

from a lake or 50 feet from a lake or something?

Mr. Gough: No it does not.

Councillor Margeson: There was some discussion on that when we were talking about the MDP I guess. What was the figure there?

Mr. Gough: That's correct. I forget but there had been some suggestions it went up to hundred feet from a body of water for a cottage.

Councillor Margeson: But we have no restrictions on this one. Would it be possible to put that restriction in this PUD at this time, when we're talking about it?

Councillor Eisenhauer: One question, let's say someone bought a piece of property there and they used it for the first 5, 10 years and they drug their trailer along and put her up and brought her home for winter. Is there anything restricting anyone from doing that?

Mr. Gough: You mean from locating a mobile home or a travel trailer?

Councillor Eisenhauer: A trailer.

Mr. Gough: Not to the best of my knowledge there's nothing to restrict them from doing that, although Mr. Clark, in his Cape Chignecto Purchase Agreement might certainly have something in it.

Councillor Deveaux: Do I understand I could purchase one of those lots and put a mobile home on it without rezoning?

Mr. Gough: As far as the Municipality would be concerned you could. I would suggest that maybe Mr. Clark might be able to tell you whether his contract with the lot purchaser would permit the location of a mobile home.

Councillor Deveaux: If Mr. Clark or a developer didn't have any stipulation in a separate agreement, I could purchase a lot and put a mobile home on it?

Mr. Gough: That's correct.

Councillor Gaetz: I'd like to ask Mr. Gough what impact this might have on, say someone down in my area wanted to create the same kind of a subdivision where it's closer to the community, if we could, in fact, refuse. It really just dawned on me what we might be getting ourselves into. It's all right to be a good fellow but perhaps down the road we'd better do a little thinking.

Mr. Gough: I don't think that there's any outward attempt to either try and hoodwink the public, the Council or anybody. The intent of this developer and any other developer might feel they want to have seasonal uses, or recreational lots. The Municipality, from our point of view, have more protection in this Agreement than they would in any other subdivision. That is why Mr. Clark and his firm decided to go this route so that people wouldn't come back to them and the Municipality suggested that we didn't want them back on us, wanting work done on the roads or demand services which we could not provide, we're not in a position to provide, and that was the whole intent and purpose of this agreement. If Mr. Clark so desired, through Scott Paper, to build their roads - and I'd also like to give Scott Paper a little plug for the roads, they build roads much better in that part of the country than anybody else because they take heavy log trucks in over it, they could build that road, they could bring in the require approval from the Health Department and this thing wouldn't be here for debate tonight. He'd approval.

Warden Lawrence asked for anyone in favour of this development for the West Loon Lake Development.

Mr. Clark: Thank you. I really can't say any more than I said on the first one. We are proposing a second agreement. I should say the reason we are putting the two forward at the same time was because we planned to develop them the same time. They are only five miles apart, only 27 lots in each subdivision so we wish to develop them at the same time. I discussed this with your Planning Department and they agreed that perhaps it would be simpler to bring both plans in at the same time and have one hearing rather than tie us all up to go through another hearing. I could take this opportunity to comment on Mr. Ruffman's statement about access to the lakes. I wish to point out to you again that on both of these lakes we're not developing the entire shoreline, number 1. Number 2, there are a great many lakes in Nova Scotia and a great many lakes that are involved with our own private holdings that do not lend themselves to any type of residential development, they're either too swampy, too rocky, too steep et cetera, et cetera and all we are trying to do here is to take some of the better ones, the ones that lend themselves well to this type of development, that are reasonably handy to power - that's one thing that you must have if you're going to have any type of development - and put them to a better use than for timber extraction. That is what we own the property for in the first place,

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was for timber extraction, but we don't want to destroy the shoreline of these better lakes so perhaps out of, maybe 50 lakes, and I'm only guessing here, there's only one or two that lends itself well to this type of development. There are lots and lots of lakes for everybody in Nova Scotia so if we take one side of one or two lakes I don't see how we can be accused of not giving access to the public in the first place. Also it has been our policy, for 40 or 50 years now, that anybody, in hunting and fishing, has the freedom to go across our lands anywhere. Now of course if we sell one of these lots to you it becomes your private lot in that particular area but there's still lots and lots of room. I would again ask your consideration and approval of this second subdivision. Thank you.

Councillor Eisenhauer: Mr. Clark, a couple of open questions regarding the clearcutting of the lots, you wanted to make a comment before, and also the lot setback for the cottages. Could you comment for us on those two?

Mr. Clark: Besides the Planned Unit Development Agreement, which we refer to in our Deeds. In effect we make the statement in our Deeds that the purchaser buys the property subject to the Planned Unit Development Agreement, signed on such and such a date, et cetera, so he's aware of this, but besides that we add a list of covenants and restrictions to these Deeds because we want the area kept looking nice and we want to protect, as much as possible, the fellow next door. Right here in the covenants and restrictions in the type of Deed that we put out, paragraph number 4 says: "no living trees exceeding 6 inches in diameter at a point three feet from the ground shall be killed or removed except to provide a clearing for the construction of a permitted structure and an access driveway". He signs that Deed to that effect so they're not supposed to cut trees on their property and, as Mr. Campbell pointed out, most people don't want to anyway. They buy the lot because of the trees in many cases and the beauty of the shoreline. Now your other question was the setbacks from the lake. We don't have that restriction in our covenants but I believe I'm right, and I refer to Mr. Gough or Mr. Campbell here, but I think I'm right in saying that the environment, in this case, did ask for 75 foot setbacks and we're quite prepared to put that as a covenant in our Deed also in this particular case. I haven't got a copy of that letter with me but I'm sure that Environment requested that in their approval of this subdivision, and we will put that in the covenants of the Deed.

Councillor Eisenhauer: And the final question we talked about, the types of trailers that people tow behind their cars and we talked about the mobile home. Would one be allowed to put either one of those items on for the summer?

Mr. Clark: Paragraph 11: "no trailer or mobile home of any kind shall be permanently placed or installed upon a foundation or otherwise upon any land except as temporary accommodation". We allow them to take a trailer in temporarily to set up while they're building their cottage or something of that nature. Or if they want to take it in for a weekend or something like that. As long as it's left on wheels so that it's mobile. But they can't set it up, leave it there and leave it as a permanent - and that again is strictly something to protect you next door who may build a beautiful cottage - the fellow in the lot next to you may have a rusty old trailer and it detracts from your property and the value of it. That's in the Deed.

Councillor Gaetz: Something just dawned on me. This Cape Chignecto Lands Limited, are they a subsidiary company of Scott Paper or a child of Scott Paper?

Mr. Clark: Yes sir, they're a wholly owned subsidiary.

Councillor Margeson: Madam Chairman and Friends, Mr. Clark, there was some discussion a little earlier about fences going down to the high water mark and I just wondered if you would consider, either in this Agreement or in your covenant, reducing the setback to 10 feet from the high water mark, you've agreed to 75 feet for the building and that's a good thing, would you like to have that in this agreement so it will be there for future needs if necessary. Not thinking about your company but somebody else's who may not think about putting that in their covenants to people that they sell their lots to. Would you agree that a fence setback of 10 feet, which would allow people to walk along the shore?

Mr. Clark: That's true. So far it hasn't been our experience that fences have been a problem but that would be no problem at all to put that in the covenants.

Councillor Lichter: Just one question Madam Warden. Mr. Clark how long ago did you approach this Municipality in order to enter into a PUD with us? In other words this particular agreement that we are talking about, how long ago did it begin?

Mr. Clark: This is a sore point with me. Bob Gough knows this as well as I do. We started in 1976, 4 years ago, so we've taken considerable time to get where we are tonight.

Warden Lawrence called three times for further speakers who wished to speak in favour of the this Planned Unit Development Agreement on West Loon Lake and there was no response. Warden Lawrence then called for speakers in opposition to this Planned Unit Development Agreement for West Loon Lake.

