out there the year round, knowing full well that they may be snowed in for three or four days or whatever, but they're not using them as

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regular day by day permanent homes. These ones that we're talking about here tonight are more isolated than some of the others that we have established down in Annapolis Valley, which is only 10 or 12 miles from Kentville, but they are not used for regular homes. These are summer cottages. They use them periodically in the wintertime but they go out by snowmobile et cetera. They just can't get out there in the winter time.

Councillor Benjamin: The type of home you're erecting on these properties I believe have foundations. By foundations I mean cement, permanent foundations, basement.

Mr. Clark: They'll be all types although the agreement, I think, says that they must be valued at least six thousand dollars.

Councillor Benjamin: But there's no restrictions on their construction pertaining to a dug basement or foundation or even set on blocks or what have you? There's no restrictions as far as you, the developer, is concerned?

Mr. Clark: No.

Councillor Benjamin: My other question would be to you, Mr. Clark, could you relate whether or not the road that you're planning to construct along these homes, would they be of highway standards? In other words, if at some time down the road the resident say they'd like to turn that over to the province would it be necessary for them to expend a lot of money to bring it up to highway standards or would it be that standard to begin with?

Mr. Clark: No, they aren't strictly to highway standards to begin with and the reason for that is very simple, it's one of economics. If we had to build these roads to highway standards then we would simply have to sell them for a much greater price and a lot of people would not be in the market. But we do provide a standard right-of-way, that is a must, and as the developers have already told you, I believe, the Department of Highways have examined these and they're satisfied that if they ever did have to take them over the basic standards would be there. In other words the width of right-of-way et cetera.

Councillor Benjamin: What would happen in the event of when you've sold the last lot? Are you still planning to maintain that as a roadway or what agreement are you planning to propose to turn it over to the residents to take over the road.

Mr. Clark: The way it's set up is that we sell the share in the road and common areas, if there are common areas and in this particular case there doesn't happen to be a common area. We sell a share of the road with the lot so that when the last lot is sold the cottage owners own the road also. They own the whole subdivision, in effect.

Councillor Eisenhauer: One question regarding the right-of-way. I notice that it's 75 foot clearance or 66 foot. One is 75 for a distance and then it narrowed to 66 feet. You basically mention that it's fully cleared of trees and my question is that sometimes we have, in PUD's, it may be advisable to leave some trees on the untravelled portion of the highway in order to make it more country. It's going to be country there anyway but to have a 66 foot wide area going through would it not be more pleasing just to have, let's say, 20 or 25 foot of trees cleared out and the road going through that and maintain the remainder for the highways?

Mr. Clark: Yes, it is more pleasing to the eye but those of us who have experience with constructing roads find that you should really cut the full width of right of way to allow the sun to keep it dry.

Councillor Gaetz: Your Honour may I ask one more. I just see fires here - these people would be paying a fire tax the same as any other people, would they, in the district where they belong?

Mr. Clark: I can't answer that sir, I assume that's up to the Municipality.

Councillor Gaetz: I'm wondering now, what about fire protection by the private fire department up there. They would get the fire protection as far as the local fire department's concerned I imagine? There'd have to be a roadway made in there that will be passable. It may be a stupid question but it just dawned on me when I saw something about fires here. They're responsible to have screens on their chimneys and what have you, so I'm wondering just what provision there is as far as local fire setups.

Mr. Clark: Well they are within 15 miles or so of a couple of fire departments but I can't answer your question as to whether they would respond to a fire. They are cottages out in the woods and, basically, all fires in the forests in the Province are the responsibility of the Department of Lands and Forests. Of course the companies too would act very quickly in their own interest. I'm not aware of how local taxes would - it would involve them.

Councillor Wiseman: Madam Chairman, just one question. There's a statement on page 4 that says police protection will be by the RCMP at the request of the individual cottage lot owner. It was my impression that private roads and private areas such as this were not serviced by the

RCMP or patrolled by the RCMP. Is that correct Mr. Solicitor?

Solicitor Cragg: I believe what you're referring to is the protection provided by the RCMP with regard to motor vehicles. They will not police a private road. For example if you're bombing up and down on your private road in your car the RCMP won't bother you but if you're standing on a private road with a gun aiming at someone they will.

