

MINUTES & REPORTS
OF THE
FIRST YEAR MEETINGS
OF THE
FORTY - SECOND COUNCIL
OF THE
MUNICIPALITY OF THE COUNTY OF HALIFAX

JULY COUNCIL SESSION

TUESDAY, JULY 8 and 15, 1986

&

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JULY 7, 14, 21, and 28, 1986

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PUBLIC HEARING

JULY 7, 1986

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

ALSO PRESENT: Mr. D.D. Reinhardt, Deputy Municipal Clerk
Mr. R.G. Cragg, Municipal Solicitor
Mr. J.M. Hanusiak, Planner
Mr. B. Wishart, Planner

SECRETARY: Glenda Higgins

Warden MacKenzie called the Public Hearing to order with the Lord's Prayer at 7:05 p.m.

Mr. Reinhardt called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Glenda Higgins be appointed as Recording Secretary."
MOTION CARRIED

APPLICATION NO. RA-CH/W-10-86-21 - APPLICATION BY MR. HARLEY MORASH AND MRS. MARGARET CORKUM TO REZONE LOT "A" AND LOT "HM" OF THE LANDS OF EVERETT GILES, LOCATED AT AND DIRECTLY BEHIND 1161 COLE HARBOUR ROAD AND LOT "A" OF THE LANDS OF MRS. E. MARGARET CORKUM, LOCATED AT 1153 COLE HARBOUR ROAD FROM R-1 (SINGLE UNIT DWELLING) ZONE TO C-2 (GENERAL BUSINESS) ZONE

Mr. Hanusiak reviewed the staff report and identified the location of the property in question.

QUESTIONS FROM COUNCIL

Councillor Mont asked if this request had been reviewed by the Department of Transportation. Mr. Hanusiak replied that the application had not been reviewed by the Department of Transportation in detail. The lots have already been approved by the Department of Planning and Development with existing egress and ingress points.

Councillor DeRoche asked what a C-2 (General Business) Zone would permit. Mr. Hanusiak advised this zone allows for a variety of commercial uses; general business activity with some conditions; no service stations or large-scale developments. Building supply outlets are restricted to those already in existence. Take-out establishments are permitted, and the residential aspect being apartment buildings.

Councillor Deveaux ask Mr. Hanusiak to clarify the criteria of the Department of Transportation. Mr. Hanusiak advised there has been a number of applications sent to the Department of Transportation in the past, and they have indicated a) when a lot is already in existence, it has approved access to the road it was approved on; and b) if the lot is already developed with a use and it has an existing driveway, the Department of Transportation has no interest in the development. Mr. Hanusiak continued that the Department of Transportation are only interested in new points of egress and ingress. The property in question has existing egress and ingress points, which will be maintained by the Department of Transportation. Councillor Deveaux expressed concern that the change from R-1 zoning to C-2 zoning would constitute a change in the volume of traffic at this location. Mr. Hanusiak felt this is not a concern. The road has relatively good visibility. If the use of the property changes the traffic patterns so much that the Department of Transportation is opposed, they will not give their approval for the building permit.

Councillor Mont expressed concern that the Department of Transportation did not consider this zone change in more depth, especially in light of the new fire station proposed for the opposite side of the street. He advised there have been problems getting approval for the new fire station from the Department of Transportation. Councillor Mont concluded that it is unusual to see applications by two individuals implemented into one.

Mr. Hanusiak advised that Mr. Morash first approached staff about the rezoning of Lots "A" and "HM". Subsequent discussions showed that the only lot left with R-1 zoning would be Mrs. Corkum's Lot "A". Mrs. Corkum was made aware of this, and asked what she would like to do given the circumstances. Councillor Mont expressed dissatisfaction with the action of staff in this regard.

SPEAKERS IN FAVOUR OF THIS APPLICATION

None.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

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

"THAT the rezoning of Lots "A" and "HM" of the Lands of Everett Giles, located at and directly behind 1161 Cole Harbour Road, and Lot "A" of the Lands of Mrs. E. Margaret Corkum, located at 1153 Cole Harbour Road, Cole Harbour from R-1 (Single Unit Dwelling) Zone to C-2 (General Business) Zone be approved by Municipal Council."

Councillor DeRoche expressed concern with the application. He commented it is unusual that Council is asked to rezone a portion of land from R-1 to C-2 without knowing what the intended commercial use for the property is. He stated once the rezoning is approved, the property could be developed for a local convenience store or for an apartment building, and Council will have no control over the development of the land. He felt Council should make their decision based on the purpose of the application. He concluded he had great difficulty approving the application with so many unanswered questions.

Councillor Mont felt there should be further feedback from the Department of Transportation about this application before a decision is made.

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

"THAT a decision respecting Application No. RA-CH/W-10-86-21 be deferred pending further information from the Department of Transportation with the decision to be made at a future Council Session."

MOTION CARRIED UNANIMOUSLY

APPLICATION NO. RA-CH/W-25-86-21 - APPLICATION BY HOME EAST DEVELOPMENTS TO REZONE APPROXIMATELY 70 ACRES OF THE LANDS OF THE ESTATE OF ELLA B. SHAW AND THE LANDS OF HOME EAST DEVELOPMENTS, LOCATED OFF COLE HARBOUR ROAD AT COLE HARBOUR, FROM R-7 (RURAL ESTATE) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE

Mr. Hanusiak outlined the report as presented to Council.

QUESTIONS FROM COUNCIL

Councillor Bayers asked if there is development presently in the area. He advised he recently saw red water running into the drainage pond. He expressed concern about new development causing drainage problems. Councillor Mont clarified there is no development on this land now. The road has been built, but no development has taken place. He stated that the building of the road may have produced the red run-off. Councillor Bayers stated he could not tell what is taking place from

the Cole Harbour Road, but there is drainage running into the pond. He also stated there has been much concern about drainage into the Cole Harbour marshes.

Councillor Eisenhauer asked for clarification between the R-7 zoning and the R-1 zoning. Mr. Hanusiak advised that with R-1 zoning the minimum lot size is 20,000 square feet, with approval from the Department of Health. With R-7 zoning the minimum lot size is 80,000 square feet. He advised the proposed lots for this development are between 40,000 and 50,000 square feet. Single family dwellings are the norm on lands zoned R-7, and it is mainly restricted to residential development.

Councillor DeRoche asked if the rezoning were approved could the development proceed with on-site sewer and water services on 20,000 square foot lots. Mr. Hanusiak advised it would be possible with tentative approval from the Department of Health before approval from Council.

Councillor Deveaux asked how many dwelling units the present zoning would allow on the property in question. Mr. Hanusiak advised approximately 25 to 30 lots could be developed on this land with R-7 zoning.

Councillor Mont stated he has had concerns about this development since the day it was initiated. He expressed concern with the environmental sensitivity of the location and the fact that the drainage from that area flows downhill into the Cole Harbour marshlands. Councillor Mont also expressed concern about the access onto the Cole Harbour Road. He felt it was a bad spot at the bottom of a hill and on a corner. His third concern was the arsenic problem. There is arsenic along the Ross Road and the Bissett Road. This makes it suspicious that the problem would continue through to this new development. Councillor Mont recognized that the developer has tried to be responsible in the planning of this development by retaining consultants and making the lots somewhat larger than required. Councillor Mont spoke of a phrase contained in a letter from Rosemary Eaton. It suggested smaller lots should not be zoned R-1 but given a new designation with attached conditions. Councillor Mont agreed with this, stating that when he thinks of R-1 zoning, he thinks of a small lot which is all that is required under an R-1 zone. An R-1 lot at a larger size than 20,000 square feet may be confusing to some people. Councillor Mont asked if there is any possibility the developer could apply for smaller lot sizes should this proposal be rejected. Mr. Hanusiak advised they could not apply for smaller lots unless they resubmitted an application to the Development Division requesting a complete revision. However, as far as the present application stands, the developer is locked into the sizes shown on the tentative plan.

Mr. Reinhardt identified each of the letters received in opposition to this application.

