

Mr. Meech stated that he was the one that had initiated the compromise that was presented to PAC. He explained that it was a result of the previous week's session of the PAC, where they had again reviewed the background to the issue and addressed the request or position endorsed by the Industrial Commission as opposed to the position put forward by our Planning and Development Staff. Mr. Meech advised that, as a result of that, he reviewed the issue with Mr. Birch and this is what he feels would be a reasonable compromise.

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

"THAT a public hearing be held on the proposed Plan Amendment and Zoning By-Law for Sackville on January 13, 1986, at 7:00 p.m."

Councillor McInroy suggested that the advertisement state that the basic intent of the public hearing is to expand the commercial and industrial uses. Mr. Meech agreed that even though we have to, for legal purposes, give specific notice of what we intend to actually change, at the same time there is room to expand substantially the permitted uses within the Industrial Park for Sackville.

Councillor Lichter commented that the Municipal Plan Amendment and By-Law Amendment has to proceed the same way as any amendment coming from any applicant.

Motion Carried.

Application No's PA-SA-06-85 & ZA-SA-61-85-20 Proposed Amendment to the Municipal Planning Strategy and Land Use By-Law for Sackville (Sackville Town Centre).

Mr. Birch advised that the report is included in the agenda for information purposes.

#### EXECUTIVE COMMITTEE REPORT

##### Renewal, Lease Agreement, Robb Engineering Limited.

Mr. Kelly read the report stating that the Executive Committee received a report respecting renewal of lease agreement between Robb Engineering Limited and the Municipality for Elkins Barracks Property at Eastern Passage.

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

"THAT a three (3) year lease agreement with Robb Engineering with a 12% increase in each of the three years be approved."  
Motion Carried.

##### Request for District Capital Grant, District 7

It was moved by Councillor Mont, seconded by Councillor McInroy:

"THAT a District Capital Grant, District 7, in the amount of \$1,700 for improvements to the fire department property, Westphal, be approved."  
Motion Carried.

Request for District Capital Grant, District 15

It was moved by Councillor Merrigan, seconded by Councillor Fralick:

"THAT a District Capital Grant, District 15, in the amount of \$2,000 for improvements to the baseball field at the Beaverbank/Kinsac Recreation Park be approved."  
Motion Carried.

Request for District Capital Grant, District 19

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

"THAT a District Capital Grant, District 19, in the amount of \$500 for improvements to the Springfield Lake ball field be approved."  
Motion Carried.

Request for District Capital Grant, District 20

It was moved by Councillor Wiseman, seconded by Councillor Mont:

"THAT a District Capital Grant, District 20, in the amount of \$1,076 for paving walkway adjacent to 41 Nordic Crescent, Sackville, be approved."  
Motion Carried.

Request for District Capital Grant, District 5

It was moved by Councillor C. Baker, seconded by Councillor Fralick:

"THAT a District Capital Grant, District 5, in the amount of \$2,500 for improvements to the Sambro ball field be approved."  
Motion Carried.

Request for District Capital Grant, District 5

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

"THAT a District Capital Grant, District 5, in the amount of \$2,500 for the purpose of land clearing for a proposed community centre at Sambro be approved."  
Motion Carried.

Request for District Capital Grant, District 12

It was moved by Councillor Reid, seconded by Councillor Lichter:

"THAT a District Capital Grant, District 12, in the amount of \$2,000 for paving firehall property in Middle Musquodoboit be approved."  
Motion Carried.

Request for Funding, Dartmouth General Hospital

Mr. Kelly read the report stating that the Executive Committee received correspondence to Warden MacKenzie from former Mayor Brownlow respecting funding from the Municipality to the Dartmouth General Hospital for hospital expansion purposes. The request for funding is in the amount of \$125,000 per year for a ten (10) year period.

The Executive Committee recommended that the Committee be empowered to consider the proposal from the City of Dartmouth for financial support for the Dartmouth General Hospital with the condition that the capital costs exclude equipment costs.

It was moved by Councillor McInroy, seconded by Councillor Mont:

"THAT the Committee be empowered to consider the proposal from the City of Dartmouth for financial support for the Dartmouth General Hospital with the condition that the capital costs exclude equipment costs."

Warden MacKenzie explained that he wrote to the Mayor for Dartmouth stating that he is communicating to provide a status report on the proposal directed to him from Mayor Brownlow on the subject of a financial commitment to the Dartmouth General Hospital. Warden MacKenzie stated that he advised Mayor Savage that this issue has been debated on a number of occasions and, most recently, the Executive Committee has endorsed a recommendation to Council agreeing that discussion be initiated with the City of Dartmouth and representatives of Dartmouth General Hospital resulting in a further recommendation on the request.

Motion Carried.

Proposed Beaverbank Transit System

Mr. Kelly read the report advising that the Executive Committee reviewed a proposal for the provision of a transit system between Beaverbank Villa and Downsview Mall on a 90 day trial basis. Members of Council received copies of the proposal in their agendas.

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

"THAT the Municipality enter into an agreement with Airport Transfer Limited to provide a 90 day trial transit service between Beaverbank Villa and Downsview Mall as per the proposed schedule with the provision of a maximum financial guarantee of \$12,000 less fare revenue and further that the required funding be provided by the Municipality."

Councillor Deveaux stated that there are a number of residents in the County who have a transit system at the present time and are paying an area rate. Councillor Deveaux stated that he could not support this

kind of proposal pointing out that the people in his area pay for their transit system or at least whatever deficit is incurred from the transit system. He felt, if Council approves this proposal, that it would be only fair that other Districts bring forward the same proposal.

Councillor Mont stated that he will be supporting the proposal on the understanding that it is a one time thing. He felt, if the system works, it may provide a method whereby all of Council can improve transit service. Councillor Mont indicated that he would not be intending to start suggesting that wherever there is a need for new routes that it is now going to come out of the general rate.

Councillor Poirier suggested before Council decides on this particular question, that Council decide if this is going to be a policy of the Municipality and then make a decision on any area. She advised that she has been sitting in Council for nine year watching everyone getting demonstration runs but herself. Councillor Poirier advised that a man in her area is prepared to go ahead and operate a small system in her area. He advised that he has not asked to be subsidized but if a big company like Nova Tours can be subsidized then she felt that this young man should be subsidized. Councillor Poirier also advised that the handicapped bus running in her District needs to be subsidized. Councillor Poirier went on to state that she is opposed to supporting this motion unless Council is going to make it a policy that if there is need to support and subsidize a private system, Council will go ahead with it.

Councillor Merrigan stated that he is trying to get a transit system that the people will have some say in. He explained that he is requesting that Council support a 90 day demonstration to see what the cost would be during that time period so that he can go to a public meeting prior to the ninety (90) days and tell the people of Beaverbank exactly what transit will cost them in area rate after that period of time. Councillor Merrigan further stated that he has been working on this proposal for sometime and believes that the County will learn from this.

Councillor Mont suggested that Councillor Poirier provided the details of the handicapped project and maybe then he could support that project.

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

"THAT this issue be deferred pending further investigation to see if a study can be made to determine if someone will provide this proposed run in Beaverbank at no cost, similar to what is proposed in Councillor Poirier's District."  
Motion Defeated.

It was moved by Councillor Poirier, seconded by Councillor P. Baker:

"THAT the amount given to the Beaverbank area be given to District 2 to be used to subsidize Councillor Poirier's two requests.

It was suggested that the amendment be deferred until there is further study from the Executive Committee respecting the financial implications of Councillor Poirier's request. Mr. Cragg pointed out that Deputy Warden's deferral of the amendment is not in order.

