

Councillor Cooper next asked Mrs. Shreenan if she knows when the first permanent residence was established on Kings Road. Mrs. Shreenan replied that she does not.

Councillor Cooper asked Mrs. Shreenan if she purchased her property with the understanding that it was intended to be available for year round use or as a cottage lot. Mrs. Shreenan replied that she bought her land for permanent, year round use; she informed that they had an approved building permit when they purchased their land, and the building permit stated it was for a permanent dwelling.

Councillor Cooper asked how many permanent dwellings were on Kings Road before she purchased her land. Mrs. Shreenan replied that there are 17 permanent residences on Kings Road now, and she believed they were all there when she purchased her land.

Councillor Cooper asked at what stage Mrs. Shreenan became involved with the problems on Kings Road after she purchased her land, and he also asked why she became involved. Mrs. Shreenan advised that she became involved in the problems of Kings Road when the residents came to the PAC because she was concerned about the status of the road changing to allow development on the other side of the road without any upgrading.

Councillor Cooper clarified that Mrs. Shreenan was aware for a number of months now that there was an intention by the landowners to seek paper road status. He asked how Mrs. Shreenan became aware of this. Mrs. Shreenan replied that she became aware of this application through the Planning Department because an application for paper road status was made in or around December, when she became involved in this matter.

Councillor Cooper noted that there have been many letters and information sheets circulated by the residents of Kings Road, and in those letters and at PPC meetings there were a number of references to new paper roads and the fact the residents did not support them. He asked Mrs. Shreenan where she found reference with regard to established private roads and the difficulties experienced with them. Mrs. Shreenan replied that she has found such reference in the Planning Act.

Councillor Cooper asked if Mrs. Shreenan is aware of when the residents of Kings Road first became concerned about the safety of Kings Road. Mrs. Shreenan replied that the residents became concerned in December when it was learned at a public meeting that Kings Road was on a list. Councillor Cooper clarified that before that time, the residents of Kings Road had no specific safety concerns other than a normal parent/family would have, but the prospect of Kings Road receiving paper road status alarmed the residents. Mrs. Shreenan agreed.

Councillor Cooper referred to PPC meetings and newsletters sent by the residents; he stated the residents of Kings Road have been addressing the safety concerns of private roads, and while this Council may not be able to deal specifically with Kings Road, there is some responsibility to deal in general with private roads. He stated there is nothing to keep Council from including in this MPS and Land Use By-law an indication that this Municipality

should be prepared to advise all concerned (neighbouring municipalities and the Province) that Halifax County has concerns about unrestricted development on private roads which do not meet a standard. He continued that Halifax County should also be prepared to indicate that development will be limited because the residents want development under safe standards. He stated there should be a policy to support this; a policy to pursue a plan to limit the amount of development on those roads until they reach a safe standard. He asked Mrs. Shreenan if such action would be acceptable to the residents of Kings Road. Mrs. Shreenan replied that it would.

Councillor Merrigan commented that the speakers are being questioned as though they are in a court, and he suggested that Council get back to listening to the pros and cons of the proposed Plan.

Deputy Warden McInroy again indicated that Council is limited in terms of what can be done to address the Kings Road issue.

Councillor Eisenhauer referred to the Municipal Development Plan of 1978 which was earlier referred to by Mrs. Shreenan using quotes from the current Warden. He clarified that the person speaking at that time was not an elected representative of Council. At that time, Mr. Lichter indicated that he was making a presentation on behalf of Mr. O'Neil and that he did not own land but was contemplating purchasing property on Kings Road. He stated that information was contained in the documents that Mrs. Shreenan has referred to.

Councillor Eisenhauer also clarified that the application regarding Crown land was an application from the Kings Road committee. He noted that Mr. Lichter did not sign that document; the permit he would have received at that point in time would have been legitimate under the Regional Development Plan because you could apply for development on private roads for seasonal development.

Councillor Eisenhauer stated this information should be clarified to Council before proceeding because what makes it appear dangerous is the conflict of interest legislation contained at the back of this documentation.

Councillor Poirier clarified that proposed development will be on the left of the road. Mrs. Shreenan agreed. Councillor Poirier stated Council cannot deal with Kings Road in a financial manner, but the door was opened when the allowance came to built on private roads against the wishes of many Councillors in the past. She expressed concern about the safety issue, and the threat of major development on this private road. She stated Halifax County Council must do something in this regard. Deputy Warden McInroy clarified that the law does not permit Council at this public hearing to make a decision that affects Kings Road specifically, although a decision can be made that will affect any private road in this plan area.

Councillor Poirier continued that the residents were prepared and comfortable with looking after the road until this major development was learned about, and development should be withheld, permits or no permits, until some arrangement is made to upgrade Kings Road to a safe standard.

Councillor Boutilier asked if all residents on Kings Road have a deeded right-

of-way or if they use the road by mutual agreement. Mrs. Shreenan advised that she has a deeded right-of-way, although she could not speak for the others. Several other people indicated from the gallery that they do have a deeded right-of-way, while one gentlemen indicated that he does not. He advised that the owners had indicated he would have automatic access because he abuts the right-of-way.

Councillor Boutilier questioned if anybody has ever considered the consequences of loosing the right to cross Kings Road. He stated there is a problem, but Halifax County Council cannot give the solution because there is no solution that will be satisfactory for all involved; making a decision will be a matter of picking sides.

Beverley Peters, Oakfield, advised that she is concerned about this MPS and most specifically about private rights-of-way. She advised that relevant documents and letters were submitted to the Planning Department and circulated to Members of Council for reference.

Mrs. Peters advised that as a result of frustration due to the apparent lack of support by many Members of the PAC in January, she and residents of Kings Road attempted to find documents to support their position regarding development on private roads. As a result of this research, a number of important documents were located, which prompted her to write to the Minister of Municipal Affairs and the Solicitor General on February 7, 1989. Also, the Attorney General's Department deals with possible conflict of interest investigations, so she wrote a letter on March 12, 1989 to the Honourable Tom McInnis. She referred to her letter to Mr. McInnis whereby she expressed concern about a conflict of interest.

Mrs. Peters expressed regret that Warden Lichter was not in attendance, stating he sat on the MPC as Councillor and Chairman, and if he influenced the policy regarding private roads, as it appears, it should be investigated. She stated in her opinion Kings Road is a road of convenience and was made possible from a position of power.

Mrs. Peters informed that Mr. McInnis' subsequent reply to her letter was accompanied by a copy of the Act to Prevent Conflict of Interest, and he specifically referred to Sections 9 and 12, outlining the steps regarding procedure.

Mrs. Peters advised that Kings Road is 6.25 kms with three bridges, and there is no determination as to who will pay to upgrade this road. The necessary requirements for a 66 foot wide right-of-way to allow for paper road status is in place and was granted on December 23, 1986 and amended on October 20, 1987. She stated this right-of-way was signed by the Honourable Kenneth Streach, then Minister of Lands and Forests and a cottage owner on Kings Road.

Mrs. Peters stated these people sitting in positions of authority in government, either elected or appointed, are morally obligated to protect the people and to represent their wishes. She stated development on Kings Road without standards will be assured either through the MPS or the Subdivision By-law, unless some questions are raised and answered.

