

Mr. Birch then showed a map of the area depicting the road system which included the Sackville Expressway connection to Burnside Drive.

Mr. Birch advised that there has been some concern relative to trucking, which in his opinion held some validity. However, he advised that the Department of Transportation do not usually, unless other factors are considered, produce the solution for a potential problem. He felt sufficient pressure on the Provincial Government could get a section of that Expressway built, in the portion from Rocky Lake Drive, through to the Cobeguid Road with an Interchange off the Bicentennial at the Metro Aggregates location which would have the following two benefits:

1. The Sackville Industrial Park within this location would have access to the limited access highways of the Province;
2. It would enable control of truck traffic through Waverley except for that requiring access within the area which would then have the effect of eliminating the truck traffic going beyond Waverley from the existing Quarry.

Mr. Birch advised that the above should be considered in the proposal.

Mr. Birch also reiterated the comments of Mrs. Cartledge, who in her description of the proposed Quarry had advised: "the anticipated production is in the order of 300,000 metric tons". In order to give an idea of that production relative to other Quarries in the area, he advised that Municipal Spraying and Contracting now produce 1,000,000 metric tons, Conrad Brothers - 600,000 metric tons, Gateway Materials - 400,000 metric tons, Atlantic Sand and Gravel 250,000 metric tons, Eric Whebby Limited - 175,000 metric tons and Steed and Evans Limited 100,000 metric tons.

Based on the above, he advised that it was the recommendation of the Department of Planning and Development that the Metro Aggregates application be approved by Municipal Council. He advised that it was a question of whether there is a Quarry without Municipal Controls or a Quarry with Controls provided for by the P.U.D. Agreement. Mr. Birch also advised that some benefits could be derived from the proposal.

Questions From Council

Councillor Wiseman questioned Mrs. Cartledge with regard to her statements that if the demands are met, the Developer can go ahead without this Public Hearing. She asked for clarification of these remarks.

Mrs. Cartledge advised that the zoning on the property right now is Industrial which extends back into the property 1000 feet. The crushing and stockpiling complex are to be located within that 1000 foot area; therefore, if the Developer came in tomorrow to apply for his building permit, the Municipality would have to issue that permit as he is within his rights to apply for it under the existing zoning for both the Crusher and the Quarry.

She further advised Councillor Wiseman, that he would have to meet the same requirements under the existing zoning as he would have to meet under the PUD Agreement. The only difference she advised is that under the Agreement, the Operation is Municipally-controlled as per the list of things which would be in the Agreement, while without the Agreement there would be little control. Further, she advised that the Developer has already received lot approval so he is now eligible to apply for his building permit and the previously mentioned permits would be applied for at the same time. The Building Permit would then be referred to the Department of Transportation for construction of the driveway. She advised that the Transportation Department would be interested in site distances and she was under the impression that they had already given their approval to that.

With regard to the installation of a septic tank, she advised that the maximum lot size for the Department of Health approval is 5 acres, while the Developer has much more than this requirement. The Department of Health, she advised, have already indicated their approval of this Development.

Mrs. Cartledge indicated that the only other approval that the Municipality would be involved in would be the Permits for Blasting, Removal of Topsoil and Excavation. Prior to the issuing of those permits it is highly unlikely that the Head of the Department of Engineering would bring forward to the Management Committee, these permit applications. If the Management Committee did receive these applications and gave their approval to them, the only Permit still required would be that from the Department of the Environment and she advised that the Developer has already met with most of the requirements of the Department of Environment and whether the Developer goes through the avenue of a PUD Agreement or not, he still must meet with the approval of that Department. If the Quarry and Crusher Operation does proceed under a PUD Agreement as proposed, the Developer would have to meet the requirements of the Department of Environment and of the Municipality, therefore, there would be twice as much control over the Operation.

Councillor Wiseman questioned, if that was the case, that they could proceed with the operation, without going through a PUD Agreement and through a Public Hearing process, why is the PUD being pursued and why is the Hearing being held.

Mrs. Cartledge advised that the Developer could best answer that question; however, it was her understanding that he chose this method because he wanted to ensure that he would be operating properly and further that the area residents would be assured that his intentions in this regard are good intentions. She advised that the PUD Agreement is a totally voluntary thing on his part; he did not have to go through the Public Hearing process at all.

Councillor Wiseman then questioned Mr. Birch with regard to his slide presentation and the fact that he had been in the Silversides Subdivision when the blasting depicted in the slides had taken place; she advised that there seemed to be some question about the validity of his statements, judging by the vocal reaction of those in the Council Chambers. She asked Mr. Birch how far Silversides was from the area of the blast.

Mr. Birch advised that he thought it was approximately three miles to his knowledge; he was not certain about the exact distance.

Warden MacKenzie advised Councillor Wiseman that he had been present when the picture had been taken by Mr. Birch, he had been out of Councillor Snow's car at the time of the blast and the picture taking and it was about two minutes from the time of the blast to the time that the dust disappeared. He also advised that he did not hear anything and that he felt no vibration from the blast.

Councillor Wiseman advised that her question related to the distance involved; she advised that there were residents living within a few thousand feet of that area and these were the homes she would be concerned about with regard to noise and vibration, more so than homes three miles away.

Mr. Birch advised that in terms of current controls, the Quarry Operation is set back from the road by a substantial distance in order to allow the topography to screen the Operation. He advised that under existing legislation, the Municipality would not be able to insist on that substantial a set back. He advised that this was an added protection imposed by the PUD Agreement.

Councillor MacKay indicated his appreciation that all facilities would be located within the 1000 foot strip where the property is zoned industrial; however, he questioned what, if any, activities could be carried on in the rear of that 1000 foot strip of property which is zoned general at the present time.

Mrs. Cartledge advised that the front of the property is zoned Industrial and the rear of the property is unzoned; therefore, the buildings must be located within the 1000 foot Industrial Zone. However, she advised that the Quarrying Operation itself, the removal of rock, blasting, etc, can take place on the unzoned area under the Municipality's existing Zoning By-Law because it is not the construction of a building but is the use of the land to take away rock. She confirmed Councillor MacKay's understanding that rock removal could take place on the entire site.

Councillor MacKay questioned Mrs. Cartledge as to what regulations, conditions, stipulations or approvals are necessary for Municipal Spraying and Contracting to carry on their Operation and who governs that Operation relative to size of blast, run off and dust control.

Mr. Birch advised that they would be controlled under Provincial Legislation relative to the Mining and Quarries Act and any approvals required from the County under the Blasting By-Law, Topsoil Removal By-Law and Excavation By-Law. He indicated his opinion that if there is a conflict between the Provincial Regulations and the Mining and Quarries Act, that the Mining and Quarries Act would apply. As well, he indicated that there would be other approvals from the Department of Health and Environment, with respect to run off.

Councillor MacDonald questioned whether the property of Municipal Spraying adjoined that of the Metro Aggregates proposed site.

Mr. Birch advised that Municipal does abut Metro Aggregates and runs back to the Dartmouth Boundary. It does not abut it entirely but partially.

Councillor MacDonald then questioned whether it would be possible for the two to abut each other entirely if Municipal Spraying continues to grow in that direction to which Mr. Birch agreed it was possible.