Alan Ruffman: I will not speak very long Madam Chairman. All points that I raised in the first

one are still valid here. The additional fact that this particular one has no access by road and that this lake has already had roughly the same size on other shore lines in Guysborough County and Halifax been sold off in the other Agreement so, indeed, two sides of let's say three or four sides of this lake will be in the hands of private landowners and so my concern in the public interest of making sure that there is public access to this lake further being evaporated. The first Agreement on this Loon Lake began in 1976 and that has taken a long period of time to get through. This Agreement only began to be discussed in the last year or so. What I've been hearing people talk about I find incredible. I find concern about pathways along the water, setback of buildings, clearcutting, fencing to the water, a lot of concern about lakes - Councillors who've had problems with lakes, have seen problems with lakes, and none of those are presently in the Agreement and I thought Councillor Margeson was right on the ball by suggesting two very concrete changes and I would like to put those words right in the Agreement, let me give them to you. Section number 26 entitled "Setbacks and Lakeshore Access". In other words I would recommend there be a motion of this Council to include and amend the Agreement with the following words: "All buildings shall be set back 75 feet from the high water mark, fences shall only be permitted to within 10 feet from the high water mark". That puts it in your agreement, that makes you sure you're protecting the public, you're not dependent upon the developer to write it into his or her covenants and I think perhaps, if we are concerned in Council about that setback then it should be in the development agreement, not the tentative one mentioned here at this Public Hearing.

Councillor Lichter: This is not a question to you sir, it's perhaps just an idea. I'm also concerned about a possibility that, when you take a look at the topography of land and when you take a look at the architectural designs that suit that particular topography that kind of adds to the aesthetic value of the land, of the building itself and perhaps also to those who observe it. What are we trying to do? Are we trying to create a well ordered cemetery when we say every cottage will be set back at least 75 feet? I think every cottage wants to be, not 150, 200 or 500 or perhaps a thousand feet from the water but they want to be as close to the water as possible without damaging the water. There are many designs in which open decks actually come out from the house and go over the water. Would you be totally opposed to that kind of an aesthetically pleasing cottage design, for example? Because if we put this into the agreement certainly we prevent anybody from having their cottage designed the way they like without damaging or hurting anything.

Mr. Ruffman: I think Councillor Lichter has raised a very good point, I was merely responding to Councillor Margeson's concern. Perhaps what you'd like to have is the authority to negotiate those sorts of points. Our building by-laws don't allow that at all in the Province in any area. There are certain circumstances where, because of the topography, a strict 75 foot setback makes no sense, and what's being suggested in parts of Halifax where there are lakes is that you look at that initial slope and you say that at some point, once the slope has reached - it may be very steep at the water - but once it reaches a certain degree - these sorts of regulations require a great deal of thought and I know there's some given in the proposed development plan but that, of course, is not at all resolved, but I think the questions you raise are extremely valid.

Councillor Lichter: This recommendation of yours now obviously wipes out the previous recommendation of 75 foot minimum setback.

Mr. Ruffman: What I would say is, in the absence of this sort of a control, which will take a lot of work in Council to eventually have that authority and may require legislation, I would go with a 75 foot setback.

Councillor Lichter: However I feel that even if we had that individual lot sighting or individual building negotiations going on we would be certainly in a position where we would be doubling the time that it takes now to get a building permit and this Municipality simply cannot afford further and further delays. We have aggravated people long enough.

Warden Lawrence: Councillor Lichter, this totally irrelevant point, the Solicitor has pointed out to me that the work on this Planned Unit Development had begun in April of last year. I assume that the time that Mr. Clark is speaking about is from the first Planned Unit Development Agreement which was, I think, somewhat more complex and was the forerunner of these. Just to clear up that point.

Warden Lawrence called three times for other speakers in opposition to this PUD on West Loon Lake and there was no response. Public part of the hearing closed.

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

"THAT the Application to consider a development scheme for the lands of Cape Chignecto Lands Ltd. at West Loon Lake, District 12, under the Municipality's Planned Unit Development By-Law be approved by Council."
Motion Carried.

RECORDED VOTE ON MOTION:

District 3 - for	District 12 - for
District 4 - for	District 13 - for
District 5 - for	District 14 - against
District 6 - against	District 15 - for
District 7 - against	District 16 - for
District 7A - against	District 17 - for
District 8 - against	District 18 - for
District 9 - for	District 19 - for
District 10 - for	District 20 - against
District 11 - for	

Councillor Eisenhauer: Warden I would like to explain that I'm going to support this Planned Unit Agreement and I feel that in doing so I'm acting on a responsible basis. In other words there's regulations and we have restrictions. If we go into those, we go into setbacks and we go into pathways - when I look at pathways if I was to set it here with a camp or cottage on one of those lots then I would want to make sure, because of the access and patrols set out there by the police, that few people as possible ventured near it because of security reasons. In other words I wouldn't want free and easy access to it because I've seen many, many cottages smashed all to pieces simply because of vandalism. The Department of Highways have regulations which they will control over every lot builder, the Department of Environment will tell you how far to go back from the lake, when they have to go back, the Department of Health will tell us where each lot's going to have to go and I think that there's a different market. Some people want regulations to no end and other people want to get away from all the services that they have at home and I think we should be able to provide, from the County level, a variety of seasonal type units which people can have a choice to buy without going into thirty thousand dollar units or eighty thousand dollar units and still try to maintain a home, and I think what we're doing here is providing a choice in a different type of seasonal units in a countryside and I support restrictions that we have and I really don't think we should go in any more, given the time and the next 30 years and where industrial and where people may work. So the next 30 years, I think we're pretty safe with this type of agreement.

Councillor Stewart: Well Madam Warden on the last one I expressed some concern with any precedents being set and in the legal sense our Solicitor said there were no precedents which may hurt us downstream. For the location for this development, which is remote from the cities, as I said the first time it seems like an appropriate sort of agreement. The crux of my worries wasn't the appropriateness of this particular one. It's simply, if not a legal worry then a moral one, that what might be all right in the remote parts of the County might not in other areas and I think, for Mr. Clark who's probably wondering why in the world there's so much questioning on what appeared like a very simple thing, well part of the reason is that many of us have concerns that what's good for you out there might be tried on us closer to home where it isn't good and I'll just make the comment that I would certainly hop up and down if this sort of agreement is used under another guise, as Councillor Topple indicated it was possible it could. I'll support this one since the other one went through but I do think that a lot of these comments here should cause us to look carefully at this sort of thing in the future.

Councillor Adams: Warden Lawrence I'm wondering if we might record the vote on this one because I'm hearing what sounds to me like second thoughts or questions to the earlier approval, and another question I'd like to ask is do we have any idea what our projected tax revenue would be from those two developments.

Warden Lawrence: First of all on the recorded vote, it needs two people to request a recorded vote, you need someone to support you on that if you wish it to be effective. Councillor Topple? It's been requested by Councillor Adams and Councillor Topple. Now the issue of tax revenue or possible assessment? I'm not sure if there's anyone on the staff whether or not that revenue might be known. I assume that the assessment for the raw land, at the moment, or even after this PUD is approved would be quite different than those same lots with cottages on them and I presume we wouldn't be able to entirely foresee the extent of the building of the cottages or their value or what the total assessment would be but I'm open to any member of staff who wants to comment.

Councillor Adams: I was wondering if there may be anything projected in a guesstimate even.

Warden Lawrence: Well we're talking about 27 lots. There is a minimum value, I believe, placed in the agreement of six thousand dollars. Every cottage must be to a value of six thousand dollars so six time 27. I would assume that some cottages on some of these lots would be probably worth more than six thousand dollars. I'm not sure how much six thousand would build you, but I don't think there's any way we can estimate that - and all the lots might not be sold as well.

Councillor Topple: Madam Warden I'm going to be consistent in that I'm going to oppose it again because I feel that, listening to the Solicitor awhile ago talking about how we were trying to make it easy for people on recreation lands, I find this rather difficult when we can't make it easier for people to live on their own lands in the Municipality, particularly in the rural

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areas wherein we allow them to build one house a year and I think we are not really being as much concerned about those people as we are about somebody who has extra money to put into recreation. I think the fact that it's not been thought of well enough, in my view. I was quite surprised listening to some of the Councillors and their comments on the concerns they have and yet they're prepared to support the agreement without making sure their concerns are provided for in this agreement. I think the agreement needs some more study and again I think it's only approximately a year that this has been on the rails. It's not taken near as long as some of the Housing Commission PUD Agreements and those are more for people who really are looking for a place to live, period, not a place to recreate. So I'm going to be opposed to this again, I feel it needs more study and I feel that it's not the way to go at this time.

Councillor Stewart: Madam if there's going to be a recorded vote I'll vote consistently with the first one. The reason I was going to change this time I felt the first one went through, the second one was a part of it.