Mrs. Peters stated it is also her belief that the wishes of the residents of the plan area have been set aside, and the burden of upgrading private roads will eventually fall to the taxpayer. Mrs. Peters stated this concern is acknowledged in the MPS on page 33. She stated in her opinion the situation concerning private roads would not exist except as a result of what would appear to be questionable actions as supported in these documents.

Mrs. Peters reviewed Section 12 of the Act, regarding Council requesting a conflict of interest inquiry, and she asked Halifax County Council to request such an inquiry into the situation of subdividing on private roads in this plan area from 1983 to present. She stated this request is made as a result of the supporting document submitted to Council. Mrs. Peters stated private roads that are not maintained are dangerous to the travelling public, and there will be tremendous long term implications if this paper road, or unrestricted development along private roads, is allowed. She stated the public can recognize the need for public road development, and so she questioned why the Acts and By-laws have been skirted to allow for development without safety or maintenance standards.

#### Questions from Council

Mr. Cragg responded to Mrs. Peters' request that Council take action under Section 12 of the Act to Prevent Conflict of Interest by indicating that Mrs. Peters is correct that Council does have the authority to take action under Section 12 of the Act; however, if anybody feels there has been some misfeasance on behalf of any Member of this Council, they can make the application themselves. Mr. Cragg further suggested that this is a public hearing, called to hear planning matters and issues of public concern related to the Plan, and he suggested that this is the appropriate forum to entertain such a request; such a request should be made outside of the public hearing process.

Mrs. Peters argued that the request is very relevant to the Plan and how it came to be. Mr. Cragg persisted that he is not defending any Member of Council, but the avenue is clearly open for an elector to ask the Attorney General for such an investigation at any time. Mrs. Peters added that it is clearly established that Council can make the same request if the documentation is put before them. Mr. Cragg agreed, but he stated it is discretionary decision of Council. Mrs. Peters stated she is making the request of Council because she feels this information has changed the actions of this Council in dealing with private roads. Mr. Cragg concluded that this public hearing is not the correct forum for bring forth such a request, although it may be brought to Council's attention at this point. Mrs. Peters stated she has brought this request forward in light of the possible decision regarding private roads tonight.

Councillor Horne expressed exception to Mrs. Peters' allegations about Warden Lichter. He stated that before he was Warden or as a Councillor, Mr. Lichter is a man of great integrity; Councillor Horne informed that he will stand behind him. He did not feel that Warden Lichter has taken any unjust means in his approach to dealing with this matter through the MPS Committee.

Councillor Merrigan stated the public hearing should be heard to listen to the

pros and cons of the Plan and By-law for this planning area, and any other comments should be addressed at another time. Deputy Warden McInroy informed that he will not entertain any further discussion regarding the conflict of interest allegations because that request cannot be dealt with at this meeting. Members of Council agreed.

Councillor Cooper asked how long Mrs. Peters has been a resident of Kings Road. Mrs. Peters informed that she is a taxpaying citizen of District 14, residing in Oakfield. She informed that she was approached by the people on Kings Road in December because of her knowledge of the area and the Plan. Mrs. Peters stated she strongly objects to the possibility of tax dollars being used when other developers have spent much money in upgrading their roads.

Bruce Spencer, Kings Road, advised that he became involved in Kings Road in February, when he heard that select groups of people had collectively started to petition Council, the PAC, MLA's, and others with letters from a Committee called the Kings Road Residents. He advised that he is not on the Committee, and there are at least two other permanent residents of Kings Road who are not associated with the Committee. He advised that those residents were not given any copies of the information circulated by the Committee because they are considered the enemies.

Mr. Spencer stated that every sentence that has been spoken at this public hearing has been full of half-truths and innuendos. He stated he has been involved in the Kings Road Maintenance Committee, but he only heard two months ago that there are 70 residents. He clarified that there are approximately 70 landowners, but not 70 residents. He referred to one lot, owned by one person, which contains three cottages. He stated they do not have a right-of-way on Kings Road, but their right-of-way has been in existence for 40 years. He stated there are three ancient rights-of-way off Sunny Lea Road that go back from 40 to 90 years.

Mr. Spencer next advised that Mrs. Clark was not at the end of Kings Road when they first moved to Kings Road, as she stated during her presentation. He advised that Kings Road went past the Clark's house, but they had the last full time residence on Kings Road; there were other cottages past the Clark property, and there was a right-of-way with a gate before Mrs. Clark moved there.

Mr. Spencer advised that he attempted to arrange an organized meeting of all property owners on Kings Road in February. He advised that he spoke to 50+ people of the 70+ names on the list of property owners, and over one-third of those people had never been contacted about the concerns and proposals with regard to Kings Road. Mr. Spencer stated there are people who use Kings Road without a right-of-way; their access is by water. They do not have a right to be on the road, yet they use it and abuse it. Mr. Spencer stated those people using and abusing the road have friends who complain about too much traffic on Kings Road.

Mr. Spencer continued that people are concerned about the safety of Kings Road. He advised that he lives on the first part of Kings Road, and his section of the road was sanded only once this winter when it was not sanded by a contractor working for him. He advised that he built his home last winter, and

he travelled Kings Road much less last year than this year, and last winter the road was in much better condition in terms of snow and ice removal. He stated there has been no work done on Kings Road since January or February; only the bare minimum has been done to make the problem worse.

Mr. Spencer advised that he has been at meetings where people have stated that the road is dangerous, and they will wait until somebody is killed because they found a precedence in Sackville where somebody was killed a few years ago, and Council then put the money out to fix the road. He stated they will let the road go and when somebody is killed or hurt bad, Council will have to do something. Then those with no private right-of-way will have a public road.

Mr. Spencer next referred to insinuations about private roads off of private roads. He stated this directly affects him. He advised that he has been specifically told that the first section of Kings Road is not up to debate because it was there and approved years ago for Kingsland Development. Mr. Spencer stated he is of the opinion that if any decision is made regarding Kings Road, it concerns Kings Road from Sunny Lea road all the way to the end. Mr. Spencer advised that he wants to develop, and he likes to be on a private road. He advised that he bought his first lot on Kings Road 1 1/2 years ago, and he specifically looked for private roads. He advised that he purchased 300 feet in with a deeded access to the lake, rather than two miles in with water frontage because he does not feel like having to buy a 4-wheel drive and worrying about travelling that road during the winter months. He stated if people want to live in there, they should suffer the consequences. He stated there are people who want to build on private roads, and there are avenues available to develop there and to keep people off of those roads.

Mr. Spencer stated if Council is concerned about development on private roads, he would seek legal advice from Council with regard to the definition of a private road, how it must be developed, who is responsible for maintenance and turning it over the Department of Transportation. He advised that this advice will assist both him and Halifax County.

Mr. Spencer asked if it is fair to penalize somebody who owned their property before this Plan went into affect. He advised that he has owned his property for nine months, and he submitted a plan two months ago because he got tired of waiting for a new plan and because he was told when he bought the land that he could develop three lots per year on a private road. He stated he wants to sell a couple of lots per year in an effort to meet his financial obligations, and in the future he will still have 200 to 250 acres left. When the road is upgraded, he will do more serious development. He stated it is not fair for Council to take this right from him. Mr. Spencer stated if somebody knows the circumstances when they purchase their land, it is their decision to buy; he will not force anybody to buy.