Councillor Snow questioned Mr. Birch as to whether the same laws which apply to Municipal Spraying at this date, also apply to the proposed Metro Aggregates Operation.

Councillor Snow also indicated that the Department of Environment had been unable to prevent the unsatisfactory conditions at the present Municipal Spraying Operation; he then questioned how they would possibly be able to properly maintain and regulate two Quarries under the present applicable regulations.

Mr. Birch advised that with a Planned Unit Development Agreement, in addition to the Provincial Controls and the Controls under the Mining and Quarries Act, there would be additional Municipal Controls which have already been outlined by Mrs. Cartledge. Therefore, if an offence is committed action can be taken at both the Provincial and Municipal level.

Councillor McInroy indicated his concern over the statements made, that there can be an Operation either controlled by the Municipality or an Operation not controlled by the Municipality. With regard to the traffic problem which Mr. Birch had indicated was a legitimate concern, he questioned whether the Department of Planning and Development would not have sufficient basis to deny the issuance of a Building Permit, if from a Planning point of view it was felt that the Development would create a traffic hazard.

Mr. Birch described Rocky Lake Drive as a Provincial Collector Road and advised that a truck is as entitled to travel along that road as a motor car. He advised that the Province has standards for how much a collector road can handle and according to these present standards he advised that Rocky Lake Drive is not operating anywhere near its capacity in terms of the number of vehicles which travel it daily. He advised that the concern was that this truck traffic is travelling through Waverley an essentially residential community. He advised, that whether this Quarry is approved or is not approved, the trucks will still be going through Waverley for a considerable period of time, until the Sackville Expressway is built. He advised that the alternative to the Sackville Expressway, is a diversion of the traffic around Waverley, Cobequid Road to an Interchange where the Bicentennial crosses the Cobequid Road. Otherwise, the trucks have to go through Waverley to get to the Fall River Interchange.

Councillor McInroy agreed that it would be nice to have the Sackville Expressway; however, he would prefer that any Industrial Development be held up until this road can be put in place rather than to run the risk of having a child killed in a traffic accident. He also indicated that his question was strictly from a Planning point of view, as to whether a traffic hazard would not constitute a good enough reason to reject a proposal. He questioned whether Mr. Birch would be able to reject an application on this basis. He also questioned whether it was really inevitable that the Operation can proceed with or without the PUD Agreement.

Mr. Birch advised that he could not reject the Application strictly on the basis of a traffic increase; as well, he advised that he was not suggesting that the Operation will definitely commence with or without the PUD Agreement. He advised that the capability, however, is there for it to do so. He also advised that there were certain laws in existence in the Province of Nova Scotia and the Proponent is merely asking that he be able to operate within those laws.

Councillor Snow read into the record a letter from the Minister of Transportation to the Mayor of Bedford as follows:

"I note from your letter that the Town of Bedford is again requesting an early start on the construction of a portion of the Bedford-Sackville Expressway, from Rocky Lake Drive to the Cobequid Road with connection to the Bicentennial Drive as a solution to the truck traffic on Rocky Lake Drive."

Councillor Snow assured Mr. Birch that Rocky Lake Drive was not capable of handling any further truck traffic.

Mr. Birch advised that the above-mentioned letter merely indicated his point that the construction of the Sackville Expressway was imminent.

There were no further questions for Mr. Birch, at this time.

SPEAKERS IN FAVOUR OF METRO AGGREGATES APPLICATION

Mr. Ronald Pugsley, Solicitor for the Proponent: Mr. Pugsley advised that he was acting on behalf of Metro Aggregates. He introduced to Council Mr. Bob Bayard, General Manager of the Operation, and Mr. Maurice Lloyd of Underwood Maclellan, who had accompanied him to address Council. Mr. Pugsley advised that Metro Aggregates was the registered owner of 409 acres of land in the vicinity of Rocky Lake Drive and the company proposes to develop an Aggregate Operation involving the use of a Rock Crusher. The land, is Zone I-1, 1000 feet from this Road and the balance of the land is unzoned.

Mr. Pugsley advised that the proponent could have applied to the Director of Engineering and Works for a permit under By-Law no. 41, a By-Law Respecting Gravel Pits and Excavations to operate a Quarry. He advised that this permit could have been issued without a Public Hearing and without the matter coming before Council. However, the proponent felt it was proper to involve the residents of the area and

Council and its Staff in the Environmental Controls and the final approval. He further advised that in the Fall of 1981, in this regard, representatives of the Company met with the representatives of the Waverley Ratepayers' Association. Three meetings were held in the Spring of 1982 with the Committee of the Ratepayers' Association. In 1981 the Ratepayers' Association said they wished to invite the Company to a general meeting so that the company could present its views; they advised that they would call the proponent to give adequate notice of the meeting. However, the meeting was called without the notice given and the proponent was not invited. At that meeting, a resolution was passed by the Association which condemned the proposal.

Mr. Pugsley advised, that they now question the legitimacy of the invitation. He further advised that in June of 1983, two months ago, Mr. Maurice Lloyd a representative of Metro Aggregates, requested a meeting with Mr. Lockhart, President of the Waverley Ratepayers' Association. Mr. Lockhart advised that he was planning for Goldrush Days and that he would get back to the proponent with respect to the meeting. He did not get back to the proponent in regard to a meeting.

Mr. Pugsley then advised that last week an information trailer was set up in the Village of Waverley for four days from 2:00 P.M. until 8:00 P.M. This trailer was advertised in the Bedford-Sackville News and the Chronicle Herald. He indicated that only 12 people showed up on Monday, Tuesday and Wednesday; none showed up on Thursday so on Thursday at 8:00 P.M. the trailer was closed.

Mr. Pugsley advised that the proponent has submitted its reports to the Provincial Department of the Environment and the Municipality of the County of Halifax. The Department of Environment has responded on February 8, 1983 advising: "For this component of the preliminary design, we have concluded that you have adequately addressed environmental issues." He advised that on March 15, 1983 the Department of the Environment Advised: "We have completed our review of the PUD Application. We are satisfied with this component of the Engineering work" and they indicated that it was in order for the proponent to proceed with the detailed technical design of the project. He advised that on April 14, 1983, the Department of Environment accepted the action plan by the proponent's Consultants for the balance of the Environmental Review.

Mr. Pugsley then advised, that as Council was aware, the Planning and Development Department of the Municipality, consider the Crusher and Quarry to be an acceptable land use.

Mr. Pugsley then advised that if Council approves the recommendation of its Planning and Development Department, the Company does not have carte blanche to go ahead and blast and carry on quarry operation without restrictions. It is subject to very important controls:

1. Control of the Municipality of the County of Halifax;
2. Control of the Nova Scotia Department of the Environment.

He then referred to several of the controls which would be negotiated within the PUD Agreement, with the approval of the County of Halifax:

1. Construction and Maintenance Bonds - establishes amount of any bonds which may be required and under what circumstances they may be required.

