

want nothing to mar that. They are not against the offshore park, nor are they for it. When the original petition came to him he was under the impression that it was to the effect that Kelly's Point proper would be zoned R-2. He went along with that and signed his name, and incidentally donated a few dollars to the cause, and then when it came to the place where his property was being absconded and rezoned, he rebelled. That's why he is here tonight. His piece of property is about seventy acres, and over the years nothing much has transpired. There have been a lot of legal difficulties, they would submit a plan and it would be torn apart. So the subdivision had to be replanned, the lots redivided, all at a cost, and above all it was company policy to go slow and build with the area. Mr. MacDonald spoke of the roadway to Prospect as inefficient for motor traffic; it is inefficient for the traffic that's there now, and rather than widening it the road could be upgraded on a different level. Other points that were mentioned earlier - it is true you have to go through all departments of the county to obtain a permit in order to get a lot ready for sale. Mrs. Ryan spoke of her family going back two generations, Mr. Christian's does, also.

Prospect Enterprises wants only a small amount of land set aside for commercial development. Mr. Christian referred to Mr. Tobin's remarks about covenants and about Prospect Enterprises being involved in such agreements, stating that nothing would be placed on the property of Prospect Enterprises other than single family dwellings. Such was not the intention of this company. With regard to Mr. Matthews of Pinedale Park, it is interesting to note this subdivision includes such business as a hairdresser, a drugstore, a grocery store, marine sales, building and hardware supplies, and a dentist. No wonder he didn't want competition.

In summation, Prospect Enterprises wishes their properties to be zoned, if residents wish, partial R-2 and partial C-1, but they need one area C-1 to carry on their future plans.

#### Questions of Council

Councillor Deveaux asked if Mr. Christian's land adjoins McDan Enterprises land. Mr. Christian said it does not adjoin, it is probably 3/4 mile away on the opposite side of the highway. Councillor Deveaux asked if he was involved several years ago in a rezoning application and Mr. Christian said he thought it was in 1978 a recommendation was made, not a petition, with Prospect people going against the then municipal development plan. Councillor Deveaux asked Mr. Christian, as a native of the area, if he feels the proposal of McDan will adversely affect the area, have a major impact on it. Mr. Christian replied he didn't think it would be major, but it would be an impact certainly. He explained that the property he wants zoned C-1 is adjacent to and abuts the property of Mr. Hage which is requested to be C-1.

Councillor MacKay asked Mr. Christian if his land is all in one deed, and the reply was that all 77 acres are included in one deed. Mr. Cragg confirmed this can be divided into separate zones without separate deeds.

In reply to further questions of Councillor MacKay, Mr. Christian said the land has been in his family for generations, and was given to him and his three sisters by their father. He said if someone purchased a piece of property from him for the purpose of constructing a home, there would be a covenant and it would be more strict than those read by Mr. Tobin. Councillor MacKay said he had an impression from Mr. Tobin's testimony that Mr. Christian had purchased the property with those covenants so he wouldn't be able to develop for anything other than residential. Mr. Christian reiterated that the land was handed down from father to son since they inhabited the area.

Councillor Gaudet asked if Mr. Christian signed the petition for rezoning at one time, and Mr. Christian said he signed against the then plan in 1978. Councillor Gaudet asked if he came to the meeting in Prospect in November, and if he knew about it. Mr. Christian said he did not attend, but knew about it.

Councillor Lichter asked further about signing the petition asking for the R-2 zoning. He asked if the petition included a map. Mr. Christian said he saw no map on the day he signed the petition.

Councillor Gaudet said before Mr. Christian signed the petition he did see the map and it was clearly explained to him.

Robert Grant, Lawyer with Stewart, MacKeen and Covert, Appearing on Behalf of McDan Enterprises - in opposition to the proposed rezoning of the McDan lands to R-2 from their present status of unzoned designation. With Mr. Grant were Phil McGavney, President of McDan Enterprises and Mel Price, President of Maritime Shipping Limited. Mr. Price was connected with the company which formerly owned the lands and at present he is acting as consultant for McDan with respect to navigational aspects of the site.

McDan Enterprises Limited is a Nova Scotia company which was incorporated in the fall of last year. It was incorporated for this particular project, for the development of the Kelly's Point land, and was incorporated with an initial investment by three individuals who are all shareholders and directors of the company. The principals of McDan are Phil McGavney, a resident of Nova Scotia for the past fifteen years. He was trained in the U.K. as a naval architect, came to Canada and worked with Halifax Industries Ltd. for a number of years holding senior management positions with that firm, including General Manager and Construction Manager, overseeing the construction of the oil rigs at the Halifax Shipyard. Another principal of McDan is Bob Hemming, the well known Chartered Accountant in the city, who has the position of Secretary Treasurer. Mr. Hemming's father formerly owned lands in the Prospect area, adjacent to McDan's site, and owned these lands along with Mr. Ferguson some 35 to 40 years ago. The third principal of McDan Enterprises is Allan Dan, who holds the position of Vice-President with the firm. He has been a Maritime resident for the last decade and owns and operates the Canadian Tire outlet in Dartmouth.

The McDan lands comprise about 170 acres and have excellent water frontage. The lands were purchased by McDan in mid-September last year, at a cost of \$250,000. McDan Enterprises plans to use these lands for a marine-related park, basically utilizing the deep water feature of the site. The site is thought to be excellent for marine research, a production platform assembly site, fabrication site, a land and water site for pipeline manufacturing products and an offshore marine base. It is pertinent to point out that a number of speakers this evening made a mistake in linking the development of this site with the Venture project. The Venture project is only one field of a number of fields that may develop and utilize the site, and the use suggested by these speakers is really only one aspect of possible development.

Right from the start McDan has made an effort to keep the public involved in its plans for the site. Even before purchasing the property the principals of McDan approached representatives of the County of Halifax on a confidential basis while negotiations were going on, to indicate the type of development they were proposing for the site, and indeed shortly after purchasing, the principals of McDan met with the Halifax County Industrial Commission and the first public announcement regarding the acquisition of the site was before Council on October 18 last year. Shortly thereafter McDan attended a public meeting in Prospect with the residents, and this



is indicative of the type of public involvement the principals intend to continue throughout the development. The public involvement of the company has not included a request for public funding, it has simply been limited to a request from the various levels of government for assistance in the design of the project and its effective marketing.

Before the project can be developed there will have to be further detailed studies, and there is quite a lot of work that has to be done before the site is marketable. An application is already before the Department of Highways to construct an access road into the site and in addition there will have to be surveying and preparation of engineering and conceptual plans. Mr. McGavney will explain the type of work that is necessary on the site before they can proceed.

Mr. McGavney explained what they have done up to now. They have had the roadway from the Prospect Road down to Kelly Point, an abandoned highway on land owned by the Department of Highways, surveyed by qualified land surveyors to identify the exact positioning of that roadway. A certificate has been issued by the land surveyors and that certificate has been forwarded to the Department of Transport asking for their confirmation and acceptance. The Department of Transport has been kept informed, even to the point of distributing to them press releases, so they may take all this information and use it to come to some decisions. McDan have had a preliminary survey done by a Nova Scotia soils engineering company. The intent from now on will be basically to have an access out to the Department of Transport highway, not to construct a road, just an access for engineers who will have to go in and do quite an amount of work. There is a lot of surveying to be done, there is drill testing to be done, many aspects that have still to be done, and they would hope to be in a position to start in the early summer. Once the engineering consultants have completed their tasks, there will be the final task at that phase of the project to come up with a number of scenarios for conceptual designs for the parkland.