Mr. Spencer continued that many of the complaints are coming from people who do not have the right to use the right-of-way. He stated any ruling will apply to any private road in this plan area. Kings Road is special, but there are many things about Kings Road that are not being said, such as development along the Shubenacadie Canal and the Fish Hatchery Lock and the amount of traffic that will be created over the first section of Kings Road. He stated nobody has argued against this because it is a good cause, and it would be political

suicide to fight against that. He stated if the residents are worried about traffic and about their kids, they would be concerned about that first section of the road and the increased traffic there. He stated the residents are using safety as a smoke screen because they don't want to see development.

Mr. Spencer continued that the residents have interfered with CN in Moncton to find out why he got a railroad crossing and when it will be pulled out. He stated if the residents don't like it, it is too bad because there is a sign that states it is a private railroad crossing, no trespassing. He stated it is his and nobody else's business.

Mr. Spencer next spoke with regard to the 50 foot setback for water frontage lots. He advised that he owns much river and lake frontage, and he learned that the 100 foot setback from water frontage was incorporated into the original Plan because there was much concern about the environment and pollution. He stated if people are truly concerned about pollution, they should be more concerned about the location of septic tanks, rather than the house. He felt 50 feet is an ample setback for water frontage because most people will build farther back to provide for recreation between their home and the water.

Mr. Spencer advised the next problem he has is with regard to zoning, which is proposed to be R-6. He advised that when he purchased his land last summer, he wrote to the County requesting that a parcel of his land be zoned commercial. He advised that this was denied, and he was told by Mr. Morgan that a parcel of land cannot be zoned commercial without knowing the intended use. Mr. Spencer argued that there are thousands of acres at the Airport zoned commercial without knowing what is forthcoming. He advised that he has one specific business use proposed for this area, but he is told that he cannot pursue it because he does not have a permit. He stated the by-law informs him that he can use it commercially after adoption of the Plan, if it was used before. However, the Planning Department are now stating this land cannot be zoned commercial because the use is not compatible to private roads. He stated this by-law is not effective yet, and he should be given the zone requested. He stated he will agree to the exemption of a certain building, but he only wants to accommodate his small cottage industry. He asked what the procedure is to get his land zoned commercial.

#### Questions from Council

Deputy Warden McInroy advised that Council is hearing submissions from the public, and staff will be asked to provide Council with a written report and recommendation on each and every request made by the public. He stated Council will deal with each recommendation. Mr. Spencer advised that this removes him from personal vote, and he expressed concern that the staff recommendation will be adopted to get rid of this issue. Mr. Spencer stated he does not care about Kings Road. He has been using his property on Kings Road on Kings Road for commercial purposes, and he wants to keep using it for such. He felt he has that right, and he should not have to hire a lawyer to maintain that right. He stated there has been no negotiation, only a straight denial of his request. Deputy Warden McInroy clarified that staff will be providing Council with a report and recommendation with respect to Mr. Spencer's request.

Councillor Ball noted that Mr. Spencer is not concerned about Kings Road because he lives on the first portion of the road. Mr. Spencer agreed, stating it does not affect him, but he is not concerned because he does not think it is dangerous. Councillor Ball suggested that Mr. Spencer is concerned about development off of private roads because he has acreage for development. He asked if Mr. Spencer now has paper road status. Mr. Spencer replied that he does not. Councillor Ball clarified that this plan to stop development on private roads will be of concern to Mr. Spencer because he will not be able to further develop. He also clarified that if Kings Road is listed as a private road, Mr. Spencer will not have to upgrade his private road to Department of Transportation specifications to develop. Councillor Ball expressed concern that Mr. Spencer will have the ability to develop another road, such as Kings Road, off the current Kings Road. Mr. Spencer advised that he and his wife still drive on the later part of Kings Road. Councillor Ball noted that is by choice, which is different than travelling along Kings Road as a must.

Mr. Spencer clarified that he does not have paper road status, but there is an application on file for a private road. He was not aware of the status of that application.

Councillor Ball stated his point is that Mr. Spencer is not concerned with Kings Road, but he is concerned about the impact of the decision on his ability to create his own private road. He stated Mr. Spencer has identified that his own smoke screen is not Kings Road, but he is concerned about development on private rights-of-ways, regardless of Department of Transportation standards. Mr. Spencer argued that the application on file now requires him to design and lay out a right-of-way in such a manner that the road can be built up to standard at some time in the future; it is not for a cow path that will not be possible to upgrade in the future.

Councillor Merrigan pointed out that this is a public hearing, and not a court of law. He stated if Mr. Spencer supports private roads, he has the right to say so, and Council should not be putting anybody who does or does not support private roads on the hot seat. Deputy Warden McInroy stated Council is not precluded from asking questions or trying to get additional information, but the intent now is to hear submissions from those wanting to present them. These presentations will then be taken into consideration when the staff recommendations are considered.

Councillor Fralick felt the residents of Kings Road must get together to resolve this problem. He suggested that this matter be referred back to the community for some resolve, and he also suggested that this public hearing adjourn and another be scheduled in an effort to hold this plan from a complete loss.

Deputy Warden McInroy again noted that Halifax County Council is not permitted to deal with anything on Kings Road other than the development of lots as would also be permitted on any other private road in the Plan area. He advised that if this meeting is adjourned, and staff is asked to prepare reports and recommendations on what has been presented at this meeting, a decision can be made on the Plan and regarding private road development in this Plan area. Council can then take a stand with regard to the Kings Road issue specifically, although the development issue will have already been dealt with



through the Plan. He concluded that if there was an agreement with regard to Kings Road, the motion could not be made tonight because this public hearing was not advertised to deal with that particular issue; only the Plan and By-law can be dealt with at this meeting. He suggested that the public hearing continue so as not to inconvenience the people who have come to make presentations, and once the presentations are complete, the meeting can adjourn and staff can be left to prepare their reports and recommendations. Councillor Fralick agreed, stating those who wish to give submissions should be given ample time to make their presentations as fair as the earlier ones.

Councillor Morgan asked Mr. Spencer what the distance is of his right-of-way from Sunny Lee Road to his property. Mr. Spencer advised it is a little over 1,000 feet. Councillor Morgan asked if that forms part of Kings Road or if it is separate. Mr. Spencer advised that it is separate. Councillor Morgan next asked if Mr. Spencer is required to pay maintenance fees for Kings Road. Mr. Spencer advised that he is not. He informed that he purchased his property from the King sisters; they had an agreement with some of the land owners on Kings Road in 1980, whereby they would be given a right-of-way across their property. He informed that he bought the right-of-way from them.

Councillor Morgan asked if Mr. Spencer is willing to pay for road maintenance. Mr. Spencer agreed, stating when he wants to sell lots on his road, he will be able to tell those he sells to that the residents are responsible from Kings Road back and from Kings Road out will cost another amount. He stated his purchasers will then know the full situation with regard to maintenance.