Councillor MacKay stated that he fully supports the request by Councillor Merrigan and felt that he worked long and diligently towards it, did his homework, and made a proper presentation to the Executive Committee. Councillor MacKay suggested that Councillor Poirier gather information regarding the proposed runs and what the implications are and suggested then that Council may considerably then favour her request.

Amendment Defeated.

Main Motion Carried.

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

"THAT \$12,000 per District from Municipal funds be allocated to each District presently serviced by Metro Transit."  
Motion Defeated.

#### Request for General County Parkland Fund Grant

It was moved by Councillor Snow, seconded by Councillor C. Baker:

"THAT a General County Parkland Fund Grant in the amount of \$4,050 for the purpose of carrying out recreation improvements to the Caudle Park School Project be approved."  
Motion Carried.

#### Amendment, Tax Exemption By-Law

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

"THAT an amendment to the Tax Exemption By-law to include Sackville Taiso Gymnastics Club for the purpose of exempting the Club from taxes be approved."  
Motion Carried.

#### PARKLAND DEDICATION - DEFERRED FROM THE NOVEMBER 19, 1985 SESSION

##### Parkland Walkway WWM-1, P1-2 and Parcel P1-1R

Councillor Mont and Councillor McInroy declared conflict of interest.

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

"THAT Parkland Walkway WWM-1, P1-2 and Parcel P1-1R be accepted as parkland property."  
Motion Carried.

Department of Housing Phase 5 Area P, Park Parcel P-19

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

"THAT this item be deferred."  
Motion Carried.

MUNICIPAL PLAN COMMITTEE REPORT

Mr. Kelly read the report advising that item (b) was deferred from the November 5, 1985 Council Session. Item (b) states THAT the Municipal Plan Committee recommend to Council that the adoption and implementation of the Storm Water Policy of the County be undertaken post-haste.

Mr. Meech advised that he had hoped that Staff would be in a position to table with the Council this evening, the comprehensive report that is presently being developed at the Staff level on this issue. However, Mr. Meech stated that Staff did go through a draft last week and additional time is required to complete the report. Mr. Meech indicated that, as soon as it is completed, it will be sent out to the Council members for their review and consideration.

URBAN SERVICES COMMITTEE REPORT

Mr. Kelly read the report.

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

"THAT the Urban Services Committee continue to look after the water utility for the County and that the Town of Bedford be permitted to have representatives at the meetings, when water utility matters are discussed, with observer status only."  
Motion Carried.

RCMP - COUNCILLOR SNOW

This item was deferred to a future session.

SUPPLEMENTARY EXECUTIVE COMMITTEE REPORT

Councillor P. Baker declared a conflict of interest.

It was moved by Councillor P. Baker, seconded by Councillor Walker:

"THAT Council go incamera."  
Motion Carried.

Members of Council approved the following contracts for garbage collection for the years 1986, 1987, and 1988:

Area 1, District 1, J. Marriott, \$169,352.04  
Area 2, District 2, J. Marriott, \$155,773.90  
Area 3, District 3 (part) Cranberry Lake, J. Marriott, \$55,221,36  
Area 3A, District 3 (part) Tantallon Peggy's Cove, F. Marriott,  
\$115,853.52  
Area 4, District 4, F. Marriott, \$230,844.72  
Area 5, District 5, G. Baker, \$187,203.72  
Area 6, District 6, L. Beazley, \$302,640.00  
Area 7 & 7A, Districts (7,17,21, Combined), L. Beazley, \$717,440,76  
Area 8, District 8, C.S. Diggs, \$131,256.00  
Area 9, District 9, Dartmouth Refuse, \$232,371.36  
Area 10 & 13, District 14 & part 13 combined, Enfield Welding,  
\$258,000.00  
Area 11, District (15,16,19,20 part 18 combined), Lantz Leasing,  
\$1,074,977.80  
Area 12, District 18 (part), J. Marriott, \$100,975.92

The Committee agreed to come out of camera.

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

"THAT the contracts be awarded as agreed."  
Motion Carried.

#### FORESTRY PROTECTION COMMITTEE REPORT

It was moved by Councillor Reid, seconded by Councillor Lichter:

"THAT the Report of the Forestry Protection Committee be adopted."  
Motion Carried.

#### GUARANTEE RESOLUTION, METROPOLITAN AUTHORITY

Mr. Meech explained that a request had been received from the Metropolitan Authority sometime ago asking the Municipality to provide a Guarantee Resolution for certain capital expenditures. At that time, given the state of affairs with respect to transit, Council decided to approve the Guarantee Resolution by excluding the particular item regarding the purchase of fourteen transit buses.

Mr. Meech reported that the Department of Municipal Affairs have sent correspondence asking whether the Municipality is prepared to reconsider that position and pass a resolution fully authorizing the Guarantee Resolution.

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

"THAT Council approve a guarantee resolution respecting the issuance of a debenture in the amount of \$1,350,000 for Metropolitan Authority."  
Motion Carried.

RURAL SERVICES COMMITTEE REPORT

Mr. Kelly read the report and recommendation of the Rural Services Committee.

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

"THAT Council contact the new Minister of Municipal Affairs to proceed with the undertaking of the former Minister to arrange a meeting with the Department of Transportation officials to discuss Councillor's concerns within the County."  
Motion Carried.

ADDITION OF ITEMS TO THE DECEMBER 17, 1985 COUNCIL SESSION

None.

ADJOURNMENT

Council agreed to adjourn to Saturday, Dec. 8, 1985.



**COUNCIL SESSION**  
**DECEMBER 17, 1985**

PRESENT WERE: Warden MacKenzie, Chairman  
Councillor Walker  
Councillor Poirier  
Councillor Fralick  
Councillor P. Baker  
Councillor C. Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Reid  
Councillor Merrigan  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Deputy Warden Wiseman  
Councillor Mont

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

SECRETARY: Glenda Higgins

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 6:00 p.m. with the Lord's Prayer.

ROLL CALL

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor DeRoche, seconded by Councillor Randall:

"THAT Glenda Higgins be appointed as Recording Secretary."  
Motion carried.

APPROVAL OF MINUTES

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

"THAT the minutes of November 8, 1985, Committee of the Whole be approved as circulated."  
Motion Carried.

It was moved by Deputy Warden Wiseman, seconded by Councillor Walker:

"THAT the minutes of November 19, 1985, Council Session be approved as circulated."  
Motion carried.

It was moved by Councillor Fralick, seconded by Councillor P. Baker:

"THAT the minutes of November 25, 1985, Public Hearing be approved as circulated."  
Motion carried.

AGENDA ITEMS

Councillor P. Baker - Nova Scotia Power Corporation

Councillor Walker - Senior Citizen Housing

MEETING WITH REPRESENTATIVES FROM IMPERIAL INVESTMENTS LTD. - DOG CONTROL

Warden MacKenzie welcomed Mr. Bill Mont and his staff to Council to present comments on the operation of dog control in the County. Councillors had questions about procedures, delegation of responsibility, and after-hour procedures. Warden MacKenzie expressed his thanks to Mr. Mont and his staff for attending, and he also suggested that Imperial Investments Ltd. try to work with the Councillors to provide a better service in some of the areas which are of some concern.

LETTERS AND CORRESPONDENCE

Mr. Kelly advised that correspondence had been received from CN Rail in response to our letter of November 18, 1985. This letter was regarding the abandoned railway right-of-way from Dartmouth to Upper Musquodoboit. Councillor Reid advised that a committee has been set up in the area to work with CN in trying to rectify the problem.

It was moved by Councillor Reid, seconded by Councillor DeRoche:

"THAT this item of correspondence be received."  
Motion carried.

Mr. Kelly advised Council members that a letter from the Nova Scotia Department of Culture, Recreation and Fitness had been received advising that a grant of \$9,400 has been approved for the Halifax County Recreation Department to assist with the acquisition of equipment for parks maintenance.