SPEAKERS IN FAVOUR OF THIS APPLICATION

Hugh Porter, Porter-Dillon Consultants, advised he would be speaking on behalf of the developer. He advised his firm was engaged to do the planning and environmental assessment of the lands in question.

The project totals 98 acres of land; the back 70 acres is the land under consideration for rezoning. The front acreage is currently zoned R-1 and the developer is proceeding on that portion, involving 24 lots. Roads have been constructed for the lots in that portion. The remaining 70 acres in question involve an additional 53 lots. Including the total 98 acres, the average size of the proposed lots is 44,000 square feet.

Mr. Porter advised that land is gently sloping from the rear of the property, which is approximately 3,000 feet in from Cole Harbour Road. The average slope is approximately 4.5 percent. The site has good tree cover, and it is the objective of the developer to encourage the retention of this tree cover. The overburden materials above the bedrock include a sandy soil; in some areas of the land there is a gravel-sandy soil, and in some isolated pockets there is some boulder content. The depth of overburden averages 10 to 12 feet. Mr. Porter continued that this criteria relates to the Department of Health criteria for on-site systems. Portions of the site will meet Category I of the criteria, which allows a lot size of 20,000 square feet. Other portions of the lands vary between Categories I and II. Category II requires 50,000 square feet. After considerable assessment of the soil through test pits, visual examination, and lab test, the Department of Health agreed the site could be developed with an average lot size of 30,000 square feet, although some portions could be developed at 20,000 square feet and others may have to be larger. Mr. Porter stated the subdivision has been planned on that criteria recognizing the need for adequate water supply, the sensitivity of the area relative to Cole Harbour, and the Department of Health criteria. The tentative plans proposed an average lot size of 44,000 square feet, exceeding by a fair amount the minimum recommended by the Department of Health and the minimum allowed under an R-1 zone. Mr. Porter advised that Porter-Dillon and the developer consider themselves to be locked into the lot sizes as proposed.

The soils are good in terms of depth, characteristics, and ensuring effective treatment of sewage affluent. The contour trench concept will be used. Experience with this type of system in this type of soil indicates that adequate treatment of the sewage affluent can be done, assuming correct installation, within a short distance of the contour trench installation. Mr. Porter continued that water supply will be adequate in terms of quantity and quality. An assessment of the discharge area has indicated more than adequate water for single unit development. The water supply is at least five times greater than the amount used per average household. Arsenic contamination is very difficult to predict. In a relatively short distance there can be a bedrock formation in which there is some arsenic and within 100 feet of that there may be no arsenic contamination at all. From tests carried out on two drilled wells in the immediate vicinity, the arsenic levels

are below those recommended for safe consumption. However, in order to help eliminate the potential for arsenic contamination, Mr. Porter advised it will be recommended that the subdivision be serviced by properly constructed dug wells. Arsenic contamination is not known to have occurred in dug wells anywhere in Nova Scotia. More than adequate water can be supplied for an average household from such a well. On the first half of the land in question, one well has been constructed and a pump test yielded two gallons per minute or 3,000 gallons per day. The average household only consumes 200 to 250 gallons per day. Mr. Porter stated it is important to be sure the dug wells and the on-site sewage disposal systems are installed properly, and the developer is giving serious consideration to ensure this.

Mr. Porter continued that soils on this site do not contribute a high degree of siltation because the particles are relatively coarse and settle before they go any distance. Mr. Porter stated that the discoloration as noted by Councillor Bayers surprised him because the typical red clay soils are not present here. A drainage course does empty in that pond which has been constructed with a gravel filter at the end. Therefore, any discharge does go through that filter and bog area before it enters the lake. There has been close observation of this drainage easement and the ditch and there has been no recorded discoloration of the water in the pond. The soils do not have potential for siltation. After the road shoulders and ditches are constructed, the developer is prepared to hydroseed those areas as quickly as possible. Mr. Porter stated that the entrance to the subdivision as presently constructed meets the requirements of the Department of Transportation in terms of minimum required site distances at an intersection. Mr. Porter concluded that the plan appears to leave open the potential for development of lots that are less than the 80,000 square feet required in an R-7 zone provided it can be demonstrated the environmental integrity of the area can be maintained.

In the planning and investigation of the subdivision, Porter-Dillon felt they could ensure the environmental quality of the area will be protected.

QUESTIONS FROM COUNCIL

Councillor Bayers informed the core of Musquodoboit Harbour is somewhat the same as the lands around Cole Harbour. As far as magnesium, etc. is concerned, residents from Musquodoboit Harbour have the same concerns as residents from the area in question. He stated that the mouth of the Musquodoboit River contains much slate, and in between the slate is a rust-colored soil which comes from the banks. He stated he knows the difference between clay and magnesium-type soil. He stated what he saw running into the small pond in Cole Harbour was red sediments. Councillor Bayers felt the entire storm drainage system would have to run through the small pond into the harbour. He asked what the flowage of wells in the area are. Mr. Porter informed the dug well tested last week yielded two gallons per minute, which provides approximately 3,000 per day. Councillor Bayers felt these results were very good; residents from his district would be happy to have that much water.

Councillor Bayers continued that he was not convinced on the recommendations of Porter-Dillon as to what they can do and where the flow should run. The land is a large parcel; however, in order to develop this land, it would require storm drainage and servicing with water. He felt a dug well in the area could not provide 3,000 gallons per day. He concluded that magnesium, slate-type ground will give off a rusty-colored residue.

Mr. Porter stated as far as the pond is concerned, Porter-Dillon has not observed anything unusual, and neither has the Department of the Environment, who has also worked closely here. With respect to wells, Mr. Porter advised his firm is aware they were in a recharge area with high potential for water yield. Three thousand gallons per day was anticipated from the start and confirmed from the pump test completed last week. Councillor Bayers asked how many dug wells are in the subdivision presently. Mr. Porter advised there are two. The analysis of tests indicate there is water of that quantity available throughout the subdivision. He also questioned whether or not the soils and bedrock formation would be different in Musquodoboit Harbour than Cole Harbour.

Councillor Bayers stated there are maps available from the Province that show the magnesium and slate that run from Cole Harbour to Ship Harbour. In some areas the strips are only 100 feet wide, and in others it is wider. Mr. Porter informed the bedrock in the area in question is quartzite, which is extensive throughout the area.

Councillor Reid asked if the dug wells were also tested for arsenic contamination. Mr. Porter advised results from chemical testing have not yet been received, although, he is not anticipating contamination in the dug wells based on the fact there is no known case of arsenic contamination in a dug well in Nova Scotia, except in construction of the well, material used for the construction has been imported with an arsenic content. He stated gravel used in the construction of dug wells must be free of arsenic. Councillor Reid asked what levels of contamination were found in the drilled wells. Mr. Porter informed from the two drilled wells 0.01 and 0.025 was found, the accepted limit being 0.05.

Councillor DeRoche found it surprising that Mr. Porter was not aware of any dug wells contaminated with arsenic unless it came from the construction of the wells. He stated Mr. Porter has had much experience with the Upper Lawrencetown/Ross Road area. Dug wells contaminated with arsenic exist in this area. Mr. Porter informed that the Department of the Environment have confirmed they are not aware of any situation in Nova Scotia where there is arsenic contamination in a dug well provided contaminated material has not been used in construction.

Councillor DeRoche asked where siltation in the referenced pond would have gone. Mr. Porter assumed it would have run through the pond, across Cole Harbour Road, and into Cole Harbour. Councillor DeRoche felt this should cause concern to Porter-Dillon. Mr. Porter informed it would cause concern if there were significant quantities in Cole

Harbour. He stated the safeguard is the fact that the type of material does not generate a high level of siltation. The development must also work at restabilizing road shoulders and ditches, trying to effect control on the individual lots during development. Councillor DeRoche clarified that the development would be undertaken under the supervision of Porter-Dillon. He asked if the proposed open public space has been discussed with County personnel and the District Councillor. Mr. Porter informed this was discussed with the Planning Department, although he was not sure if it was discussed with the local Councillor. He stated the major objective was to try to provide open space or protection along the drainage course. He stated there is general agreement that the open space allocation as shown is acceptable. He did not know if the intent of the open space was to have it remain a passive natural area, or to develop it with recreation facilities. Councillor DeRoche suggested it is doubtful the open space could be used as passive recreation uses. Mr. Porter felt a portion of it could, although the other portion would be used for environmental protection adjacent to the stream. He felt 50 percent of the land is wet and boggy. Councillor DeRoche felt 80 percent was a more accurate figure.