Councillor Morgan asked if Mr. Spencer wants to continue to conduct a business on his land at the end of Kings Road and Sunny Lee Road. Mr. Spencer advised that he bought three lots - one actually on Sunny Lee Road, and nine months later he purchased two more for which the right-of-way runs through the first lot purchased.

Councillor Morgan noted that staff has denied commercial zoning for Mr. Spencer's business, and he suggested that Mr. Spencer go to Council and find out how a \$6.5 million sportsplex in Sackville was permitted without any road access, and ask if the same permission would be given to him. He stated there may be access forthcoming from the Department of Transportation, but as of now there is no access for the sportsplex in Sackville.

Councillor Merrigan asked if a private road can be built off another private road. Mr. Butler responded that it is his understanding that a private road can be built off another private road as long as one of the private roads goes to a public road.

Councillor Cooper asked if it would be Mr. Spencer's intention to build a road to acceptable standards while developing his two or three lots per year. Mr. Spencer advised that he is now in the process of building the road. He clarified that he had stated he likes the rule which permits people to subdivision three lots per year, but in reality, on a public road, in 20 mile radius from Halifax, and given the number of subdivisions in which to compete, one would be lucky to sell four or five lots in five years. He stated one could not sell nine lots in three years.

Councillor Cooper clarified that Mr. Spencer will be prepared to build a certain standard of road as he sells his lots as opposed to building the road later. Mr. Spencer advised it will be cheaper to start building the road properly, although it might not be the full 66 feet wide, but he will install the proper culverts now. He advised that part of the covenants of his deed is that the developer will be responsible for building the road and bringing it up to standard, and the lot owners will be responsible for maintaining it until it is turned over for a public road.

Councillor Cooper stated he is getting the impression from Mr. Spencer that he feels it is part of the developers responsibility to be cognizant of the needs of the residents of a road. Mr. Spencer agreed, stating he has discussed this with the PAC. He referred to Arrow Head Park and another road on Grand Lake in Hants County, which are privately owned and maintained and very near to meeting government specifications, and there is no safety concerns about driving on those roads at any time of the year.

Councillor Cooper next inquired about government services as an area develops. He asked if this Council must cognizant of the amount of on-going development on a private road in order that a decision will be made recognizing when services are demanded. Mr. Spencer agreed. He stated that his road will be 600 feet, and many lots are sacrificed to build a good road. He stated there are good and bad developers, and if there are no regulations, the least will be done.

Councillor Cooper asked if the fact that there are no regulations now has created the situation on Kings Road now. Mr. Spencer replied that it is part of the problem. He stated Kings Road was build by a few people, out of their pockets, and others were told they can use it, if they maintain it. Now, those using it are being told to fix it up, if they want to develop further.

Councillor Cooper clarified that Mr. Spencer feels developers have a responsibility to work with the County to make sure the roads and services are there in a timely fashion. Mr. Spencer agreed, stating it is his responsibility to build a road and to put it in his covenants so everybody will know the rules and all will know the financial aspect of upgrading the road properly, etc. He stated if this is the advice of the solicitor that will enable him sell lots to make payment, he will co-operate. However, if he can't subdivide his lots because a Plan is adopted prohibiting development on private roads, he stated he will divide his land into 25 acre lots and sell it all, meaning there will be 12 25-acres lots with 12 different owners, and the County will have to deal with all of them. He stated right now, Council can deal with him, and he will co-operate, but otherwise, he will sell his property.

Councillor Cooper clarified that Mr. Spencer feels if a developer does not develop in a reasonable and safe fashion, the Municipality has the responsibility to regulate until such time as the development is upgraded. Mr. Spencer stated if the Municipality quotes law and states they are allowed to do this so they will, he will counter on equal foot, and sell the land in 25 acres parcels, as permitted. He stated he does not hope, but knowing the nature of people, he expects the land will go to 12 different people, and it will be much more difficult to reach an agreement with 12 different people than it is one. Therefore, there will likely be an argument in the future. He stated there

should be responsible development, and most developers are responsible. He stated there are people who like private roads, and they are satisfied with maintaining it themselves.

Councillor Cooper asked if Mr. Spencer has talked to the large land owners along Kings Road. Mr. Spencer informed that he has talked to some of them. Councillor Cooper asked if they have the same opinion regarding development as he does. Mr. Spencer replied that there are probably hot heads on both sides, and if they were weeded out, the bulk of the people would be able to reach a consensus to do something about the road.

Councillor Cooper asked if Mr. Spencer would be prepared to put in writing the type of road he would develop from the beginning. Mr. Spencer agreed. He advised that he has paid \$10,000 to have 4,200 feet of road designed, and he intends to build it to standard to start, if he can proceed with private road development.

Councillor Cooper asked if Mr. Spencer would expect the County to apply those standards and requirements to all developers. Mr. Spencer stated the majority of developers would agree to that, and there is legal basis for it. He stated he now has a pulp road; he could develop a paper road with Department of Transportation approval and sell lots without having to build the road. He stated this is part of the problem, and he felt it is not reasonable and safe to develop on such roads, although it may be permitted under this by-law.

Councillor Ball noted that Mr. Spencer had indicated he would develop the first 4,200 feet of his road to standard, starting with one width. He asked what would happen if Mr. Spencer were to go bankrupt and who would continue to develop the road. Mr. Spencer did not know; he indicated that legal advice would be necessary. Councillor Ball stated that Mr. Spencer would have made the commitment to build this road, although it would take a period of time and some houses would be there before it is complete, and the landowners would then be responsible for bringing the road up to standard. Councillor Ball stated the road should be built to standard before development takes place.

Mr. Spencer agreed with Councillor Ball's point, but he stated he does not have a lot of money at his access; he also stated that it would increase the cost of the lots. Councillor Ball concluded that the potential of creating another Kings Road exists under Mr. Spencer's development. Mr. Spencer stated people purchase based on buyer beware, and they are best off to purchase where there are regulations.

Larry Basley, Kingsland Developments, Kings Road, advised that he lives on the first 8 km of Kings Road. He stated he is against unbridled development on private roads; helter-skelter development limits the safety of his family. He stated the result of unplanned development on private roads could be a deteriorating road, a road that nobody takes any responsibility for, and the final result, along with increased traffic along his section of the road, would affect the safety of his family.

Mr. Basley stated these concerns are reflected in the minutes of the MPC. He quoted "many of the Committee Members have had numerous conversations with District 14 residents, either singly or in groups, and have determined that

very few residents are in favour of private road development, and our decision to vote against new private roads was made on that basis." Mr. Basley stated one person in favour of private road development was asked if they would like to have as many as 50 homes on their private road, and they responded negatively.

Mr. Basley stated this hypothetical question of 1984 has become a reality for Kings Road; it has turned into a possible nightmare for the residents of Kings Road. There are residents against residents; former friends and friends; and all that may go wrong with a private development has been exemplified by Kings Road.