Councillor MacKay: Madam Warden there seems to be quite a few concerns, they're probably just, but on that basis may I ask a question of Mr. Gough. The first question - are there any more PUD agreements in the works and, if there are, how many approximately - for this type of development or any other similar type of development?

Mr. Gough: Probably 3 or 4.

Councillor MacKay: The reason for asking that - there seems to be quite a few concerns, probably justified, and I would like to suggest that if there are more PUD developments coming up then maybe, just maybe those safeguards could be put in or those areas of concern looked into in more depth. At the present time I think I would be in a position to support this development and on the basis where it is I can't see the logical reason for turning it down. I don't have a cottage at the present time but I think if I wanted one that would be the area or the distance away from the city, where I live, that I would like to have a development. I certainly wouldn't want a whole lot of restrictions put on me. I'd like to be able to develop with a certain amount of freedom and I think, at the same time, that while we must and we probably should have restrictions within our urban area, out in those rural areas I certainly don't think we should and on that basis I'd have to support this motion.

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

"THAT the PUD Agreement be amended to include 'any fences constructed must have a 10 foot setback from high water mark and any buildings constructed must have a 75 foot setback from high water mark or, where aesthetics make this difficult it should be negotiated with the Chief Building Inspector'."

Motion defeated.

Councillor Benjamin: Your Worship I wonder whether or not we're fully aware - you know - we start going into the full details and we haven't been told, on this particular lake, if the entire property around the lake is privately owned or if it's all Scott Paper as we were under the A section. We've not been told about the type of soil conditions, what effect is this going to have - I presume the Environment has approved of it as it has received their approval up to now - but I think that if we could have this information presented, perhaps by staff, at the start of these hearings we'd eliminate some of the doubts that are created from us who do not know the contours of the land around the lake or whatever we're speaking about and I have these fears and so on. Also the question of public access sticks in my craw, perhaps, nevertheless we've had a lot of trouble with public access and if it's going to be privately owned around that lake perhaps we should include a 20 foot public right-of-way along with this amendment. I don't want to put another amendment to the amendment but I would like your comments of this, and any real worry if there's a need for it. I don't know if this is privately owned or if there's suitable access opportunities around the lake other than at this development, but I think it should be a point that we should be concerned with.

Mr. Gough: I can't answer all the questions but first of all, Councillor Benjamin, in the report we gave you it indicates that the Department of Highways, being the Transportation Department, Department of Health, Municipal Affairs and Environment have all given their approval to this proposed development. As far as the land as it is owned around this other portion of the lake I'm afraid I do not know whether Scott Paper own the remaining portion of it or not but I'm sure that Mr. Clark can help you with that. Your other question is what?

Councillor Benjamin: The other thing is public access. If it's not in this particular plan it should be provided for in the next time we have a request adjacent to this.

Mr. Gough: This was discussed at great length and we had concerns about what precedent we may or may not be setting. What we felt was, and Mr. Clark at the offset said well if you'd like land we'll give it to you, if you don't want land we'll give you money. It was wide open for us to decide. We ran this past Planning Advisory, our Ad Hoc Committee and what have you and the rationale for not taking the land was that really, on a private right-of-way nobody had the right to be in there so we didn't want to encourage people to go in there to use this site that was going to be a liability to the Municipality. That was the rationale behind the whole

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thing. We are not saying that there should not be maybe some public access but at the same time, in this particular instance, it was very hard to justify. Why have a piece of public land in there that the public couldn't get to.

Councillor Eisenhauer: Warden I'd like to indicate that first of all, with this development, where it's located and as people buy the lots I'm sure that they do not need public access. Now Councillor McCabe can indicate how many people are going to attend the beach areas but I can't see, at this point in time, establishing such expense to the County, public access for people who already have access to the lake when they buy the lots. The other thing, I do not see how I can be responsible to sit here and dictate setbacks on a lake that I haven't even seen the lots to see what the terrain's like when I know full well that the Department of the Environment will look after that, and they'll look after it quite nicely, and I can't support that amendment at all.

Councillor Wiseman: Madam Chairman I've seen some of the regulations that the Department of Environment have put into effect but I think we can all recognize the fact, as well, that most of the Department of Environment's regulations have very few or, in most cases, no teeth at all. I think Mr. Clark mentioned, just a few minutes ago, that there were only two lakes out of a possible 50 that would be suitable for development in this way, for putting seasonal homes on these lakes. For that reason we have to try to protect those lakes and those people that are going to develop there to protect their investment. We've also got to try to do something in the way of regulating this. Okay, so you've got situations where the terrain is unsuitable for a 75 foot setback. Well surely to heavens if we put that into regulations we will have building inspection department that will, at least one day, be able to look at these lots and use their own imagination and their own initiative to make a judgement on these areas. But right now we have to, by putting an amendment in this agreement, then we have some control, at least at this stage. For the first PUD I voted in favour of it hoping that we would look at this second one and be able to put restrictions in it that would be able to protect the lakes sufficiently that we could look back in a couple of years and say hey, look at the difference between the two of them. Look at the difference in the quality of water in the lake and the quality of life around that lake. That was the basic reason why I voted in favour of the first so that we could look at the second one, look at it logically and see what we could do to improve the situation in the second one. I will vote in favour of the amendment but I will not vote in favour of the PUD until we can put more thought into the whole thing.

Councillor Benjamin: I want to draw to your attention that it's not the Department of the Environment that's going to worry about the setback, they're not setting the building standards, but I would like to point out to Council that this is really putting in what the developer has said he has in the agreement now, but we want to put it into our agreement, the PUD agreement and the setback would then be very suitable and then be sort of a control that the County would have and that's why I would support it.

Councillor Lichter: Madam Warden, Councillors, first of all I'm amused how ready some Councillors are to put on controls and put teeth into things, particularly when it applies to the far fringes of this County. The second thing is the practicality of the whole thing. Mr. Hefler and his Department have plenty to do. Now can you imagine them running out, a trip of probably 180 miles return, to this particular site just to take a look at where the building should be sited. I can see the 54 cottages that we're talking about, and this would apply to 27 of them, applying for 2, 3 years finally to get somebody out from the Building Inspection Department to take a look, can I put this 5 feet a little closer to the water. You know, to me that's the height of ridiculousness. I certainly will not support this amendment.

Councillor McCabe: Yes Madam Warden, I wonder how many members of Council have read this paragraph, Approvals. The Provincial Government Departments of Transportation, Health, Municipal Affairs and Environment have given their respective approvals to the development. The approval of the Health Department is included as Appendix D of the agreement while all other approvals are on file. Here we have read all this and we are questioning how many various more controls we can put on. The people are overcontrolled now.

Councillor Topple: Madam Warden I don't support the amendment because I don't really believe in getting that restrictive with these people. I don't see any reason why anybody would want to put a fence right down to the water but if they do they have to look at it, I don't. I think to talk of fences and the distance of cottages from the water I'm of two minds there as well. I think you can put a cottage right on the water if you take proper precautions, I don't think that's a problem. I would think that a wharf out in the water perhaps does more damage to the water than a cottage properly placed on the shore, so I will not support it. I think if you're talking those few restrictive amendments I would sooner see us get into some amending, as I pointed out before, in areas where we make sure that we are protected and the residents of Halifax County are protected. I don't think that I would be that much concerned about how somebody used the property providing they did not destroy the environment and I think, as far as Councillor McCabe's remark about the other government's having approved something I don't think that means too much. The facts will show that a lot of the approvals before have never had any restrictive type of controls on them, they were just allowed to do what they wanted anyway. So I'm going to oppose the amendment on that basis.

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Councillor Margeson: Thank you very much Madam Chairman. I raised this and I feel kind of bad really that some people don't wish to support this because I sweated gundrops these last five years trying to keep some lakes clean, and I can name them. I would wish that each Councillor here tonight would support this amendment, because it is extremely important. Just as soon as you disrupt the soil then you've taken a calculated risk on what you're going to do to that lake.