Mr. McGavney, with Mr. Grant, continued his overview of the situation. Basically, they will phase the project in. The first phase they are looking at is land along the water frontage that is bordering on the deep water frontage. If there is to be industrial development, it would take place on the deep water frontage, not overlooking the village, and buffering would be requested and demanded of the engineering people. This land does have a lot of wooded land on it.

The area along the southern end is the area they would like to see used for marine research - a marine research facility and laboratory and offices, something of that nature. Very confidential preliminary discussions have been held regarding this.

There are no residences on the McDan land. In various directions there are residences from half mile to a mile and a half from the site.

With regard to the appropriateness of the McDan site for a marine related park, they have a report from the consulting engineers, Jacques, Whitford and Associates, in some detail. Copies can be available if Council wishes. The conclusion is - "As a result of our preliminary review of the site, including a general field reconnaissance of the same, no evidence of extensive thick peat deposits or organics that would impede development. It is rugged, but similar rugged conditions exist relative to other development of industrial parks in the metro region and other areas of the Municipality of the County of Halifax."

A lot more work has to be done by the developer and they intend to proceed cautiously to develop this site in a responsible manner. Some comments made by the proponents if true, would prevent the developer from developing the site and obtaining all the

necessary permits, but that's a risk that they are prepared to run. The research to date has been encouraging, and it appears that the project will be able to proceed in a responsible manner.

Mr. Grant outlined Mr. Price's background. He is President of Maritime Shipping Limited and has been since 1976. He has had an extensive experience in the offshore, holds the highest shipping certificate, a Masters ForeignGoing, which recognises his years of study and his 13 years at sea; he also holds a Hydrography degree from the University of Wales, and has been employed in a variety of capacities, his professional training includes working for the Canadian Hydrographic Service at the Bedford Institute.

Mr. Price commented on the navigational aspects of the McDan site. He said the thing that makes this site particularly attractive is the access to deep water, via a very sheltered channel. At the last meeting the depth of water was pointed out at 42 feet, the depth that appears on a field sheet or chart. These are at low water springs, in other words at the lowest point that water will reach. The range of tide is 7 feet, which you would add to the depths shown on a field sheet.

Mr. Price showed a map on which he placed two parallel lines which would be 800 feet apart, the width of the Narrows in Halifax Harbour. On the channel of 800 feet there is a depth of 30 feet of water. He placed two narrower parallel lines going into the inner anchorage at Prospect off Kelly's Point, which is 440 feet wide.

McDan Enterprises propose an ocean park, with offshore supply vessels going in, and barges transitting in with goods. A point which has not been made yet, is that a great amount of the heavy material that would be brought into the site would be brought in by barge, probably direct from the docks in Halifax. The completed modules and sections for any developments offshore would be taken out by barge. The draft generally for one of these ocean going barges of about 400 x 100, is about 20 feet when they're loaded. Generally speaking you don't get to a weight, you have to ballast the barge down to make it stable. Certainly it would be quite safe to transit that particular channel. For the purpose for which the site is intended, it is perfectly adequate. In quite a number of ports in the U. S. Gulf area, which are used extensively by the offshore industry, some of the channels are only 600 feet wide, so when it comes to manoeuvring to the outer anchorage just off Kelly's Point, it is quite adequate from a navigational point of view.

Mr. Price commented on some of the alternate ports mentioned previously. He said one of the worst possible aspects in an area like Nova Scotia, is the company town, and one of the main reasons people are not flocking into Mulgrave and Point Edward and other areas, Sheet Harbour for instance, is the lack of population and the lack of support industries for this type of development. If one wished to put a development like this in Mulgrave, obviously the housing there is not sufficient. Housing would have to be built and you would end up with the worst of all possible things, a company town. This is one of the main reasons why Prospect is very good. By being close to Halifax you have the support industries and you have a population base of skilled people; also of course from the Prospect area. The consequence is you do not have to go into this very large economic and cultural development of a company town to support these people. We all know there have been many proposals put forward for the Straits of Canso that never came to fruition.

Mr. Price feels the site, from a physical aspect, from a navigational sheltered and from a cultural point of view, is more than suitable.



Mr. Grant pointed out the benefits this proposed development would bring to the Municipality. It is anticipated that once it proceeds it will create between 200 and 300 jobs eventually. Naturally this is going to inject cash into the local economy, and the area we are talking about is an area that has traditionally high unemployment and has led the various districts in the County on the Welfare roll. Last year in District 4, \$300,000 was spent on social welfare. Additionally of course this proposed development would bring in much needed commercial assessment to the municipality. The issue at this hearing is not, as some of the proponents of the proposed rezoning would have it, a question of public participation in the planning process and the need to control development in the meantime. McDan has demonstrated that it is prepared to participate fully in this matter, it has met at the earliest opportunity with representatives of the County, it has shown itself to be sensitive to public views, and it will continue to follow this pattern of behaviour throughout the planning process.

In order to develop these lands as the Planning regulations exist at the present time, there are extensive and exhaustive planning controls. In order to proceed to develop this site, a Regional Development Permit is required, and to obtain that permit McDan has to meet with the Department of Health regulations, the Department of the Environment regulations, and under that heading there is the possibility that the Minister of the Environment can refer the whole matter to a quasi-judicial tribunal of the Environment Control Council for their recommendations. There are the Department of Highways regulations and approval which are required. In addition there are 17 criteria to basically cover everything to be conceived of under a planning umbrella, which are set out in the Regional Development Plan, which the company has to meet as well. Without meeting these requirements, these rigorous requirements, the developer can't proceed at all. If a permit is in fact issued, also the developer needs a Municipal Permit, which is appealable to the Municipal Building Board; the issuance of a Regional Development Permit may be appealed to the Nova Scotia Municipal Board, where there is a full quasi-judicial hearing of all the issues that the residents have raised at both meetings. The developer is fully aware of the fact that if he hasn't done his homework at that stage, it will all be for naught, because the Municipal Board has the authority to quash the issuance of a permit.

Mr. Grant said the real issue in this Public Hearing is the important principle of whether Council wishes to support private development in its jurisdiction, provided that development proceeds in a responsible and sensible manner. In this case you have a private developer, who has purchased land for a substantial amount of money, \$250,000. This money was invested on the understanding that the developer could proceed as of right to develop the land in the manner he proposed, provided the developer meets those rigorous requirements of the Regional Development Plan and other regulations, and in this particular case the developer entered the transaction, purchased the land, understanding the risk of whether or not he could meet those requirements. The developer when he purchased the land understood there were no zoning impediments to proceeding to develop in the way he proposed. And the developer met with both the municipal government and the public to discuss his plans out in the open, at the earliest possible stage. Now the developer has to risk further funds in order to do all the necessary studies so that plans for the site can proceed, so that he can come up with a concept that's marketable and meets with all the requirements. That is a matter at which the developer is still at risk. He understands that if he can't meet those requirements, the \$250,000 investment is a loss. But the developer shouldn't be required to take into consideration in purchasing the land, the risk that it is going to be rezoned in a way that is really confiscatory.

In its report regarding the proposed rezoning, the Planning Department has been careful to ensure that the proposed rezoning does not affect anyone's present land use. There are no non-conforming uses under the proposed rezoning. McDan doesn't have an application for a permit in now, so it does not fall within the definition of a legal non-conforming use under the Planning Act. But morally McDan is no different from the people who have existing uses. They purchased the land on the understanding of the zoning status and made express their public intentions of the manner in which they were going to develop it. Basically the zoning proposed by the residents would rule out the proposed development. Mr. Grant suggested that if the proposed rezoning application is allowed, there is a danger of public participation running wild and this is something Council ought to consider when deciding what hoops a developer has to run through before being able to proceed with a development. If this proposed rezoning application is successful, the opponents of McDan would have the following avenues for appeal from the McDan proposal.