Mr. Hanusiak clarified that the Development Division has not yet given support for the piece of land proposed for parkland. The tentative stage requires a letter of intent regarding a donation of cash or land, and there are significant problems with the proposed parcel of land. Mr. Hanusiak felt the parcel of land would not be accepted unless substantial improvements are done to it, and there would have to be a complete description of the type of activities that would be done by the developer before the County would accept it. He concluded that the developers have indicated their willingness to negotiate other pieces of parkland or possible cash in lieu.

Councillor Deveaux clarified that the development can proceed with development of the area presently zoned R-1. Mr. Porter stated the 24 lots under the existing R-1 zone are already under development; the road to service those lots is completed.

Councillor Deveaux clarified that if the proposed zoning was approved, the developer would be able to develop a total of 79 lots. If the zoning was not approved, the developer could only develop in the vicinity of 55 lots - 25 lots less. Mr. Porter replied he did not know if development would proceed on the lands in question if the zoning was not approved, because two acre lots may be required and that would not be economically feasible.

Councillor MacDonald asked if the lots would be developed and sold or sold individually to private developers. Mr. Porter advised the intent of Home East Developments is a combination of preparing the lots for sale as well as constructing some homes. He did not know any numbers or percentages proposed for this.

Councillor MacDonald asked if Porter-Dillon guarantees a well with no arsenic in it. Mr. Porter stated with the sale of each lot, consideration is being given to providing an approved on-site sewage disposal system and a well which meets all criteria. The developer would pro-

vide an adequate on-site sewage system and well as part of the package when a lot is purchased. Councillor MacDonald stated that people get upset when they buy land and find they cannot drink their water because of arsenic contamination. After they built their homes, they go back to the Municipality or the district Councillor. He asked if there is a high water table in the area. Mr. Porter informed not in terms of areas being extremely wet; the area drains adequately. There may be some localized areas which may have some water accumulation from much rain.

Councillor Mont advised he had inquired about parkland when viewing the land, and he stated he has serious concerns about it. The land would have to be acceptable or there should be cash in lieu. He stated cash in lieu would not be acceptable to him because the proposed development is sufficiently far away from other development in the area, and there should be a parkland donated capable of active use. Playgrounds are too far away to send children to. Councillor Mont asked how long it will take to sell and develop the front portion with existing R-1 zoning. He suggested if this land was development first, it would give County authorities a chance to see how the siltation works out. This could be a guide as to whether or not the additional lands should be approved for rezoning.

Mr. Porter anticipated it will take one year to 18 months to sell the 24 lots presently zoned R-1. He pointed out that if the situation should arise where the presently zoned R-1 lots cannot be provided with arsenic-free water, the situation will take care of itself because if this cannot be provided in the first 24 lots, the subdivision will not be successful. He stated it would be irresponsible of the developer and of Porter-Dillon to sell lots that were know to have arsenic contamination.

Councillor Mont stated he is also concerned about the environmental effect of the development. The first portion of the development will give the County an opportunity to judge what the impact of the development is on the marshlands. If it is successful, there will be confidence to approve the rezoning for the second phase of this development. Mr. Porter replied one of the problems is the lead time required to go through the process of rezoning, the tentative approval, the final approval, etc. This lead time can be quite considerable, and it could lead into two years if Councillor Mont's suggestion were followed. He stated he is confident the environmental impact on Cole Harbour will be controlled. He concluded that Porter-Dillon has enough experience with road construction to date to demonstrate this can be done.

Councillor McInroy stated that everything of a technical nature referenced would remain the same should the rezoning be approved or not. He stated the technical aspects are not the main issue because development is underway in the R-1 area and can proceed in the R-7 area under R-7 Zone regulations. Councillor McInroy stated the issue is whether the developer can develop 54 lots or 79 lots, looking at an extra \$1 million in terms of gross revenue. Councillor McInroy stated this land was designated as R-7 through the process of implementing the Land Use By-law because the people and land-owners in the area wanted R-7 zoning. He concluded he did not see the advantage of changing the zoning except for additional financial gains.

Mr. Porter stated he cannot say there will be anything particularly beneficial about this development, but there will not be anything negative about it either. From an economic, marketing point-of-view, if the development cannot be brought down to a smaller lot size, it will not be feasible to develop the remainder of the lands. There is a high-fronted investment involved in the development of these lands, and to fully recover that, the remainder of the lands must be part of the development. Councillor McInroy questioned this when central services are not being installed. The major cost would be the building of the roads, and the land would be sold with no services. Mr. Porter stated the cost of roads is considerable. There are also numerous other costs.

Councillor Eisenhower commented that a one acre lot is quite large, and a large lot requires extra policing and security, etc. He felt R-7 zoning was implemented as a way to keep development out of the area. Mr. Porter agreed, stating that many people do not want to assume the responsibility of maintaining larger lots. He stated there is no potential for larger lots in this area because people find them too large and too expensive.

SPEAKERS IN OPPOSITION TO THIS APPLICATION

None.

Councillor Mont informed he would like to have this matter examined further to determine whether or not the development could take place in stages. He stated the Cole Harbour marshland is too important of an environmental area to make a mistake. The developers have been making an honest attempt to do good development here, but Council must be certain about their decision. He felt the first part should be developed, and then do studies and measure the impact of that on the marshlands. From there Council would be in a position to determine whether or not there should be greater density in the back portion.

Warden MacKenzie asked if all the considerations discussed tonight were brought forth at the Planning Advisory Committee level. Councillor DeRoche informed that most of the information conveyed at the Public Hearing was conveyed before the Planning Advisory Committee, and it was the decision of the Committee to refer it to Council with a recommendation of adoption.

Councillor Bayers expressed agreement with Councillor Mont's recommendation that the land zoned R-1 should be developed first to see what impact that will have on the marshlands and the pond. Councillor Bayers stated he also has concern for the single family dwellings along the Cole Harbour Road. He stated larger lots are not that hard to maintain. There is money involved with this development, but he felt Councillor Mont's suggestion should be followed-up on to see the impact before a decision is made.

Upon request, Mr. Hanusiak identified the lands zoned R-1 in relation to the lands in question.

Councillor Mont asked if somebody bought one of these larger lots zoned R-1, if they could subdivide it into two smaller lots. Mr. Hanusiak replied there could be restrictive covenants placed in each of the deeds by the developer to protect against this. He also felt there would be a problem getting the lots approved at 20,000 square feet.

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

"THAT the rezoning of a portion of the lands of Homes East Developments Limited and the lands of the Estate of Ella B. Shaw located off the Cole Harbour Road at Cole Harbour from R-7 (Rural Residential) Zone to R-1 (Single Unit Dwelling) Zone be approved by Municipal Council."

Councillor Merrigan stated it would not be economically feasible for the County to support development of lots at 80,000 square feet. The residents will want services such as street lighting and municipal water and sewer in the future, but it will be too costly for the County to supply these services because each of the houses would be spaced too far apart. He felt the motion should be supported because the developer appears to be willing to work with County authorities and cooperate with them in this matter.

Councillor Eisenhauer stated that R-7 zoning requires development on 80,000 square foot lots. This would mean quite a distance between houses which can run into security problems because people cannot see from one house to the next. The developer is trying to prevent against possible environmental concerns by proposing lots that far exceed the required size by the Department of Health. Councillor Eisenhauer concluded he could not see people buying 80,000 square foot lots. The intent of the plan may be to have the area rural, but it is not economically feasible.