Councillor Williams: Madam Warden I'm going to tell you right now I'm beginning to wonder. What are we - are we against development? I wonder if anybody's ever been up in this country outside of the Councillors or an ardent fisherman? I fish and everybody knows that I fish a lot and I'm going to tell you there's absolutely no way that anybody can stop, and there's a gentleman who pretty well knows what he's talking about as far as woodland goes, but he couldn't stop me going in them woods walking with a reel on my back and a pole in my hand. If he had his land cultivated he could ask did I get permission but as long as those lands are not cultivated I have every right to walk through them and go to any stream, lake regardless. Are we trying to stop development or are we trying to help development. I've sat on this Council and heard rural Councillors say why can't a fellow build a house on a road without Highways permit. How many times has it been said in this Council? We've asked for it, we've asked for the restrictions. Councillor upon Councillor, we've been trying to get restrictions to relieve the pressure on people to build on land that they own and where they want to live, not being forced into Sackville or Forest Hills or Terence Bay. Go where they want to live and build a cottage. They're going to live there, they're not going to make a slum of it. And fellows I only hope you'll pass this tonight and let's get home.

It was moved by Councillor Williams

"That Council Adjourn"
Motion carried.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF PUBLIC HEARING

MONDAY, FEBRUARY 25th, 1980

Present Were:

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 Eisenhower
Councillor Gaetz	Councillor MacDonald
Councillor Smith	Councillor Wiseman
Councillor MacKenzie	

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 Councillor Margeson and seconded by Councillor Adams:

"THAT Mrs. Hiltz be appointed recording secretary."

Motion carried.

Warden Lawrence introduced Mr. Boudreau to the Councillors. Mr. Boudreau sat in the place of Solicitor Cragg.

Rezoning Application No. 29-79 - Request to rezone Lot C, lands of Joseph Kenneth Brown, located at 1683 Bedford Highway in Bedford, District 17, from R-1 (Residential Single Family Dwelling Zone) to C-2 (Commercial General Business Zone).

Warden Lawrence outlined the procedure for public hearings.

Miss Smith: This application has been advertised as prescribed under the terms of the Planning Act and we have not received any correspondence either in favour of or opposed to this application. The property in question is located on Highway Number 1 in Bedford. It runs between Highway number 1 and Highway number 2, which is the Waverley Road. This sketch shows the land use in the area. As you can see a large percentage of that land use is commercial. At the bottom of the page you'll see the shopping centre, which is Sunnyside, a Canadian Tire Store, a gas station at the intersection of Highway 2 and Highway 1, the property in question. Just behind it are several single family dwellings and a church. Up past Oakmount you will also find several commercial uses, which is a muffler center. Across the street from the muffler center is a Legion and coming down again, along the other side of the highway, we come to Bedford Place Mall. As you can see from this sketch this is the zoning in the area, the existing zoning. The spots indicate C-2 (Commercial General Business Zone) on which most of the commercial uses I just outlined are located. There is a section of C-1 zoning that accommodates the muffler shop. Directly adjacent to the property in question there is also a small block of C-1 zoning. The majority of the rest of the zoning, behind Highway number 2 and across the river, behind Union Street, would be R-2 (Residential Two Family Dwelling Zone) and R-1 (Residential Single Family Dwelling Zone). This sketch shows the surveyed plan of the

property. The dashed line shows you the proposed location of the store that's proposed for this site, which is to be approximately 70 x 50 feet. The solid line shows the existing frame garage and the house located on that property. The property slopes very steeply from Highway No. 1, on which its major frontage is located, up towards Highway No. 2 and it's our understanding that access to this lot will be gained from Highway No. 1 because of this slope constraint. The Planning Department are recommending that this Application be approved. Mr. Brown, the Applicant, has indicated to us that he has an Agreement of Purchase and Sale with Tonecraft Limited for the sale of this property. Tonecraft Limited intends to construct a retail paint store outlet comprising approximately 3500 square feet with a provision for about 16 parking spaces. The total area of Lot C is about 17,206 square feet with about 152 feet of frontage on the Bedford Highway and about 46 feet of frontage on Highway No. 2. The Public Works Department have commented on this application and have said that there is no reason, from their point of view, why this application cannot be favourably considered. The Department of Highways have also commented on this Application. Their comment was not received in time to include in the Staff Report but their letter to us says that they have no objection to this rezoning as well. The Planning Department have only brief recommendations, the major one being that this section of the Bedford Highway is not considered to be, by us, a prime residential location any longer. With the influx of many commercial uses over the past number of years, as well as the widening of that section of Highway No. 1 to 4 lanes we feel that it's just no longer suitable for Residential, nor is it desirable.

Councillor Wiseman: Miss Smith, I notice that next door, in the pictures that are going around now, there's only one property next to it that appears to be residential and that's a small yellow house. Did you have any correspondence with these people or did you talk to them and find out what their feelings were on the subject?

Miss Smith: No, we didn't. We posted a sign on the property as we normally do, for the information of residents in the general area but we don't, nor is it our policy to go around knocking on doors.

Councillor Wiseman: This person that owns the yellow house is going to be in a very lonely position with all of the surrounding area being residential. The other thing is was any consideration given to the amount of traffic generated on the Bedford highway from this access to the possible building here.

Miss Smith: Yes, we did contact the Department of Highways. We sent them a letter as well as an explanation of the proposal and a sketch that was provided by the Applicant showing the site of the proposed building as well as the accesses and the Highways wrote back a very short brief letter saying that they had no concerns at all.

Councillor MacKay: Just looking at the sketch and assuming one's driving from Halifax towards Windsor, in that direction, on Highway number 1 and going to turn in the driveway, one would assume by that drawing that he's going to make more than a 90 degree turn, almost about 130. Would the Highways approve a driveway with such configuration?

Miss Smith: You mean the driveway that shows on this sketch as being a private road? I don't believe that that will be the driveway any longer.

Councillor MacKay: So in that case it won't be just a narrow driveway coming in off the main highway, it would be sort of like driving right into a parking lot area?

Miss Smith: Yes. I don't know the exact width of that driveway, it's on that plan but again, as I say, that was forwarded to Highways and they did not seem to be at all concerned about it.

Councillor Deveaux: I presume, Miss Smith, you mentioned - there will be a new entrance to that property other than the one that's shown in the diagram. Have the Highways indicated the old entrance will be remaining there as well or is this a normal practice with the Highways?

Miss Smith: Well the new entrance is in the same general location as the old entrance off Highway 1 where the driveway comes, which was up one side of the property. The new entrance will be here.

Councillor Deveaux: Is that old entrance available now? Can you drive in there?

Miss Smith: I believe there's a small turnaround to get into the garage, I think the photographs would show you better.

Councillor Deveaux: I would find it odd that they'd leave two driveways so close together on one property made available from the highway. The Highways never gave any indication of that in their correspondence?

Miss Smith: No, but they did see the sketch which I just had on the projector.

Councillor Deveaux: The only other question I have is would you class this as a spot rezoning?

Miss Smith: No I don't think so. If you look at the area it's predominantly commercial now and you could, in no way consider it as spot rezoning.

Councillor Deveaux: There is a lot of commercial but there's a lot of residential as well. I realize, as has been stated, that eventually it probably will be mostly commercial but for the time being there's still a lot of residential zoning in the area.

Miss Smith: There's not a lot of residential along that section of the highway. Most of the residential is up off Highway number 2, off those streets that you might see in the sketch of the zoning that you have, as well as off Oakmount, but there are only 2 or 3 houses left along that section of Highway 1 and I wouldn't be surprised to see them go at some point.

Councillor Benjamin: I'm concerned about the entrance on the Number 2 Highway onto this property.

Miss Smith: As you saw from the sketch that I just had up they are proposing a retaining wall along the back part of the property that fronts on Highway number 2, as well as down one side. The only entrance that will be to the property is off of Highway 1.

Councillor MacDonald: I would expect that if a company's moving in there to put a retail business there I'm certain they're going to put a driveway adequate for the area.

Miss Smith: Well that is contingent on getting the building permit, proper access of the highway.

Warden Lawrence called for speakers in favour of the Zoning Application to come forward.