Mr. Pugsley advised that the obligation of Metro Aggregates will be guaranteed by Diamond Construction, which is the parent company of Metro Aggregates and it is relevant, he advised, to review the association that Diamond Construction has had with the County of Halifax and the Province of Nova Scotia. He indicated that since 1960, Diamond Construction and its affiliated companies have performed contracts in Nova Scotia valued at over \$190,000,000. Presently, he advised, Tide-water Construction, which is a subsidiary of Diamond Construction, is engaged in Construction in the Province of Nova Scotia having a total value of \$6,000,000 including construction of a bridge located at River John and construction and expansion of a bridge located on Highway 102 near Truro. He advised that the Diamond Group of Companies performed work during 1982 having a total value of \$42,000,000 throughout the Atlantic Provinces. He advised that the Company is best known locally for work done in performing all site grading and paving of runways for the intital construction of the Halifax International Airport. He advised that Waverley Construction an affiliated company has been involved in a number of local projects and has performed a number of projects for the Municipality including numerous sewer contracts and most notably general contracting duties with respect to the development of the Lakeside Industrial Park. He advised that Waverley Construction Limited's record with the Municipality is noteworthy as all of its projects have been completed satisfactorily without recourse to any legal action.

Mr. Pugsley advised then that there are two safeguards as far as the County is concerned; firstly, the bonds that Metro Aggregates will have to put up and secondly the guarantee of Diamond Construction.

2. Production Rate - explanation of the maximum amount of material that will be produced by the Quarry on a day - week and month basis.
3. Initial and Ultimate Location of Operation - explanation of the extent to which the operation is permitted to expand, and where on the property any expansions must locate.

Mr. Pugsley advised that this dealt with the extent to which the operation is permitted to expand and where on the property any expansion must locate.

4. Sequential Direction of Advance - description of how and in what direction any blasting will be permitted to advance.
5. Slopes of Final Faces and Final Contours - explanation of final grades of slopes and faces required when removal of material is completed in a specific area.

6. Dust Control Measures - explanation of measures to be taken in order to control and minimize dust generated by any part of the operation.
7. Frequency of blasting - description of the frequency permitted for the blasting of materials.
8. Permitted explosives - description of the kinds of material to be permitted for blasting purposes.

Mr. Pugsley referred to a series of photographs displayed on a large Board in the Council Chambers, with the heading "Fredericton Quarry". He advised that Diamond Construction, the Parent Company of Metro Aggregates, carries on a quarry operation in the Fredericton area. He advised that there were houses only 600 feet from the stockpile and there are 20 houses 2000 feet from the crusher operation. The nearest residence to the Metro Aggregates Crusher will be 2600 feet from the Crusher Operation. In addition to this, he advised, the Fredericton area is open and level, while there is a considerably high hill between the Rocky Lake Road and the place where the Quarry is located. He advised that it rises to about 155 feet and there is about a 600 foot covered area of forest and trees. Mr. Pugsley advised that the Fredericton experience is an important one and a brief has been supplied to Council members as well as a letter from the Department of Environment from the Province of New Brunswick and a letter from the Mayor of Fredericton indicating that they have had no complaints and no problems with the Diamond Quarry. He also advised that they have had rock tests carried out by Jacques Whitford and Associates in Halifax, and they advise that the amount of dust which should be generated from the rocks at Fredericton is probably greater than the amount of dust that would be generated from the rocks at the Metro Aggregates Site.

He advised that the complaints regarding the proposed operation are:

1. Traffic;
2. Noise;
3. Dust.

Mr. Pugsley advised that it has been suggested that a figure of 54 trucks per hour will be required to pass through the village of Waverley in order to service this Quarry. He advised that it was the opinion of the Proponent that these figures are not accurate. He advised that 300,000 metric tons per year, spaced over 150 days per year, phased over 100 truckloads carrying 20 tons each, results in 100 trucks per day; 200 trucks including the empty trucks per day. He advised that this did not mean that 200 trucks would be passing through the village of Waverley. He advised, that depending upon their destination, there may be none passing through Waverley. He advised that if the location of the job to which the aggregate is being transported is in Halifax or in Dartmouth, the obvious way to take the load is through Bedford and not through the Village of Waverley. In addition, he advised, that one could reasonably expect a reduction of the traffic from the Quarry next door. He advised that if Metro Aggregates is to sell 300,000 metric tons of aggregate per year, then presumably a fair

amount of that will be taken from the Municipal Quarry, thus reducing the amount of traffic from that Quarry.

Mr. Pugsley outlined the following advantages to the Metro Aggregates Operation:

1. Jobs - it will create 17 full time jobs and 70 part time jobs with an annual pay roll of \$780,000 plus the spin off.
2. Taxation Revenue - it will generate \$33,000 additional revenue in taxes per year to the County of Halifax.
3. Competitive Cost - It will keep the cost of aggregate competitive in the County of Halifax.

Mr. Pugsley advised that the only question before Council is whether or not the proposal of Metro Aggregates is an appropriate land-use for this site. He advised that it is not a question of controls because the controls can be negotiated by the County of Halifax. The County of Halifax has the authority to impose the controls that it wishes to impose on this site pursuant to the PUD Agreement and so the only question is whether the proposed Operation is considered to be an appropriate land-use.

Mr. Pugsley advised that Mr. Bayard was present as was Mr. Maurice Lloyd of Underwood MacLellan, who would be happy to answer any questions Council may have.

Questions From Council

Councillor Larsen questioned why Metro Aggregates had decided to go through the PUD process rather than to go ahead with the proposal under existing legislation.

Mr. Pugsley advised that Metro Aggregates as a good corporate citizen wished to come before Council to involve citizen input from the residents of Waverley.

Councillor Larsen indicated his understanding that Metro Aggregates could go ahead with the Operation anyway and in that case, the only controls would be those imposed by the Provincial Legislation. He, therefore, felt that what was really before Council was whether the Municipality has a Municipally-Controlled Quarry or a Provincially-Controlled Quarry.

Solicitor Cragg responded to this advising that he did not think that from a legal or technical standpoint, the proponent was required to come before Council for approval for the use he is proposing for his own land. He advised that if the proponent wished to go ahead and make the appropriate application, he can do so tomorrow. He advised that if, Council refuses to negotiate a contract with the proponent, he advised that the proponent does not have the right to appeal that decision but can go ahead and commence the Quarry Operation under the existing Provincial Legislation.

Councillor DeRoche then indicated his understanding that Council was looking at the lesser of two evils; he questioned if this understanding was correct.

Mr. Cragg replied, advising that it was in the Municipality's best interest, to attempt to negotiate successfully a contract known as a PUD with the Applicant. He advised that if the Municipality was unwilling, unable or refused to contract with the Applicant, the Municipality would have very few controls over the proposed land use. Therefore, he felt the the Municipality was very fortunate that the Applicant has come before the Municipality seeking a Contract.

Councillor DeRoche took from the above comment, then, that the best way to provide safeguards for the residents of Waverley was through the PUD Agreement.

Councillor MacDonald questioned Mr. Pugsley as to whether his Client had ever met with the Waverley Ratepayers and whether they were informed that the Operation could go through with or without the PUD Agreement.

Mr. Lloyd advised that the Proponent did not have a general meeting with the Waverley Ratepayers but they did have a number of meetings with the Executive Members of the Ratepayers' Association over a period of about one and one-half years. He indicated his understanding that they were aware that the Proponent could have applied for his permits without going through the PUD process. He advised that it was fairly general knowledge that the land in question was zoned "Industrial" and that based on this zoning the Proponent could have gone ahead to apply for his required permits.