Before even developing McDan would have to rezone the land to allow for the proposed marine-related industrial/commercial use. That application for rezoning, if granted by Council, could be appealed to the Nova Scotia Municipal Board. Another option would be for McDan to apply for a Planned Unit Development; again there are possibilities of further public hearings, expenses and appeals. McDan needs a building permit from the Municipality, that again is subject to appeal. McDan needs a Regional Development permit, and as mentioned earlier that is subject to appeal on numerous grounds. Furthermore there is the possibility of a hearing before the Environmental Control Council if the Minister of the Environment is not willing to approve the proposed development. Mr. Grant felt that all of these avenues of appeal do not enhance the planning process of the development. Nothing is being gained in all these various avenues of appeal, in McDan coming up with a better development. All it does is create a legal entanglement, and mire development in a procedural mess.

Council is aware of the hard work of the Halifax County Industrial Commission in endeavouring to attract commercial assessment to the County. In this case we have McDan, an unsolicited developer, coming forward to provide commercial assessment to the County. Council should consider the type of signals it would be giving to the development community in creating further difficulties in proceeding with the development of this site. In the Planning Department memo regarding the proposed rezoning, they make it clear that no decision on the merits or demerits of the McDan proposal was being made. Nevertheless Mr. Grant felt the proposed R-2 zone would be a bad decision for Council. It creates a precedent for residential land use on the site. Because the site is outside the Regional Development boundary, it makes development very restricted on the site. It would tie up McDan's plans for the site, there would be no possibility of marketing the land while it is zoned R-2, and what's worse, McDan has to undertake some very costly preliminary studies in order to proceed with the development and they have at the end of the line the uncertainty as to whether or not, having spent the money on these necessary studies, they will be able to proceed with the development. McDan is fully prepared to meet the exhaustive and rigorous planning controls that are in effect now, but the uncertainties created by a rezoning of the site would be an unf ir risk to place on the developer.

There was a suggestion in the Planning staff report that the Zoning Bylaw section 49 option might be considered. From McDan's standpoint this would be preferable to zoning the lands R-2 in that it would mean Council has not ruled on whether industrial or commercial use is an appropriate use for the site, but it is still not a satisfactory solution, as McDan is still faced with the expense of preparing all these preliminary studies with no certainty as to whether or not the site may be developed even if all the studies are favourable.



In conclusion, Mr. Grant said they ask that Council recognise the sincerity and good faith of McDan Enterprises and the appropriateness for this site to be developed as a marine-related park, by deleting the McDan lands from the area proposed for rezoning. They ask that Council amend the proposed rezoning application by deleting the lands, including those of McDan Enterprises, from the area proposed to be rezoned R-2.

#### Questions of Council

Councillor MacKay asked Mr. Price about the entrance to Prospect Bay. Mr. McGinn suggested the maximum width of the channel was 600 feet, and now Mr. Price says that between the wide grid marks on the map the channel is 800 feet, and between the narrow marks, 440 feet. Mr. Price thought probably Mr. McGinn had been referring to the narrow one of the two channels going into Prospect Pool, which is 440 feet wide. He said the land drops off very sharply.

Councillor MacKay asked what type of vessel would have safe passage, and Mr. Price said a North Sea oil barge, which is for development work, is 400 x 100 feet, and generally speaking would ballast down to about 20 feet, so there would be plenty of water. The supply vessel would normally go out with about 18 feet of water. He further said barges would probably go one at a time, it is a sheltered area and you could lash two barges together, but generally speaking it would be one. A pilot is not required, but McDan would probably have a person on staff who knew the water extremely well and would act as a pilot.

Councillor MacKay asked Mr. McGavney what studies and information are required for various government permits, over and above what would be required of a corporate nature. Mr. McGavney said for a corporate marketing venture it is desirable to have engineering conceptual design well prepared, and one should be able to support market to an interested company with as much information as possible. Councillor MacKay asked who they would be looking for design help from. Mr. McGavney said no such help would be required.

With regard to the access road, Councillor MacKay wondered if the Department of Transport has been asked to do the work, or just for their permission to do it. Mr. McGavney said once they have acceptance from the Department, they would employ people to do the work, paid by McDan.

Councillor MacKay mentioned contrary information regarding the lay of the land. Mr. McGavney quoted from the report of Jacques, Whitford - "The land within the various tracks are similar - the tree cover varies from scrub growth to extensive evergreen cover within the approach road to Murphy's Cove, Kelly's Point. To the left of the access extensive bedrock outcropping is evident, rising to an elevation of 90 meters. Along the access road the land rises from slightly above high tide level to an elevation of 6 to 7 meters, with this parcel in the centre being low lying. There is little evidence of any extensive amount of peat or organics. Towards Kelly's Point the land is sparsely vegetated with evidence of bouldary till." He said information as to how the lands would be levelled will come from the engineers' reports. The evergreen cover is mostly coniferous.

Councillor MacKay asked if the McDan development would be in direct competition with developments such as Ocean Industries in Dartmouth. Mr. McGavney said every site is unique. He felt they would complement each other. He told Councillor MacKay that studies done prior to acquiring the land took place over a number of years and were done by themselves and many companies and bodies of government. He was aware of these because of his participation in many committees.

Councillor MacDonald asked how much truck traffic would be created by the development. Mr. McGavney said the traffic should be able to travel down the road to Prospect and Kelly's Point. The condition of the road is the decision of the Department of Transport. He said if there is a marine base in the development, piping would come by truck. Anything of a heavier nature would come by barge. Mr. Grant pointed out that the Director of Community Planning will have to consider the potential impact from traffic generated by the development on the arterial and regional transportation network, before issuing a permit. If he fails to consider that factor, there is grounds for appeal.

Councillor MacDonald asked about the treatment of sewage. Mr. McGavney said this information has still to be determined. Councillor MacDonald asked about prevailing winds, and Mr. Price said during winter they are generally northwest.

Councillor Snow asked who would pay for the road from the site to the Prospect Road, Mr. McGavney said the responsibility would be theirs. Councillor Snow also asked about hazards to fishing in bringing barges in. Mr. McGavney said this is not known at present, but if anyone sees a hazard being created, they would like to discuss the matter.

Councillor Snow asked about tests of alkalies, acids or arsenic coming from the bog. Mr. McGavney said there is no evidence of excessive peat deposits, and the soil sampling, etc., has still to be done.

Councillor Gaudet asked about the procedure involved in turning the barges. Mr. Price explained that a barge is 175 feet long, and most supply vessels would run to about 200 feet. So there should be no difficulties.

Councillor Gaudet asked if Dura Investments are involved as a third party in the development, and was told they are not involved. The land was bought by McDan from Dura Investments.

Councillor Gaudet asked about the 200 to 300 jobs that would be created. He asked if local people would get the jobs. Mr. McGavney replied the more jobs that could be created locally, the better.

Councillor Gaudet asked about the figures for social assistance in District 4. He said the contention that District 4 is second highest in expenditure is wrong, it should be fourth.

Councillor Gaudet asked why some areas were shaded on the McDan map which did not belong to McDan. Mr. McGavney said this was because they took the small map which appeared in the newspapers and just hatched across.