Bill Sutherland: Your Worship, Members of Council, my name is Bill Sutherland. I'm

representing Ken Brown, the owner of this property that's sought to be rezoned. As you know it's on the Bedford Highway, 1683 Bedford Highway, seeking to be rezoned up from R-1 to C-2. The lands are located just a short distance from the intersection of Highway number 1 and 2 as you can see from the sketches. It's pretty well opposite the Bedford Place Shopping Centre if you're driving towards the Bicentennial Highway. There's a Texaco Service Station directly opposite this particular property. Mr. Brown had lived at that location for a good many years and last summer decided to sell it mainly because it just wasn't suitable for residential living. The home fronts on the new widened Bedford Highway and there are now four lanes going by the door, so he moved out of the location last summer and the house has been empty ever since, and also last summer entered into an Agreement of Purchase and Sale to sell this property to a company called Tonecraft Limited which, if the rezoning goes through, intends to, I understand, construct a retail paint sales outlet. The Agreement of Purchase and Sale is contingent on the property being rezoned, of course, as the land is of no value to Tonecraft. Mr. Faulkner is here this evening as a representative of Tonecraft so perhaps, in terms of the proposed building, some specific questions could be directed to him, since I'm representing Mr. Brown rather than Tonecraft. As I indicated the house has been vacant since last fall and would require a great deal of work in order to upgrade it at this point because during the last year or so Mr. Brown was there he was considering selling it and didn't maintain the premises as well as he would had he intended to remain there for several more years. The general area, as has been pointed out, has changed quite dramatically in the last few years, particularly with the addition of Bedford Place Shopping Mall and, on the left as you drive out that highway, it's virtually all commercial establishments now, including the Bedford Place Mall and service stations and so on. There is one house that one of the Councillors referred to. That is at the rear of the property that we're attempting to have rezoned. I think it's owned by a Mrs. Hawbolt, if I'm not mistaken. She was a neighbour of Mr. Brown's for a number of years and last summer, when he had discussions with the Tonecraft people, she was fully aware of what was intended to be built there should the sale go through. There are residential properties at the rear but they, I believe, front on the Number 2 Highway as the right-of-way. So other than the yellow house that is owned by Mrs. Hawbolt to my knowledge there are no others that are anywhere near this particular lot except those which front on the other highway. As I indicated there's a four lane highway in front of Mr. Brown's house now and he found that it was simply not suitable as a residence. We submit that since the general area has changed largely to commercial, at least on one side of that highway, that the best use for this land would be as a commercial lot, particularly in view of added tax revenues which might be made available if the Tonecraft project goes through. It's a certainly more practical use of that land than exists presently. I believe that all of the departments, Planning, Public Works and Highways have given their recommendation for approval of this proposal and I would simply ask that this Application be granted.

Warden Lawrence asked for further speakers in favour of the Application.

Mr. Faulkner came forward.

Warden Lawrence: Could you give us some outline of the general dimensions of the building?

Mr. Faulkner: The building itself, I believe, is 75 by 40, roughly 3600 square feet.

Councillor Curren: Well my questions were the number of storeys and the type of construction.

Mr. Faulkner: Single storey, it's a brick facia cement block with single steel trestles.

Councillor Benjamin: What is the width of the driveway going into this property?

Mr. Faulkner: I think it is 40 foot. It doesn't indicate on here. There is an existing retaining wall along the front of the building. The driveway will be - we'll pave it there and it's our intention to make it so that the cars will turn in there.

Councillor Benjamin: Just the one entrance?

Mr. Faulkner: There's only going to be one entrance.

Councillor MacKenzie: Madam Warden I can appreciate that this is an area that should be commercial but my concern would be traffic coming from Sackville toward Bedford. Would they have to cross a two lane highway to turn into the Tonecraft shop?

Mr. Faulkner: The traffic coming from Sackville would, if they were turning left yes, they would have to cross the traffic. Similarly traffic leaving there and wanting to go into Bedford of course would have to turn left. There's a similar situation to Midas Muffler or the tire place.

Councillor MacKenzie: But it is crossing two lanes of highway?

Mr. Faulkner: It's crossing the two lanes. We did quite an extensive survey on that because we were concerned. Of course our motivation was that access and egress should be very easy for our customers, we don't want to put any objections in the way. What we found is the actual location is in between two sets of traffic lights. The ones at the entrance - the entrances to the Bedford Mall there are two stop lights so what happens is that traffic is slowed down quite a bit for these traffic lights and access and egress are very easy.

Councillor Margeson: The thought that I had about it when I was looking at it in the drawings when they arrived at my place about a week or so ago was that, from an attractive point of view if you were coming from Sackville, you would turn into Bedford Place at the first light, come around and come out the other light and you'd be right on your righthand side and you'd be able to go in your driveway very simply.

Warden Lawrence called three times for other speakers in favour of the rezoning application and there was no response. The Warden then called for speakers who oppose the application.

Keith Roberts: Madam Warden my name is Keith Roberts and I'm a member of the Bedford Town Council and a 22 year resident of Bedford. I'm not really here to oppose it as such but seeing as there's no meeting ground between those in favour and those against I had to take this position. I have several questions if I may. I'm concerned in several areas - one is traffic, that's probably the major concern, and the other is the type of building where it's getting very close to the church lot, which no one has mentioned. You may be aware that the church property is rather large, it's in residential area, and this sort of narrows the gap between commercial and the church property. As far as the abutter on the north end, which is Mrs. Hawboldt, I did check with her and she seems to be - she's an elderly lady and seems to have no objections to the change. I'm just wondering if someone could answer me as to the property at the south, that is between this proposed lot and the Fina station. Who is the present owner of that property? I notice it comes under several zones. I want to point out that I'm not here representing Bedford Town Council or the Bedford Baptist Church but I have interest in both and I feel an obligation. I'm also Chairman of the Safety Committee for the Town Incorporation Advisory Group

and of course traffic is one of my main concerns. The problem I see on the highway is, regardless of which way you are coming into the lot, whether it's from Sackville or from Bedford, you are blocking one lane of traffic and the traffic is quite a jumble there at the moment. Apparently the Department of Highways have cleared this, although I didn't see that in the report. The other concern is the building. I think it was mentioned that it would be concrete block. Now I'm just wondering if that's going to remain concrete block or if it's going to have some sort of a face on it.

Warden Lawrence: I think there is a photograph being circulated and I think Mr. Faulkner said it was going to be faced with brick, partially at least.

Keith Roberts: Well the face of it looks to be quite well covered, I'm just wondering about the sides and the back.

Mr. Faulkner: The sides and the back that are visible will have brick facing.

Keith Roberts: I think that's answered my questions. Perhaps to reiterate, my concern was the visual aspect of the building and the traffic situation. Now the traffic situation I realize the Department of Highways are happy with, there's not much we can do about that. I would like to add that of course we are very interested in attracting good commercial business to Bedford but these were a couple of my concerns.

Councillor Benjamin: Have you discussed this particular application in your Council or in your committee meetings?

Keith Roberts: No we haven't Councillor. I saw it in the paper and followed it up and came in and picked up a copy but we didn't get an opportunity to discuss it in Council. That's why I wanted to clarify that I wasn't here representing Council.

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

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

"THAT Application number 29-79, Request to rezone Lot C, lands of Joseph K. Brown, 1683 Bedford Highway, District 17 from R-1 (Residential Single Family Dwelling Zone) to C-2 (Commercial General Business Zone) be approved."
Motion carried.

It was moved by Councillor Williams:

"THAT Council Adjourn."
Motion carried.

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THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF COUNCIL SESSION

Tuesday, February 5, 1980

Warden Lawrence called Council to order at 2 p.m. and opened with the Lord's Prayer. Mr. Kelly called the roll.

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

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

Warden Lawrence advised Council that Mr. Moriarty, the Postmaster of Halifax Metro Post Office and Mr. Paige, Nova Scotia Postal District Officer were in attendance and asked if Council would agree to hear them now. Agreed.

Members of Council questioned Mr. Moriarty and Mr. Paige concerning disabled persons and Senior Citizens in the rural areas receiving mail delivery and several other topics and the gentlemen from the Postal Department answered the questions at length.

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

"THAT the Minutes of
November 26, 1979 - Public Hearing
November 28, 1979 - Special Session
December 4, 1979 - Regular Session
December 18, 1979 - Regular Session
January 8, 1980 - Regular Session
January 14, 1980 - Public Hearing be approved.

Motion carried.

LETTERS and CORRESPONDENCE:

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

"THAT the Letters and Correspondence be received."
Motion carried.

Mr. Meech outlined the correspondence.

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

"THAT Councillors Smith, Stewart and Deveaux be the three additional names of prospective members of the Dartmouth General Hospital Board."
Motion carried.

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

"THAT the Nova Scotia Firefighters' School be given an opportunity to come before Council and make a presentation for information on the operation and expansion of their facilities and not for monetary reasons."
Motion carried.

Councillor Margeson questioned the matter of Transit and when people might expect a schedule to be forthcoming and there was a great deal of discussion with other Councillors and Mr. Meech.