Councillor McInroy advised that he was concerned by the inference that the Operation can go ahead either with controls or without controls as well as the Solicitor's suggestion that any decision made tonight by Council is not appealable by the Applicant.

Deputy Warden Margeson, referring to the proposed Operation, indicated his concern relative to the traffic hazard. He questioned whether there would be sufficient time in which to address the traffic problems prior to the commencement of traffic flow from the Metro Aggregates Operation, should it be approved by Council during this Public Hearing.

Mr. Bayard advised that the site would be in Operation approximately one year from approval and the additional traffic flow from the site would depend on the volume of production.

Deputy Warden Margeson advised, that regardless of the volume of production and subsequent traffic from the Operation, there was already a traffic problem on Rocky Lake Drive, and in the entire Bedford-Sackville-Waverley area.

Councillor Larsen questioned Planning Staff as to the history of the Industrial Zoning on that land.

Mrs. Cartledge indicated that to the best of her knowledge the 1000 foot strip of industrial zoning was put in place in 1970 when the over-all Waverley Zoning Map was adopted by Council.

There were no further questions for Mr. Pugsley, Mr. Lloyd or Mr. Bayard.

Mr. Gary Hines, Resident of Waverley: Mr. Hines advised that he had been a resident of Waverley for eleven years and that he had recently returned from working in the Northwest Territories where he had been familiarized with Quarry and Crushing Operations. Mr. Hines advised that he had been involved across the Country from Whitehorse to Halifax with Crushing Operations. He advised that he had attended many meetings of the CRUSH Group and had found that, in his opinion, they were very misinformed and therefore, he went to Mr. Bayard who made the relevant material available to him, as he had to Council. Mr. Hines advised that he had studied the material and was concerned that so many people were opposing an Industry in the community, that he felt was needed by the community. He advised that in this time of recession, the jobs were needed very badly, the tax dollars were needed, and he felt that Metro Aggregates were a very viable operation.

Mr. Hines also wished to express to Council, that he was not the only person in Waverley who was in support of the Operation. He advised that in his travels throughout the community, he found many concerned citizens who wondered why the Company had not taken steps to start an Organization in favour of the Proposal. He further advised that the operation could be a very valuable and viable operation if it is properly controlled and policed which, he advised, the proponent has agreed to do.

Mr. Hines advised that much of the support for the Operation by people in the community, were from older residents of the community who did not want to come forward tonight because of their involvement in sales, etc.

Mr. Hines felt that the Proponent had given the residents of Waverley an opportunity to be educated with regard to the Operation, just as Council was being educated tonight. He encouraged Council to make the decision which could best benefit the community by bringing in Industry, creating jobs and the much needed tax dollars into the community.

Questions From Council

None.

Mr. Paul Hilchie, Resident of Waverley: Mr. Hilchie advised that he was in the construction business; however, being a life-time resident of Waverley he stood with everyone else in Waverley on the common concern for the lakes in Waverley. He advised that his home was in close proximity to the site. However, he felt that the Operation could be established with proper controls to protect the lakes and environment.

Mr. Hiltchie advised that he had studied the facts and figures behind this issue and based on that he sincerely believed that the benefits for the community outweigh the disadvantages. He advised that he was in agreement with the following statement made by the previous Councillor, Mr. John Benjamin, "He (Mr. Bayard) has proven beyond a doubt that he is the type of businessman I want in my area. ... I think this Company (Metro Aggregates) has demonstrated that rock crushing operations can exist beside residential developments with proper safeguards." Mr. Hiltchie advised that he too believed in the safeguards and further that Metro Aggregates have convinced him that they will impose these safeguards.

He felt that if the residents of Waverley could live in harmony with the Metro Aggregates Company, everyone would benefit by it.

Questions From Council

None.

Mr. Bernie MacDonald, Resident of Waverley: Mr. MacDonald advised that he lived in the middle of Waverley and further that he was a Registered Provincial Engineer and that he was present this evening on his own behalf. Mr. MacDonald advised that he was a life-long resident of the Village of Waverley and a former Chairman of the Waverley Ratepayers' Association. He indicated that he has served as a School Trustee, both at the Elementary and High School Level; he was a former Director of the Cheema Aquatic Club where he had served several terms. He advised that in addition to being a life-long resident of Waverley, he had raised a family of six children there, all of whom now live in Waverley and two of whom are building homes in Waverley this year. He provided this information to indicate that he has taken an active interest in improving the community life of Waverley.

Mr. MacDonald advised that he had watched the growing controversy surrounding this proposal. He advised that he was concerned about the response of the proponents and the response of the Waverley Ratepayer's Association. In particular, he advised, he was concerned by the actions of the Waverley Ratepayers' Association especially that they did not invite the proponent to any of the meetings.

He advised that the campaign run by the Association has been effective but at the same time he did not think it has served the best interest of the people of Waverley as a matter of such great importance to the Village should be decided on facts and not emotional appeals, slogans, rallies, demonstrations, misleading advertisements or small children parading with placards. He felt this was too important an issue to be dealt with at an emotional level. He felt that it should depend on the facts coming out. He advised that the manner in which the issue had been handled only evokes emotional responses. To substantiate this claim, Mr. MacDonald advised that in the past week since the Ratepayers' Meeting last Tuesday night, the proponents trailer was plastered with slogans. He advised it is not difficult to get people together and whip up a frenzy; however, this behaviour did not throw much light on the situation.

He gave another example of a flyer which came out a couple of days after the meeting, and after the proponents signed a notice that they were in favour of the Quarry, which stated firstly, that "Waverley would become a Village of Crushers, Quarries, Asphalt Plants and Dumps" .. and then stated: "Do not be misled by inaccurate statements". Mr. MacDonald found this to be quite ironic and practically hysterical.

Mr. MacDonald encouraged Council to make their decision relative to the proposal on the facts and the merits of the proposal and not to be swayed by emotions.

Mr. MacDonald also advised that there was a suggestion made at the last Ratepayers' Meeting that Council was not competent to deal with the technicalities of this application. He indicated his opinion that Council would have dealt with this type of Application on numerous occasions in the past and would, therefore, be quite competent in dealing with this Application as well.

He also felt that Council would much rather hear arguments based on the facts and the merits of the Operation rather than on emotions and hysteria from placard waving demonstrators.

Mr. MacDonald referred Council to the emotions which arisen when the Correctional Centre was proposed and he indicated that it has not proven to be a great burden on that community.

Mr. MacDonald indicated his support for the proposed Operation which he had studied in detail. He advised that he had discussed with the Proponent, the shortcomings of the proposal which he had noticed and he was satisfied that it could be established in an environmentally-satisfactory manner and he has had considerable experience with the Department of Environment both in the Federal and Provincial area. He advised that in his job he is responsible for \$25,000,000 of capital work each year and therefore, he had a constant dialogue with the Department of Environment. He also knew that this Department could be very strict in the enforcement of their regulations; as well, he indicated that they are tougher in enforcing their regulations on newer facilities than they are on existing applications.