Councillor Wiseman: So it's just for motor vehicle instances?

Solicitor Cragg: Yes.

Councillor Wiseman: Just one more question. You said that the road would become the property of the owners, the individual lot owners, or the group of the lot owners. Would the maintenance of this road also be their responsibility?

Mr. Clark: Yes.

Warden Lawrence called for other speakers who wished to speak in favour of this PUD Agreement. Hearing no response Warden Lawrence asked for speakers who wished to speak in opposition of this PUD Agreement.

Alan Ruffman: Thank you Madam Warden. My name is Alan Ruffman. When I sat on the Planning Advisory Committee as a non-Council member for two years, just before the first one of these agreements went through and while the Planning Advisory Committee was developing its policy - or forwarding to Council its policy on acceptance of the 5 percent land in lieu of monies whenever there was a subdivision. Here you've got a sizeable donation of cash which looks very attractive to the Council and I can understand that ten thousand dollars looks very attractive indeed, but I think what we're ignoring, perhaps, is the fact that we are, as public policy, recommending that a lake be completely cut off from public access. I heard Mr. Gough say the Municipality had decided it will not accept public lands in this area. I guess what he's really saying is that the Planning Advisory Committee is recommending to Council, and it's this body tonight which decides whether the Municipality will accept the proposal being put forward by the PAC. I've been quite involved in a study of the Ecology Action Center whereby we had a group of law students and some other students looking at access, public rights-of-way in the Province, common lands, and what was very surprising to me is how little protection there is for public rights-of-way, access to water, common lands in the Province. It's absolutely appalling how many common lands have been lost, built subdivisions on and whatever, and the losses of the public rights-of-way, effective public rights-of-way, are going on daily. One thing that did come out was that there is, in the Province, I don't know the Act, perhaps Mr. Jackson knows the name of the Act, but there is a requirement whereby, if a lake is completely surrounded by privately owned land, you must give a Nova Scotian person access to that lake to allow them to reach the lake for fishing purposes. I think it refers essentially to a person on foot, not to a person in a vehicle necessarily, but what we're going to be faced with with this lake, and I think, if I'm not mistaken, and you can confirm Mr. Clark, that Chignecto Developments and Scott Paper owns the lands completely surrounding both of these lakes, including East and West Loon and College Lake. So what I would remind Council is that you have absolutely no agreement in this Planned Unit Development, none whatsoever, that the owner will not sell off the rest of the land around the rest of the lake for private ownership, that he will not - at the present time there is no guarantee of even the thinnest, smallest public right-of-way to the shore of the lake. I heard Mr. Clark say that this lake is no more - I think the words were "the woodlands are open to the public at all times". Well you're selling off woodlands here, this is exactly what Chignecto Developments as a development company of Scott, wholly owned subsidiary, this is what it's about, it's to sell off the woodlands and make a profit. It's probably a capital gain, and there's no guarantee that there will ever be any right-of-way to the shore of either of these lakes by the Developer. I thumb through the agreement and I see no words in there, I believe it was Councillor Benjamin that asked whether or not these homes would have foundations, whatever, and we were told by Mr. Clark it would have quite a variety. If I'm not mistaken the Province has requirements for seasonal homes. One of the requirements are, within that Halifax/Dartmouth Regional Development Plan, that these do not have permanent foundations but I do not see a particular reference to that in the proposed agreement - and I think the agreement should have that. Now maybe you can't build that into the development agreement but it seems to me that regulations could be referenced to and you'd protect future buyers as much as possible. The other thing I noticed about this agreement - I find it incredible. There is no cancellation clause. I remind you of the problem Halifax got into with the Quinpool Road Development whereby they signed a completely open-ended development agreement with the developer, found, when the developer had no financial means, ultimately, to carry it out, he did have a very valuable property with an open-ended development agreement which he then could sell, property and development agreement, to the next owner. You haven't protected yourself here whatsoever, as far as I can see. It seems to me that it would be only prudent, on the part of Council, to insist there be a clause whereby if no work is done after a certain period of time, or if the developer becomes financially insolvent, you're protected. I think the only other comment I would like to make is with respect to the clearing of full right-of-way. I remind you that Scott Paper is well known, or the owner of this development company is a Pulp and Paper Company, it's well known for its clearcutting practices and it's well known for building excellent woods roads. I'm not sure the standards of Scott Paper should be applied to a road which is to serve,

