

the operation would have any detrimental affects on the environment.

Decision of Council

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

"THAT the amendments to the Land Use By-law for planning Districts 1 and 3, as Appendix "A", be approved."
MOTION CARRIED

RA-EP/CB-17-89-06 - Application by Kiel Developments Limited to rezone lands to the south of Cherylann Drive in Cow Bay, from R-7 and R-6 to R-1

Mr. Spanik presented the application stating that the lots are located to the south of the Cow Bay Road, off an extension of Cherylann Drive. Five lots have been subdivided by Kiel Developments Limited along the existing roadway. An additional 11 lots would be created along the roadway extension.

Mr. Spanik stated that although the R-6 Zone has the same minimum lot size requirements as the R-1 Zone, the more restrict R-1 Zone has been requested as it is the developer's intention to develop only single dwellings.

He stated that lands within 500 feet of the Cow Bay Road are designated Residential "A" by the MPS. This designation establishes areas where priority is given to residential development while recognizing historic and contemporary differences between the Eastern Passage and Cow Bay communities. Lands within the Residential "B" designation constitute a secondary area for residential development. This designation, which encompasses a substantial portion of the Cow Bay area, has remained largely undeveloped as the soils have a limited capacity for accepting on-site sewage disposal systems.

Mr. Spanik stated that residential development on lots of less than 80,000 sq. feet may be considered by amendment to the Land Use By-law. The proposed subdivision is a natural extension of existing development on Cherylann Drive and allowance has been made to allow for access to abutting undeveloped lands. Development of single unit dwelling on these lands is also consistent with development in the surrounding area.

The Department of Health and Fitness has advised that high arsenic concentrations may be encountered in drilled wells and that this will be noted on its permits. The large lots sizes proposed indicate that this development would maintain a low density environment, as envisioned by the plan. Single unit dwellings would

be consistent with neighbouring development and the subdivision layout is a logical extension to this community. Provisions have been made to allow for access to adjacent undeveloped lands and for protection of environmental features.

Mr. Spanik showed slides of the location.

Questions from Council

None.

Speakers in Favour

None.

Speakers in Opposition

None.

Decision of Council

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

"THAT the application by Kiel Developments Limited to rezone lots 106 to 116, as illustrated by a tentative plan of subdivision of the lands of Kiel Developments Limited, from R-6 (Rural Residential) Zone and R-7 (Rural Estate) Zone to R-1 (Single Unit Dwelling) Zone, be approved."

MOTION CARRIED

Adjournment

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

"THAT these public hearings adjourn."

MOTION CARRIED

The public hearings adjourned at 7:30 p. m.

SPECIAL COUNCIL SESSION

23 APRIL 1990

PRESENT WERE:

Warden Lichter
Councillor Meade
Councillor Poirier
Councillor Fralick
Deputy Warden Baker
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 Harvey
Councillor Sutherland
Councillor Richards
Councillor McInroy
Councillor Cooper

ALSO PRESENT:

Mr. K. R. Meech, Chief Administrative Officer
Ms. V. Spencer, Director Planning & Development
Mr. B. Butler, Planner

SECRETARY:

Twila Simms

Warden Lichter called the meeting to order at 6:00 p.m.

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

"THAT Twila Simms be appointed as Recording Secretary."
MOTION CARRIED

User Fees

Warden Lichter stated that this is being discussed so that staff can have a clear direction on how to advertise the public hearing on this issue.

Mr. Butler stated that the staff report clarified that some of the suggested fees require public hearing, some just ministerial approval. He stated that these fees recognize that the service provided does have benefit of one person not the whole community.

Councillor Boutilier asked why the fee for a minor variance is \$45 and not \$40. Mr. Butler stated that there was no reason.

Councillor Morgan stated that in the comparison they are using the two cities, Bedford and Cape Breton, but a large portion of the county abuts other municipalities and questioned if these fees were more for urbanized areas than the rural. He asked that information be made available for the May 28, 1990 Public Hearing on what the other municipalities are charging for these services, if anything.

Warden Lichter stated that there was no difficulty in separating each proposed fee, but stated that no final decision would be made until after the public hearing.

Mr. Butler stated that Subdivision Final Approval would be \$100 and \$10 per lot where applicable - for lots that would require the extension of a road or extension of municipal services. He added that the applicant would still pay the advertising fees.

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

"THAT we advertise the suggested fee of \$100 for Subdivision Final Approval and the \$10 per lot where applicable."

Councillor Merrigan requested clarification. Mr. Butler stated that there would be a \$100 fee per application, regardless of the number of lots because the same amount of paperwork and preparation would go into each application. Councillor Merrigan asked what is done. Mr. Butler stated that letters are sent to the Department of Highways, the Department of the Environment, the Department of Health, the application is examined by the planner and it is made sure that all regulations comply with the by-law and then it is taken to council. Mr. Butler added the fee is for final application only, not preliminary or tentative.

Councillor Merrigan stated that the small developer developing one lot would pay the same as a large developer developing 10 lots. He questioned how this could be justified. He stated that if the fee relates to the work involved and the time and effort, then this is an arbitrary fee and not a user fee. He stated that this would be an arbitrary fee to reduce property taxes down the road and should be classified as an application fee and not user fee. Mr. Butler stated that this would go towards the administration costs for processing.