Mr. Basley stated he is not the first to recognize the problems of unlimited development along private roads. The PPC met on December 11, 1985 at Oldfield School, Enfield, and there were over 200 people in attendance. He quoted "the first topic of new business was a discussion regarding private roads. Considerable discussion ensued regarding the pros and cons of private roads. Bill Butler suggested that we should take a further look at existing private roads. It is quite definite that the Committee Members believe that the residents of District 14 do not want to see residential development on new private roads. It was decided that we should go public with our opposition to new private roads for year round housing."

Mr. Basley stated it is his belief that limiting development on private roads to manageable levels has had a history in other parts of Halifax County. He stated in Districts 5, 15/18/19, and 8 and 9 restrictions have been put on development on private roads. He stated the PPC has been ignored in the past, and the residents of Kings Road are in favour of controlled development with an eye for safety, and if it is within the power of all present tonight to correct the possible misuse of Kings Road, Mr. Basley urged those to stand and be heard. He suggested there be no further development along Kings Road as there is already in excess of ten lots.

#### Questions from Council

Councillor MacKay asked what section of Kings Road Mr. Basley lives on. Mr. Basley replied that he lives after the first bridge, before the second bridge, in Kingsland Development, Lot No. 6.

Councillor MacKay asked when Mr. Basley purchased his home or lot and if he has water frontage. Mr. Basley responded that he purchased his lot and built a home 18 months ago. He informed that he does not have water frontage although he has access to the water through a right-of-way.

Councillor MacKay asked if Mr. Basley knows under what basis his lot was approved. Mr. Basley replied that it was approved a part of Kingsland Developments, but he was not sure of the basis of that approval.

Councillor MacKay next asked what changes Mr. Basley has notice to Kings Road since he moved there. Mr. Basley advised that the road has fallen into disrepair through lack of commitment from the residents along the road and the major land owners.

Councillor MacKay asked if Mr. Basley was aware that Kings Road is a private road when he purchase his land, and that the residents are responsible for the maintenance of Kings Road. Mr. Basley responded that he was aware that Kings Road was a private road, although he was not aware of all of the ramifications that private roads entail.

Councillor MacKay asked if Mr. Basley's solicitor brought this matter to his attention. Mr. Basley advised that his solicitor brought it to his attention that he was living on a private road, and when he discussed this with the vendors, he was under the impression that the road was going to be upgraded.

Linda Cournoyer, Kings Road, advised that she was told by two men that the residents of Kings Road have not been very successful because they are not angry enough. She spoke of her anger throughout this process and how she has not shown it during all of her frustrations. Mrs. Cournoyer advised that she is opposed to the adoption of this Plan and By-law because it contains nothing restricting development along private roads, particularly along "pretend" or paper roads.

Mrs. Cournoyer advised that Kings Road is 6.25 kms long, owned by Warden Lichter and at least six other people. After many years of an open opportunity for development along paper roads, the owners of Kings Road decided to wait for the MPS which would provide them with the opportunity to develop their lands at a steady, regulated rate. When the residents objected to the MPS development, PAC recommended an amendment. The land owners did not like the amendment, and they immediately made an application for a private road under the existing legislation. If the application and this Plan and By-law are approved, Kings Road will be considered an existing private road, and owners will be free to subdivide along the total length of both sides of the road.

Mrs. Cournoyer stated it is the duty of the Municipality, under the Planning Act, to regulate the paper road policy and to decide how this policy might enhance development in the County. However, this policy has not been regulated, and the residents of Kings Road will suffer hardship because of this access road, which is unsafe and extremely inadequate to handle the traffic generated by new development. She stated the residents have no right to upgrade the road; they are clearly at the mercy of the developers.

Mrs. Cournoyer requested Council to consider a policy under this new Plan whereby all developers would be required to provide safe roads into their developments; not just developers who want their road listed by the Department of Transportation, but all developers. She felt the Province and the Municipality share in accountability for the negative effects of the paper road policy, and insisted that Council take responsibility to ensure that the residents are protected from this type of development before this Plan is made law. She stated the policy should clearly state that no development will be permitted along private roads until the road is real - one that could be approved by the Department of Transportation. Mrs. Cournoyer advised that she and others are willing to pay a frontage charge to have the road upgraded.

Mrs. Cournoyer asked that the Department of Municipal Affairs and the County take responsibility for past mistakes by acting responsibly now. She asked that the residents of Kings Road be included in the proposed MPS. She

concluded that it has been said at this public hearing that private roads can be developed off other private roads, although they were earlier advised that this is not possible. She stated if it is possible, the situation for the residents of Kings Road is worse. She stated dealing with all private roads seems to be the answer, but she felt it will never be dealt with as long as they cannot be dealt with individually.

Mrs. Cournoyer stated development in several other districts has been limited to ten lots in private roads through the MPS, and Kings Road cannot be treated differently. She expressed hope that Council will not chose to treat Kings Road differently because of its length. She stated if a limit of ten lots is agreed upon, Kings Road is already 62 over the limit.

Mrs. Cournoyer concluded that she speaks only for herself, and she asked if it is possible to stop development. Deputy Warden McInroy advised that is his understanding.

#### Questions from Council

Councillor MacKay clarified that Mr. and Mrs. Cournoyer purchased their land, approved on the basis of access of water, and they were promised that a road would be built in the future. Mrs. Cournoyer agreed, stating they were promised a road in approximately two years. Councillor MacKay clarified that accessing this lot by any other means than water means crossing somebody else's land. Mrs. Cournoyer agreed.

Councillor MacKay asked who had indicated that road would be build, and he asked if there was anything in writing. Mrs. Cournoyer advised there was nothing in writing. She informed that her husband requested a written right-of-way to the lot, and he was told that Mr. Brown had talked to his lawyer and anyone with property abutting this private road will have automatic access to the right-of-way.

Councillor MacKay asked where Mr. and Mrs. Cournoyer live. Mrs. Cournoyer advised that she lives 4+ kms on Kings Road.

Councillor MacKay asked if the Cournoyer's solicitor had advised them of the rights and obligations associated with a private road development. Mrs. Cournoyer responded that he did not.

Councillor MacKay asked how many homes or cottages have been built on Kings Road since she first built her home. Mrs. Cournoyer responded that there were approximately four permanent residents on the later section of the road where they built, and there were a few others on the first part of the road. She informed that since they built, there have been ten additional, permanent residences built.

Councillor MacKay asked if Mrs. Cournoyer would be happy with Kings Road as it is now, if development were not permitted until the road is brought up to Department of Transportation standards. Mrs. Cournoyer advised that she would be satisfied with the road as it now stands. She stated her husband was chairman of the Maintenance Committee for two years and did a fine job. She

stated there were still safety concerns, but further development will create a great hardship.

Councillor MacKay clarified that Mrs. Cournoyer is not asking that Kings Road be brought up to Department of Transportation standards at the cost of the taxpayer. Mrs. Cournoyer agreed, advising that she is looking for no more development until the developers decide to build a road that will handle any further development.

Councillor MacKay noted that other development will be permitted on water front lots on the basis of access by water, if this Plan is not approved, and they will cross somebody's land. Mrs. Cournoyer stated if this Plan is not approved, the developers can develop an unlimited number of lots, subject to approval of the paper road.