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essentially, a somewhat aesthetic cottage development. Even the Nova Scotia Department of Highways is beginning to recognize that in several settings and are recognizing it to the extent that they are allowing developers within parts of Bedford Village, I believe Mr. Duffus' agreement that came before this Council had built in some of these environmental clauses whereby they were deliberately attempting not to cut all the trees down in the road right-of-way. I can see the developer's point of view, clear the trees, let the road melt and it will be very clear, people won't be faced with a muddy road but it does seem to me that it might be unwise, that you might try some experimenting where you, for example, have a road that's running essentially north/south or even towards the south/east, you know you're going to get a good spread of sunshine for part of the day, that you deliberately let the trees close up. I do feel it would be extremely unwise to go forward with this agreement at this time and I would suggest that, when it comes to a decision at the end of the meeting, you simply defer decision to build into it a cancellation clause, to build into it a wording that makes reference to these Provincial regulations with respect to seasonal properties within the Halifax Development Plan and to try and build into it some provision that the public will have rights to at least walk down to this lake some time in the future.

Councillor McCabe: I'm concerned Mr. Ruffman, this is in my district, we have land there, I'm very familiar with Scott Paper, I've had dealings with them over the years. They have put in good roads and the people have abused the rights that they have been given. The people that own the property have a right and should be allowed the privilege to develop it in a manner that they are suggesting.

Mr. Ruffman: I think the answer, perhaps, that I'd like to give to you is that I have asked Council to consider guaranteeing the public's right to the lake with respect, especially, for people who would like to get down to the lake.

Councillor McCabe: Have they not a right to go to the lake on foot? My understanding of the law is that every person has a right to a watercourse or a lake on foot, but they don't have the right to take a vehicle and make a road.

Mr. Ruffman: I think you're quite right sir, that they do have that guarantee under whatever piece of Legislation but by chopping it up as the shoreline is going to be chopped up into a series of moderately small lots the owners in those particular lots will develop a sense of private property and that may mean a fence, and what we have not guaranteed in this development agreement is that we won't have people climbing fences some time in the future to get to the shoreline of the lake and I think we should try and insure that by guaranteeing some sort of a public right-of-way down to the lake.

Councillor Gaetz: I'm not quite clear on this cancellation clause. I guess I must be perhaps a little more dense than the rest of the Councillors. I just didn't quite get your explanation on that cancellation clause.

Mr. Ruffman: Essentially the suggestion, my concern is that you know who you're dealing with right now, you're negotiating an agreement with a particular developer. What you don't know is, if the particular developer turned around, having got your approval today, if the developer turned around and sold the property, plus the development agreement, to another party you don't know whether that new party is the same sort of a responsible body that you would like to deal with, and that's the protection I'm suggesting you build into the agreement.

Councillor Eisenhauer: I have a question regarding foundations. I didn't understand. Does the Province have legislation?

Mr. Ruffman: I would suggest you ask your staff, they are much more familiar with the seasonal home requirements within the Halifax/Dartmouth Regional Development Boundary. They may be able to answer the question better than I, but I believe that when the Province agreed to allow seasonal homes to go up within the Halifax/Dartmouth Regional Plan Boundary, which is Halifax County, they did so under certain rules and regulations and perhaps you should check what those are with your staff in detail but I believe, among other things, they are not permanent foundations.

Councillor Topples: Madam Warden I tend to agree with a lot of the points Al's making here. I think this one, particularly, on the protection is an important one but to Mr. Gough I just wonder, if they do have regulations in the Department of Municipal Affairs which, for instance, calls a seasonal home a seasonal home without a foundation and they issue a regional development permit, if that's required, what happens if you put a foundation under the house when you build it. You have your permit. I don't see anybody stopping you anyway. These are areas where I have quite a bit of concern. It's like insulating a home, you can't insulate the home. Well I could argue well, in the summer time I should have every right to insulate against the heat. So once I've done that I've got a nice home, all I'd need do is put a stove in the winter time. You can beat all the regulations if you want. I think that's the thing that concerns me the most about some of these agreements. These are questions I have. I'm a bit concerned that we don't see some developers come in in the future with this sort of proposal.