Councillor Walker asked why Prospect Bay was chosen over, for example, St. Margaret's Bay. Mr. McGavney said the lands were for sale, and are in close proximity to Halifax, which would be of prime importance to companies. There is deep water frontage, winds are northwest or southwest and that is well protected. He said when they first heard of the possibility of purchasing the land they checked on the zoning and they also checked with County staff to confirm this.

Councillor Walker asked if they would have gone ahead if the zoning was R-2. Mr. McGavney said he was not sure, that is a hypothetical case.



Councillor Walker asked about the previous owners. Mr. McGavney said this was Dura Investments, a company registered in Switzerland. Mr. Price was a director of that company.

Councillor Walker asked how they arrived at the figure of 200 to 300 jobs. The reply was that it was a damned good guess. Councillor Walker said in his opinion they've been guessing the whole thing; they have a concept at the back of their minds and have been guessing right along. Mr. McGavney denied this, and said as they have developed the plan they've been stating what they have. But there's a lot to be done yet.

Councillor DeRoche asked Mr. Price if he had actually sighted the channel or if he was going by charts. Mr. Price said he had not been to the bottom but another group that was previously interested in buying the property, did send divers down. He did not think the depths would be very different from those shown in the 1945 survey. Councillor DeRoche suggested that the tidal flow could cause considerable silting, but Mr. Price said he is familiar with the area, and doubted there would be silting through there.

Councillor DeRoche asked about the impact on fishing of the passage of barges, tugs, etc. Mr. Price said he didn't think there were any nets at present put across the channel; there might be some loss to lobster traps.

Councillor Gaudet asked for identification of the marine research business interested in the industrial park, but Mr. McGavney said he could not identify this at the present. The deal must be completed first. Councillor Gaudet complained about secrecy and wished he could believe the developers.

Councillor Margeson asked if the developers would have bought less land if the Regional Development Plan did not specify 100 acres for a permit. Mr. McGavney said he thought not, they are pleased with the 170 acres they now have.

Councillor Margeson said he felt the people should have the opportunity to zone as they have requested. He said he knew of a recent case where a developer walked around an area with the people of the area to get their views and feelings and he wanted to develop his piece of land so that it would be compatible to their use and to their feelings. He suggested that in this case the whole area be zoned according to the wishes of the people and then the developer conduct dialogues with the residents and with the fishermen, with each side pointing out what they wished to do. Then the developer could come back and ask for a rezoning. Subsequently a Planned Unit Development could be put in place to protect both sides in the future. Mr. McGavney said they do wish to develop along with the residents and the councillor for the area. Councillor Margeson asked what portions of their property they would suggest not be zoned R-2. Mr. McGavney said he couldn't answer that question, and that he felt a number of the residents have indicated they didn't want any development at all. But he would welcome a committee formed by the residents and further meetings.

Councillor Margeson wondered if the whole matter could be deferred until some such settlement is reached between the developer and the residents, but the Chairman and the Solicitor, Mr. Cragg, agreed that probably no point would be served in deferring a decision if one or both of the parties don't wish to co-operate or meet with the other.

Motion to Break

It was moved by Councillor MacDonald, seconded by Councillor MacKay that there be a 10-minute break. Motion carried.

When the meeting reconvened, Mr. Grant asked that the developer's circumstances be considered. He acquired the land in September last year. At that stage he could have been entirely secretive, kept the fact that he had acquired the land to himself, proceeded to develop all the necessary plans, do all the necessary studies to pave the way for obtaining the permit, make application for the permit and obtain the permits as of right with absolutely no public involvement. Instead the developer's manner of proceeding has been one of good faith, in the open with the public, from the instigation of the project. It is the intention of the developer to instruct the engineers preparing the conceptual drawings to design a project which has sufficient buffer zones to separate the marine park from the residential area, to have the education-related marine research on that portion of the site which is closest to the residential area. Undoubtedly the project will begin to make the Prospect Bay a working waterfront. Some of the residents in the area are concerned about what effect that will have on their property values. Before a hasty decision is made on that, attention should be paid to what is happening in the city of Halifax, where luxury condominium projects are being located with a site of the working waterfront.

The developer would like Council's vote of confidence to proceed to spend the necessary money to obtain all the necessary studies in order to proceed with the development in a sensible and responsible manner. For that reason the developer is requesting that his lands be deleted from the lands proposed to be rezoned R-2.

Councillor Gaudet asked about the size and position of the proposed wharf. Mr. McGavney said they are looking at a possible length of 1000 to 1500 feet. The position will depend on the requirements of the particular company but it will quite possibly be built parallel with the shoreline.

Councillor Gaudet asked about the source of power, and was told power will be received from the Nova Scotia Power Corporation. Mr. McGavney agreed it will be costly.

Councillor Gaudet asked about government money for a incubator mall. Mr. McGavney said they would have no objection to a specific company pursuing government grants.

Councillor Gaudet asked about hazards from the prevailing southwest winds. Mr. Price did not see any problem. Barges will be taken in by twin screw vessels which are built to withstand this.



Harry Paton, Lawyer Representing Raymond W. Ferguson - Mr. Ferguson is the owner of the smaller tract of land, approximately 60 acres, that is immediately adjacent and adjoining the McDan Enterprises land.

Mr. Paton gave the background for Mr. Ferguson. He was alderman for the City of Halifax for the years 1955-61. He has been a member of the Halifax-Dartmouth Port Commission for over 28 years, and was Chairman at the time the Commission was taken over by the provincial government. Mr. Ferguson is Chairman-designate of the National Harbours Board new port structure for Halifax. He is former Vice-Chairman of the Board of Governors of St. Mary's University, and also former Chairman of the Halifax Courthouse Commission. He is a founding member of the Halifax Branch of the Appraisal Institute of Canada, Past Chairman of the Halifax Tourist and Convention Bureau, and Past President of the Nova Scotia Real Estate Association. He is former Regional Vice-President of the Canadian Association of Real Estate Boards, as well as Past President of the Better Business Bureau of the Maritimes. He has been involved in real estate in all its facets for the past forty years, and is President and Chairman of the Board of a number of corporations which are involved in real estate development, construction, building materials and so on.

Approximately 28 - 30 years ago, Mr. Ferguson and Mr. Herbert Hemming bought two tracts of land, the Ferguson land as it is at present, the Hemming land at present owned by McDan Enterprises. Mr. Hemming's son, Mr. Robert Hemming, is one of the principals in McDan. These lands were bought with a long range view, to develop them for commercial or industrial purposes. Mr. Ferguson has been involved in developments in Halifax, in Dartmouth, and surrounding areas. He was involved in the Better Business Bureau. He is not interested in putting up a development that is going to be completely out of place with the environment.

They are pleased to see that this matter is getting a full and fair hearing, because the democratic process requires that Council be fully apprised of all the implications before making a decision. There is no question that this is one of the many beauty areas in this province. We are fortunate here in Nova Scotia; the province is very picturesque and beautiful. However, along with this goes certain disadvantages. Nova Scotia is a very delicate province so far as the ecology is concerned. Nevertheless we have seen many large industrial developments take place, and practically all without any damage to the ecology, because it is possible for development to co-exist, without ecological problems, with tourism and residential development. The McDan lands and the Ferguson lands are both on the coast, well away from the roadway, so that development which may take place in this area in the future will be well shielded from the roadway and from the eyes of tourists, who at the present time can't get into the land because it is completely inaccessible other than by water. If anything, a properly landscaped industrial park could really enhance the beauty of the area. To zone these lands R-2 at this time would only help stifle any future development.