Guy Walsh, noted that the new Plan will require 100 feet of frontage for approval, although he has a double lot (1 1/2 acres) on a paved road with services, and he would like to subdivide it. He informed that the square footage is available, although he is 15 feet short in frontage for approval of two lots. He asked if there could be an amendment to permit subdivision of this parcel of land.

#### Questions from Council

Mr. Butler clarified that Mr. Walsh has only 185 feet of road frontage, although 200 feet is required, and there is enough square footage to accommodate this subdivision. Mr. Walsh advised that he now has 60,000 square feet, and he has an opportunity to purchase an additional 20,000 square feet at the back of his property in order to subdivide.

Mr. Butler advised that there is a provision in the Subdivision By-law about the ability to approve lots which meet 90 percent of the standard. He advised that he would have to review this with the Development Officer, but he stated he would take it under advisement and report back to Council in this regard.

David Cochrane, former Member of the PPC, advised that he has spent much time on the development of this Plan and By-law. With regard to permitted bed and breakfast operations, Mr. Cochrane stated he sees no difficulty with permitting such uses in most areas, although there are two areas that are very restrictive: the R-1a and the R-1c zones. He felt it would not be appropriate to allow bed and breakfast operations in those two zones.

With regard to Scotia Speedworld/Scotia Downs, Mr. Cochrane advised there was much discussion about what is and is not permitted at that site. He stated the Land Use By-law does permit the soccer field and the flea market because the AE-4 Zone makes specific reference to include uses allowed under the AE-3 and AE-1 Zones, which allow recreational facilities and other commercial development.

With regard to private roads, Mr. Cochrane advised that the PPC made a statement that they do not want any development on private roads. He stated responsible developers make the commitment of time, effort, and money to upgrade their roads before they sell lots. He expressed appreciation for the

problems of the small developers, but he felt it is not fair to treat one different than another.

Mr. Cochrane advised that quarries were discussed very much during the planning process. He stated the matter has been put to rest, and Council has already decided that it is not the time and place to bring this matter up again.

Mr. Cochrane stated there is an allowance for a small commercial development in the R-6 zone in Kings Road.

Mr. Cochrane next referred to an amendment to the Plan whereby sideyard setback was lessened from 20 to 8 feet. He stated there was a problem in terms of existing lots, new lots and non-conforming uses, which would create a double standard. He stated it would be nice to have one policy, but it is really not possible.

Mr. Cochrane noted that somebody had indicated that the Department of Municipal Affairs turned down private roads, but he stated according to a letter from the Department, they did not turn down private roads.

Mr. Cochrane concluded that the Plan has not had a chance to operate. There have been suggestions for amendments to the Plan, but he stated it must be adopted for five years to determine what will happen, and what hardships will be created as a result. He stated hopefully in five years, the study of treatment needs will be complete, and a recommendation can be incorporated into the next plan. He suggested a concrete policy in terms of no development on private roads over the next five years may lead to another solution. He concluded that much work went into this Plan, and it should not be lost over a few minor points that could be put on hold until a satisfactory policy can be developed.

#### Questions from Council

Councillor Horne asked how long Mr. Cochrane sat on the PPC. Mr. Cochrane advised that was on the PPC from beginning to end.

Councillor Horne clarified that discussions were held regarding private roads. Mr. Cochrane advised that he knocked on people's doors to get their opinions about development on private roads. He stated he can understand people wanting to live on private roads, but people are afraid of uncontrolled development on private roads. He stated other private roads could be in the same situation in the not too distant future. People who do not live on private roads do not want to pay for the upgrading of private roads; many who live on private roads are willing to pay for the maintenance of the road provided it is built to a certain standard and they are not asked to completely fund upgrading to the benefit of the developer.

Councillor Horne asked if the PPC considered standards for private roads. Mr. Cochrane replied that they only considered Department of Transportation standards; they did not consider what the people are willing to accept. He advised that three years ago the people seemed to be satisfied with the existing road conditions, as long as there is no further development.



Thomas Parker, Land Developer and Co-owner of Kingsland Developments, advised that he owns a small lot on Kings Road. He advised that the developers have spent much money (\$130,000 to \$150,000) on Kings Road, and in the past month alone they have spent around \$20,000 on surveys. He advised that ten lots on Kings Road were recently approved without water frontage on the basis of having frontage on Kings Road.

#### Questions from Council

Councillor Horne asked if the ten lots recently approved are on the approved private road. Mr. Parker advised that they are.

Councillor Ball asked the purpose of the recent expenditures on surveying Kings Road. Mr. Parker advised the survey was for the centre line profile. Councillor Ball asked if this is for the upgrading of the road or for paper road status. Mr. Parker replied that he never heard of paper road status until this meeting, but a centre line profile is required by the County or the Department of Transportation.

Councillor Ball clarified his question by asking if the land owners will proceed to construct the road to Department of Transportation standards after the gradients, elevations, and centre line profile are laid out on paper. Mr. Parker replied that no standards are necessary to get the centre line profile approved. He added that money will be spent to upgrade the road. He advised that at this time of year he has two public roads in Halifax County and three in Hants County which are closed because of the poor conditions.

Councillor Merrigan advised that he is trying to determine the people's opinion with regard to whether or not they want private roads. He asked Mr. Parker if he is able to live with development restrictions on private roads. Mr. Parker advised that he could support restrictions limiting development to three lots per year. Councillor Merrigan asked if limiting development to ten lots until the road is built up to standard would be reasonable. Mr. Parker felt it would be reasonable.

Councillor Cooper clarified that the recent survey is for approval of the centre line profile. Mr. Parker agreed. Councillor Cooper next asked if the government will then indicate if the centre line, line of site, elevations, etc. are acceptable. Mr. Parker agreed.

Councillor Cooper asked if Mr. Parker feels those standards should be met before development is permitted to continue. He asked if the County should permit approval of three lots per year until such time that the safety of the road is so poor that the municipal government will have to upgrade the road. Mr. Parker stated this is a problem that Halifax County Council must deal with. He added that the development of three or even ten lots over a number of years is reasonable; there should not be unfeathered development.

Councillor Cooper clarified that Mr. Parker feels the County should be required to look at some standards on private roads as development occurs. Mr. Parker agreed.

Robert Feethham, advised that he is a resident of Hants County and a cottage

owner about 2 1/2 to 3 kms in on Kings Road; he advised that he never intends to build a permanent home there. He informed that he purchased his land about eight years ago, and he has a deeded right-of-way across Kings Road, which his lawyer investigated during the purchasing process. He advised that he purchased this land because it is private. He informed that he has 150 feet of lake frontage, although he was not sure if he has access by water. He clarified that he does have deeded access by Kings Road.

Mr. Feetham advised that over the past eight years he has noticed increased traffic, as there are more permanent homes and cottages on Kings Road. He felt that over the past eight years the road has improved; it is now wider in areas and has more gravel.

Mr. Feetham stated it is unrealistic to ask a small group of developers to spent much money on upgrading a road to Department of Transportation standards before they have sold their lots. He agreed there must be some safety standards, if there is to be much more development, although not necessarily Department of Transportation standards. He stated nobody wants an unsafe road, and there should not be an accident before something is done.