Councillor Wiseman: Madam Chairman through the solicitor have we looked into the possibility of

including a cancellation clause in our agreements, and if so what have we decided?

Solicitor Cragg: All the points, Councillor, raised by Mr. Ruffman were discussed or, at the very least, given a great deal of thought. With regard to the cancellation clause Mr. Ruffman said it's too open-ended and he also made mention of the fact, what happens if the land is sold by the party who is going to sign this agreement. Well that's the end of the agreement then. The agreement doesn't go on to this new owner at all, it's not assignable or transferrable. If he's out of it then the agreement's out. So we don't have to worry about that at all. The main thing that we gave active consideration here to is that this is two relatively small developments well out in the woods. It's being developed for the particular purpose to afford persons a small little camp away from the city. We particularly didn't want to tie the developer or the people who wished to live there down with foundations and all these things and pretty soon you'd have people building big homes and it wouldn't be what it was intended to be. That's why the agreement is simple and to the point and is as it is now. With regard to access to the water we gave consideration to the parkland issue. Parkland would have given access to the water but it was determined by staff that they would prefer to have the money than the parkland, which would have afforded access to the water. There is some regulation, as has been suggested, or Act, which says there will be access afforded to all persons to lakes and so on but there's lots of other shoreline still left that we don't have to concern ourselves with.

Those were the issues that Mr. Ruffman brought up and I hope I've answered them.

Councillor Topple: Madam Warden I was not trying to attempt to make people have foundations, I was rather hoping that the agreement might contain the wording which would point out to people that they are not going to be allowed, perhaps, to have foundations and some of the other things which they might propose to put on there and just attempting to build in some safety for the people who might eventually purchase the properties.

Councillor Eisenhauer: There's another question - is it necessary to have the agreement at all? Can a developer proceed as proposed without having this agreement with the County?

Solicitor Cragg: By having a PUD agreement it gives the Municipality some sort of protection and prior knowledge as to what will actually go there. No, a PUD agreement is not always necessary but in developments over 5 acres it is a practical vehicle for building in some protection. It, as well, helps out the developer by letting him skip over some other requirements which other by-laws and regulations otherwise would have him tied up with.

Mr. Ruffman: It would have to be a public road if it was not a PUD. It would also have to be up to Highways standards.

Councillor Eisenhauer: Now one more question - I would expect that this property that we're dealing with is woodland, the .25¢ per acre. I would also expect that there are regulations regarding cutting so close to waterways and lakes and I'm wondering whether or not we are seeing the first of many, because basically if one owns woodland which they could not work because of regulations and when they changed the use, you know, when that use changes and there's 2 percent tax because we're going to change the use, that the five thousand dollars, in this case, is only peanuts as far as land money towards recreation, but is there an amount of money that's going to come forward to this Municipality as each one of those lots are subdivided?

Solicitor Cragg: We can only take, in these particular instances, 10 percent of the assessed value of the land at that time, not what it's worth after it's subdivided and built upon and cleared and so on. It's the same with 5 percent land in ordinary subdivisions.

Councillor Eisenhauer: I'm talking about the Assessment Act now, the change.

Solicitor Cragg: No, no benefit reaps to us.

Councillor Eisenhauer: No, the 20 percent that I've been seeing is sent out by this Municipality so we must, in turn, take that money and turn it over to the Province again?

Solicitor Cragg: I'm not sure where it goes but we don't get any more. We get our 10 percent which we get now, we don't get another 5 percent down the road or anything else.

Mr. Ruffman: I think there's confusion. What Councillor Eisenhauer is talking about is that the present assessment on that property is restricted to, I think it's 25¢ an acre is it, and I think he's raising questions as to what happens when the land use changes on that, the assessment changes, is there a tax penalty of some sort as you change the use back from forestry to residential.