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

"THAT this item of correspondence be received."

Motion carried

Warden MacKenzie acknowledged receipt of a letter from the office of the Attorney General of Nova Scotia regarding policing services in districts 6, 7, 17, and 21.

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

"THAT the letter be referred to Urban Services Committee for discussion and recommendation."

Motion carried.

#### REPORT OF THE PLANNING ADVISORY COMMITTEE

APPLICATION NO. RA-TLB-68-85-02 AMEND THE TIMBERLEA/LAKESIDE/BEECHVILLE LAND-USE BY-LAW BY REZONING LOT M-2 OF THE SUBDIVISION OF THE LANDS CONVEYED TO WILLIAM MILSON, LOCATED ON THE ST. MARGARET'S BAY ROAD AT TIMBERLEA.

Mr. Kelly read the report.

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

"THAT this application be approved and a public hearing be held on January 27, 1986, at 7:00 p.m."

Motion carried.

APPLICATION NO. DA-SA-32-85-16 DEVELOPMENT AGREEMENT FOR ADDITIONS TO EXISTING DEVELOPMENT ON LOT 1-B OF LANDS CONVEYED TO WILLIAM WITHROW AND SPORTWHEELS LIMITED, LOCATED ON SACKVILLE DRIVE AT LOWER SACKVILLE.

Mr. Kelly read the report.

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

"THAT this application be approved and a public hearing be held on January 27, 1986, at 7:00 p.m."

Motion carried.

#### PLAN AMENDMENT - COLE HARBOUR ROAD ACCESS

Mr. Kelly read the report. Councillor DeRoche suggested that the Planning Advisory Committee was possibly somewhat premature in adopting the resolution to request from Municipal Affairs a delay in considering the amendment on the basis that there may be a revised plan amendment forthcoming. An additional phrase should be allowed which would allow a development agreement.

It was moved by Councillor DeRoche, seconded by Councillor Mont:

"THAT Council endorse the recommendation that staff contact the Department of Municipal Affairs and request that the resolution be withheld pending further discussion and resolution by Council."  
Motion carried.

APPLICATION NO. RA-TLB-54-85-02 APPLICATION ON BEHALF OF CARL EISENER TO ADD LOTS 300 AND 301 OF GREENWOOD HEIGHTS SUBDIVISION TO APPENDIX "C" OF THE ZONING BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE.

Mr. Kelly read the report.

It was moved by Councillor Fralick, seconded by Councillor Walker:

"THAT Council set a new public hearing on January 13, 1986."  
Motion carried.

EXECUTIVE COMMITTEE REPORT

Proposed Fire Station Location Study - Eastern Passage/Cow Bay Fire Department

Mr. Kelly read the report.

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

"THAT the Municipality cost share on a 50/50 basis a study by the Nova Scotia Research Foundation for a proposed fire station location for the Eastern Passage/Cow Bay Fire Department at an estimated cost of \$9,020 with an amount of \$2,800 being available in the 1985 budget and the balance of \$1,710 to be included in the 1986 budget."  
Motion carried.

Request for District Capital Grant, District 20

It was moved by Deputy Warden Wiseman, seconded by Councillor MacDonald:

"THAT approval be given for a District Capital Grant, District 20 in the amount of \$2,250 for paving walkway, Aspen Crescent and Glendale Drive, Lower Sackville."  
Motion carried.

Request for District Capital Grant, District 3

It was moved by Councillor Fralick, seconded by Councillor Eisenhauer:

"THAT approval be granted for a District Capital Grant, District 3 in the amount of \$500 for improvements to playgrounds, Shel Drake Subdivision."  
Motion carried.

Request for District Capital Grant, District 10

It was moved by Councillor Bayers, seconded by Councillor Reid:

"That approval be granted for a District Capital Grant, District 10 in the amount of \$1,500 for erecting a fence at the East Jeddore ballfield."

Motion carried.

Health and Dental Plans

Mr. Kelly read the report regarding Health and Dental Plans respecting increased costs for the plans for 1986 and 1987.

It was moved by Councillor Reid, seconded by Deputy Warden Wiseman:

"THAT Council approve the costs for health and dental plans for 1986 and 1987 as outlined in the report."

Motion carried.

Amendment - Committees and Boards By-law

Mr. Kelly read the report regarding an amendment to the Committees and Boards By-law.

It was moved by Councillor DeRoche, seconded by Councillor Fralick:

"THAT Council grant an approval for an amendment to the Committees and Boards By-law and further that the amendment be forwarded to the Department of Municipal Affairs for approval."

Motion carried.

Requested Transfer of Rehabilitation Centre Lands

Mr. Kelly advised Council members that the Requested Transfer of Rehabilitation Centre Lands should not have appeared on the agenda because it is the intention of representatives of the Department of Lands and Forests to attend a Council Session sometime early in the new year to explain in more detail the transfer of these lands.

It was moved by Deputy Warden Wiseman, seconded by Councillor Deveaux:

"THAT this item be deferred."

Motion carried.

Request for District Capital Grant, District 9

It was moved by Councillor Randall, seconded by Councillor Bayers:

"THAT approval be granted by Council for a District Capital Grant, District 9 in the amount of \$1,000 for the construction of a minor league ballfield on property of Lawrencetown Community Centre."

Motion carried.

Request for District Capital Grant, District 21

It was moved by Councillor Mont, seconded by Deputy Warden Wiseman:

"THAT approval be granted for a District Capital Grant, District 21 in the amount of \$977.50 for the purpose of installing fencing on public highways, John Stuart Drive and Dalkeith Drive, Cole Harbour."

Motion carried.

Borrowing Resolution

Mr. Kelly read the report and explained that the Municipality has a borrowing resolution with the Royal Bank of Canada every year so that it will be available if required.

It was moved by Councillor Adams, seconded by Councillor Fralick:

"THAT approval be granted for a borrowing resolution for the municipal operating fund for the year 1986 in the amount of \$2,000,000 with the Royal Bank of Canada."

Motion carried.

Request for Loan, Beechville/Lakeside/Timberlea Fire Department

Mr. Kelly read the report.

It was moved by Councillor Walker, seconded by Councillor DeRoche:

"THAT Council grant approval for a loan advance to the Beechville/Lakeside/Timberlea Volunteer Fire Department in the amount of \$212,000 for the purchase of a fire vehicle to be repaid over a ten (10) year term of principal and interest with Council reserving the right to levy an area rate in default of principal and/or interest repayment."

Motion carried.

APPOINTMENT OF MEMBER - HALIFAX COUNTY INDUSTRIAL COMMISSION

Mr. Kelly advised that correspondence had been received from the past president of the Sackville Chamber of Commerce with respect to their nomination for representation on the Halifax County Industrial Commission. The term of the present representative, Mr. Harold Irving, has expired and the letter confirms the nomination of Harold Irving to again represent the Sackville Chamber of Commerce on the Halifax County Industrial Commission for a three year term.

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

"THAT Harold Irving be appointed for membership on the Halifax County Industrial Commission representing the Sackville Chamber of Commerce for a three (3) year term."

Motion carried.

SACKVILLE EXPRESSWAY

Mr. Kelly read a memorandum dated December 16, 1985, from Lorne Denny respecting Sackville Expressway.

It was moved by Deputy Warden Wiseman, seconded by Councillor MacDonald:

"THAT Council have a joint meeting with the elected representatives from the Town of Bedford and the City of Dartmouth along with their local Chambers of Commerce to try and alleviate traffic problems."  
Motion carried.

URBAN SERVICES COMMITTEE REPORT

Mr. Kelly read the Committee report.