Councillor MacKenzie asked questions concerning the industrial development in the Sackville area and the Eastern Shore area and Mr. Meech responded to these questions.

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

"THAT Middle Musquodoboit Harbour Hospital Board of Directors be invited to the Management Committee and advised that this is the procedure at the present time, rather than meeting with Council."
Motion carried.

Mr. Meech brought to the attention of Council the fact that the City of Halifax has lodged an Appeal to the Assessment Appeal Judge suggesting that the assessment of the Public Service Commission lands and equipment in connection with the Pockwock Water System should appear on the roll of the City of Halifax and not on the roll of the Municipality of the County of Halifax.

If correct this would mean a loss of thirty million dollars in assessment to the County. This information has been passed to the Solicitor and will be reviewed and investigated.

Councillor Adams read a letter to Council addressed to Warden Lawrence and received from the North Preston Day Care Centre.

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

"THAT a letter be written the North Preston Day Care Centre advising them that this request will be referred to the Controller or the Director of Finance and it will be discussed at the Management Committee in the budgeting process and that Mrs. Johnson be asked to appear when this comes before the Management Committee."
Motion carried.

ADDITIONS OF ITEMS TO THE AGENDA:

Councillor MacKay
Councillor Curren
Councillor Deveaux
Councillor Stewart

Sewer charges
Regional Parks
Addition of items to the Agenda
Rezoning of the lands of the Halifax County Rehabilitation Centre from General zoning to Park and Institutional. and The Policy of Recreational lands in general, the coordinating of activities of such and financing of recreational activities.
Sound System

Councillor Topple

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

"THAT the Agenda be closed."
Motion carried.

Councillor Deveaux requested permission to speak to subjects which he had raised in Council before Christmas and Council agreed.

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

"THAT sewer charge appeals be referred to the Policy Committee."
Motion carried.

Councillor Baker requested permission of Council to speak on a subject which he felt was of immediate importance and Council agreed.

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

"THAT the application of the Rocco Group to the City of Halifax to build apartment buildings, commercial establishments and private homes on the border of Spryfield and Herring Cove be referred to the Planning Advisory Committee".
Motion carried.

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

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

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

"THAT the recommendation of the Planning Advisory Committee to reject Rezoning Application No. 23-79 be approved."
Motion Carried.

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

"THAT the recommendation of the Planning Advisory Committee to hold a Public Hearing on Rezoning Application No. 29-79 February 25, 1980 at 7:00 p.m. be approved."
Motion Carried.

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

"THAT the recommendation of the Planning Advisory Committee that Section XVI of the Mobile Home By-law be repealed and substitute, therefore, provisions enabling a person to locate a Mobile Home on a construction site for a 12 month period with provision it would enable Council to extend such permit for a period up to 12 months upon hearing the Chief Building Inspector's recommendation and that the Solicitor be instructed to bring back

the proposed amendment to permit the general intention of the Committee's decision be approved and that the Chief Building Inspector be present when Council discusses the proposed Amendment."
Motion carried.

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

"THAT food be ordered in for supper break."
Motion carried.

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

"THAT Council accept title to 1 parcel of land of Ralph Crowell Subdivision, Porters Lake."
Motion carried.

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

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

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

"THAT the Dog Control Program be discussed at the next Council Session."
Motion carried.

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

"THAT Doctor Love make a full explanation to Council to satisfy the wishes of the people concerned as to why their dog died under the supervision of the SPCA, why the person was not informed immediately of the death and allowed to have an autopsy and the reason for the delay."
Motion carried.

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

"THAT Council accept the recommendation of the Management Committee to give approval to the signing of an Agreement between the Municipality and the Nova Scotia Housing Commission and Central Mortgage and Housing Commission to turn over the 15 Senior Citizens' units at East Preston to the Housing Authority for their management and operation."
Motion carried.

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

"THAT Council approve increasing the food scales in the Social Services Policy effective February 1st, 1980 as per the figures provided in the Report from the Director of Social Services."
Motion carried.

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

"THAT Council endorse the Homemaker Proposal and request the Minister of Social Services to approve this proposal and have it implemented as soon as possible."
Motion Carried.

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

"THAT the name designation of the Director of Planning and Development be designated Chief of Planning and Development with a view to providing clarity."
(See Motion to Rescind.)

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

"THAT the previous motion be rescinded."
Motion carried.

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

"THAT the name designation of Director of Planning and Development be amended to be designated Chief of Planning and Development."
Motion carried.

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

"THAT the directive given to the Management Committee to advertise for the positions of Personnel and Chief of Planning and Development be rescinded."
Motion defeated.

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

"THAT the Temporary Borrowing Resolution for five million four hundred thousand (\$5,400,000.00) be approved."
Motion carried.

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

"THAT the Report of the Policy Committee and the Supplementary Reports of the Policy Committee be received."
Motion carried.

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

"THAT the recommendation of the Policy Committee that the Province be requested to provide financial assistance to cover the Municipality's projected deficits for 1980 to Metro Transit with the understanding that the subsidies required in 1981 from the Municipality would be recovered from the Districts receiving the transit service be approved."
Motion carried.

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

"THAT Council accept the recommendation for approval of an exemption of 1980 property taxes of \$150.00 for widows, widowers, head of a single family supporting a dependant and citizens 65 years of age or over with total family income not exceeding \$6,000.00."
Motion carried.

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

"THAT Council approve the recommendation of the Policy Committee to support a policy of equal representation for participating members of Metro Authority under the present legislative structure."
See motion to defer.

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

"THAT the motion on the floor be deferred until next Council Session and that copies of Metropolitan Authority Act covering Rules and Procedure and a Report from the Solicitor be provided Council before next Session."
Motion Carried.

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

"THAT Council approve the recommendation of the Policy Committee that the Municipality approach the Premier and request a meeting with the Cabinet and Halifax County M.L.A.'s to discuss common areas of interest to both the Province and the Municipality involving the major financial burden being placed on the Municipality for Education, Sewer and Water Systems et cetera."
Motion carried.

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

"THAT County approve the recommendation by the Policy Committee that the Nova Scotia Housing Commission be requested to prepare and provide an impact study relative to the Millwood Development including the implications for the Municipal Services, i.e. education, transit et cetera, in addition to the economic benefits and further that the information be provided prior to final approval being granted for the development."
Motion carried.

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

"THAT the Council receive the Report of the School Board and that it be referred to the Management Committee for their consideration."
Motion carried.

It was agreed by Council that the FCM Conference Report be discussed at the February 19th Session of Council.

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

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

It was moved by Councillor Williams:

"THAT Council adjourn."
Motion carried.

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

MINUTES OF COUNCIL SESSION

Tuesday, February 19th, 1980

Warden Lawrence called Council to order at 2 p.m. and opened with the Lord's Prayer. Mr. Kelly called the roll.

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

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

Warden Lawrence advised Council that the Honourable Harry How, Attorney General for the Province of Nova Scotia was in attendance to meet with Council and discuss some items of interest to Members.

The Honourable Harry How introduced Deputy Attorney General, Gordon Coles and Director of Criminal Prosecutions, Gordon Gale and two Officers of the RCMP, Superintendent Christian and Superintendent Bungay of 'H' Division. These gentlemen explained the difficulties of policing Halifax County and answered questions put to them by Members of Council.

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

"THAT the Minutes of January 15, 1980 Regular Session of Council be approved."
Motion carried.

Letters and Correspondence were outlined briefly by Mr. Meech.

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

"THAT the Correspondence be received."
Motion carried.

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

"THAT Council follow up the response from Via Rail by asking the Co-ordinator of Recreation to contact the Department of Transportation and the Department of Tourism directly."
Motion carried.

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

"THAT the item of Centennial Week be referred to the Centennial Committee for investigation."
Motion carried.

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

"THAT Application for Lesser Setback of 23.8', Lot B, Nova Scotia Housing Commission, Bedford and Application for Lesser Side Yard Clearance of 6.8', Lot 3, Terence B. Blackburn Subdivision, Lower Sackville be approved."
Motion carried.

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

"THAT the draft of the Mobile Home By-Law Amendment prepared by the Solicitor be approved."

Motion defeated.

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

"THAT Part 16 of the Mobile Home By-Law be rescinded."

Motion carried.

Councillors Lichter and MacKay requested a recorded vote.