Mr. Paton reminded Council that Mrs. Cartledge stated there has only been one application since 1974 to rezone any of the lands previously zoned R-2. The reason is obvious. Potential developers have been scared away from the lands in question.

Mr. Paton said they don't know for sure whether the lands can be developed. They believe they can be and it is the proposal of Raymond Ferguson that his lands be developed in conjunction with the McDan lands. Access to his lands will be gained through the McDan lands, and the uses will be ancillary to the McDan uses, i.e. light industrial, research labs, engineering labs, etc. The coastline is very deep water, in fact the dropoff on the Ferguson lands is even greater than on the McDan lands. They believe that these lands could support such a development, provided reasonable care is taken. It is true that zoning the subject lands to R-2 does not preclude the possibility of later rezoning, but they feel that there are sufficient safeguards in place to protect the residents and the environment, which must be complied with by the developers prior to obtaining their Municipal Development Permit. The Department of Highways must be satisfied that the highways are adequate for the traffic to be generated, the Department of Health and the Department of the Environment must be satisfied that the environmental impact will not damage the area. In addition a County Building Permit must be obtained before actual development could be commenced. These are all safeguards.

It was said earlier that the McDan proposal could have been kept a secret until they were ready to apply for their permit. They chose not to do this and made their plans known. They have acted in good faith and now they ask that they be given similar treatment and not have an additional obstacle placed in their way. It is proposed that the environmental studies will be carried out by experts employed by the developers, and an overall conceptual plan will be developed showing the scope and nature of the development.

The whole of the Province of Nova Scotia is environmentally delicate, there is no such thing as an ideal place for industrial development. Unless we are prepared to do without industrial development we must adapt to the existing conditions and be prepared to work within them, while still ensuring the least destruction of the delicate balance. The co-existence of the proposed development with the residential area and the tourist attraction, is quite possible. As an example in Halifax both container piers are located close to high priced residential developments. The environmental impact has been minimal. Houses have not dropped in price in these areas.

These lands, because of the deep water and other considerations, have very special value and interest for this type of development. Does the County of Halifax want industrial development? If they don't then the answer is plain. There are only so many areas that can properly support this type of development, and this happens to be one of them. It has been proven that industrial development on the whole uses less water, less sewage, than residential development, and on the whole produces less traffic. Such a development will have much of its traffic by water, and this will help alleviate highway problems. Marine-related industrial development does not create a nuisance by producing large amounts of dust, pollution, effluent or smells. The impact on the residential areas will be minimal. Industrial buildings are usually built on poured concrete slabs rather than requiring the excavation of full basements such as is required with residential development. An attractive industrial park on these lands with buildings at different levels is something the area will be proud of in years to come.



The submissions made by some of the proponents said that industrial development belongs elsewhere. This is always the case when any such development is proposed. But elsewhere has its own unique problems. The location of the lands of the McDan Enterprises and R. W. Ferguson is sufficiently set back from the highway that proper landscaping would make the industrial park invisible from the highway, and might even improve the appearance that now exists. The developers fully realize they have much work to do before they are ensured that the industrial park they have proposed will go ahead. The timing of such proposals is sometimes most critical, particularly with respect to the availability of financing and the requirements of business for such development. Two or three years down the road may well be too late.

These are all lost tax dollars and tax dollars that the Municipality cannot afford to lose. Mr. Paton said if Council wants development they must approve properly safeguarded developments.

He said Mr. Robert Ferguson, who accompanied him, would aid in answering any questions.

#### Questions of Council

Councillor Gaudet asked the whereabouts of Mr. R. W. Ferguson. Mr. Paton said he was out of town, but had been in attendance at the first part of the Hearing. Councillor Gaudet said it is untrue that residents do not want industries.

Councillor Snow asked about jobs; he wondered how many high tech. jobs would be available to the people of the area. Mr. Paton said he wouldn't expect everybody who would be employed to be local people, but many would be. He said in addition to high tech., there will be office staff requirements, construction requirements.

Councillor MacDonald asked about land owned by Mr. Tobin and Mr. Noonan in the same area. He asked what would happen to them. Mr. Paton said every effort would be made not to injure them.

#### DECISION OF COUNCIL

Councillor Gaudet said before making a motion he once again wanted to question why the development was kept secret. He said he was not invited to the Industrial Commission discussions for this reason.

It was moved by Councillor Gaudet, seconded by Councillor Walker that the request of area residents, without deletion, to zone the remainder of the Prospect Peninsula from an unzoned status to R-2 (Residential Two Family Dwelling) zone, C-1 (Commercial Local Business) zone and F-1 (Fishing Industry) zone, be approved.

Councillor Gaudet asked Council to support the motion, to support the 600 to 1000 people who signified their approval rather than the five or six who wish to develop the area.

Councillor Gaudet referred to some points in a letter from McDan Enterprises. He said the shaded areas of the map are an inaccurate representation of the size and scope of the area, and includes lands not belonging to McDan. Also, the shaded areas include the Ferguson lands, but his name is not included in the letter or the map. He wondered if the developers were aware of the overwhelming concerns about their project. He said the intention of McDan Enterprises has been vague and mixed up, nothing concrete, all pure speculation.

Councillor Margeson said that since he had been unable to attend the first part of the hearing, he would refrain from voting.

Councillor Walker suggested the vote be recorded, with Councillor Gaudet.

Councillor Eisenhower mentioned a possible inclusion of an exemption for Mr. Christian, who requests a commercial area next to another commercial area. Councillor Eisenhower said he would be voting against the motion. He supported the application by the residents for R-2 zoning, but must consider the rights of the people who own the property. He mentioned clause 49E of the Bylaw and said with that clause in effect in his own district, there is no way a development of this sort could come forth without going to a public meeting. He also said if someone in his district applies for a commercial or other area, they do not have to get approval from him. There is no requirement why anybody who owns lands should go to the Council member to find out if it is okay.

Councillor Eisenhower said it cannot be expected that a company would announce its interest in a proposed industrial park when it is not even zoned. He felt that the developer was taking a reasonable risk, since the zoning was right, the laws were right. He said it is not a question of jobs or industry in the county, there is a principle of land ownership and land ownership rights and people rights. The decision is a difficult one.

It was moved by Councillor MacKay, seconded by Councillor Baker, that the motion be amended to exclude the lands of McDan Enterprises.

Councillor Gaudet argued that since the motion said "without deletion", it cannot be amended, however Mr. Cragg said the amendment is in order and the Chairman so ruled.

Councillor MacKay said he believed the lands of Messrs. Ferguson and Christian should also be excluded, but felt they should be treated separately. He said he agreed with Councillor Eisenhower's comments, and said he thought McDan have shown good faith in treating their proposal application in the way they did. They were willing to meet with residents, with Council and the Industrial Commission. Further studies will be necessary, and a variety of permits and approvals, will have to be obtained. He also agreed that a developer does not have to tell the Councillor of the area what he is doing.

Councillor Poirier did not think Council could consider a blanket zoning when people, representing their land, are opposed to it. She felt they had to respect the wishes of the residents, and the efforts



of the Councillor to do what they want him to do. But there is also the position of someone going into a piece of unzoned land, only to be told after making the investment that it is of no use. In addition there is unemployment in District 4. She felt she could not agree to the development right away, but with the barriers in place, plans, permits, the industrial park could be a benefit to the area. She said she would vote against the motion to zone as a blanket zone.

Councillor Deveaux agreed with the last speakers. He did not see where the industrial park would cause great harm to the community, as unique and pretty as it is. The municipality has to decide what its future will be in regard to industry. If he feels that any development will not cause harm to a community, he will vote for it. Industry must be accepted, not only in Halifax County but in Nova Scotia.