It was moved by Councillor Mont, seconded by Councillor DeRoche:

"THAT Council enter into a ten (10) year agreement with the City of Dartmouth for the use of the County trunk sewer facilities with the terms as outlined in the attached report."  
Motion Carried.

Councillor Deveaux expressed concern regarding the treatment plant and the treatment system in the Eastern Passage area. He explained that he did not think the Harbour was full to capacity yet but indicated that the treatment plant is and, therefore, voted against the motion. Councillor Mont advised that that agreement will provide payment for a large number of homes in Dartmouth which are using our system now and are using it for free. At the same time Dartmouth residents are using it for free, Councillor Mont noted that Urban residents in the County are paying a very large environmental protection rate. He went on to state that we are attempting to recover some money from the City of Dartmouth so that their residents will be required to pay the same sort of thing for using the system that the Urban residents are using. Without this agreement, the numbers who have already hooked in are going to continue to use it for free and will be subsidized by the Urban areas.

TABLING OF STATUS REPORT, RE STORM DRAINAGE

Mr. Meech suggested that this report is in response to the recommendation to Council that a status report be obtained on the implementation of the storm drainage policy. Mr. Meech suggested that this report be referred to the Urban Services Committee for discussion, study, and a specific recommendation back on the implementation.

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

"THAT this item be referred to the Urban Services Committee."  
Motion Carried.

AGENDA ITEMS

Councillor P. Baker - NS Power Corporation

Councillor P. Baker expressed concern with regard to the lack of street lighting services in District #4. Councillor P. Baker indicated that the taxpayers are paying for a service in which they are not receiving.

Mr. Meech advised that he has asked Staff to investigate this matter and have some discussions with the Power Corporations. He suggested that an official meeting be arranged with the appropriate power corporation officials with Councillor P. Baker in attendance. Mr. Meech agreed to arrange the meeting between Staff, the Power Corporation, and two or three Councillors to discuss the problem.

Councillor Walker - Senior Citizens

Councillor Mont and Councillor McInroy declared a conflict of interest.

It was moved by Councillor Walker, seconded by Councillor Randall:

"THAT a letter be forwarded to the Nova Scotia Housing Commission requesting that an up to date report on Senior Citizens Housing in the Boutilier's Point area be provided."  
Motion Carried.

ADDITION OF ITEMS TO THE JANUARY 7, 1985 COUNCIL SESSION

Councillor Walker - Senior Citizens Housing

ADJOURNMENT

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

"THAT Council adjourn."  
Motion Carried.



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**PUBLIC HEARING**  
**DECEMBER 5, 1985**

PRESENT WERE; Councillor Poirier  
Councillor Fralick  
Councillor P. Baker  
Councillor C. Baker  
Councillor Deveaux  
Councillor DeRoche  
Councillor Adams  
Councillor Randall  
Councillor Reid  
Councillor Lichter  
Councillor Snow  
Councillor MacKay  
Councillor McInroy  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Wiseman, Chairperson  
Councillor Mont

ALSO PRESENT: Mr. G. J. Kelly, Municipal Clerk  
Mr. R. Cragg, Municipal Solicitor  
Mr. D. Harrison, Planner  
Mr. C. Reddy, Planner  
Mr. K. Birch, Director of Planning and Development

SECRETARY. Margaret MacDonell

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CALL TO ORDER

Warden MacKenzie called the meeting to order at 7:00 p.m. with the Lord's Prayer.

Mr. Kelly called the Roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor DeRoche, seconded by Councillor Mont:

"THAT Margaret MacDonell be appointed as Recording Secretary."  
Motion Carried.

APPLICATION RA-24-51-85-23

Mr. Harrison presented the staff report.

The Application is by Mr. Stephen Atwood of Upper Musquodoboit to zone the property of Mill Lake Transport Ltd. from the present unzoned status to an SD (Salvage yard and Dump) Zone. The purpose of this application is to accommodate the storage of automobiles in relation to an auto repair business in an existing garage on the property.

Mr. Harrison stated that this application has been advertised under the provisions of the 1983 Planning Act and the Department of Planning & Development have received no written correspondence on this zoning.

The property is located on Highway 224 in Upper Musquodoboit. Mr. Harrison distributed a photograph around Council to indicate the surrounding land uses of the property.

Mr. Harrison reviewed the Staff Report and recommended approval of the application.

#### QUESTIONS FROM COUNCIL

Councillor Reid inquired if Mr. Harrison would not agree that the adjacent area where the application is being applied for is basically single family residences and the majority of Upper Musquodoboit is also laid out in that manner. Mr. Harrison agreed that there are single residences in Upper Musquodoboit.

Councillor MacKay indicated that Mr. Harrison, in his analysis on the first sheet of the Staff Report, it states that the site must be at least 500 feet from a public facility. When making the presentation, Councillor MacKay advised that Mr. Harrison reported that it must be 500 feet from public use. Councillor MacKay inquired which is it and what is the definition of public facility and public use. Mr. Harrison advised that a public facility or a public use of land could be a church, a park, a swimming area, etc. He further explained that it could be adjacent to privately held parcels of land but it cannot be within 500 feet of publicly owned property such as cemeteries, schools, churches, parks, etc.

Councillor C. Baker expressed concern with regard to the fencing requirements and the enforcement of those requirements. Mr. Harrison advised that the requirement is under both the zone and the Public Utilities Board license for the salvage yard that the yard itself be screened from public view and from the travelling public. He explained that that may require just a fence across the front of the property or it may require a hill or something in front of the yard. It does not have to be a fence.

Councillor Lichter inquired if the Regional Development Plan was looked at in connection with this application. Mr. Harrison indicated that Staff has not looked directly at the Regional Development Plan. Councillor Lichter advised that the Regional Development Plan was lifted only for single family dwellings in all the County areas that are not under a new plan under the Municipal Planning Strategy. He further advised that there are stipulations under the Regional Development Plan. Mr. Harrison noted that there is no indication from

the Regional Development Plan that salvage yards are required to meet any stipulations under that Plan. Councillor Lichter further inquired if there is a Regional Development Plan required for this particular undertaking. Mr. Harrison did not believe there was. Mr. Birch stated that there would be a Regional Development Permit required but that would be forthcoming on meeting the various requirements. In this instance, it would depend primarily on the environmental aspects of the proposals. Councillor Lichter, from his understanding, believed that a Regional Development Permit is required and also believes that a Regional Development Permit cannot be issued unless there is a five (5) acre site. Mr. Birch pointed out that a five (5) acre relates to industrial development and, in this instance, the salvage yard would not be classified as an industrial development. Councillor Lichter felt that we should have an opinion from Municipal Affairs as to what their feeling is. Mr. Birch indicated that before a Regional Development Permit can be issued, Municipal approval has to be given.

SPEAKERS IN FAVOUR OF APPLICATION RA-24-51-85-12

Mr. Jim Richards, Lawyer practicing in Truro, residing at 795 Prince Street in Truro, advised that Mr. Atwood has requested that he speak on his behalf in support of the SD Zoning application.

By way of background, Mr. Richards advised that Mr. Atwood, his wife, and family reside in the Upper Musquodoboit area. He operates an autobody repair business on the lot for which the SD Zone is requested.

Mr. Richards pointed out that the lot has an existing garage building on it which, in some ways, is still under construction. From this site, Mr. Atwood operates an automobile repair shop, automobile painting operation, mechanical repairs, and a towing service type of business. Mr. Richards noted that Mr. Atwood has a substantial investment tied up in buildings, equipment, and material.

Mr. Richards went on to report that the present business of Mr. Atwood is carried on in the rural area or basically the rural area of Upper Musquodoboit. As indicated, adjacent to and very near this site, are other commercial operations inclusive of the Moser Lime Stone Rock Crusher operation that has been in existence for perhaps a decade or more. It would be located approximately 100 yards away from this particular site. There are large sawmill operations in the immediate area. Mr. Richards indicated that there is no particular zoning by-law that is applicable to this site. The existing use certainly is not out of character with the area land use. He pointed out that his present autobody repair business and towing business is quite a legitimate use in this area.