Councillor McInroy expressed concern that the rezoning of these lots to R-1 would mean they would all qualify as 20,000 square foot lots pending approval by the Department of Health. He expressed objection to this.

Councillor Mont stated he could not support the motion and expressed agreement with the comments made by Councillor McInroy. The R-7 zone on this land has been determined after much community effort and work. Next year the plan for this area will be reviewed, and Councillor Mont felt at that time if Council feels R-7 requirements are too strict, policy changes could be implemented through the public participation process. He felt rezoning this land now would be moving too quick with development that may not be wanted.

Councillor P. Baker agreed with Councillor Mont, stating he is the Councillor for the area, and he should know what the people want. He felt the front portion of this development should be used as an example, and a final decision made on the rezoning after it has been determined how the front portion effected the marshlands and the pond. He concluded if a decision is made at this Public Hearing to rezone the lands, it could be a mistake, and it would be too late to change it.

Councillor Deveaux stated he was in favour of the motion. He felt the development should proceed, and Council should have faith that the proper tactics and procedures were followed by the developer and his consultants.

Councillor Reid stated that people from rural areas realize the Department of Health have certain regulations that must be followed when subdividing. He stated that the lots in question would not be open for subdividing to 20,000 square foot lots should the rezoning be approved because the Departments of Health and Environment would not approve them. He concluded he felt confident in supporting the motion because the Departments of Health and Environment know what is acceptable.

MOTION DEFEATED

4 FOR
13 AGAINST

Councillor Mont asked if a motion could be made with respect to allowing the R-1 development to proceed on the lands already zoned R-1, and using that development as an example to further determine this. Mr. Cragg informed that Council had rejected the proposal by way of defeating the original motion. Councillor Mont would have to rescind the original motion make an amendment to it.

ADJOURNMENT

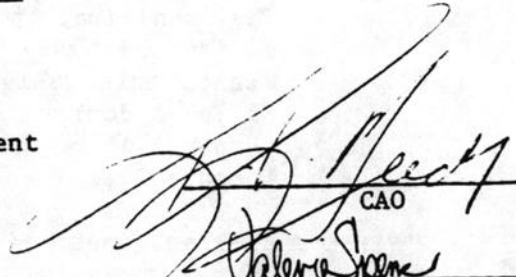
It was moved by Councillor DeRoche, seconded by Councillor Snow:

"THAT this Public Hearing adjourn."
MOTION CARRIED

D20

STAFF REPORT

TO: Planning Advisory Committee
FROM: Department of Planning & Development
DATE: April 21, 1986
APPLICATION NO. RA-CH/W-10-86-21



CAO
Theresa Spence

MANAGER, POLICY DIVISION

RECOMMENDATION

THAT THE REZONING OF LOTS "A" AND "EM" OF THE LANDS OF EVERETT GILES, LOCATED AT AND DIRECTLY BEHIND 1161 COLE HARBOUR ROAD AT COLE HARBOUR, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO C-2 (GENERAL BUSINESS) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

THAT THE REZONING OF LOT "A" OF THE LANDS OF MRS. E. MARGARET CORKUM, LOCATED AT 1153 COLE HARBOUR ROAD, COLE HARBOUR, FROM R-1 (SINGLE UNIT DWELLING) ZONE TO C-2 (GENERAL BUSINESS) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

A joint application has been submitted by Mr. Harley Morash and Mrs. Margaret Corkum to rezone the lands identified in Map 3 (p.4) to C-2 (General Business) Zone. Two of the three lots directly abut the Cole Harbour Road and contain single unit dwellings. The third lot is located directly behind the Morash home (1161 Cole Harbour Road) and is presently undeveloped. The purpose of the rezoning is to permit the properties and dwelling units to be utilized for commercial purposes at a future point in time.

Description

MPS:	Cole Harbour/Westphal
Lot Areas & Dimensions:	As illustrated by Map No. 3 (p.4)
Surrounding Land Uses & Zoning	As illustrated by Map No. 3 (p.4)

ANALYSIS

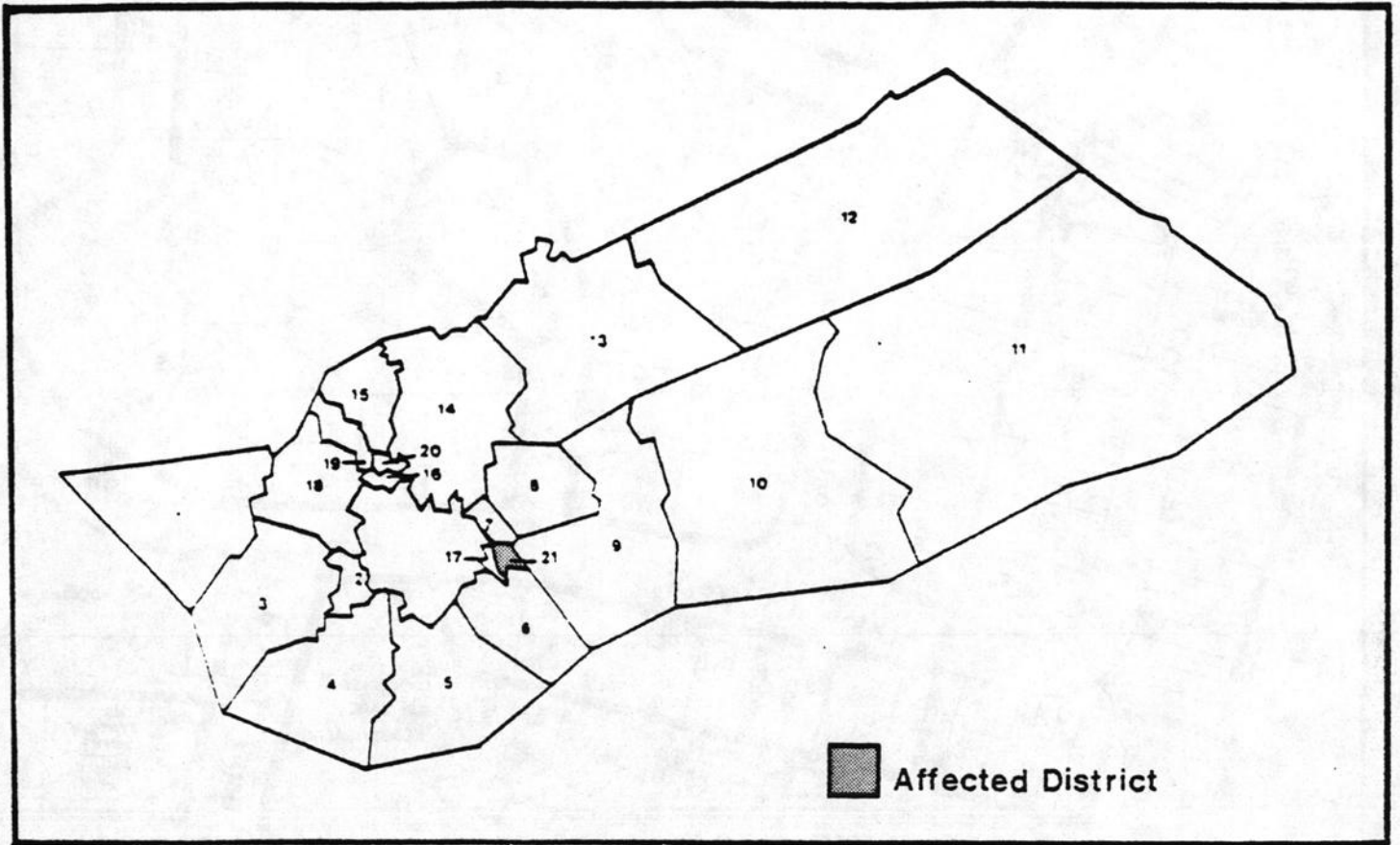
The municipal planning strategy for Cole Harbour/Westphal designates all three properties "Community Commercial". Within this designation, priority is given to the development of local commercial and community-related uses for the general purpose of establishing a community focus along the Cole Harbour Road.