It was moved by Councillor Deveaux, seconded by Councillor Poirier that amendment be amended to exclude the lands of Mr. Christian and Mr. Ferguson.

Councillor Snow did not agree with the past few speakers. He felt that anything other than the zoning proposed by the residents, would have devastating effects for years to come. There have been no soil tests, no knowledge of what the impact on the fishery would be. Councillor Snow said he has no faith in environmental controls.

Councillor Lichter felt there are a number of questions on both sides that have to be weighed carefully. He mentioned the possibility of bringing the whole of District 4 under section 49 of the Zoning Bylaw in which case the McDan lands could be exempted from the zoning, yet subject to a public hearing for their proposal. All the studies would be done, all the plans and details which have been lacking. Councillor Lichter felt this would be a reasonable compromise.

Councillor Wiseman said she also has trouble in trying to make a decision in this matter, but will vote in opposition to the amendments. She didn't agree that the developer acted in good faith, that he announced the development purely for marketing reasons. She felt if the area is zoned R-2 the developers will have the same rights as under the industrial uses bylaw - they would ask for each parcel of land to be rezoned for industrial or commercial use, or whatever they wish, and the people in the area can react to the proposals on an individual basis.

Councillor MacDonald said he would vote against the amendments and for R-2. The area has to be protected.

Councillor Walker asked councillors to support the original motion, as representatives of the people and to protect the area.

The Chairman called for the vote on the amendment to the amendment, which was as follows:

Councillor Walker	- no
Councillor Poirier	- yes
Councillor Gaudet	- no
Councillor Baker	- yes
Councillor Deveaux	- yes
Councillor DeRoche	- no
Deputy Warden Adams	- yes
Councillor Gaetz	- yes
Councillor Reid	- yes
Councillor Lichter	- yes
Councillor Snow	- no
Councillor Margeson	- -
Councillor MacKay	- yes
Councillor McInroy	- no
Councillor Eisenhauer	- yes
Councillor MacDonald	- no
Councillor Wiseman	- no
Councillor Mont	- no
Warden MacKenzie	- yes

The amendment to the amendment was carried, by a vote of 10 to 8.

The Chairman called for the vote on the amendment to the motion, which was as follows:

Councillor Walker	- no
Councillor Poirier	- yes
Councillor Gaudet	- no
Councillor Baker	- yes
Councillor Deveaux	- yes
Councillor DeRoche	- no-
Deputy Warden Adams	- yes
Councillor Gaetz	- yes
Councillor Reid	- yes
Councillor Lichter	- yes
Councillor Snow	- no
Councillor Margeson	- -
Councillor MacKay	- yes
Councillor McInroy	- no
Councillor Eisenhauer	- yes
Councillor MacDonald	- no
Councillor Wiseman	- no
Councillor Mont	- no
Warden MacKenzie	- yes

The amendment to the motion was carried, by a vote of 10 to 8.

Councillor McInroy said he didn't understand how, in implementing municipal development plans, thousands of dollars are spent in making sure of the views of the residents, and yet in this case the wishes of the people are ignored. Councillor Lichter felt that in every case compromise is necessary.



The Chairman called for the vote on the motion as amended, which was as follows:

Councillor Walker	- no
Councillor Poirier	- yes
Councillor Gaudet	- no
Councillor Baker	- yes
Councillor Deveaux	- yes
Councillor DeRoche	- no
Deputy Warden Adams	- yes
Councillor Gaetz	- yes
Councillor Reid	- yes
Councillor Lichter	- yes
Councillor Snow	- no
Councillor Margeson	- -
Councillor MacKay	- yes
Councillor McInroy	- no
Councillor Eisenhauer	- yes
Councillor MacDonald	- no
Councillor Wiseman	- yes
Councillor Mont	- yes
Warden MacKenzie	- yes

The motion as amended was carried, by a vote of 12 to 6.

It was moved by Councillor Lichter, seconded by Deputy Warden Adams that Council declare its intention to include District 4 in Zoning Bylaw 24, section 49, under the Industrial Uses section. Motion carried

There was some feeling that this motion has wide ranging ramifications and that it puts the whole matter back to where it started. Mr. Cragg read 49 B of the bylaw - "Notwithstanding any other provisions of this bylaw, no person shall erect, alter, maintain or carry on in whole or in part or use any land for any industrial enterprise except in a I-1, I-2 or I-3 zone".

The Chairman stated the date for notice of intention is March 19.

#### Adjournment

Upon motion by Councillor DeRoche, the meeting adjourned at 12.05 a.m.

**PUBLIC HEARING**

**JANUARY 30, 1984**

PRESENT WERE: Deputy Warden Adams, Acting Chairman  
Councillor Baker  
Councillor Bayers  
Councillor DeRoache  
Councillor Deveaux  
Councillor Eisenhaurer  
Councillor Gaetz  
Councillor Gaudet  
Councillor Lichter  
Councillor MacDonald  
Councillor MacInroy  
Councillor Margeson  
Councillor McKay  
Councillor Poirier  
Councillor Reid  
Councillor Snow  
Councillor Walker  
Councillor Wiseman

ALSO PRESENT: Mr. G.J. Kelly, Municipal Clerk

SECRETARY: C. Lynn Weeks

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OPENING OF THE PUBLIC HEARING -The Lord's Prayer

Deputy Warden Adams brought the Public Hearing to order at 7:08 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the roll.

APPOINTMENT OF THE RECORDING SECRETARY

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

"THAT C. Lynn Weeks be appointed as Recording Secretary."  
Motion Carried.

PUBLIC HEARING

For the benefit of those present in the Council Chambers, Deputy Warden Adams outlined the procedure to be followed during the Public Hearing.



DEVELOPMENT AGREEMENT WITH TERRENCE AND SANDRA CLATTENBURG PROPERTY  
LOCATED ON NUMBER 7 HIGHWAY AT WESTPHAL

Staff Report

Mr. Mike Hanusiak, Staff Planner came forward to outline the Staff report, prepared for Council's information.

He advised that the Public Hearing had, in accordance with the provisions of the Planning Act, been advertised in the local newspaper, and that no correspondence had been received either in favour or opposed to the Application.

Mr. Hanusiak advised the Council had amended the Municipal Development Plan for Cole Harbour/Westphal to allow Automotive repair outlets to be developed in the area. The amendment was brought forward by the Clattenburgs and this agreement is for their proposed business activities on Highway Number 7.

Mr. Hanusiak described the location of the lot as being well out on Highway Number 7 behind the Riley Road. In the background is the trailer park. The property was identified as Lot 4 of the lands of F.M. Lahey. Mr. Hanusiak described the nature of the business which would be carried on in accordance with the Development Agreement and the clauses provided therein.

QUESTIONS FROM COUNCIL

None

SPEAKERS IN FAVOUR OF THE APPLICATION

None

SPEAKERS AGAINST THE APPLICATION

None

MOTION AND DISCUSSION OF COUNCIL

It was moved by Councillor DeRoche and Seconded by Councillor McInroy:

"THAT Council adopt the agreement as presented by staff this evening."

Motion carried.

PUD AGREEMENT NUMBER 2-82-14/Atlantic Gas Products Ltd., Windsor  
Junction Road, Windsor Junction

Staff Report

Dorothy Smith, Planning Department came forward to outline the staff report prepared for Council's information.