As part of his present business, Mr. Richards indicated that Mr. Atwoods wants to be able to pick up and take delivery of auto wrecks. None of the scrapping and crushing work would be done on site at all. However, in order to maintain even a small holding area for autobody salvage wrecks, Mr. Atwood needs his salvage license from the Public Utilities Board and he needs the SD Zoning approval from County Council.

Mr. Atwood suggested that there is a need for a salvage service in the Upper Musquodoboit area. He explained that derelict vehicles are dumped on road sides and left to rust in front and back yards creating eye sores. Mr. Richards felt, if residents were fair about the matter, they would agree that there is a need in the community for a salvage type operation.

Mr. Richards stated that it was suggested that Mr. Atwood apply for his salvage yard license. It was reported that the hearing took place on July 23 and there were no objections to his application. Prior to the Application, Mr. Atwood canvassed the neighbours as to their attitudes and it was his feeling at the time that he had general support from his neighbours and the people in the community. The Public Utilities Board granted the salvage yard license conditional on the County of Halifax granting the SD Zoning and upon further conditions regarding the construction of the fencing. Departments of Health, Environment, and Transportation have indicated no objection to the proposed salvage yard type operation. Having obtained the Public Utilities Board conditional approval, Mr. Atwood proceeded to apply to the County of Halifax for the SD Zone approval. As indicated, the County Planning Department has recommended the SD Zone approval for Mr. Atwood and as well the Planning Advisory Committee has recommended that approval be given.

Mr. Richards advised that the advertisement of zoning request appeared in the newspapers. Unfortunately, the advertisement referred to salvage yard and dump zone. The one word dump created all sorts of emotional responses Mr. Richards advised. As a result of that advertisement, Mr. Richards stated that certain opposition has arisen to Mr. Atwood's present application. Mr. Richards advised that Mr. Atwood has no intention of operating a dump and merely wants the right to maintain a small fenced in enclosure for holding a maximum of up to twenty (20) vehicle bodies.

Mr. Richards also advised that Mr. Atwood is compelled by the Public Utilities Board to put up a fence. It would go across the front of the building to the full width of the property, eight to ten feet in height. At the present time there are usually six or seven cars in various states of repair lying in and around the garage open to public view and as well you see the normal and usual debris of an autobody shop all around the property. All of this presents legitimate use of the property. If this license were granted or the zoning granted, the salvage yard would find itself behind the fenced area and away from public viewing. Mr. Richards went on to state that Mr. Atwood is prepared to build that fence from the ground up rather than leave a gap at the bottom and is prepared to make sure that that enclosure area is locked and security maintained. Mr. Atwood is prepared to fence the back area of the property as well. It was advised that Mr. Atwood is quite prepared to agree to continuously maintain that fence in a good state of repair and condition.

Mr. Richards suggested that any approval by Council have conditions attached to it.

QUESTIONS FROM COUNCIL

Councillor DeRoche inquired where, in relation to the property being discussed, does Mr. Atwood live. Mr. Richards advised that he does live not too far away but is not in the present nor in the future abutting one of the properties abutting the property in question.

Councillor DeRoche inquired, should the requested zoning be approved, if Council is in a position to attach stipulations or conditions to the approval of that zoning as it has been suggested by Mr. Richards. Mr. Cragg did not feel that we had any authority under By-Law #24 to attach any conditions to it.

Councillor MacKay inquired as to how long Mr. Atwood has been in business in that area. Mr. Richards gathered that he had been in business for approximately two years. Councillor MacKay inquired if there were any objections at the Public Utilities Board hearing. Mr. Richards indicated that it was his understanding that there were not, but pointed out that he was not Mr. Atwood's Solicitor at the time and did not appear at the hearing.

Councillor MacKay inquired as to what type of advertising the Public Utility Board does for such applications. Mr. Richards assumed that the advertisement appears in the Royal Gazette. Councillor Reid advised that no one was aware of the hearing at the time.

Councillor MacKay inquired as to how big an area Mr. Atwood canvassed prior to going to the Public Utilities Board. Mr. Richards advised that Mr. Atwood indicated to him that there was no concerted opposition. Mr. Richards stated that the adjacent neighbours, the nearest resident land owner, Mr. O'Connell, and Mr. Archibald, had at that time indicated that they had no real concern or objection to the matter.

Councillor Reid asked if Mr. Richards was aware of the status of Mr. Atwood's occupancy permit for his garage which is still under construction. Mr. Richards reported that he is unaware of the status of that permit. Councillor Reid pointed out that there has not been one issued yet and the building has been there for approximately two years. Councillor Reid noted that this could show how Mr. Atwood follows the applicable rules within the County. Councillor Reid also pointed out that Moser's Lime Stone has been in existence since 1945 and went there before there were such things like building permits, etc., necessary. Also, Councillor Reid stated, that the neighbours of Moser's Lime Stone are not entirely happy with the operation in the middle of their community. Councillor Reid went on to report that the Unsightly Premises Department has been contacted at least three times regarding the condition of the derelect vehicles in front of Mr. Atwood's garage and there was no effort made on Mr. Atwood's part to clean that area up until it was learned that there was a public hearing being held in the community.

Speakers in Opposition to Application RA-24-51-85-12

Mr. Darrel Whitman, Upper Musquodoboit, indicated his desire to speak in opposition to the application.

Mr. Whitman presented a map and some photographs taken of the general area of Upper Musquodoboit in relation to the proposed salvage yard. Mr. Whitman pointed out that many of the residents opposed to the application could not be in attendance due to their job obligations.

Mr. Whitman stated that three of the adjacent properties to the property in question have water supplies in the form of dug wells. These wells fill on surface water that run in from the top of the ground or in shallow veins. Three of these wells are anywhere from 110 to 300 feet from the proposed salvage yard. He went on to advise that Musquodoboit River is one of the best salmon and trout rivers in Nova Scotia. Mr. Whitman indicated that he is in the automobile related industry and is around salvage yards at least two or three times a week. He explained that a lot of liquids run out of vehicles and run into the soil and could realistically end up in adjacent water supplies. He noted that the liquids could further run into the Musquodoboit River and, as a result, could ruin the spawning grounds and could affect the ecology in general.

Mr. Whitman stated that the cars would still be visible in the proposed salvage yard even if a fence is established. It was reported that Mr. Atwood was offered a piece of property to use at a minimum charge which would have been appropriate for his salvage yard but he turned it down.

Ms. Jena Harlow, Upper Musquodoboit, indicated her desire to speak in opposition to the application.

Ms. Harlow voiced her concerns. She advised that a public meeting was held recently and, at that time, a number of concerned citizens discussed Mr. Atwood's application to operate a salvage yard in combination with his autobody shop. At that time, Ms. Harlow advised, 80 percent of those present at the meeting were opposed to a salvage yard on that site.

She stated that it is not their intention to deprive anyone of the opportunity of earning a living and further stated their opposition is not to Mr. Atwood and not to the salvage yard but rather to the site.

Ms. Harlow stated the following reasons why a salvage yard should not be located on the proposed site: 1) The homes in the area were there before the autobody shop was built two years ago and to add a salvage yard will greatly diminish the property values not to mention the personal enjoyment of the residents; 2) The autobody shop has not been well maintained and a salvage yard would be totally unmanageable; 3) An auto salvage yard on the main highway in plain view of the travelling public operated by a proprietor who has not maintained his current premises is not acceptable in their community.