The Department of Planning and Development recommends approval of the rezoning requests for a number of reasons. First, as illustrated by Map 3 (p.4), the properties in question represent the only residentially zoned lands between 1125 Cole Harbour Road and Perron Drive. Abutting properties, which were originally developed with single unit dwellings have been converted to commercial uses. The proposed rezoning is seen as an infilling situation with the end result being a consistent pattern of C-2 zoning along this portion of the Cole Harbour Road. It is anticipated that any commercial development along these properties will be small scale in nature and will be in keeping with the land use intent of the "Community Commercial" designation.

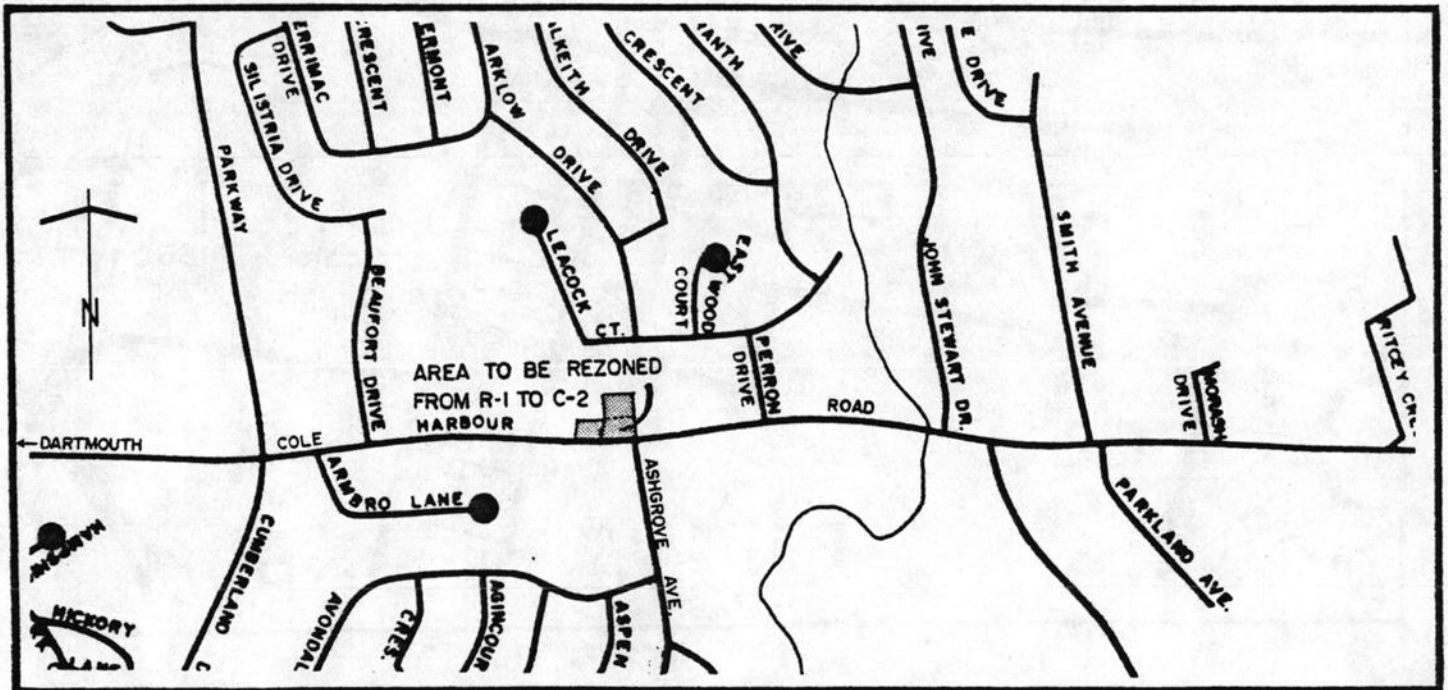
Second, conversion of the single unit dwellings to commercial activities can take place in accordance with all applicable requirements of the Cole Harbour/Westphal land use by-law. Furthermore, the plan's requirement for commercial developments on central services is met by virtue of the properties' frontage along the Cole Harbour Road.

Finally, the C-2 Zone permits existing dwelling units by right. Thus, approval of the proposed rezonings will not result in the creation of any non-conforming land uses.

MAP 1

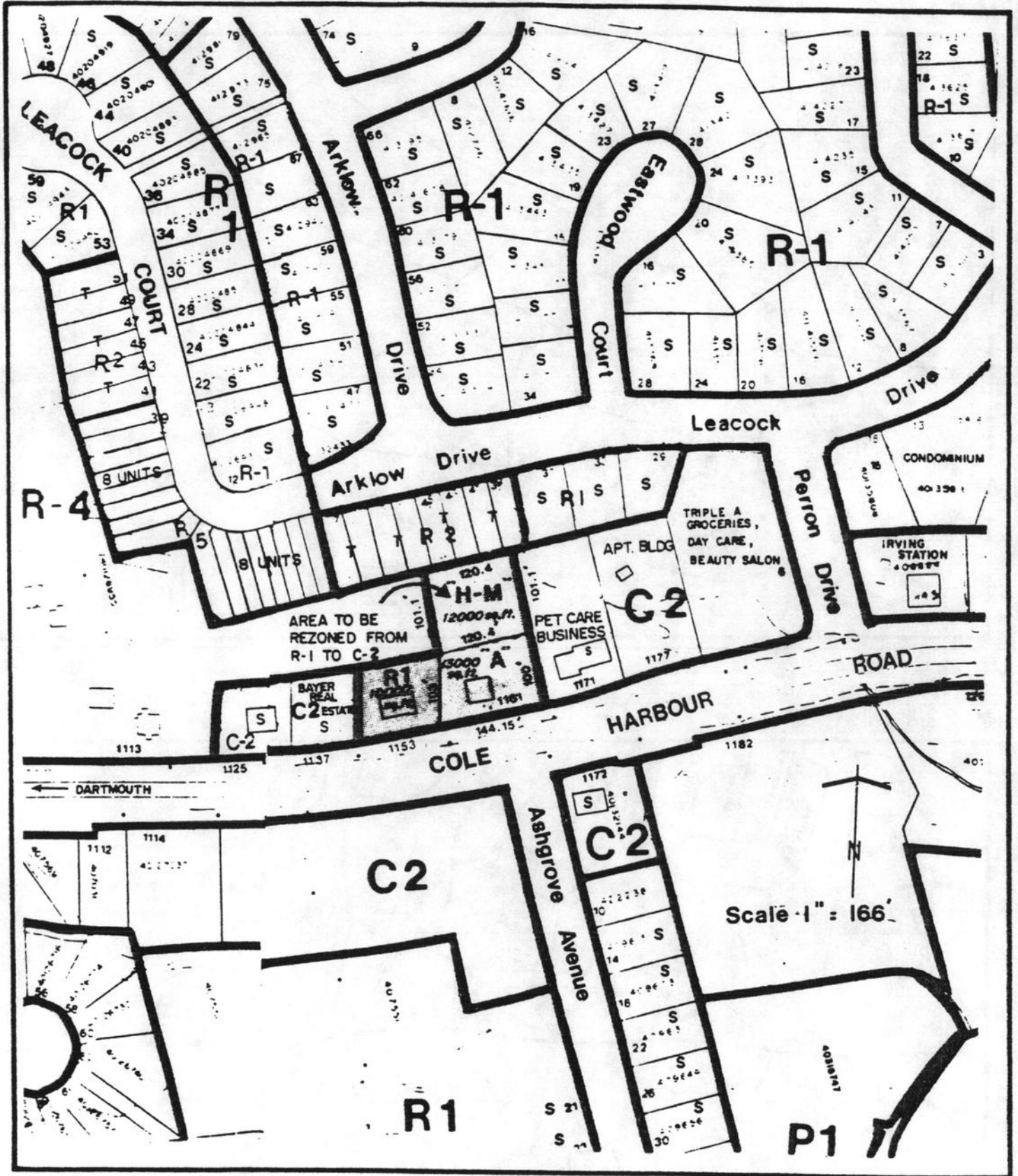


MAP 2



SURROUNDING LAND USES AND ZONING

MAP 3



STAFF REPORT

TO: Planning Advisory Committee
FROM: Department of Planning & Development
DATE: April 7, 1986
APPLICATION NO. RA-CH/W-25-86-21



D.J. Peep
C.O.