Mr. MacDonald advised that the mere construction of another Quarry would not generate one more sale of aggregate but will constitute a sharing of the present business. He advised that there would be more sales only as the community and surrounding communities and construction develop. He advised that he would much prefer those sales to be made from a Quarry which does have proper Municipal Control than one which does not such as Municipal Spraying and Contracting which has been cited on numerous occasions as a terrible example of a Quarry and Crushing Operation.

Mr. MacDonald also advised that there would not be any more truck traffic generated and indicated that if some of the sales are generated on the Bedford side of Waverley it is possible that truck traffic would actually decrease.

Mr. MacDonald advised that there were many people present this evening who have moved to Waverley within the last few years and built homes; all of those people, he advised, would have put in septic tanks and would have required crushed rock and, in fact, generated a great many of the sales which they are now concerned about. They want their streets paved and there is truck traffic associated with that.

Based on the jobs and the tax revenue the Operation will generate and the fact that it will make appropriate use of an existing natural resource which can be exploited properly, he urged Council to approve the recommendation from the Department of Planning and Development because it has an opportunity to enter into an agreement which will properly control the proposed Development.

Questions From Council

Councillor Snow advised that Developers in need of aggregate would purchase from the nearest Crusher Quarry Operation in order to save mileage and tonnage; he questioned Mr. MacDonald as to how much traffic would be generated in Waverley should a new run way at the Airport or the Aerotech Industrial Park come on-stream and rather than use the Kearney Lake Road Quarry, which now uses the Bicentennial, and the Metro Aggregates Quarry is used instead. He suggested that this would result in five times the present truck traffic.

Mr. MacDonald did not feel it was realistic that all the business would be taken from one Quarry. He insisted that there is some opportunity for some reduction in traffic.

Councillor Snow questioned Mr. MacDonald as to his opinions whether or not the Rocky Lake Road could take that much traffic to which Mr. MacDonald indicated that question should more appropriately be addressed to the Department of Transportation.

There were no further questions for Mr. MacDonald and no further speakers in favour of the PUD Agreement.

It was moved by Councillor Snow, seconded by Councillor MacDonald:

"THAT there be a ten-minute recess."
Motion Carried.

SPEAKERS IN OPPOSITION OF METRO AGGREGATES APPLICATION

Mr. Paul B. Miller, Solicitor on behalf of Waverley Ratepayers' Association: Mr. Miller began by advising that Council has been misled relative to the fact that the PUD Agreement would be the lesser of two evils, as it is suggested that the Applicant can, if he so desires, go ahead with his proposal anyway. He suggested that this was not the case.

He suggested that the Waverley Ratepayers' Association does have the right of appeal under the Municipal Board By-Law. He advised that the Municipal Board made a decision on the case dealing with a development permit which was rejected by Council and whether a party to a contract which was rejected has the right to appeal. The Municipal Board questioned whether a Municipality could be forced to enter into a contract. He suggested that this was not the same as the case before Council now and, therefore, there very well may be an appeal route to the Municipal Board.

Secondly, he advised that the Ratepayers' Association has been informed by Mr. Paul Christianson of the Department of Municipal Affairs, referenced in the Association's Brief, which indicates that the Department of Municipal Affairs' opinion is that a Regional Development Permit is required for this Operation. Under the Planning Act, all Regional Development Permits are appealable to the Municipal Board which suggests that there is an appeal route for the Waverley Ratepayers' Association.

As well, Mr. Miller advised that several years ago the Planning Committee of the Waverley Ratepayers' Association, put in a great deal of time in attempting to come up with a Zoning Map of their area. This map has been submitted to County Planning Staff on a number of occasions before the Metro Aggregates Application was proposed. The Committee of the Waverley Ratepayers' Association were encouraged by Planning Staff not to submit that as a Zoning Application due to the fact that the MDP Process was beginning and that an MDP would ultimately be realized and this might be considered to be pre-judging what might come out of an MDP process. He advised that in that Zoning Plan, the Waverley Ratepayers' Association had indicated its intention to rezone these lands, for which the Quarry Crusher Operation is proposed, into Commercial. If they had not listened to Planning Staff and had proceeded with the Zoning Application, this matter would not be before Council now. However, they did listen to Planning Staff resulting in this situation tonight.

Mr. Miller suggested that Council does have alternatives. One is to rezone these lands and if they are rezoned, then there will not be any Quarry at that site. In relation to this the Waverley Ratepayers' now have an application for rezoning pending which will rezone these lands to commercial. He advised that if the PUD is rejected, then that zoning map and that zoning application will be next on the agenda and Council will have the opportunity to rezone these lands or not to rezone.

He also indicated that there is a route of appeal to the Nova Scotia Municipal Board. Mr. Miller discussed the obvious route of appeal on a Regional Development Permit, reading an excerpt from the Halifax-Dartmouth Regional Development Plan as follows: (objective 12 under Policies) "The following criteria shall be used by the Director of Community Planning or the Development Officer of a District Planning Commission where applicable in determining whether or not to issue Regional Development Permits for a particular application or whether to issue them upon some conditions." He advised that there were 17 criteria

which the Director of Community Planning must consider when issuing Regional Development Permits. He highlighted a few of them which he felt have to be considered as they affect this particular proposal:

1. Conformity of the proposed development with the Regional Development Plan - he advised that those Council Members who have read his submission will be aware that he has suggested that it is not in conformity with the regional development plan and he had indicated several reasons why he did not think so. Particularly based on the site selection criteria outlined in the Halifax-Dartmouth Regional Development Plan;
2. Compatibility with the existing or proposed development in adjacent areas - he questioned whether this would be a compatible land-use given the basically residential character of Waverley;
3. The location and intensity of a development in relation to the development boundary - the density of population, he felt, should be considered with this type of proposal;
4. Lack of nuisance factors in or near the proposed development, including swamps, bogs, marshes, transmission lines, treatment plants and obnoxious and unsightly land uses;
5. Potential impact from traffic generated by the proposed development on the arterial and regional transportation network - Mr. Miller advised that the Director of Community Planning has to consider that when issuing a Regional Development Permit. (This criteria, Mr. Miller indicated, was of particular significance);
6. Impact upon the natural and environmental processes of the proposed development upon the advice of the Department of Environment - the environmental implications had to be considered.

Mr. Miller advised that the above were only several of the 17 criteria that the Director of Community Planning must consider before he decides whether to issue a Regional Development Permit and if he does, upon reviewing those criteria, feel that the proposal meets those criteria and he does issue the Permit, then that decision is Appealable to the Nova Scotia Municipal Board.

Mr. Miller, advised that he had suggested in his submission, and he submitted again, that he did not feel that the Director of Community Planning can issue a Regional Development Permit, taking into consideration the impacts of those criteria.

Mr. Miller then indicated that one question which has been repeated several times tonight, is "Why did the Proponent decide to go through the PUD Process?" Mr. Miller indicated the following reasons for his actions:

1. If he has the approval of the Municipality tonight, he then has a little bit of leverage in going through the Regional Development Plan Process;
2. Also, by going through the PUD Process he is effectively freezing the zoning on that land and is preventing anyone else from bringing in a rezoning application, while the PUD Process is being negotiated.