RECORDED VOTE: IN FAVOUR

- | | |
|-----------------------|-----------------------|
| Warden Lawrence | Deputy Warden Poirier |
| Councillor Wiseman | Councillor Baker |
| Councillor Eisenhauer | Councillor Deveaux |
| Councillor Curren | Councillor Stewart |
| Councillor Margeson | Councillor Adams |
| Councillor Benjamin | |

RECORDED VOTE: OPPOSED

- | | |
|----------------------|----------------------|
| Councillor Smith | Councillor MacKay |
| Councillor Gaetz | Councillor Lichter |
| Councillor MacDonald | Councillor MacKenzie |

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

"THAT fried chicken and chips be ordered in for supper."

Motion carried.

Warden Lawrence read a letter from George Mountain, Special Constable for the Municipality, re firearms being sold at a flea market and the contents were discussed by Councillors.

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

"THAT the proposed Amendment to the Metropolitan Authority Act be referred to Policy Committee for study and a report be brought back to Council."

Motion carried.

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

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

Motion carried.

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

"THAT the Report of the Planning Advisory Committee be received."

Motion carried.

Mr. Meech outlined the PAC Report briefly.

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

"THAT Rezoning Application No. 24-79 - Request to rezone a portion of the Lands of Ronald Hayman, located on Pacific Avenue at Cole Harbour, District 7 be rejected and that a Public Hearing not be held."
(See Motion to Defer)

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

"THAT the Rezoning Application No. 24-79 be deferred for one month."
Motion Carried.

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

"THAT the Centennial Committee investigate the feasibility and popularity of naming the Districts in the County rather than numbering them."
(See Motion to Defer)

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

"THAT the previous motion be deferred one month."
Motion Carried.

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

"THAT Mr. Arthur Murphy, 30 Old Sackville Road, have sewer frontage charges reduced by one hundred and ten feet."
(See Motion to Defer.)

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

"THAT any action on the previous motion be deferred pending a report from the Solicitor on the feasibility of altering the Act and information on the situation about Highway compensation - whether it was on the basis of raw land or serviced land."
Motion Carried.

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

"THAT the Planning Director determine the status of the planned Regional Parks and if there is any move to start acquiring the lands and that a letter be forwarded to the Department of Municipal Affairs with these questions."
Motion Carried.

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

"THAT Council request Planning Advisory Committee to investigate the possibility of rezoning lands of the County just outside the serviced area of the lands of the Halifax County Rehabilitation Centre from General to Parks and Institutional."
Motion Carried.

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

"THAT the Policy Committee investigate general revenues used for recreation facilities and cost sharing formulas and what allocation methods the Recreation Department uses and the coordination of recreational programs with communities, including the maintenance of recreational facilities and the lands, with a view to setting policies."
Motion Carried.

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

"THAT the present system of adding items to the Agenda be referred to the Policy Committee with the suggestion that the present method of adding items to the Agenda be abolished and a place be provided on the Agenda called "New Business" and at each regular Council meeting Councillors be allowed to bring up any items which they choose."
Motion Carried.

Councillor Lichter requested permission of Council to bring forth a new item and Council agreed.

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

"THAT Council write to Mr. Moriarty and ask him to assure Members of the Canadian Postmasters and Assistants Association, in writing, that there is no substance to the rumour that post office services will be closed in rural areas on Saturdays."
Motion Carried.

Warden Lawrence asked Councillors if they had any resolutions for the F.C.M. Conference and none were forthcoming.

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

"THAT a recommendation be referred to the Policy Committee about the possibility of increasing the fees for dog licenses."
Motion carried.

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

"THAT a letter be written to the SPC pointing out the inadequacy of coverage, and particularly the problem with wild dogs in the North Preston area."
Motion carried.

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

"THAT the possibility of a public relations pamphlet regarding the Dog By-law be enclosed with the telephone or power bills be referred to the Policy Committee."
Motion carried.

Discussion was held with regard to appointment of Dog constables and school crossing guards.

It was moved by Councillor Baker and seconded by Deputy Warden Polrier:

"THAT Council approve the temporary borrowing resolutions of two million dollars for the Forest Hills Elementary School, Phase 3 and one million dollars for the John A. MacKay, Brookside School."
Motion carried.

Nominations were called for three members of the Arbitration Committee as provided for under the Assessment Act.

"Warden Lawrence - Nominated by Councillor Deveaux and seconded by Councillor Baker.
Deputy Warden Poirier - Nominated by Councillor Baker and seconded by Councillor Adams.
Councillor MacKay - Nominated by Councillor Wiseman and seconded by Councillor Gaetz."

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

"THAT nominations cease."
Motion carried.

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

"THAT Council approve the authorization for Marland Engineering Ltd. to proceed with the design of the proposed expansion of the Mill Cove Sewage Treatment Plant and approve the Temporary Borrowing Resolution for two million dollars."
Motion carried.

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

"THAT Council approve the Temporary Borrowing Resolution for Bell Park School."
Motion carried.

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

"THAT the Report of the Policy Committee be approved."
Motion carried.

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

"THAT Councillor Deveaux be reappointed to the Metropolitan Transit Commission."
Motion carried.

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

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

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

"THAT Council approve the Minister's proposal re the buy-out of the assets of Halifax Transit and Dartmouth Transit."
Motion carried.

Councillor Margeson wished to record his thanks and appreciation to the Director of Recreation and his staff for the nice job they did with the first Annual Halifax County Winter Carnival.

It was moved by Councillor Margeson:

"THAT Council Adjourn."
Motion carried.

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

Tuesday, March 4, March 18 and June 17, 1980

SPECIAL COUNCIL SESSION March 24, 1980

THE MUNICIPALITY OF THE COUNTY OF HALIFAX

PUBLIC HEARING MINUTES

Monday, March 24, 1980

Present Were:	Deputy Warden Poirier	Councillor MacKenzie
	Warden Lawrence	Councillor McCabe
	Councillor Williams	Councillor Lichter
	Councillor Baker	Councillor Margeson
	Councillor Stewart	Councillor MacKay
	Councillor Adams	Councillor Curren
	Councillor Gaetz	Councillor Eisenhauer
	Councillor Smith	Councillor MacDonald
	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 Councillor Gaetz and seconded by Councillor Smith:

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

Application No. 5-79: Request to zone and rezone property located on Lakeview Avenue an surrounding area, Springfield Lake, Middle Sackville from G (General building Zone) and an unzoned status to R1 (Single Family Dwelling Zone) and R-2 (Residential Two Family Dwelling Zone).

Warden Lawrence requested Ms. Smith, of the Planning Department, to outline the information available on the area and on the rezoning application.

MISS SMITH: Thank you Warden. This is Application number 5-79 and it's a request to rezone property located on Lakeview Avenue, a portion of Highway Number 1 and a portion of the Old Patton Road and surrounding area at Middle Sackville, District 18, and this is from General and Unzoned Status to R1 (Single Family Dwelling Zone) and R-2 (Residential Two Family Dwelling Zone). This application has been advertised, as prescribed under the terms of the Planning Act and to date we have had no correspondence either in favour of or opposed to this application. Now I'll outline the general location of the properties. The area involved in this application includes all of Lakeview Avenue, which runs along the northwestern side of Springfield Lake. There are two sections to this application, the first section being the area for which R1 zoning was requested, which is at the top of the map, and Mr. Campbell is outlining that. That request was made by the Springfield Lake Community Development Association and they have requested R1 Single Family Dwelling zoning. The second part of the application was brought in in the form of a petition from the residents on the remaining part of the street and it covers the remaining area of Lakeview Avenue, several streets that branch from Lakeview Avenue as well as a portion of Highway 1 and extends up to a few hundred feet of the Old Patton Road. As previously stated the requested zoning for the area, as asked for by the residents, is R2 for the first section of the road and R1 for the rear portion. Land use in the area is as per basically shown on the map. As you see those S's denote single family dwellings and, so far as we are aware, the only use in the area that is not strictly single family nature is a mobile home located just off the top of the map. Apparently it is a trailer that is located on a foundation and appears to be