Keith W. Buel
DIRECTOR

RECOMMENDATION

THAT THE REZONING OF A PORTION OF THE LANDS OF HOME EAST DEVELOPMENTS LIMITED AND THE LANDS OF THE ESTATE OF ELLA B. SHAW, LOCATED OFF THE COLE HARBOUR ROAD AT COLE HARBOUR, FROM R-7 (RURAL RESIDENTIAL) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE BE APPROVED BY MUNICIPAL COUNCIL.

Information

An application has been submitted on behalf of Home East Developments Limited to rezone the lands identified in Map 3 (p.5) to R-1 (Single Unit Dwelling) Zone. The existing R-7 (Rural Residential) Zone requires a minimum lot size of 80,000 square feet. The purpose of the rezoning is to permit the subdivision of lots at a size approved by the Departments of Health and the Environment. As a requirement for this type of rezoning, the applicant has submitted a tentative plan of subdivision for the approval of 55 lots.

Description

MPS:	Cole Harbour/Westphal
Area:	Approximately 70 acres
Dimensions:	As illustrated by Map No. 3 (p.5)
Features:	- Slight to moderate incline from front of property to rear - Heavily wooded, mainly with softwood - No visible signs of poor or impaired drainage, except in the most northwestern section of the property
Surrounding Land Uses & Zoning	As illustrated by Map No. 3 (p.5)

ANALYSIS

The municipal planning strategy for Cole Harbour/Westphal designates this property Residential B. The designation has been applied in other areas of the communities, particularly on lands which lie well beyond existing development and major roads. Lands within this designation are generally characterized by poor soil conditions and high water tables. The planning strategy is intent on keeping the density of new developments relatively low, thereby reducing the potential for groundwater contamination and the subsequent demand for central water and sewerage services.

With respect to this application, protection of the environmental qualities of the property and surrounding areas (including Cole Harbour) are of primary importance. The applicant's planning consultant (Porter Dillon Limited) has undertaken an extensive study of on-site sewage disposal and water capabilities on the property. The consultant has concluded that:

"Although the land may fall under Category 1 lot classification, constraints such as probable excessively drained overburden, slope and boundary terrain limit the size of each lot. It is therefore recommended that each lot be a minimum of 40,000 square feet to adequately sustain a drilled/dug water supply and sewage disposal system."

The Departments of Health and the Environment are in agreement with the consultants' findings and recommendation and have given their respective approvals to the tentative plan of subdivision. The plan shows 55 lots - the majority of which range in area from 40,000 - 50,000 square feet. This is well beyond the 20,000 square foot minimum permitted by the land use by-law and will ensure adequate protection of surrounding land uses and nearby watercourses.

The Departments have also examined water samples on the property and suspect that iron, manganese and arsenic may be encountered in both drilled and dug wells. However, the agencies have stated that quality problems can be chemically treated provided that wells are properly constructed and periodically tested. The Department of the Environment has outlined a specific course of action for dealing with this situation.

The planning strategy further recognizes that the construction of new roads to open up presently inaccessible lands may adversely impact on community form. As illustrated by Map 3 (p.5), existing land uses in the vicinity of the property are located along the Cole Harbour Road. The applicant's intention to shift development in the area to a more concentrated infilling situation is in conformity with the intent of the Plan, in terms of the Municipality's ability to

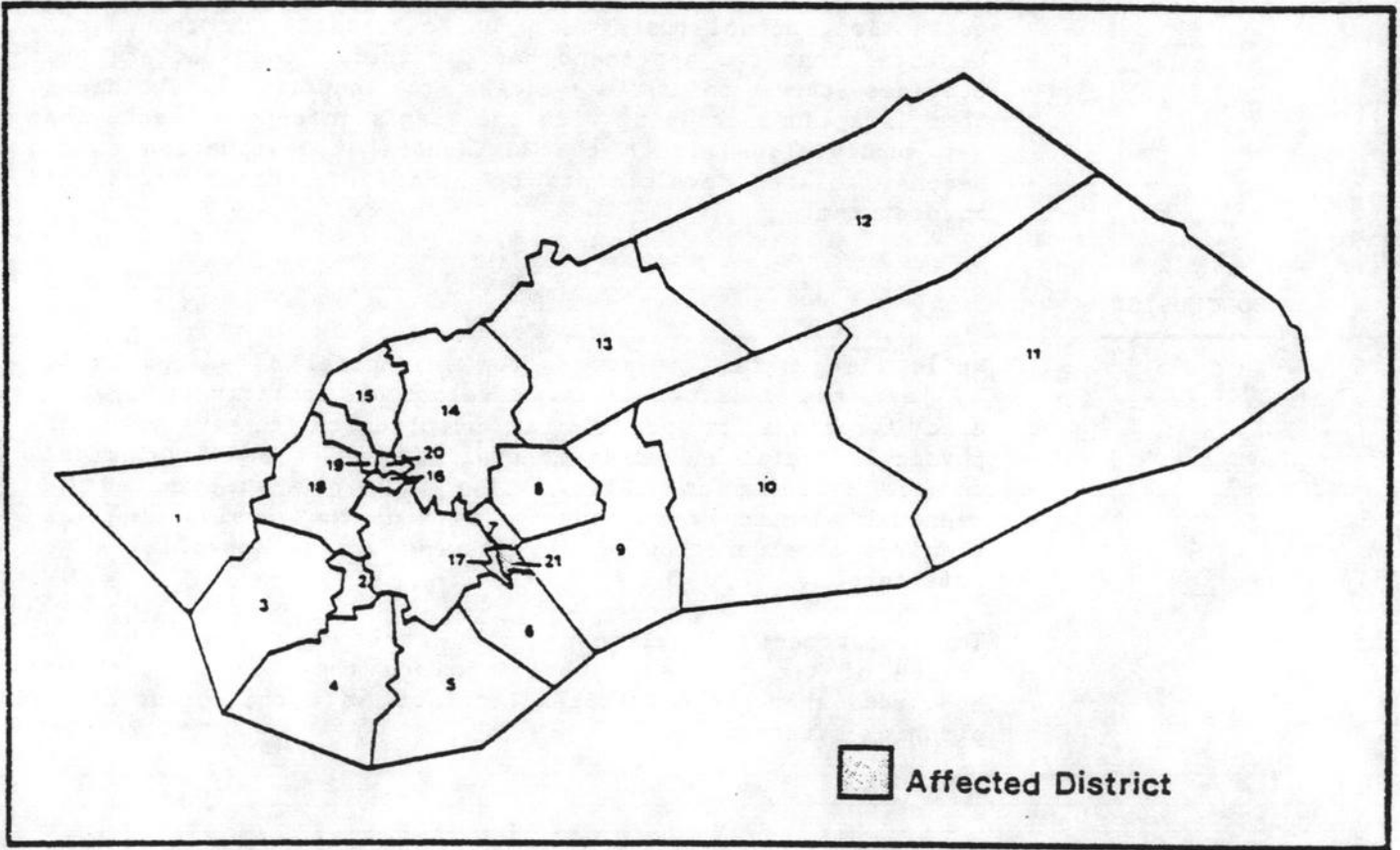
deliver such fundamental services as police and fire protection, school busing and public transit. It should also be noted that the applicant has designed a road pattern that provides three points of access to abutting landholdings. This is again in keeping with the Plan's intent to ensure that new subdivisions within the Residential B Designation do not become isolated developments by virtue of a poorly designed road system.