Councillor MacKay inquired as to how many people were in attendance at the public meeting. Ms. Harlow stated that there were fifty seven in attendance, forty seven were opposed, and ten voted for Mr. Atwood. She further stated that this is in a community of approximately ninety people. Councillor Deveaux inquired if the residents were aware of the hearing that was held with Public Utilities Board in July. Ms. Harlow stated that it was an absolute shock to discover in the newspaper a small advertisement from the Municipality of the County of Halifax that an application had been made for a salvage yard and dump area particularly in the center of their community.

Mr. Roland Archibald, expressed his concern with regard to the salvage yard being located where Mr. Atwood has applied for a permit. He stated that his property is approximately 200 feet away from the proposed site. Mr. Archibald went on to explain that every time they step out their door or look out their window they will either be looking at a salvage yard or an eight foot fence.

Mr. Archibald reported that all summer all they could see in Mr. Atwood's yard was wrecked cars. He stated that they try to keep their place as neat as possible but it is quite discouraging to look across the driveway and see the mess around Mr. Atwood's garage.

Councillor MacKay inquired if Mr. Archibald had been approached by Mr. Atwood before. Mr. Archibald advised that Mr. Atwood approached him in August and said that he was going to move his stuff back behind his garage and place a fence around it but he never mentioned anything about a salvage yard.

Mr. Ronnie O'Connel, Upper Musquodoboit, indicated his desire to speak in opposition to the application. Mr. O'Connel noted that he lives adjacent to the property of Stephen Atwood.

Mr. O'Connel stated that he bought his house four years ago and advised, if he had known four years ago that there was going to be a salvage yard next to it, he would likely not have bought the place. Mr. O'Connel's biggest concern was with regard to the fact that he has two children. He stated that he is worried about their safety.

Councillor Reid inquired if Mr. O'Connel had been contacted by Mr. Atwood and informed of the procedure with regard to the granting of this license. Mr. O'Connel stated that he was not informed of the hearings before the Public Utilities Board or the hearing this evening.

Mr. John Purcell, Upper Musquodoboit, indicated his desire to speak in opposition to the application.

Mr. Purcell indicated that about three years ago Mr. Atwood made a tender to buy the old existing fire hall. At that time, Mr. Purcell stated, that Mr. Atwood mentioned that all of his work would go on inside the hall and he would be looking at probably one car. During that period that he has operated the existing body shop, a lot of the work has been outside. Mr. Purcell stated that it is his feeling that that set a precedent for what would go on in a salvage yard. Mr. Purcell expressed concern with regard to Mr. Atwood complying with the laws.



At this point, Mr. Kelly read a letter that was received regarding the application. The letter was received December 5, 1985 to Warden MacKenzie in opposition to the application from the Secretary of the Musquodoboit Valley Tourism Committee.

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

"THAT Application RA-24-51-85-12 be rejected."

Councillor Reid explained that the objection to the proposed salvage yard is the fact that it is in the middle of the village of Upper Musquodoboit and no matter how many conditions could be attached to the application it just is not acceptable to the people in that Community.

Motion Carried.

#### APPLICATION PA-CHW-14-85

Mr. Chris Reddy outlined the application.

Mr. Reddy advised that the application is a proposal to amend both the Municipal Development Plan and the Zoning By-Law for Cole Harbour/Westphal with the intent of providing a method of considering limitations and controls to the location size and numbers of access points to and from lots developed for commercial or high density residential purposes. In specific application, the provisions would deal with the C-2 Zone which is the application of the commercial zone on the Cole Harbour Road.

Mr. Reddy advised that this report is generated out of a good deal of discussion amongst area Councillors and the public at large and has been through public participation before the Planning Advisory Committee as well as advertising in terms of two insertions in the newspaper. The proposal for the amendment to the Municipal Development Plan is fairly broad and intent and allows for later consideration of details and possible amendments where required to the land use by-law or zoning by-law.

Mr. Reddy discussed the staff report and recommended approval of the application.

Councillor Lichter made reference to Appendix "A". He explained that 16(a) is really the only amendment that specifically indicates access from Cole Harbour Road, Cumberland Drive, and Forest Hills Drive. Councillor Lichter inquired if the Staff recommendation would have been different if the Planning Advisory Committee had been aware that the Department of Transportation would not be willing to permit access from Cole Harbour to certain lots because of site distances. Mr. Reddy agreed that Councillor Lichter's assumption was correct and suggested that there would have been some additional recommendation.

Speaker in Favour of the Application

Mr. Phelan, on behalf of the Cole Harbour Westphal Service Commission, indicated his support in favour of this application.

Speaker in Opposition to the Application

Mr. Michael J. Willett, Land Development Manager, Clayton Developments Limited. Mr. Willett advised that they are not in objection to good traffic safety on the Cole Harbour Road. He advised that they have a couple of major specific concerns which are outlined in their submissions to the Department of Transportation. Members of Council received copies of a letter from Mr. Willett and also correspondence addressed to the Department of Transportation from Clayton Developments Limited.

Mr. Willett recommended that consideration on this amendment be deferred and returned to Staff for further detailed review considering all matters related to both planning and engineering concerns.

Councillor DeRoche inquired if Mr. Willett's concern was with respect to the proposed amendment to the zoning by-law as opposed to the amendment to the plan. Mr. Willett advised that Councillor DeRoche was correct in his assumption.

Councillor DeRoche inquired if Mr. Willett felt, from discussions with the Department of Transportation, that there could be some compromise reached with respect to the situation the company finds itself in at the present time. Mr. Willett advised that they have not had any discussions.

It was moved by Councillor Mont, seconded by Councillor DeRoche:

"THAT the Municipal Planning Strategy for Cole Harbour/Westphal be amended to provide for consideration of measures to control the location, size and number of access points from lots developed for commercial or high density residential purposes."  
Motion Carried Unanimously.

It was moved by Councillor Mont, seconded by Councillor Adams:

"THAT the Zoning By-Law Amendments be deferred to PAC with a request to PAC to place this item on the agenda for the next PAC meeting."  
Motion Carried.

APPLICATION NO. RA-24-56-85-05

Councillor McInroy and Councillor Mont declared a conflict of interest.

Mr. Reddy presented the application by the Nova Scotia Department of Housing to rezone the former Herring Cove School site from R-2 (Two Family Dwelling) Zone to R-4 (General Residential) Zone. The rezoning

of the site is intended to permit the construction of a fifteen (15) unit senior citizen project. The Herring Cove School was declared surplus by the School Board in 1983. Mr. Reddy reported that the site is now owned by the Municipality and the Nova Scotia Department of Housing has obtained an option on the property.

Mr. Reddy outlined the staff report and recommended approval of the application.

Speaker in Favour of Application No. RA-24-56-85-05

Mr. Jim Georgiannis, Department of Housing, indicated his desire to speak in favour of the application.

Mr. Georgiannis advised that they are proposing to construct a senior citizens project. The building would be of a two storey type and would contain fifteen one bedroom apartments with provisions for a lounge within the complex as well as storage facilities. Should the zoning amendment be approved, design would be started the first of the new year with the intent of calling tenders by the first of Spring.

Speakers in Opposition to Application No. RA-24-56-85-05

None.

It was moved by Councillor C. Baker, seconded by Councillor Fralick:

"THAT the rezoning of parcel HCS-1, lands of the Trustees of the Herring Cove School Section' located on Hebredean Drive in Herring Cove, from R-2 (Two Family Dwelling) Zone to R-4 (General Residential) Zone be approved."  
Motion Carried.

ADJOURNMENT

It was moved by Councillor DeRoche, seconded by Councillor Adams:

"THAT Council adjourn."  
Motion Carried.