very permanent. The Planning Department is recommending approval of this application and I'll just go into the background information that I just briefly covered. The application was originally initiated by the Springfield Lake Development Association and they requested the zoning to R1 (Residential Single Family Dwelling Zone) and that application came in to us in the form of a petition presented to us by Mr. John Nethercott, who is Chairman of the Board of Directors for the Springfield Lake Community Development Association and in his letter, attached with the petition, he outlined some of the reasons the residents were requesting R1 zoning and they are: As an overriding factor to maintain a high standard of environmental quality; To control the number of septic disposals systems in the area; To control the density of population and subsequent pressure on schools; and to preclude the uncontrolled development of commercial establishments. This petition was presented to the Planning Advisory Committee who waived the normally required three hundred dollar (\$300.00) fee for this. The second phase of the application was initiated by a Mr. N.B. Flinn who, as spokesman for the residents of the remaining area, requested the zoning of the remaining portion of Lakeview Avenue and surrounding area to R-2 (Residential Two Family Dwelling Zone). As opposed to handling the two petitions separately under two separate zoning applications we decided to handle them all as one. It just seemed more logical that the entire street and the surrounding area go under the same application. As I said previously, generally the land use in the area is single family dwellings and from our site investigations we've noted that most of the dwellings are new, although there have been a number of cottages built there over the years. It would appear that originally the area may have been developed for a recreational area, maybe summer cottage and summer use, and gradually it became more attractive for permanent use. So there is a mixture of older cottage type houses as well as new and very attractive single family dwellings. The Planning Department is recommending approval of this application because it's been a policy of our Department to support applications from residents requesting restricted residential zoning as a means of protecting their stable residential communities. We feel that Lakeview Avenue is unique and not only because it is a quality residential area but also because it's very environmentally sensitive, given its proximity to Springfield Lake. The lake provides year 'round recreation for the area residents and it's imperative that we not only keep it free of pollution but also to protect it because it's a very good recreational facility, and we would also feel it is important to protect the area from incompatible land uses from locating there and the situation that is there presently, with the general and unzoned status, would mean that any of the properties could be developed for a wide range of commercial uses, which would certainly not be in the best interest of the community. The R1 and the R2, although they are the most restrictive zones we have under our Municipality Zoning By-law, they do however permit a wide range of recreational uses, which we feel is, again, in keeping with the nature of this area, being one of recreational and prime residential. We also feel it's important to note that these zones do not permit the operation of local amenities such as grocery stores, day care centres or beauty parlours. It does not have any effect on any businesses or uses that exist at the moment but any uses will be prohibited other than going through a zoning amendment, which is what we're going through tonight, so in other words anyone proposing to operate a business in the area would be required to go through a zoning amendment and therefore the residents in the area would have prior knowledge of any proposed amendments and have input into how their community develops, and we feel this is very important. Thank you.

COUNCILLOR STEWART: Miss Smith are there any services here or are all these lots on septic tanks?

MS. SMITH: Oh no, development is strictly on a well and septic tank basis.

COUNCILLOR STEWART: What's the average lot size along the Springfield Lake?

MISS SMITH: It would roughly run anywhere from fifteen up to in excess of forty thousand square feet I would think. I would think that some of the older cottages may have been developed on lots that were less than fifteen thousand square feet but most of the new development probably are fifteen and in excess of that. The waterfront lots, any new ones now, would be required to be forty thousand square feet. But a lot of the properties, if you've driven through there, you'll note that most of the lots are quite large, especially at the top part of Lakeview Avenue.

COUNCILLOR MACKAY: Miss Smith, two questions. The first one is there's an existing mobile home which would fall in the area proposed to be zoned R2. It's on a concrete foundation at the present time and I would assume it to be a permanent residence. If this application is approved how would it affect that mobile home?

MISS SMITH: Well if the mobile is there permanently it would really have no effect what ever. If the mobile was destroyed or removed it could not be replaced under R2 zoning. That would facilitate a zoning amendment, by the person who owns the property, to a T zone to permit the placement of a new mobile back on the property or we could exclude that lot from this application, if Council so desired, if the person who owned the property objected strongly to his property being zoned. But the only effect is that if the trailer is ever removed or somehow destroyed then they would require a T zoning in order to replace it.

COUNCILLOR MACKAY: And in the case of businesses that do exist, grocery stores, which there is one, I believe, in the area - and if that person running that business went out of business for any one of many reasons can another person run a similar business in the same establishment?

MISS SMITH: Yes, assuming that the use was continued before a year had elapsed. Any businesses that exist at the present time, and I'm not aware of a grocery store but there may be one there, I assumed it was just off the area to be rezoned, but in any event if there are businesses there now, and if the area is rezoned to R1 and R2, all businesses can continue. They cannot expand insofar as you cannot expand any structures that they're located in unless, again, you went through a zoning amendment to a commercial zone. If any of these businesses discontinued operation for more than one year they could not be resumed. The properties would revert to whatever the zoning that is placed on the properties. If the business was to change hands it is possible that the use could be changed as long as it is changed to a comparable use or one that is more restrictive. In other words, for instance if there is a grocery store within the area to be rezoned and the owner was to sell it the building inspector may determine that he would permit a use of a lesser nature, such as maybe a beauty salon to locate there, but he would not permit something that was more intensive to take the place of the grocery store, such as a gas station. It could only go to a lower intensity. That is the decision of the building inspector in any case. He decides which use will be more intensive and more restrictive.

COUNCILLOR MACKENZIE: Madam Warden, with regard to unzoned status do we have much property within that area that is unzoned?

MISS SMITH: The only property presently zoned general building zone is that property which falls within 500 feet of Highway Number 1. Either side of Highway Number 1 has general zoning. Properties located further off the highway than 500 feet would be of an unzoned status - but as far as what you can do or what you can get building permits for it means virtually the same thing, because a general building zone was initiated years ago to prevent mobiles from locating within 500 feet of the street but that's no longer the case, so it virtually means the same thing now as far as development.

WARDEN LAWRENCE called for speakers who wished to speak in favour of the Application to come forward.

JOHN NETHERCOTT: Warden Lawrence, Councillors, my name is John Nethercott. I'm the Chairman of the Board of Directors of the SLCDA, Springfield Lake Community Development Association. I live at 617 Lakeview Avenue, which lies within the area that we're requesting be zoned R1. I certainly don't want to take up a lot of your time and I don't want to get into any contentious areas as I'm a real babe in arms with regard to zoning applications. I would, however, like to ask for the people who are here in support of this application to perhaps stand up so that we can identify those people who are in support. Thank you very much. As I say, I certainly don't want to waste your time. Miss Smith from the Planning Department, who I worked very closely with on this Application for just about a year now, has said I think all that needs to be said and I'd like to leave it at that. Thank you.

COUNCILLOR MACKAY: Madam Warden, to Mr. John Nethercott. Mr. Nethercott you've stated you're a babe in arms - I don't doubt that for a moment but I think that you might have learned some tricks of the trade because the first thing, you have an obvious show of strength and you have all those appeals to the Councillors. Realizing, as in anything, there has to be a point of beginning and a point of termination, one question that comes to my mind is how you arrived at your point of beginning and your point of termination in the area that your requested to be rezoned.

MR. NETHERCOTT: As I mentioned we have an association in the area, the Springfield Lake Community Development Association and, basically, what we did for the first part of the application, the application to zone R1, we looked at the confines of the area which we were serving by means of the Association and this, presently, is the area which is available or reachable by road and there is a road which is presently developed and the lots on it are not developed at this time so the application started with the area which we served. The area which has been requested to zone R2 composes the remainder of the area served by the road, Lakeview Avenue, and also that part of the main highway and Patton Road and I'm not prepared to say much more than that as that part of it was organized by Mr. Flinn. But the departure part was the area served by our association.

COUNCILLOR MACKAY: So basically the area that you're requesting to be rezoned R1 is comprised of the residents of the area that form your association?

MR. NETHERCOTT: Yes, and also that area that presently has a road in it so that, obviously, that would make other uses of that area incompatible with the R1 zoning.

COUNCILLOR MACKAY: Well I certainly commend you on your stand on rezoning and I think it's a grass units level of planning, that it comes from the community rather than from the hierarchy down. The only question I would have - did you have some forethought or foresight to expand that because surrounding Lakeview Avenue it would seem that there might be a prime area to be developed. You know, like a second road in parallel with the first road, and I was wondering if you had some forethought into expanding that so that it would include future development that might be one year, might be ten, fifteen, twenty years down the road?

MR. NETHERCOTT: Yes Mr. MacKay, when we initially discussed the application we looked at it from the point of view of it being as encompassing as possible. The thing that we didn't want to do, though, would be to be all-encompassing and, essentially, bite off more than would be seen to be a mouthful.