Mr. Miller suggested that the above were the reasons for going through the PUD Process and not due to being a good corporate citizen.

Mr. Miller then advised that one of the comments made by Mr. Keith Birch when talking about the traffic possibly being alleviated by a Bedford-Sackville Expressway was addressed in a letter from the Department of Transportation to Mayor Keith Roberts, dated July 20th of this year. Mr. Miller advised that this letter, which he had only received a copy of this evening, was read in part by Councillor Snow. However, Mr. Miller read further into the letter in order that Council would fully understand the intent of the Department of Transportation. He read: "Dear Mayor Roberts, In reply to your letter of June 27th, 1983 concerning correspondence your Town Council received from the Waverley Ratepayers' Association, relative to Truck Traffic in Waverley, which is also a serious concern to the people of Bedford, especially along Rocky Lake Drive, I note from your letter that the Town of Bedford is again requesting an early start to construction of a portion of the Bedford-Sackville Expressway from Rocky Lake Drive to Cobequid Road with a connection to the Bicentennial Drive as a solution to truck traffic from Rocky Lake Drive.

Department Staff have developed alternate alignments for the Bedford-Sackville Expressway and these have been reviewed with Town of Bedford Staff. The Halifax-Dartmouth Regional Review is now in its final stages of completion and will indicate the need or not of completing the Bedford-Sackville Expressway between Ackerley Boulevard and Cobequid Road.

Until such time as the Regional Plan Review is completed it is not the intention of this Department to proceed with construction of any portion of the future Expressway."

Mr. Miller advised that this letter indicates that they are not going to go ahead with the Bedford-Sackville Expressway. Therefore, he questioned the chances of the Ratepayers in re-directing traffic when this is the position of the Department of Transportation.

Mr. Miller then reviewed some of the issues of concern to the Waverley Ratepayers' Association, relative to this proposal.

He advised that one of the issues of concern to the Ratepayers is the potential environmental impacts of this development, particularly in regard to the Lakes. He advised that it was just a little over two years ago that he first came before Council on another issue when the same issue of the lakes and the protection of the lakes came before Council. This, of course, was with regard to the Cobequid Industrial Park. Mr. Miller advised that protection of the lake system was a concern of all the residents of District No. 14, as they live in a lake district and are aware of the value of the lakes for both recreational use and for drinking water. He advised that there will be many issues fought over protection of the lakes until the MDP for the area is established.

He advised that the Ratepayers' Association is concerned with the increased siltation and sedimentation of the lakes, that this kind of Quarry Crusher Operation can cause. He advised that one of the Proponent's arguments relative to this concern is that the Quarry Crusher Operation will be enclosed and will, therefore, minimize dust. However, he advised that he and Mr. Sirota had met with two members of the New Brunswick Department of the Environment, and discussed this very aspect of dust. They indicated to Mr. Miller and Mr. Sirota that the Crushing Operation in itself is only one of the causes of dust; equally as dangerous is the loading and off loading of vehicles, the blasting and the dust generated by vehicular traffic in and out of the site. He advised that there is no way that by enclosing a crushing operation, the afore-mentioned methods of creating air borne dust, will be controlled.

Mr. Miller also advised that the Proponent had given as a comparison, two crushing operations, the Diamond Construction owned Crushing Operation in Fredericton and one which is right across the Saint John River. He advised, that in their opinion, they do not find an appreciable difference of dust from one to the other, even after monitoring both of them. He advised that the one across the Saint John River is not enclosed. He suggested, therefore, that the proposed Operation will likely create a dust problem.

Mr. Miller advised that if Council looked at the Operations of the Municipal Spraying and Contracting or the Rocky Lake Quarry it would become apparent that there would be a dust problem. He advised that when the atmospheric conditions are right and you have blasting, the dust hovers over the area and people who live there are aware of that. Further, he advised, that if one were to go there on a rainy day, the water would be grey from dust siltation. He advised that this certainly had a negative impact on the lakes as it is leaching into the lakes.

Mr. Miller indicated that there is, therefore, already a problem there and this has been acknowledged by more than the Waverley Ratepayers' Association; it was also recognized by the Shubenacadie Stewiack River Basin Board in a Study they did, called Technical Report No. 17 "Mining Activity and Impact on Water Resources on the Shubenacadie - Stewiack River Basin". He advised that in this Report, there is a section on the Bedford Quarry itself in which it is recognized as a problem. He advised that because of this and because of increased pressure by the Waverley Residents, the Department of Environment attempted a monitoring program in the last year. He advised that the results of this have not yet been received; however, even when they do become available he did not think they would be of much use for several reasons.

1. During their monitoring, they chose a year when Rocky Lake Quarry was not operating very often; they were running out of stockpiles. He advised that you could not measure dust when there was little operation.
2. A great number of their dust collectors were never hooked up so they did not become operational. Mr. Edmunds had one in his yard which was the closest residential site and it was never hooked up so it did not measure dust.

3. Those that were operational were sabotaged; by whom it is not known. However, he advised, it was a fact that they were vandalized and sabotaged routinely. This information was provided to the Waverley Ratepayers' Association by Mr. Darrel Hynick of the Department of Environment.

Mr. Miller advised that the Ratepayers' Association were hoping that the Department of Environment would be monitoring the Operations again so that they will be able to get a more accurate assessment of the actual impact the Operations are having on dust in the lakes, and hopefully, during a year when the Quarry is operating as opposed to being shut down. He also hoped that this would be done with equipment that is vandal proof. He advised that there was another method in which to determine the amount of dust from the Quarries in the lake and this would be through a lake-bottom sediment analysis. He advised that a Mrs. Alena Mudrock, would be doing this analysis on the authorization of the Environmental Control Council and the Department of the Environment.

Mr. Miller advised that there were other environmental concerns, or nuisance factors, which should also be considered which relate to dust as well. He advised that with airborne emission of dust you have settling somewhere; on foilage, in people's back yards, clothes lines, etc. He advised that the people who live adjacent to the existing Rocky Lake Quarry are already experiencing these types of problems. He felt that a Quarry even closer to the Village of Waverley was only going to increase these problems as well as distribute them over a larger part of the Community.

He advised that another environmental concern that the people of Waverley have is relative to arsenic. He advised that there was a small amount of testing done by the Proponent in this regard; 7 to 14 holes were dug and one of them was above the acceptable limit. He indicated that the Proponent has identified this as being a problem and has indicated that he will do further monitoring and control. However, he advised that there is no indication whatsoever in his PUD statement as to what the controls will be, what type of testing will be implemented and when it will be done. He felt that firmer information was required relative to this problem.

Mr. Miller advised that another environmental-nuisance factor type of concern is blasting and the difficulties involved with blasting. He advised that a number of residents present this evening would be discussing with Council the problems that they have already experienced in this regard. Many of these people have cracked foundations which were a result of the blasting at the Rocky Lake Quarry. As well, there were people here who would testify that they have had to replace numerous windows due to jolting of the permaseal in their windows. He advised that one person who lives on Lake William in Waverley has replaced his windows 67 times.