DEC. 5 1985  
PUBLIC HEARING

D17

STAFF REPORT

TO: Planning Advisory Committee  
BY: Dept. of Planning & Development  
RE: APPLICATION NO. RA-24-56-85-05  
DATE: September 30, 1985

  
C.A.O.  
  
DIRECTOR

RECOMMENDATION:

THAT THE REZONING OF PARCEL HCS-1, LANDS OF THE TRUSTEES OF THE HERRING COVE SCHOOL SECTION' LOCATED ON HEBREDEAN DRIVE IN HERRING COVE, FROM R-2 (TWO FAMILY DWELLING) ZONE TO R-4 (GENERAL RESIDENTIAL) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information:

An application has been submitted by the Nova Scotia Department of Housing to rezone the former Herring Cove School site from R-2 (Two Family Dwelling) Zone to R-4 (General Residential) Zone. The rezoning of the site is intended to permit the construction of a fifteen (15) unit senior citizen project. The Herring Cove School was declared surplus by the School Board in 1983. The site is now owned by the Municipality and the Nova Scotia Department of Housing has obtained an option on the property.

Description:

Area: Approximately 5,315 square metres  
Dimensions: See Figure 2 (p 4)  
Features: - a slight grade downward from the eastern to the western side  
- a seven metre wide private right-of-way crosses the land from Hebredean Drive to the property at the rear along the western property boundary  
- a disused school in poor repair occupies the central portion of the site  
- a sewage treatment plant is located in the south eastern corner of the lot

Surrounding Uses and Zoning: See Figure 2 (p 4)

ANALYSIS

The site is near the centre of Herring Cove and most of the surrounding land use consists of single unit dwellings. However, St. Paul's Church, Church Hall and Rectory are directly across Hebredean Drive. A local convenience store is located approximately 60 metres from the site and public transit service links Herring Cove with the City of Halifax. The location of a senior citizens' project close to these services would be mutually beneficial to project residents and the services.

The senior citizens' home will be serviced by an existing on-site treatment plant. The Department of Health has stated that reactivating this plant would meet with its approval.

The replacement of the deteriorating school structure with a senior citizens' home will upgrade the area and broaden housing opportunities for area residents.

Figure 1

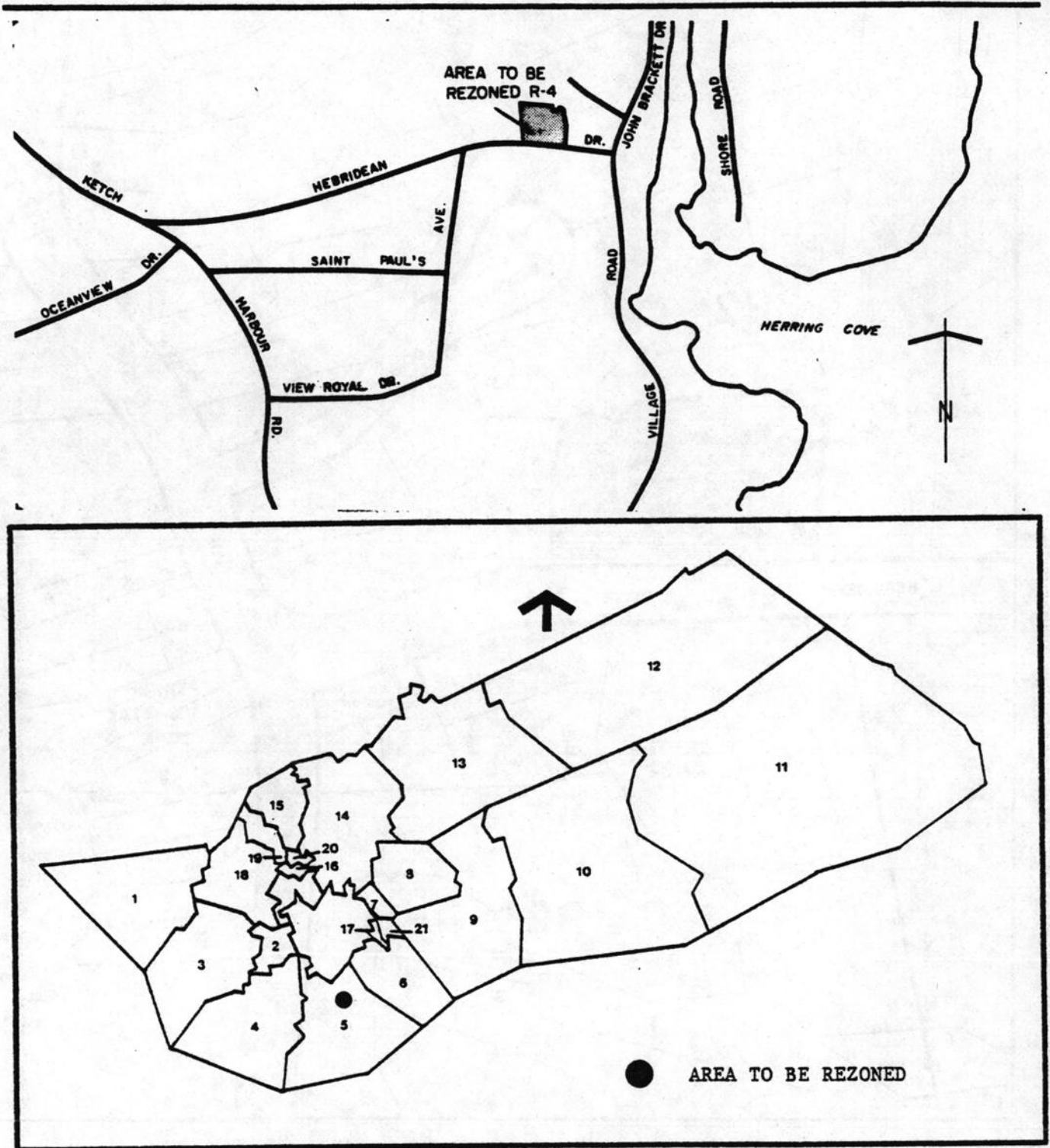
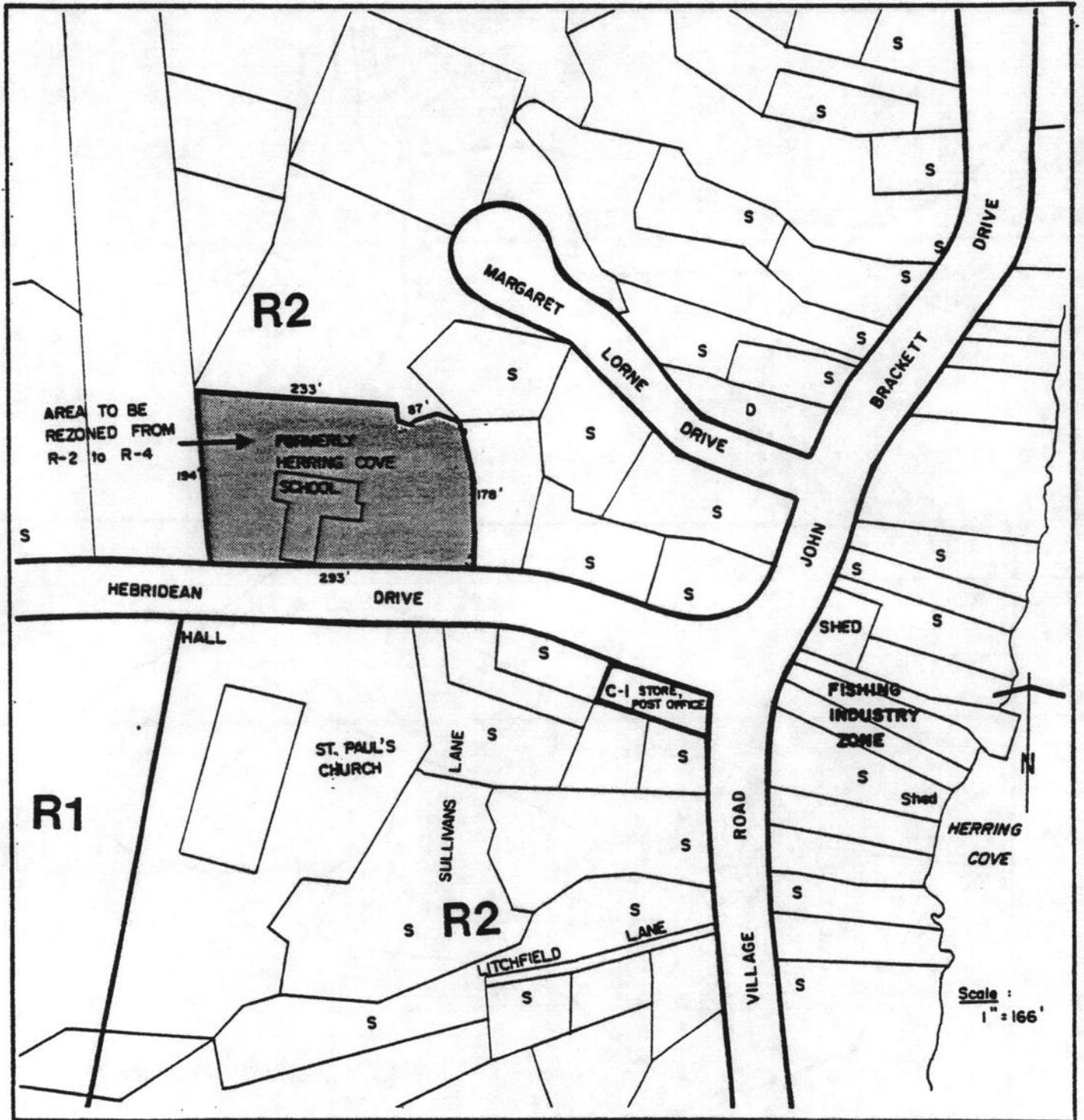