CONCLUSION

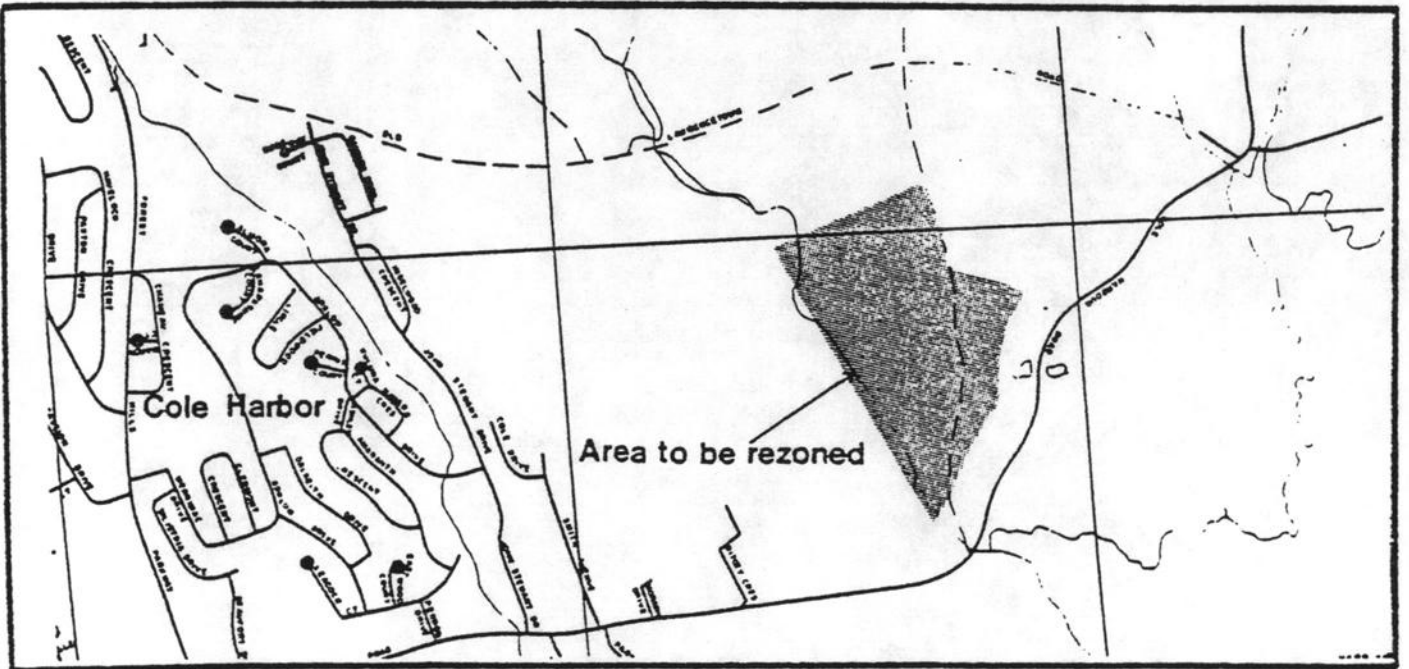
While the general intent of the Residential B designation is to keep the density of new developments relatively low, it also functions to provide an opportunity to evaluate the physical, social and environmental effects of new developments on the existing community. The plan has anticipated the eventual demand for housing within the designation and requires consideration of the issues forming Appendix "A" of this report.

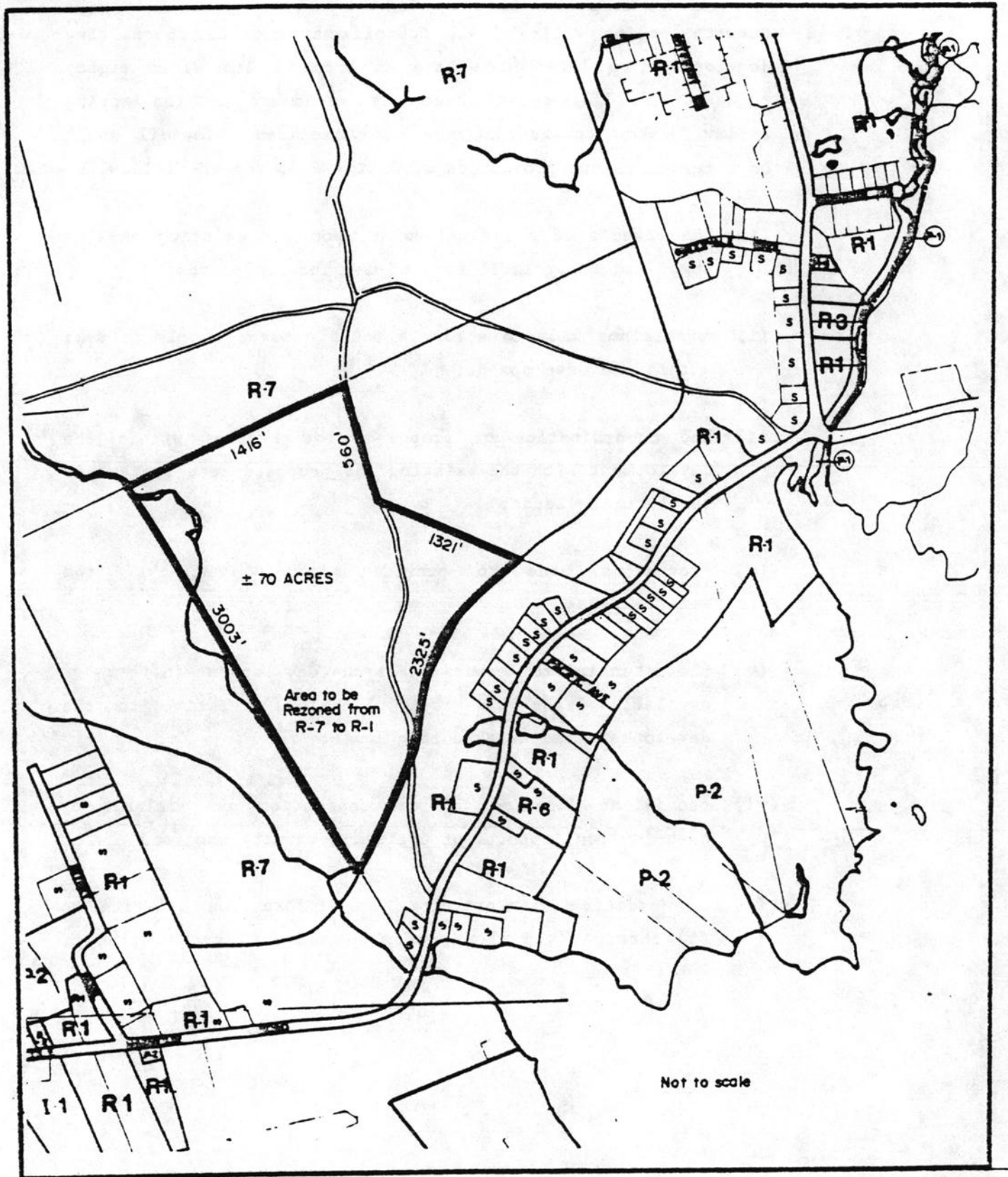
The Department of Planning and Development has based its review of the proposed subdivision on these issues and has concluded that the development conforms with the intent of the planning strategy.

MAP 1



MAP 2





APPENDIX "A"

P-42 Notwithstanding Policy P-41, Council may consider permitting development on lots which have an area of less than eighty thousand (80,000) square feet, by amendment to the zoning by-law. When considering any such amendment, Council shall have regard to the provisions of Policy P-93 and the following:

- (i) the effects of the development upon the existing on-site sewer and water facilities of neighbouring lands;
- (ii) provisions made to ensure a potable water supply to uses within the development;
- (iii) the co-ordination of proposed road systems within the development with the existing and proposed road systems of neighbouring lands;
- (iv) provisions made to provide adequate setbacks from watercourses;
- (v) the potential for expansion of the development in terms of available lands and their locations relative to the development and neighbouring lands;
- (vi) provisions intended for the dedication of parklands or cash-in-lieu in terms of optimum community use; and
- (vii) any additional information, and information relating to (i) through (vi) above, as shown on a tentative plan of subdivision.