She advised that the site consists of 53 acres located on the northeastern side of the Windsor Junction/Fall River Road adjacent to Third lake and Three Mile Lake, west of the intersection of the Cobequid Road. Ms. Smith advised council of the general topography of the property is generally flat sloping down toward the lakes. She also stated that the owner will be leaving portions of the area untouched at the back of the property for form a birm for environmental protection purposes. The applicant is proposing to develop the area through phasing in accordance with the numbering on the plan submitted with the PUD agreement #2-82-14.

Ms. Cartledge also advised there would be no subdivision of this property and the comments received to date from other agencies had been favourable.

Ms. Cartledge advised council of the proposed contents of the PUD Agreement which will be negotiated.

#### QUESTIONS FROM COUNCIL

Councillor Wiseman: The parcel of land CH-2 shows 1.1 Acres. It just looks like a spur off one end. Is that a separate piece of land and what is the purpose of that in the plan?

Ms. Cartledge: I understand that it will be a part of the birm.

Q: So they've given no designated use for it?

A: Well, it part of the birm.

Councillor Gaetz: Yes, I'd like to ask (inaudible)

Councillor MacKay: One would anticipate that the industry or perspective industry that would locate there would generate approximately 50 vehicles per hour judging by the comments from the Transportation or the way that they were interpreted from Transportation?

A: Yes. A large part of the traffic problem will be solved by the fact that there is a rail (inaudible) there which we can see as helping to reduce automotible traffic.

Q: Only reason I ask the question, I expressed a little surprise, is that on a previous proposal it was their concern generated about an amount of truck traffic that would be on Cobequid Road; and I would assume that if they're going to be on the Fall River Road, they would not doubt be on the Cobequid also and that would be a concern to staff in negotiating the PUD.

A: (inaudible)

#### SPEAKERS IN FAVOUR OF THE APPLICATION

Mr. Chairman: Give us your name and address.



A: Deputy Warden, Councillors, my name is Harold Giddons and I'm the President of Atlantic Gas Products Ltd. I started looking for a site of this quality some two years ago and a lot has transpired since then. I've met a lot of people and I've learned an awful lot about various sites in and around Halifax and Dartmouth and other areas; and I'll have to say that the site in question is from a ease of development point of view, is probably one of the best sites within a twenty or thirty mile radius of Halifax. I'll explain what I mean in a few minutes. Dorothy has covered the application quite adequately, but there were a couple of questions raised which I will also deal with in a few minutes. I think one of the most important things here in this application is the fact that I did not spend thousands and thousands of dollars trying to twist or turn the facts of the site or misrepresent any evidence but what I did do is I spent a lot of time on the site; and I walked it, and I walked it with Graeme Thomas, and I walked it with Paul Miller, and I walked it with Tony Hunter, and I walked it with Mr. MacLean. The reason I did that was to try to find out what their concerns were about this site. I knew what the environmental concerns were because I have some appreciation for pollutants in the water and the air. So I felt I could deal with those. But I sure needed the help of the residents to try to understand their concerns. And I believe that through my association with them I was able to determine what those were. And they weren't very far different from mine. I'm going to show you some very quick slides that I prepared to indicate how the environmental aspects, particularly of run-off into the lakes will be treated. Because in terms of environmental impact I consider those to be by far the most important; and insofar as the site is concerned, I was fortunate in that that site is so simple to develop so simple to utilize that it wasn't very difficult for me to come up with solution as to how to protect the run-off into the lakes. O.K. I'm going to put something up here--I hope it looks O.K. It will have to do. This is half the site. Now just to get yourself oriented--this is the CNR line that you saw previously running to Dartmouth. Off the screen is the Fall River Road, and this is the part of the Third Mile Lake, Three Mile Lake, and this is Third Lake up here. These lakes are connected by a stream that runs through here. There looks to be about a three, four foot drop there. I spent a lot of time in this area. Matter of fact, almost a whole day. I came to the conclusion this particular area could never be touched. In other words, it had to be left in its very natural state even if the lakes weren't there. The lakes are there so that is another reason. This buffer area, that's shown in green, will be left in its natural state. It's treed and grassed and there's a growth of mostly hardwood, but there are some softwood trees. And there are some pine trees. The reason that pine trees grow there is because it is a well drained soil. That's one of the first things I noticed and wherever pine trees grow the soil is well drained. And that's, of course, the case here and that's important to know this because it is one of the very critical aspects in favour of this site. The site has a sand/gravel base that lends itself to a filter system that if you do not pave over it will filter out any local pollutants so long as any work in this area is not allowed to run off into the lakes then you will be alright.

There was a question raised while Dorothy was here about this piece of land and there is about 1.1 acres of land here that goes with the site. That piece of property there plus about 2.5 to 3 acres here will be set aside for the exclusive use of the residents of the area on the condition that it be left in its natural state. This shows the location of the CNR spur line if this area gets utilized. You saw originally where the total site was developed, or at least marked off into phases. Those phases were put there only if it became necessary to utilize more and more land. One of the points brought out by the Department of Highways was that this access into the site be given distance of 300 feet from the railroad crossing. I have re-considered that and suggested the entrance might be further away from the crossing because of the contour of the center line of the road. The width of the green natural perimeter, again the distance varies from 100 to 250 feet in width. The front portion is the area which will be utilized first. When this portion is used we intend to tree in the area to block the view from Eaglepoint and it will be included in the PUD.

Looking at this cross-section of the birm area, lake level is at this point. As the land is utilized the top soil must be stripped off and graded and the procedure to follow is to work towards the slope. The birm will never be disturbed. Any water that moves down to the lakes will move down through the soil and eventually filter out and may or may not find its way into the lakes. But the sand filter system will filter any materials and solutions out completely. This slope will be grassed and that birm elevation varies anywhere from one foot to seven feet. This is sandy gravel material and lends itself to good filter action. So that's a typical section through a birm which will control run-off during construction and anytime during the utilization of the land. Only a very small percentage of this area will be paved. The reason for that is if you do pave large areas there is a tendency to accumulate run-off and will not be allowed to filter down through the base material. So a very small percentage of any areas in here will be paved. The rest will be left gravelled with the base and sub-base.

I've had a number of meetings with Dorothy Cartledge and with the residents in the area and we put together a proposed PUD application that takes into consideration the highest and best use of that land, together with the environmental concerns, but more importantly with the concerns that I have with regards to the feelings of the residents of that site. The residents will have another opportunity to review the PUD agreement before it is finally signed.

I would like to thank all the people who have been involved with this application. There was a lot of input from some of the residents of this area whom I mentioned before, and I would like to thank them as well.



QUESTIONS FROM COUNCIL

Councillor Wiseman inquired as to whether other portions would be used for other businesses. Mr. Giddens replied that there were no plans to lease any portions of the area.

Councillor Snow thanked the applicant for his presentation and his high level of concern for the residents and the environment in the area.

Councillor DeRoche asked the applicant if the residents of the area in general were approached or only the people referred to by Mr. Giddens. Mr. Giddens answered that he had been in contact with many people and it was mainly through the River Lake Resident's Association with which these key people were highly involved.

Mr. Graeme Thomas, Chairman of the River Lake Resident's Association, identified himself and presented a letter to the acting Chairman giving their approval of the development. Mr. Thomas told Councillor DeRoche that many more residents than those taking part in the hearing had been contacted.

Mr. Dave Maclean, Area Development Chairman of the Riverlake residents association, discussed with the residents, in general the proposed PUD application, on a casual basis, and is in agreement with the development being passed. Mr. MacLean went on to say how commendable Mr. Giddens ideas and actions were and this should be indicative of many developments taking place.