Figure 2



L7B

STAFF REPORT

TO: Planning Advisory Committee  
BY: Dept. of Planning & Development  
DATE: September 30, 1985

DEVELOPMENT OF DESIGN CRITERIA  
FOR ACCESS TO PUBLIC ROADS

C.A.D.

  
DIRECTOR

RECOMMENDATION

THAT THE MUNICIPAL PLANNING STRATEGY FOR COLE HARBOUR/  
WESTPHAL BE AMENDED TO PROVIDE FOR CONSIDERATION OF  
MEASURES TO CONTROL THE LOCATION, SIZE AND NUMBER OF  
ACCESS POINTS FROM LOTS DEVELOPED FOR COMMERCIAL OR HIGH  
DENSITY RESIDENTIAL PURPOSES.

THAT THE LAND USE BY-LAW FOR COLE HARBOUR/WESTPHAL BE  
AMENDED IN ORDER TO DISCOURAGE ACCESS FROM LOTS WITHIN THE  
C-2 (GENERAL BUSINESS) ZONE TO STREETS OTHER THAN THE COLE  
HARBOUR ROAD.

Pursuant to a staff report to the Planning Advisory Committee on Monday,  
August 26, 1985, amendments to the planning strategy and the land use by-law  
for Cole Harbour/Westphal are attached as Appendix "A".

The proposed amendment to the municipal planning strategy is intended to  
provide for the broadest possible approach to the consideration of lot  
access. As discussion and review with the Department of Transportation  
continue, additional amendments to the land use by-law may be appropriate.  
The amendment to the planning strategy outlined in Appendix "A" will be  
sufficient to authorize the consideration of additional amendments to the land  
use by-law.

The proposed amendment to the land use by-law is intended to deal with  
immediate problems in the C-2 Zone.

This amendment requires access to the Cole Harbour Road for any commercial or  
multiple unit dwelling development where the lot on which the use is located  
has frontage on this road and is within the C-2 Zone. For public safety at  
the intersection of Cumberland Drive, Forest Hills Drive and Cole Harbour  
Road, access for such uses is permitted to these two roads as well, no access  
is permitted to other roads.



APPENDIX "A"

A BY-LAW TO AMEND THE MUNICIPAL DEVELOPMENT PLAN

FOR COLE HARBOUR/WESTPHAL

The Municipal Development Plan for Cole Harbour/Westphal is hereby amended by:

- a) inserting immediately following Policy P-21 the following:

The Planning Act (1983) enables the Municipality to control the location, size and number of access points from a lot to a street. Since roads within the Plan Area are owned and maintained by the provincial Department of Transportation, it is important that measures to control access be developed in co-operation with that department. However, it is appropriate for the Municipality to develop access control measures for commercial and higher density residential uses in order to reduce traffic in lower density residential areas as well as to promote traffic safety.

P-21 (a) It shall be the intention of Council in co-operation with the provincial Department of Transportation to establish provisions in the zoning by-law which regulate the location, size and number of access points from lots to abutting streets. In considering such measures, Council shall have regard to traffic patterns and volumes and to the maintenance of public safety.

APPENDIX "A"

A BY-LAW TO AMEND THE ZONING BY-LAW

FOR COLE HARBOUR/WESTPHAL

The Zoning By-law for Cole Harbour/Westphal is hereby amended by:

a) inserting immediately following Part 4.1(d) the following:

- (e) Where any zone regulates the location, size and/or number of accesses from a lot, a development permit shall be required for such access, as a separate permit or a permit issued pursuant to Subsection (c).

b) and by inserting immediately following Part 16.7, the following:

16.8 OTHER REQUIREMENTS: ACCESS

Where any commercial or multiple unit dwelling is located within any C-2 Zone on a lot which has frontage on the Cole Harbour Road, Cumberland Drive or Forest Hills Drive, no vehicular access shall be permitted from the lot to any other road.



# Clayton

December 5, 1985

Municipality of the County of Halifax  
P.O. Box 300, Armdale  
Halifax, Nova Scotia  
B3L 4K3

Dear Councillors:

RE: Proposed Amendment to the Cole Harbour M.D.P.

As the landowners and developer of Colby Village, we wish to address the proposed amendment, concerning driveways to lands on Cole Harbour Road and adjoining streets. Our immediate concern relates to two parcels of land.

Site One, A-10 Cole Harbour Road at Armbro Lane

This site is located on Cole Harbour Road between Cumberland Drive and Armbro Lane.

Presently zoned C-2, it is under option and planned to be subdivided into two lots. A preliminary sketch was forwarded to the Dept. of Transportation on October 2, 1985, requesting their approval of three driveways (submission enclosed). After a number of weeks, a formal reply has been received, which states driveways on both Cumberland Drive and Armbro Lane are approved, but access from Cole Harbour Road, along this frontage, has been rejected (see attached letter).

Our concern is that, based on the Dept. of Transportation's design criteria related to Cole Harbour Road and this proposed amendment affecting our frontage along Armbro Lane, our lot on this eastern portion would be denied any driveway access.

Site Two, C-5, Cole Harbour Road and Ashgrove Avenue

This lot, having approximately 100 feet along Cole Harbour Road, would most likely not be permitted access from Cole Harbour Road and with this proposed amendment affecting our frontage along Ashgrove Avenue, this lot also would be denied any driveway access.

.../2

Administration 434-2330  
Colby Village 434-1260  
Clayton Park 443-3052

Clayton Developments Ltd.  
Clayton Realty Ltd.

P.O. Box 2698  
Dartmouth East Postal Station  
Dartmouth, Nova Scotia  
B2W 4R4