Councillor Eisenhauer: Yes, I'm witnessing now bills coming from the County in the amount of 20 percent, you know, set by the County and I guess my question is, as soon as it's developed and it goes back to the owners Chignecto is going to receive the bills. I've only seen one since the Assessment Act came into use but it was 20 percent of the lot. For each lot it's going to be 20 percent of the value, and the bill came from the County and I guess everybody was surprised because we expected it would come from the Province.

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Solicitor Cragg: Well all tax bills come from the County. The only hand the Provincial Government plays in this is, they are in charge of assessments. They assess the properties, the tax revenues would come to us.

Councillor Eisenhauer: So it comes to us, okay.

Solicitor Cragg: Well I'm not sure about that extra, that Change of Use Tax. I'm not sure where that goes. I'm just talking of assessment vis a vis regular taxation. I can't give you an answer on that Change of Use Tax, where it goes.

Councillor Eisenhauer: I guess what I'm thinking about is that amount of dollars that will be coming forth and then I'm trying to tie it in to that if you're looking for public access to land then, you know, that would be the event that we should want to go in as an ordinary citizen and buy it in the name of the Municipality. What I'm saying is the company's going to have to pay it as soon as they survey it.

Warden Lawrence: Councillor Eisenhauer I think Mr. Kelly would like to contribute to this discussion. He's spent some time at one end of the tax train.

Mr. Kelly: Well if the property was assessed as strictly and solely used for forestry purposes then it would be subject to so many cents per acre and in turn subject to the Change in Use Tax if, in fact, the property changed use. The property may not be necessarily assessed as strictly for forest purposes, it might be really assessed as resource property and paying the residential tax rate and not subject to the Change of Use Tax.

Councillor Topple: Madam Warden that was one question I had, in listening to Councillor Eisenhauer. I was going to ask - really the land use has not changed here in the eyes of the Assessment Department. I believe they would consider this remaining as resource land use. I know for a fact this has happened in Cape Breton on some properties where cottages were placed on them and they remained in the same type of assessment use. But does this mean that there would be no tax on the dwellings when they're placed on that resource land? I think this is the question I would have.

Mr. Kelly: I would think the properties would be taxed and assessed to the purchasers or owners of each individual lot.

Councillor Topple: But would they be assessed as resource land or as residential?

Mr. Kelly: I would think they would become more to residential but irrespective residential and/or pay the same tax rate, residential tax.

Councillor Topple: The same residential tax rate?

Mr. Kelly: That's right. How the Assessment Department might classify it I don't know but if there was a cottage thereon I would have to think they would class them as residential.

Councillor Gaetz: Your Honour I think this will be the last question I'll ask. As far as access to that lake, and I would have to ask Councillor McCabe, there's still plenty of access to those lakes isn't there? You're only taking a small portion of the shoreline of those lakes so we still have lots of chance to get down to the lake. I imagine Scott Paper have been, for years, allowing people to traverse over their property in order to get to the lake? So the same thing, I imagine, would apply now. I can see that in future they could sell the remainder but at that time then I think the County could step in and say, well we want access. So I would think that if Councillor McCabe, it's up in his district, is not too concerned with it well I don't see why we should worry.

Councillor McCabe: Mr. Clark you are not surrounding the lake with these cabins. I don't know what we're spending so much time talking about this for, this is what I'm concerned about. There's lots of access to the lake on the additional property that they are not putting these camps on and, as Councillor Gaetz has said, I've never been ordered off of Scott Paper's land in my life. If I want to go on their property I ask permission and it's been given and I have no concern whatever.

Warden Lawrence: Actually I don't want to get into a three way or four way debate here. We're technically hearing someone who has some objections to this Planned Unit Development Agreement. I think Councillor McCabe has ably defended the situation.

Mr. Ruffman: I think the only point is that there is no guarantee in the present Planned Unit Development that they won't sell the rest of the lake. While you may say that there is lots of opportunity there's no guarantee for the public that you or future Councils will do that. If you write it into the agreement then it's there. That's what a Planned Unit Development is. You've heard the solicitor say it's to protect the County and what I'm trying to suggest is that I think there are a couple of points where the County residents have not been protected looking to the future.