Councillor Mackay: In my opinion, but that may be a difference in opinion with yourself. I believe to entice developers, good developers, and have always felt to go through the rigours might be unrealistic and these developers may be scared away. But building a berm around the lake, it may cause more problems and more sedimentation than if you left it in its natural environment. Sackville has experienced terrible difficulties in the early part of its development. Now, however, that has been altered and grassing, whether by hydroseeding or by sodding seems to be the way to go.

Mr. MacLean: You could be quite right, Councillor and I believe the natural land around the lake is the best protection the lakes will ever get. That's why when the plan is finalized we are going to be pushing for good buffer zones around the lake. However, if you do not have natural coverage a berm may be the answer.

Paul Miller indicated he was attending as a resident of the area and in that capacity only. He indicated that he would of course be concerned as a resident and Mr. Miller was very pleased with the methods used to determine the buffer zone. The buffer zone area was based on the natural topography of the land as opposed to using minimum figures set down by by-laws or formulas to set the buffer areas.

Councillor DeRoche commented on how pleased he was with the manner the negotiations and the spirit of negotiations which had taken place.

Councillor MacDonald asked for some information regarding the property across the road owned by ProCore. The Councillor was interested in finding out whether the former occupants had cleaned tank cars in that area. Mr. Miller did not feel tank cars had been cleaned in that facility but repaired. Mr. Miller also stated he felt LIPS NV Canada would be moving into that particular site shortly.

Councillor Margeson indicated he felt the method used to carry on negotiations was very commendable.

SPEAKERS AGAINST THE APPLICATION

None

MOTION AND DISCUSSION OF COUNCIL

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

"THAT the county enter into negotiations to formulate an agreement (Planned Unit Development Agreement) with Atlantic Gas Products."  
Motion Carried.

Councillor MacKay inquired as to the time frame from members of staff required by the County to negotiate an appropriate contract. Dorothy Cartledge indicated it would be difficult to determine a definite time frame due to the nature of the general process of negotiation. However she anticipated that a "short" period of time would be necessary to complete negotiations. Councillor MacKay indicated tht he would not like to see any great delay in this situation because he felt it was not in anybody's best interest to prolong the situation.

Councillor DeRoche moved for adjournment.

The public hearing was ajourned at 8:30 p.m.



JOINT COUNCIL MEETING

TOWN OF BEDFORD AND MUNICIPALITY OF THE COUNTY OF HALIFAX

JANUARY 31, 1984

Present Were: Warden Mackenzie  
Deputy Warden Adams  
Councillor Walker  
Councillor Poirier  
Councillor Gaudet  
Councillor Bayers  
Councillor Deveaux  
Councillor DeRoche  
Councillor ~~Lichter~~  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Gaetz  
Councillor Mont  
Councillor McInroy

Also Present: Mr. Ken Meech, Chief Administrative Officer  
Mr. Dan English, Chief Administrative Officer-Bedford  
Councillor Bob Short - Bedford  
Councillor Loncarevic - Bedford  
Mayor Roberts - Bedford

Secretary: C. Lynn Weeks

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Warden Mackenzie brought the meeting to order at 6:09 p.m. and made a few introductory remarks welcoming Mayor Roberts and members from his council.

The topic of discussion was setting down guidelines for the School Board budget for 1984. There was some general discussion regarding whether or not they should or even can put either a percentage figure or a dollar figure as a maximum increase, when, because of the nature of the school year one would not know an exact number of students, classrooms, teachers, etc. that would be required for a school year. Other councillors felt the school board should be given more precise guidelines in order to stay within the six and five guidelines set down by the federal government.

Some councillors felt this meeting was premature as council had appointed a committee to meet with the MLA's and discuss the grants which had been allotted to some areas of the County. Certain areas felt they were entitled to greater funding due to the nature of their community: i.e. young families with a greater ratio of children than the typical community.

It was moved by Councillor Lugar and seconded by Deputy Warden Adams:

"THAT the school board and council meet with the appropriate MLA's to discuss the funding for the school boards for 1984 as soon as possible and this meeting should take place before the end of February if at all possible."  
Motion carried.

More general discussion ensued regarding the finances of the school board regarding setting up maximum percentage increases and it was agreed the matter should be tabled until after the information had been received from the MLA's regarding changes in funding.

The meeting adjourned at 8:10 p.m. after a presentation of a pin to the Warden bearing Bedford's coat of arms.



January Council Session - 1984

I N D E X

Bo-Mont Subdivision -----	22-23
Cobequid Industrial Park -----	7-8
Capital Grant -----	10
Chief Building Inspector's Report -----	19 & 22
Director of Development Report -----	20
Flag Lots -----	3-6
Human Rights Proclamation -----	22
Motion - Appointment of Recording Secretary -----	1 & 14
Motion - Letters & Correspondence -----	2 & 19-20
Motion - Flag Lots -----	3-6
Motion - Nova Scotia Department of Housing, Rezoning Application -----	6
Motion - Clattenburg Auto Repair Hearing -----	7
Motion - Cobequid Industrial Park Ltd. -----	7-8
Motion - Operating Grants -----	10-12 & 22
Motion - Capital Grnats -----	10 & 22
Motion - Pollution Control, N.S.P.C. -----	12
Motion - Office Hours -----	12
Motion - Locations re Sale of Alcoholic Beverages -----	13
Motion - Letters re Lieutenant Governor & Governor General ---	13
Motion - Adjournment -----	13 & 27
Motion - Approval of Minutes -----	14-15
Motion - Senior Citizens Housing, Timberlea -----	18
Motion - Parkland -----	18-19
Motion - Chief Building Inspector's Report -----	19
Motion - Director of Development Report -----	20
Motion - Managmeent Committee Report -----	20
Motion - North Preston Water System -----	20
Motion - 1984 Property Tax Exemption -----	21
Motion - 1984 Mileage Rates -----	21
Motion - Human Rights Proclamation -----	22
Motion - Bo-Mont Subdivision -----	22-23
Motion - Funding re Watershed Association Development Enterprise -----	23
Motion - Urban Services Committee Report -----	24
Motion - Tourism Information Centre -----	24-25
Motion - Sound System -----	25-26
Motion - Crosswalk & School Bus Stop, Goodwood -----	26
Motion - School Baord Budget -----	26
Nova Scotia Department of Housing - Rezoning Application -----	6
Operating Grants -----	8-10 & 12
Parkland -----	18-19

January Council Session - 1984  
Index  
Page 2 cont.

Senior Citizens Housing - Timberlea -----	18
School Board Budget -----	26
Tourism Information Centre -----	24-25
Urban Services Committee Report -----	24
Watershed Assoc. Development Ent. - Funding -----	23



REGULAR COUNCIL SESSION

JANUARY 3, 1984

PRESENT WERE: Warden MacKenzie, Chairman  
Deputy Warden Adams  
Councillor Walker  
Councillor Poirier  
Councillor Gaudet  
Councillor Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Gaetz  
Councillor Bayers  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor Margeson  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Wiseman  
Councillor Mont

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer  
Mr. R. G. Cragg, Municipal Solicitor  
Mr. J. G. Kelly, Municipal Clerk

SECRETARY: Christine E. Simmons

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OPENING OF COUNCIL - THE LORD'S PRAYER

Warden MacKenzie brought the Regular Council Session to order at 6:10 with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

ANNOUNCEMENT

Warden MacKenzie advised that Councillor Larsen would not be in attendance this evening as he was ill.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Poirier, seconded by Councillor Gaudet:

"THAT Christine E. Simmons be appointed Recording Secretary."  
Motion Carried.

ADDITIONS TO AGENDA