Mr. Miller noted that with respect to blasting, the developer is considering charges that will be between 1000 and 15000 lbs. of explosives. He also noted that the Developer has stated he will be using a

minimum charge of 125 lbs. per relay in that blast; in reviewing the old application of the Cobequid Industrial Park, when they wanted to establish a Quarry, they indicated that they would limit their charges to 100 lbs. He wondered why it was necessary to limit the charges in this application to 125 lbs. for the Metro Aggregates Quarry.

Mr. Miller advised that one of the largest problems with blasting is that the proponent has said in his PUD that he will not conduct any pre-blast surveys. Therefore, there will be no surveys to determine if there is any existing damage. He questioned what recourse the citizens of Waverley would have, if they do get cracked foundations or broken permaseal; they could go to Metro Aggregates who could, in turn, advise that it must have been done by the Rocky Lake Quarry. Rocky Lake could then blame the damage on Metro Aggregates. Mr. Miller advised that, without pre-blasting surveys, it was clear that the residents of Waverley would bear the expense themselves.

Mr. Miller then advised that another concern, and indeed the major concern of the people of Waverley was the traffic increase.

He advised that there has been a lot of discussion about the capacity of Rocky Lake Drive to handle traffic and it was suggested that it could take up to 7000 to 8000 vehicles per day and it is currently under-utilized by 3000 to 4000 vehicles per day. Mr. Miller reiterated from his submission that it was not the number of vehicles but is the size of the vehicle and the load of the vehicle which should be considered. Also he advised it was the number of entrance points and egress points which should be considered and how many times a vehicle must slow down and accelerate. For anyone who has lived in Waverley and travelled that road routinely, they know that this road has a higher proportionate share of truck traffic than any other road in the Municipality.

Mr. Miller referred to what he considered another misleading statement in the Proponent's PUD Submission; the amount of truck trips per day. The Proponent suggests 200 maximum. This figure, he advised, was calculated by suggesting that every truck is going to go fully loaded out of the Quarry and come back; that is not the practice in existing Quarries. He advised that some trucks come out with less than a full load and, if that is the case, then more truck trips will be necessary. The other suggestion made by the Proponent is that there will be 300,000 tons capacity per year of sales out of that Quarry. Mr. Miller suggested that this would be a modest amount. Looking at existing Quarries, three Quarries out of five are exceeding that. He reiterated the tonnage of other local Quarries, previously quoted by Mr. Birch during his presentation. Mr. Miller suggested that if there is an up-swing in economic activity that 300,000 tons might only be half of the production of that Quarry. He advised, that if this is the case, you would be dealing with 400 or more trips per day, or more if any of the trucks leave the Quarry with a half load.

Mr. Miller also advised, with regard to traffic, that there has been a lot of discussion over the past few months about the fact that traffic is not a Municipal consideration, but is a Provincial consideration

under the jurisdiction of the Department of Transportation: As indicated in his submission, Mr. Miller respectfully suggested that this was a cop-out. Traffic, he advised, is everyone's concern, Municipal, Provincial, and a Village concern.

He also advised that the Planned Unit Development By-Law clearly indicates that it is something which the Municipality should consider. To substantiate this claim he read from the By-Law, the following: (under Section 6(B))

"Council shall consider before approving or amending a development scheme, the adequacy of proposed collector and arterial streets and pedestrian walkways." Mr. Miller questioned why it would be legislated into the PUD By-Law if Council is not required to consider it. He also suggested that in any Plan that he has read, transportation and the adequacy of roads has been a consideration; it is in the Halifax-Dartmouth Regional Development Plan, it is in most Municipal Plans which are in effect, it was in the former draft Municipal Development Plan, which was not approved by County Council, and it is in virtually every planning text book, and he suggested strongly that it is a planning consideration which Council has to come to terms with as well as the Province. He indicated his opinion that it was a shared responsibility.

Mr. Miller advised that another area of concern of the Waverley Rate-payers is the economic impact of this proposal. He advised that to this extent the Association commissioned a consultant to delve in and determine the likely economic impact of this proposal on existing residential neighbourhoods and on future residential growth. Mr. Miller indicated that Mr. Sydney Langmaid, who was present this evening, was the consultant who prepared the report and he is available for any questions Council may have on it. He advised that the report is Appendix "A" to his submission to Council. Mr. Miller advised that Mr. Langmaid certainly has the credentials to support his analysis, which were also included in his report. He advised that Mr. Langmaid's report indicates a potential tax loss from residential assessments based on this proposal. The range of loss is from 5% to 25%, and Mr. Langmaid suggests conservatively that most likely it would fall from between 5% and 10% on average and not the upper end figure of 25%. Mr. Miller advised that a 5% impact would reduce residential tax dollars and assessment by \$30,662 per year to the Municipality; if it were in the 25% range it would reduce tax dollars by \$120,531 per year to the Municipality, including existing residential tax and predicted future residential tax dollars based on the rate of growth that Waverley has experienced over the past several years. The average tax loss, which he would predict ranging from between 5% and 10%, would be \$40,530 per year to the Municipality. Mr. Miller then compared those figures to the Proponent's figure of \$17,000 per year, advising there still is a loss in excess of \$20,000 per year which it will cost the tax payers of the Municipality to have a Development they do not want.

He also advised the above-mentioned negative economic impact did not include the possible cost of cleaning up the lakes if there is any problem; it is a contingent cost that it could cost the taxpayers of the Province.

Mr. Miller advised that another concern of the Ratepayers was the impact this Development could have on the Social atmosphere in which they live. He had indicated in his submission to Council that this was a very difficult area to judge; social impact. However, he advised, that it was an area which is addressed repeatedly in planning texts and in plans. It was addressed by the Metropolitan Area Planning Commission in the preliminary work of the Halifax-Dartmouth Regional Development Plan, in the former Draft Municipal Development Plan that Project Planners did and it has been addressed in the MDP Process. He advised, therefore, that Council would have to look at the Social implications. He gave an example of one major social implication by referring to the history of the Province of Newfoundland when they decided to have a resettlement program there to bring people into the City where the jobs were rather than to stay where they were; this was a social catastrophe on the lifestyles in that Province. He advised that anytime there is any rapid major industrialization, there are social upheavals. He suggested that the probabilities of Social impact, as nebulous as they are, Council should consider. He referred to his brief where he had indicated the composition of the Village of Waverley now and why people move there. They move there because they like the rural setting it has and its proximity to the metro area. They enjoy the cohesiveness of the Village. He advised that all of this is threatened by an un-controlled industrialization.

Mr. Miller then referred Council to the Halifax-Dartmouth Regional Development Plan and the Site Selection Criteria laid out in that Plan for Industrial Uses. He advised that on page 41, the following was stated:

"Industrial and Commercial Sites shall be selected or evaluated on the basis of the following criteria:

1. Proximity to Regional Transportation Facilities, such as rail, major highways and airports.
2. Relatively flat surfaces with good surface drainage.
3. Favourable soil conditions.
4. Campatability with adjacent development and facilities.
5. Availabiltiy of utilities.
6. Proximity to trunk sewer lines and water lines.
7. Shape and size of site, including room for expansion.
8. Road systems discouraging penetration into residential areas.
9. Large available acreage with a minimum size of 100 acres for industrial purposes.