Warden Lawrence called three times for further speakers who wished to speak against this Planned Unit Development Agreement and there was no response.

Warden Lawrence: I declare this public part of the hearing on College Lake Planned Unit Development Agreement closed.

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

"THAT Council approve the application for a development scheme for the lands of Cape Chignecto Lands Ltd. at College Lake to allow for the subdivision of lots to be used only for seasonal recreational use, in District 12 under the Municipality's Planned Unit Development By-law be approved."
Motion carried.

Councillor Stewart: Madam Warden I just have one point and that is PUDs, in regard to any precedents which might be set. Some of us had occasion to discuss the Forest Hills PUDs some while ago, it's a vastly different situation however there were some concerns in some areas, maybe the agreement wasn't tight enough or specific enough in certain areas and all I would like to do is just ask the solicitor, in view of Mr. Ruffman's comments, you are very, very sure that, in this agreement which in itself appear to me, anyway, appropriate to the area but just to make sure there are no bad precedents here. In other words you're very happy that we do not have to try to write in any of these concerns which Mr. Ruffman has put in?

Solicitor Cragg: Councillor I think the questions raised by Mr. Ruffman were given adequate consideration prior to coming to Council tonight. I don't think this agreement or its sister agreement that we're going to hear tonight, or the one that was done a year ago, set any sort of precedent. Each one is an individual one.

Councillor Benjamin: Yes Your Worship, I have a couple of points that I'm a little bit hazy about and am wondering if we shouldn't give it some thought. Perhaps it goes to the ecology or the protection of the environment. There's no provision to avoid clearcutting down to the shoreline, there's been no mention pertaining to setbacks of any dwellings from the water. These are things that have caused problems in other lakes and other residential areas. Now I realize this is not really classified as a residential, it's more or less a seasonal cottage type but I would be very concerned that my neighbour would put a camp right on the shore of the lake and if I was setting my camp back 75 or 50 feet from the lake and my neighbour would obstruct the view of the lake. I don't know if this is a bearing but it would be an annoyance factor that might be worthy of note. And of course the clearcutting is strictly to avoid runoff into the lakes. Any massive bulldozing of lands to make nice green areas are sometimes causing a lot of runoff into the lake and contributes to the pollution. These are simply factors of a developer. Now if a developer is doing this of course we have control but if the developer sells the lot to an individual we do not really have control and there may be such a thing that there would be this clearcutting down to the lake and I would be opposed to such type of action.

Warden Lawrence: Technically the public part of the hearing is closed Mr. Clark. Perhaps the staff would like to respond to whether or not they feel that's a point that should be covered in the agreement. I think that's the intent of Councillor Benjamin raising the issue.

Mr. Campbell: I think it could be well known that a road construction will cause some runoff and some damage to the environment, just the fact that you're going to put the road in will have some effect on the area. As far as clearcutting goes it was assumed that here you have people buying cottage lots for cottage use and that they are not going to go in and cut down all the trees on their lot, which would destroy, basically, the value of their property and what enjoyment they would get out of the land, and since all the lots are on the lake side of the road that's being constructed then it was assumed that you're not going to get someone who is going to clearcut his lot. I think that's a pretty accurate assumption.

Councillor Benjamin: I think you're simply saying we're assuming. I'm just wondering if he should make mention of this fact in the agreement so that there will be reasonably controlled lot development rather than have somebody with the bright idea that he wants to eliminate a cliff and perhaps have a nice green lawn.

Mr. Campbell: Our interpretation was that we wouldn't have to put it in but if Council so wishes that is up to them - and if it can be done under the Planned Unit Development By-law. Cutting of trees, for example, cannot be controlled under the Planning Act and I'm not sure whether it can be controlled under the Planned Unit Development By-law.

Councillor Benjamin: Madam Warden, what would be your comment then Mr. Campbell pertaining to construction setbacks on the lake? Would it be permissible to have a 25, 50 foot - 25 feet probably would be the bare minimum.