Mr. Feetham stated there must be a compromised solution to this problem, and more meetings are required to find this solution; the two sides must be reasonable; adults should be able to discuss this problem. He concluded with an expression of hope that the people can get together to settle this issue.

#### Questions from Council

Councillor Horne agreed with Mr. Feetham. He advised that he felt from the beginning that a compromise is the best solution, although several attempts have been made to no avail, and they are no longer willing to get together on this matter. Mr. Feetham suggested a mediator may be required because the people are beyond discussing this any further amongst themselves; it is not realistic to believe that a compromise cannot be reached because there is more everyone can do.

Councillor Horne agreed that a mediator may be required. He stated the residents have been trying to get the County or a Provincial agency to act as a mediator, but nobody is willing to cooperate.

Terence McHugh, advised that he is a cottage owner on Grand Lake. He stated there are at least two sides to this issue, and there is a real problem with the road situation. He advised that a solution is being sought from Council in terms of the issue of a paper road.

Mr. McHugh advised that he first went to see his lot by canoe, and his lawyer obtained the proper deeds for road access to his land. The issue is not when a person purchased his land; Council's job is to determine whether or not a paper road will be permitted. He stated if a proper road is built, the land owners will benefit. They may not have the money now, but there is not a bank in the world that would not lend a land owner on Kings Road enough road to build the road up to standard, and he will certainly get his money back when he sells the land.

Mr. McHugh advised that he travels very much, and he does not know of any other place where one can still drink the water and live on a lake which is 12 miles long only 25 minutes from the City. He stated the land is worth something, and the area has much potential for development. Money should not be the issue.

Mr. McHugh stated he is concerned about the paper road issue; he does not want to see uncontrolled development, and nobody wants to see anybody get hurt on this road. He stated listening to the whole issue sounds like the Hatfield's and McCoy's, and how Kings Road ever got developed in the first place is questionable.

Questions from Council

None.

There being no further speakers, Mr. Kelly advised that he is in receipt of submissions from Mr. Ron Pickrem, Waverley Shell Service Station; Harold and Norma Currie, Fall River; B.V. McDonald, Director, Charles L. McDonald Sportspark; Dennis LeTarte, Windsor Junction; and Mike and Fran Barclay, Kings Road, Wellington.

Councillor Horne also submitted a petition dated April 14, 1989. Mr. Kelly read the petition advising that those who signed the petition are opposed to the adoption of this Plan and By-law because there is no protection against subdivision of lands along existing private roads without upgrading the access road to complement such development. Mr. Kelly advised that there are a number of copies of this petition, signed by approximately 200 people.

Deputy Warden McInroy declared the public hearing portion of this meeting closed.

Mr. Butler indicated that because of the number of presentations and requests that impact on this Plan and By-law, it would be best to adjourn this meeting to the next Council Session, when staff's recommendations regarding each of the requests can be dealt with. There was a brief discussion as to whether staff's recommendations should be sent to the Planning Advisory Committee for deliberation before they are forwarded to Council.

It was moved by Councillor Horne, seconded by Councillor Ball:

"THAT new development on private roads in planning Districts 14 and 17 be limited to ten lots and that a subsequent moratorium on development be implemented until road standards and safety have been considered through the public hearing process, effective April 25, 1989."

Councillor Merrigan questioned if the motion is legal, as this public hearing is not to deal specifically with Kings Road. Mr. Cragg responded that the motion refers to this public hearing, and the subject matter of the motion does not refer specifically to Kings Road, but to Kings Road and all other private roads within this development area. He stated the motion is appropriate given the circumstances of this public hearing.

Councillor MacKay asked who will be permitted to develop the permitted ten lots in each private road. He suggested this matter be deferred to the next Council Session when a staff report in this regard should be available.

Councillor Eisenhauer expressed difficulty with the motion and restricting current development. He asked where Halifax County Council has the authority to approve lots on private roads. Mr. Butler stated that the first part of Kings Road, accessing Kingsland Developments, is an approved private road under the Subdivision By-law.

Councillor Eisenhauer next asked if development can be limited under the Subdivision By-law. Mr. Cragg responded that the motion refers to an immediate effective date, and he questioned if part of the motion is legal. He stated the public hearing is to deal with the merits of adopting this Plan and By-law, and the motion may form part of the final documents, but he suggested it cannot be approved separately because the Plan and By-law may never be adopted, although the motion will be adopted. He suggested the motion be re-worded to delete the effective date and to have the intent included in the proposed Plan and By-law; such a motion could be voted upon now, and staff can be directed to amend the Plan and By-law accordingly.

Councillor Horne asked what would happen if the land owners applied for a development plan for all of Kings Road tomorrow. Mr. Cragg responded that the application would be subject to direction by Mr. Butler. He advised that notice has been given of the intention to consider and possibly adopt this Plan and By-law, and applications since this notice may be precluded.

Councillor Horne and Councillor Ball agreed to amend the motion to read:

"THAT new development on private roads in planning Districts 14 and 17 be limited to ten lots and that a subsequent moratorium on development be implemented until road standards and safety have been considered through the public hearing process."

Councillor Boutilier asked if the motion permits each lot owner to subdivide ten lots. Councillor Ball clarified that the motion will limit development to a total of ten lots on each private road. Councillor Boutilier felt staff's recommendation should be heard before a vote is taken; he objected to rushing into a decision at this time.

Councillor Morgan expressed objection to the motion, stating the developers rights should not be taken away from them in this fashion. He expressed concern that development rights can be taken from anybody at any meeting. He asked if such direction will require approval of the Minister of Municipal Affairs.

There was further discussion regarding the intent of this motion. It was clarified that this motion is direction to staff to consider that which is contained in the motion for implementation into the Plan and By-law. Mr. Cragg informed that the motion is part and parcel of the advertised subject matter or a reasonable variation thereof, so it can be considered.

Councillor Morgan concluded that the motion will prohibit development on

private roads in the planning area, and he asked when this will be effective. Mr. Cragg advised that the intent of the motion is to direct staff to examine this option, as opposed to directing staff to draw-up this amendment, and this subject matter is part and parcel of the entire issue advertised and brought before Council.

It was moved by Councillor Richards, seconded by Councillor Sutherland:

"THAT this meeting be adjourned to the Council Session, May 2, 1989."

MOTION CARRIED

The meeting adjourned at 12:40 a.m.

MINUTES & REPORTS

OF THE

FIRST-YEAR MEETINGS

OF THE

FORTY-THIRD COUNCIL

OF THE

MUNICIPALITY OF THE COUNTY OF HALIFAX

MAY COUNCIL SESSION

MAY 2, 16, 18, 1989

&

JOINT COUNCIL SESSION

May 30, 1989

&

PUBLIC HEARINGS

May 8, 1989

*May 29 1989*

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COUNCIL SESSION

TUESDAY, MAY 2, 1989

PRESENT WERE: Warden Lichter  
Councillor Meade  
Councillor Poirier  
Councillor Fralick  
Councillor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Adams  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Reid  
Councillor Horne  
Councillor Merrigan  
Councillor Morgan  
Councillor Snow  
Councillor Eisenhauer  
Councillor MacDonald  
Councillor Boutilier  
Councillor Sutherland  
Councillor Richards  
Deputy Warden McInroy  
Councillor Cooper

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

SECRETARY: Glenda Hill

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Warden Lichter called the Council Session to order at 6:05 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

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

"THAT Glenda Hill be appointed Recording Secretary."  
MOTION CARRIED

APPROVAL OF MINUTES

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

"THAT the minutes of the Council Session, April 4, 1989, be approved as circulated."  
MOTION CARRIED

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

"THAT the minutes of the Joint Council Session, April 5, 1989, be approved as circulated."