Industrial Development shall be subject to performance standards to ensure control over obnoxious effects to control open storage, to ensure enjoyment of adjacent properties and to ensure a high level of design."

Mr. Miller advised that these were guidelines on how to select sites and he submitted that these guidelines were not followed in this particular case.

Mr. Miller advised that another aspect which should be taken into consideration is that there is currently an MDP Process in effect in District No. 14. He advised that there is a Public Participation Committee formed, it is actively meeting every two weeks, moving ahead with all speed to bring an MDP into place. He advised that this is people planning for themselves and it is the whole idea behind having public participation, to allow people to decide what they want in their district and where they want it.

Mr. Miller advised that any proposal with such significant impacts as this proposal would have, could set back the MDP Process. It is more difficult for the PPC to decide what to do with an area, when there is a proposal such as this one pending, which would likely have a negative impact over a large area. Furthermore, this is what he would consider to be a back-door approach to planning. He advised that if the PPC in District No. 14 are going to have to fight development agreements and contracts which seem to be contrary to what the people want, for the next two years, before they get an MDP in place, a lot of people will give up. He advised that this destroys the whole public participation concept.

He requested that Council refer to his brief where he has indicated several examples of where public participation was taken into consideration by the Provincial Planning Appeal Board in rezoning issues. He acknowledged that this was not a rezoning issue but suggested that it had the same effect, as tonight Council was considering a land-use which is not yet in existence but which may come into existence; this, he indicated was similar to a rezoning. He advised that the Provincial Planning Appeal Board has suggested in the cases cited in his Brief that, it must clearly be in the best interest of the Municipality, to consider a rezoning during the MDP Process, particularly a rezoning which may reasonably be expected to contradict the MDP that is coming into being.

Mr. Miller also advised that there was a question of dust and which rock was dustier. He advised that the Proponent had indicated that a study had been done by Jacques Whitford; he advised that the Rate-payers' Association also had an analysis of this done. The results, he advised, were in appendix "B" of his submission. The analysis was done by Warnock Hersey who on analysing the rock found that at the 200 sieve level, there was over twice as much dust emanating from the Rocky Lake Quarry sample than from the Fredericton sample. He questioned which analysis was correct. He advised, that obviously there was a difference in the professional analysis of the two.

Mr. Miller indicated that there has been a lot of discussion of controls; however, he advised that he had seen no controls. All he had seen was a list or outline of what the PUD Agreement may include not what it would include. He advised that the only thing the outline indicated to him was a lot of definitions. It did not say what the Agreement was going to contain; in fact, he advised that he saw no Agreement before Council at all.

Mr. Miller concluded his presentation advising that he had spoken to several Councillors, whom he felt had not even had an opportunity to read the Proponent's Environmental Over-view. He questioned how many Councillors were actually copied with the binding presented to the Executives of the Waverley Ratepayers' Association, and had an opportunity to determine for themselves what is being suggested and what the impacts might be. He indicated his understanding that this binding was not copied to all Councillors. It was of great concern to him that Council was being asked to approve a Development Agreement when they do not even have the Agreement before them and do not know what is going to be in it.

Questions From Council

Councillor MacKay indicated his experience that a person in the Blasting business must have a liability insurance policy; in fact, this is practically a pre-requisite because if they do not do this, they leave themselves vulnerable for claims which may not have originated from their actions. He questioned Mr. Miller, in his capacity as a Lawyer, to speak on this.

Mr. Miller indicated his agreement with this, theoretically; however, he advised that anyone who wishes to pursue a claim in Court must be able to prove the cause and effect. In other words, what caused the damage. He indicated his opinion that it would be prudent to do pre-blast surveys; however, the Proponent has said in his PUD Statement that he has no intention of doing a pre-blast survey. Mr. Miller was not sure it was a clear cut situation that if he doesn't do a pre-blast survey and someone half a mile away gets a cracked foundation, that he is going to have the evidence to tie that in with the blasting. Particularly, when there are two Quarries there.

Councillor MacKay also advised, that the Developer leaves himself, vulnerable for a crack that might have been there before he put off his first blast and he would have no concrete evidence to sustain that it was not there.

Mr. Miller advised that this is what a pre-blast survey would do; show what cracks were already there.

Deputy Warden Margeson referred to Mr. Miller's previous statements relative to the sharing of responsibility for the traffic situation; he questioned what Mr. Miller, the Ratepayers' Association, or the people of Waverley have done in regard to this. He felt that writing to the Minister of Transportation might be helpful. He felt it would be helpful, even if the question of Metro Aggregates had never come up, as the traffic problem was a problem in other communities as well as Waverley.

Mr. Miller indicated that in the Spring, the Waverley Ratepayers' Association, the Riverlake Residents' Association and himself had a meeting with Mr. Ken Streach and had asked for his support in trying to alleviate the traffic problems along the Rocky Lake Drive and Portobello Road. He advised that there have been studies done and traffic counts over the years by the Waverley Ratepayers' Association in this regard.

He advised, as well, that there have been meetings with their Councillor and concerns have been expressed by the people of Fall River, Windsor Jct., and Waverley. Further, he advised that letters had gone from the Association to the Minister of Transportation, bringing to his attention these problems. He agreed that this was a problem before Metro Aggregates were proposed, and these letters had been directed to the Minister before the Metro Aggregates proposal. Mr. Miller indicated that Mr. Lockhart, President of the Waverley Ratepayers' Association would be able to address this question.

The Deputy Warden indicated his position of concern relative to the traffic and highway situation in Waverley and throughout the Municipality and his fear for the children walking along those highways. He encouraged everyone to do their part in attempting to obtain corrective action.

Councillor MacDonald referred to Mr. Miller's earlier statements comparing residential and industrial assessment. He questioned whether, Mr. Miller had been suggesting that the proposed site was ripe for residential development.

Mr. Miller advised that this was not the case; he felt in fact that the land would be best suited, in his own opinion, to light commercial use. He felt that the position of the Ratepayers' Association on that aspect should be addressed by Mr. Lockhart.

Councillor MacDonald then questioned the intent of comparing the two types of assessment to which Mr. Miller advised they had been talking about the impact of existing residential assessment in the area, should the proposal be approved, and on future residential growth. He advised, that as indicated in Mr. Langmaid's economic analysis, it was felt that, particularly considering Waverley's present tax rates which are artificially low now, due to arsenic and considering that a re-assessment year is coming up, the likely retardation of assessments for existing and future taxes will more than offset the tax benefit from the proposal. He indicated that the proposal was not a tax-intensive proposal but was only going to bring \$17,000 in taxation revenue, to the Municipality. He advised that it would likely cost the Municipality \$40,000 in lost assessment.

Councillor MacDonald indicated that the Proponent's submission advised that the revenue from the Operation would generate \$33,000.

Mr. Miller advised that the Municipal Quarry was paying only \$20,000 in taxation and that is a much larger operation than that proposed by Metro Aggregates; therefore, he felt that the taxation from Metro Aggregates would be less than \$20,000.

Councillor Mont indicated his understanding from Mr. Miller's presentation, that regardless of Council's decision resulting from this Public Hearing, that a Regional Development Permit will be required. He asked for clarification.