Mr. Campbell: That's something that, as I remember, we did not negotiate that with the developer and discuss it with him and I can't remember exactly whether it's in the appendix or not. The Department of Health requires that there's a setback for the septic system but not for the actual structure. For environmental reasons yes, I can see that it would be very valid to

have a certain setback from the water.

Councillor Topple: Madam Warden I personally cannot support the Planned Unit Development Agreements as they're presented. I've been concerned all along that I think it's a method of circumventing the Regional Development Plan and I say this in all sincerity, you can call them cottage lots or whatever you wish but they could be permanent homes and I don't care what sort of covenants you might put on some of these Deeds but if I wished to change one of those into a permanent home and my financial circumstances were such I would defy anybody to stop me and I think the authorities would be reluctant to try and stop you. I have to look at this from the point of view of the other residents in the rural area. Does this mean that perhaps a group of them should get together and draft up a Planned Unit Development Agreement so they can put in more than one dwelling a year. I think this is one of the complaints we've had from the rural areas all along, that the Regional Development Plan is restricted development, now it almost looks to me as though this is a way out for people. I don't wish to stop any developer. Mind you I don't think that we would harm this developer, I don't think he's that small that he needs worry but I am concerned, looking down the road, that we may be creating problems for ourselves. This is one of the things this Municipality's been criticized before for doing. I think this is one of the reasons we have a Regional Development Plan, because of the way previous Councils have allowed development to go ahead without proper safeguards, and I think Mr. Ruffman is certainly right in some of the comments he makes. I don't believe, personally, that there's sufficient protection here down the road for any case you wish to look at. I wonder what might happen if we do have a sewage problem in one of these areas. Granted it's fine to say one thing, that we have large lots and the Department of Health may approve them at this time but I've also seen areas, and I think a good case in point, where we did get down the road and, even though the health approvals were given we have a real sewage problem down there now and I can see the same problem here. What do we do if the Health Department says fix it. I would look again if a group of people were to come along at a later time and, again, I made reference before to the offshore oil exploration and what I gathered at that conference was that there may be very few areas in this Province, if things are as promising as I read, that won't be affected and I can see people moving into a lot of areas, we're going to have a lot of pressure from development and I do not wish to see us in the position of putting the School Board in the position of having to go down private roads to provide school busing. Now when it comes to that I imagine that the pressure will be put on to have the Highways Department take over the roads. However those are some of the points that I feel we haven't covered properly. I think, as Mr. Ruffman said, there were many other areas that were not protected. This particular developer owns the land all around the lake, therefore it's all in private hands now and I would agree that Scott Paper do provide people access across their lands but that is no guarantee that Scott may not sell those lands to some other developer around the other side of the lake, possibly, and he would develop it and it would still be in private hands. I don't know what most laws read regarding people getting to lakes. I do know that if you're going fishing you have a right to walk across somebody's land to get to the lake, I don't know about anybody else. I think you must go the shortest route to the lake, that's another stipulation I believe, and you must find ways of getting in there without trespassing if possible. So I'm not satisfied that these agreements are drafted with enough protection for the Municipality or for people in the Municipality. I would rather see them go back with some more protection put in. I don't know just what you can put in but again I say it's against the Regional Development Plan and unless we can do away with the Regional Development Plan for everybody and open it up to everybody then it's just a way of circumventing it.

Warden Lawrence: Now the second Public Hearing, in effect a very similar Planned Unit Development Agreement.

Councillor Wiseman: Madam Chairman before we consider this second UNIT DEVELOPMENT there are a lot of concerns that I have with regard to the PUD as well. I think there are certain things that we have to look at as far as our lakes are concerned. I've heard the word assume and assumption used here several times tonight with regard to things that can happen on the lands around lakes. You assume that people will not put grass down to the lake or make great big rolling lawns down to the lake from their summer cottages but we also know that that's happened in places and we also know what the amount of phosphate that's used as fertilizers for those lands has done to the lakes. We know what the actual clearing and construction of lawns has done to lakes. What we have to do is we have to look seriously at these beautiful lakes that we've got in our County and to protect them. We've also got to protect the person that is living in this area who wants to go out for an evening stroll or an afternoon stroll around the lake and finds out that he walks the length of his own lot and runs into a fence and can't proceed any farther around that lake. Now one would assume that people would not fence down to the lake but I've had an experience recently where that's been actually the case, where they did fence down to the lake and they have a right to fence down to the lake according to the Provincial laws. So I think in our agreements we've got to spell out some of these things. We've got to protect our lakes. We've got to protect our lakes for the people now and for people who are going to be a generation down the road, that these things have to be included in our agreements, and I suggest Madam Chairman that tonight we look at the possibility of, although we have just approved this first agreement that we look at the possibility of using the other agreement to include some of these factors in that agreement that will give protection to our lakes and to our people - and I would move at this time that the agreement for the Chignecto Lands PUD for West Loon Lake be deferred until we can discuss these agreements more and perhaps