APPENDIX "B"

P-93 In considering amendments to the zoning by-law or development agreements, in addition to all other criteria as set out in various policies of this Plan, Council shall have regard to the following matters:

- (i) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
- (ii) that the proposal is not premature or inappropriate by reason of:
 - (a) the financial capability of the Municipality to absorb any costs relating to the development;
 - (b) the adequacy of sewer and water services;
 - (c) the adequacy or proximity of school, recreation and other community facilities;
 - (d) the adequacy of road networks leading or adjacent to or within the development; and
 - (e) the potential for damage to or destruction of designated historic buildings and sites.

Valerie [unclear]

Cole Harbour Road, R.R.#1,
Dartmouth, N.S., B2W 3X7,
June 16, 1986.

Council of Halifax County,
Municipal Administration Building,
2750 Dutch Village Road,
P.O. Box 300,
Armdale, N.S. B3L 4K3.

re: Public Hearing - July 7, 1986
Application Number RA-CH/W-25-86-21
Application by Home East Developments Limited

Dear Council Members:

Over the past fifteen years we have been interested in the planning of land development in Cole Harbour. Our interest has not been prompted by any hope of personal gain beyond seeing the natural beauty of the harbour itself and the immediately surrounding areas protected from high density development. To this end, we participated in public meetings with planners, politicians, developers, and other interested parties. After many changes and frequent compromises, a plan was agreed upon. The plan was then presented to us as law. Land values and ownership were changed by the zoning imposed by this law. Lands owned by Murray Ritcey, Federaland, Pacific Cedar Homes, and others were sold for a price that reflected the restrictions on sub-dividing. To retreat from this plan now is to betray those former owners and we who worked to develop the existing land use plan.

The planned improvements to the bad turn at the bottom of Long Hill have been abandoned and an additional hazard created by allowing a new subdivision road to intersect the Cole Harbour Road in a blind valley at the end of a blind turn. The small stream flowing into Cole Harbour has not been protected. These are both Provincial Government responsibilities and are a retreat from promises made by provincial employees and David Nantes at the planning meetings we attended.

We protest and oppose any retreat from the R-7 Zone in the subdivision called Coleridge Estates. They bought it as R-7 and many more people than the present developer will be affected by any change in this Zone.

Yours truly,

Sherman Glazebrook
Mrs Sherman Glazebrook

Mr. and Mrs. Sherman Glazebrook

The Council of Halifax County Municipality,
Dutch Village Road, Halifax.

From: Mrs. R.M. Eaton,
Bissett Road, Cole Harbour,
R.R.1. Dartmouth. N.S.
B2W 3X7.

Dear Council Members,

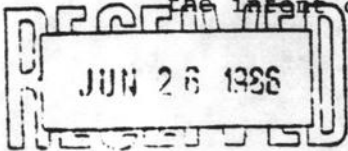
16 June 1986.

With reference to a recent Public Hearing Notice posted by the Municipal Clerk, ref. a public hearing application (No. RA-CH/W-2586-21) by Home East Developments Ltd., I was surprised to learn that there is an application to break the Rural Estate Zoning - R 7. Many Cole Harbour residents took hours and hours of their time to attend the planning meetings for this area in the past years - to try and come up with a good plan for Cole Harbour. The Rural Estate Zone seemed like an appropriate zoning for this area close to the watershed of the harbour. The large lots should be able to deal with wells and septic tanks, and storm sewerage would be limited. I understand that the Departments of Highways, Environment and Health have given tentative approval to the change to R 1 with limitations on size, so at present the lot sizes would be considerably larger than an R 1 on central services and not present health problems. However at a later date, if central services become available, this would mean storm sewers going to Cole Harbour? This would lead to siltation of the harbour which would be highly undesirable in view of the marine life of the salt marsh. The ordinary R 1 lot size would mean a large number of houses on 70 acres and it really surprises me that the Department of Highways has approved in principle the access of a considerable number of cars to this very dangerous winding 207 Highway just east of the bottom of Long Hill which is bad in summer and notorious in winter as the Highways Dept. must be aware.. I feel the Rural Estate Zoning should stand. If it is already decided to allow somewhat smaller lots - they should not be called "R 1" but given a new Rural Estate number such as R 8 or some other appropriate zone number. If the R 7 zoning is broken, everyone will ask for change to R1, making nonsense of the intent of the M.D.P.

Yours faithfully,

Rosemary Eaton

P.S. I attended the recent meeting at Cole Harbour High Annex, & I believe it was very much appreciated that councillors held the meeting right in Cole Harbour.



Copies to: The Hon. David Nantes,
The Department of Health,
The Department of the Environment.

✓ Mrs. Eaton

1754, Cole Harbour Road,
R.R.1 Dartmouth,
Nova Scotia.
B2W 3X7.

Thursday 3rd July 1986

Planning Dept of Mx. Co. Council,
Dear Sirs,

As a long time resident of Cole Harbour, on property situated on the harbour section between Smelt Brook and Little Salmon River, I wish to protest the proposed application of Home East Developments to change their standings from R7 to R1. on their recently required properties at the foot of Long Hill. I too, have property that is large enough for development, but am totally agreed to controls of land use in this area in order to protect the harbour from further ~~future~~ environmental pressures.

Studies have shown over and over again that Cole Harbour is a delicately balanced watershed and increased pollution would speedily reduce ~~the~~ shallow waters to an odorous swamp. Increased density in developments in an area which has no water or sewage services

ultimately means increased effluent, and since the natural drainage is toward the harbour, the harbour waters must then be seriously affected.

The County has already purchased the coastal lands from Cole Harbour Dykes to the head of the harbour, so it behooves the County Planning department to protect these recreational lands from increased density planners. Home Bear Development purchased these properties knowing full well the controls and limits of land use imposed upon them. Any relaxation of these controls is opening the door to further concentrations of people, and then where do the limitations eventually stop?

Heavy development along the once beautiful Cole Harbour Road has in the past five years reduced the area to a neon lit "Ginga" strip, so please please try to protect what has been & can always be a beautiful recreational

and housing area for all the residents of Cole Harbour
and its environs by keeping the development standards
at R.7.

I remain,

Yours truly,

Joan C. Slack.

*Cole Harbour
Rural Heritage
Society*



Cole Harbour Rural
Heritage Society,
15 Avondale Road,
Cole Harbour.

1 July 1986.

Warden Mackenzie and County Councillors,
Municipality of the County of Halifax,
Dutch Village Road, Armdale.

Reference Application of Zone change, by Home East Developments.

The Cole Harbour Rural Heritage Society Directors have some difficulty with the application by Home East Developments in Cole Harbour to have their 70 acres of land rezoned from R 7 (Estate Zone) to R 1.

As you are aware there has been a long history of local opposition to developments in that area close to Lawlor's Point which is a "Special Area" close to the head of Cole Harbour, and Smelt Brook which drains directly to the salt marsh. Our society has consistently supported planning ahead of development. Several of our members attended the planning meetings leading up to the Municipal Development Plan for Cole Harbour; some of them have been affected by zoning restrictions in the area. The present zoning of R 7 for the Home East subdivision should be adequate to cope with the soil capability (on this large area of the wooded watershed) for septic tanks.

Of immediate concern is the access of large numbers of vehicles from an R 1 density subdivision (if the zoning is changed) onto a very dangerous section of the Cole Harbour Road (Highway 207) near the foot of Long Hill - as local residents and the R.C.M.P would agree. Even if the highway were up-graded this access point for a 70-acre subdivision would cause more traffic tie-ups (as at the foot of Breakheart Hill), and more frustration for Cole Harbour residents using Cole Harbour Road/Portland Street.

We hope the Council will give consideration to these points, in the interests of good planning. There does not seem to be any valid reason for a change of zoning at the present time.

Yours very truly,

Gra J Little
President, Cole Harbour Rural
Heritage Society.

Copy to Minister of Highways,
Minister of the Environment.

Minister of Municipal Affairs.
Minister of Health.