MOTION CARRIED

It was moved by Councillor Sutherland, seconded by Councillor Boutilier:

"THAT the minutes of the Public Hearings, April 10, 1989, be approved a circulated."

MOTION CARRIED

#### LETTERS AND CORRESPONDENCE

##### Fitness Canada

Mr. Kelly reviewed this item of correspondence, requesting that the week of May 26 to June 4, 1989 be declared Fitweek in Halifax County.

It was moved by Deputy Warden McInroy, seconded by Councillor Richards:

"THAT the week of May 26 to June 4, 1989 be declared fitweek in Halifax County."

MOTION CARRIED

##### Ecology Action Centre

Mr. Kelly reviewed this item of correspondence. Warden Lichter advised that he had informed the Ecology Action Centre that this correspondence would be on tonight's agenda.

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

"THAT this item of correspondence be received."

MOTION CARRIED

Warden Lichter advised that the items one to four as referenced in the correspondence are either already in the process or have been taken care of by Halifax County's signing the Harbour Clean-up Agreement.

Councillor Ball stated he is pleased with the intent of the letter. He suggested there is no need for a motion at this time, but first Council should observe how the former committee gets along.

Members of Council agreed. It was also agreed that Mr. Kelly would notify the Ecology Action Centre of this action.

##### Halifax County-Bedford District School Board

Mr. Kelly read this item of correspondence, declaring the Old Wellington School surplus to the needs of the School Board.

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

"THAT this item of correspondence be received."  
MOTION CARRIED

Ocean View Manor

Mr. Kelly reviewed this item of correspondence regarding the comfort allowance for residents of Ocean View Manor. He noted that a petition, signed by the residents of Ocean View Manor, was also been attached to the correspondence.

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

"THAT this item of correspondence be received."

Warden Lichter advised that the Board of Management for Ocean View Manor discuss this matter last week, and they were informed that the Provincial government is now in the process of considering changes to the amount given as a comfort allowance. He suggested action be deferred in view of this information.

Councillor Sutherland asked how the comfort allowance is established. Warden Lichter informed that Province determines the comfort allowance for each institution, and in the case of Ocean View Manor, the maximum of \$100 is not paid; it is now \$83.

MOTION CARRIED

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

"THAT action regarding comfort allowance for residents of Ocean View Manor be deferred until the action of the Province in this regard is made known."  
MOTION CARRIED

Minister of Municipal Affairs

Mr. Kelly reviewed this correspondence regarding amendments to the Municipal Planning Strategies and Land Use By-laws for planning Districts 1 & 3 and District 5.

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

"THAT this item of correspondence be received."  
MOTION CARRIED

Minister of Transportation and Communications

Mr. Kelly reviewed this item of correspondence regarding the Peggy's Cove Preservation Area and Parkway.

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

"IN THE ABSENCE OF Councillor Baker that this item of correspondence be deferred to the next Session of Council."  
MOTION CARRIED

SUPPLEMENTARY CORRESPONDENCE

Ken Margeson, re Sewage, Woodbine Mobile Home Park

Mr. Kelly advised that there is another agenda item regarding this matter.

It was moved by Councillor Cooper, seconded by Councillor Boutilier:

"THAT this item of correspondence be received."  
MOTION CARRIED

Federation of Canadian Municipalities

Warden Lichter advised that this correspondence includes a consent form for the endorsement of any Council Members to serve on the Board of Directors for the FCM. He advised that he was elected to the Board in November or December, 1988.

It was moved by Deputy Warden McInroy, seconded by Councillor MacDonald"

"THAT Warden Lichter represent Halifax County Council on the Board of Director for the Federation of Canadian Municipalities."  
MOTION CARRIED

Date for Minor Variance Appeal

Mr. Kelly advised that the Development Division has received an appeal of the decision of the Development Officers regarding a minor variance, and he recommended that the appeal be heard on May 16, 1989.

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

"THAT the appeal of Minor Variance No. MV-10-22-89 be heard on May 16, 1989 at 7 p.m."  
MOTION CARRIED

ADOPTION OF THE MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17

Warden Lichter declared a conflict of interest. He also advised that he wrote a memorandum to Mr. Kelly on April 24, 1989 indicating that he has declared a conflict of interest regarding the adoption of this Plan and By-law, whether or not he is in attendance.

Deputy Warden McInroy took the chair. He asked that Mr. Kelly identify those Members of Council not in attendance at the public hearing regarding this issue

because they are not permitted to vote on any motions concerning the subject matter if they were not in attendance at the public hearing. Mr. Kelly advised that Councillor Meade, Councillor Bates, Councillor Adams, Councillor Bayers, Councillor Smiley, and Warden Lichter were absent from the public hearing.

Mr. Butler reviewed his memorandum to Council regarding staff's reports and recommendations concerning the submissions about the adoption of the MPS and Land Use By-law for Planning Districts 14 and 17.

#### 100 Foot Setbacks

Mr. Butler read the report regarding this submission by Mr. Keith Boutilier, Mrs. Velma Ledwidge, and Mr. Paul Miller. He noted that the current 50 foot setback proposed under this Plan and By-law is twice that required in other plan areas, and the Department of Municipal Affairs has indicated support for a 50 foot setback. Therefore, Mr. Butler recommended no amendments.

Councillor Ball asked how the Department of Municipal Affairs would feel about a 75 foot setback. Mr. Butler responded that he has not discussed a 75 foot setback with the Department of Municipal Affairs, but they have indicated they will support a 50 foot setback.

Councillor Ball inquired about the possible consequences of amendment the setback requirement to 75 feet. Mr. Butler responded that if the Department of Municipal Affairs does not approve the 75 foot setback, they may incorporate the minimum required in other plan areas, and the only way to change it again would be by plan amendment after the Plan is approved.

Councillor Snow expressed concern about those who will have non-conforming uses as a result of a 50 foot setback requirement because there are many homes along the Shubenacadie Canal that are 25 feet from the water, as required under existing legislation. He stated it is really not the home that causes environment concern, but sewage systems are the concern. Mr. Butler explained that existing structures within the 50 foot setback will not be permitted to expand in a manner that will further reduce the setback. He clarified that they could expand upwards or away from the water, as long as the setback is not reduced any further.

Councillor Horne indicated support for the 50 foot setback. He stated regulation of the site grading and removal of vegetation by-law should alleviate the concerns of those requesting a 100 foot setback. Mr. Butler clarified that the proposed by-law will be primarily for serviced areas, but consideration for it's application to this planning area could also be considered.

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

"THAT the 50 foot building setback from water courses be retained in the proposed MPS and Land Use By-law for Planning Districts 14 & 17."

MOTION CARRIED