put more protection into them.

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

"That Council defer this PUD pending some revision of the Agreement in discussion with Councillors and the Solicitor."
Motion defeated.

Warden Lawrence: Beginning again on the other PUD Agreement for West Loon Lake by the same developer, Cape Chignecto Lands. The Agreements are similar, for similar uses, but on different lakes. I don't know whether there are any details, Mr. Gough, that you feel you should point out. Perhaps you could just outline on the map the number of lots and the lake?

Mr. Gough: The only difference is, on the West Loon Lake Agreement, it covers 57.8 acres of land and there would be approximately 27 building lots again and the lots, again, are of a very large size and unless anybody has any questions, Madam Chairman, the Agreement is basically the same.

Councillor Deveaux: Madam Warden I would like to ask Mr. Gough, when we reviewed the Planning Act I don't recall seeing anything in there regards to approval of lots, in this case, bordering a private roadway. As you and everyone are aware I've been attempting, for a couple of years, to have that approved in my area. Is this the Highway Act or some other Act?

Mr. Gough: No, this provision for the Municipality to enter into this type of an agreement, and it could be in Eastern Passage, it could be anywhere, and the Municipality are required to get the approval from the Department of Highways, which they have given in this particular instance.

Councillor Deveaux: Can this be done in my area?

Mr. Gough: Well I was wondering, you know, when we were talking private roads I automatically thought of Eastern Passage. It's also interesting to note that in these PUD Agreements the right-of-way, the grades and all the necessary ingredients are there if those people ever felt they should become public highways. The Highways asked that this be done and the pre-engineering has been done to accommodate that.

Councillor Deveaux: The other question I would have is number 24 on page 6. Could you elaborate on the meaning of that?

Mr. Gough: The subdivision regulations being waived? Under the PUD Agreement it states that if the subdivision regulations are to apply and the Zoning By-law it shall be stated. In this particular instance, it states here, that the subdivision regulations are waived. In effect, when Council, if they see fit to approve this PUD Agreement, what they are doing is they are approving lots as they are shown here on the Plan for that particular subdivision and once that is done the subdivision regulations will no longer apply.

Councillor Deveaux: What's the reasoning behind that?

Mr. Gough: In the PUD Agreement it says "will the Zoning By-law and the Subdivision Regulations apply". If they are to apply fine, if they're not they won't. Once the Agreement is entered into the Plan is the Subdivision.

Councillor Deveaux: If I understand from your statement then there'd be less regulation pertaining to this subdivision than there would be under a normal subdivision?

Mr. Gough: No, this subdivision right now, as presented to you, has all the requirements that our normal subdivision would have. As a matter of fact this could almost limit things to another further degree that it might even never permit a resubdivision.

Councillor Margeson: Madam Chairman and Friends, is it necessary to get a building permit in every one of these cottages?

Warden Lawrence: I would presume so, yes. Mr. Gough, building permits would be necessary for cottages on these developments?

Mr. Gough: Yes.

Councillor Margeson: Is there anything in the regulation, with the building permit, that they have to be set back a certain distance from high water mark? For example would 75 feet be adequate? The Health Department indicate 50 feet from brooks and 100 feet from a lake.

Mr. Gough: That's right. The building permit cannot require it but if you look at the contours, if there's a sewage system it has to be so many feet from the lake.

Councillor Margeson: Everything is going downhill. I'm just wondering if we have anything in our regulations that states that a cottage or a building on the lot must be at least 75 feet