Councillor Bates asked Councillor Merrigan if all he wanted to do is change the word 'user' to 'application'. Councillor Merrigan stated that he was being technical.

Councillor MacDonald clarified that the person would be paying for the application.

Councillor Richards stated that Council was getting hung up on the word user. He stated that processing fee would be better terminology. He stated that it was not the intent that these fees would offset the cost of processing applications. He stated that the fees are meant to offset revenue.

Warden Lichter stated that euphemism is euphemism no matter what you call it. He stated that the person who pays in the end is the consumer.

MOTION CARRIED 11 FOR
9 AGAINST

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

"THAT we advertise a suggested fee of \$40 for Minor Variances."

Councillor Fralick asked why we were not asking \$45 and thereby being consistent with adjacent municipalities. Mr. Meech stated that even with \$45, the Town of Bedford has increased to \$60 and would still not be consistent.

Councillor Morgan stated that the review of applications seems to generally come from the rural areas and we should not set fees thinking that people have a lot of money. He stated that we should keep this at \$40.

Warden Lichter clarified that this would be charged regardless of whether it passes or fails. Mr. Butler stated that was correct. The fee would be charged because abutting property owners have to be notified.

MOTION CARRIED

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

"THAT the Zoning/By-Law/Plan amendment fee be advertised as \$150."

Councillor Cooper stated that these areas are those that require a large portion of staff time and effort. He stated that they require research and negotiations. He stated that the fee should be \$150.

Councillor Boutilier stated that they are also required to pay \$500 in advertising fees.

Councillor Merrigan stated that it was bad enough that one has to pay for the advertising and now they will be charged a fee. He stated that this was difficult to accept.

Councillor Bates stated that he preferred the staff recommendation of \$100.

Warden Lichter stated that in the past, PAC has initiated rezoning applications, etc., if a mistake has been made on our part. Mr. Butler stated that this would not change.

MOTION DEFEATED

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

"THAT the Zoning/By-Law/Plan amendment fee be advertised as \$100."

MOTION CARRIED

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

"THAT the fee for Development Agreements be advertised as \$100."

MOTION CARRIED

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

"THAT the Zoning Verification fee be advertised as \$25."

MOTION CARRIED

Next Mobile Home in park. Mr. Butler stated that the suggested fee is an average fee and is \$100 per \$25,000 of assessment and would be a building permit fee.

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

"THAT the mobile home in park fee be advertised as the building permit fee."

Councillor MacDonald stated that he has not agreed with any of these fees. He stated that people were satisfied when we did not go along with this the first time. He stated that he did not agree with the mobile home charge and that prices of mobile homes are more like \$35,000 to \$50,000 now. He stated that mobile homes are moved more often and could be moved up to 2-3 times per year and

each time they would be charged this building permit fee. He urged Council to vote against it.

Councillor Bates stated that he agreed with Councillor MacDonald. He stated that mobiles are not considered by the banks as real property and it would be unfair to apply the fee to them.

Councillor McInroy stated that he supported the fee for a number of reasons. he stated that this is the only one charged in every jurisdiction that was compared in the staff report. He stated that this is presently done in a discriminatory fashion in the rural areas. He stated that he did not see any logical argument for mobiles to be exempt.

Councillor Deveaux stated that he agreed with Councillor MacDonald. He stated that a mobile home park is not the same as a separate lot. He stated that if the mobile is on a lot, it is usually on a basement and is very similar to a home. He stated that maybe this fee could be charged the first time it moves into a park.

Councillor Fralick stated that he would like to know the percentage of mobile homes that actually move into the parks. Mr. Butler stated that some parks estimate 200 per year. He stated that with the new mobile home park by-law, now there are 2-3 mandatory inspections, one after one mobile moves out and another when the new one is moved in.

Councillor Cooper stated that he has difficulty with this one and stated that the basic taxpayer gets charged for everything and the mobile home residents should be treated with courtesy.

Councillor McInroy clarified that the fee recommended is not \$100, but actually a building permit fee. Mr. Butler stated that \$100 would be the average fee for a \$25,000 mobile home. Councillor Deveaux stated that this was misleading.

Warden Lichter stated that Council has fought not to have building permit fees for mobile homes in mobile home parks. He stated that Council has tried to make the basic affordable housing as affordable as possible.

Councillor Morgan asked if there was a deed transfer tax paid by mobile home owners. Ms. Spencer stated that there was not, unless land & mobile were outside of a park.

Councillor Merrigan stated that mobile home owners should not be classed as different citizens. He stated that these people are getting a service and not paying.

Councillor Harvey stated that it appears that one favours all or

nothing. He stated that either council agrees with this change in policy or not. He stated that residents have expected these services as part of these taxes. He stated that the philosophy of user fees has possibilities and asked council to imagine user fees in schools. He stated that he was prepared to support Councillor MacDonald in this regard.

Councillor Bates stated that mobile home owners have to pay sales tax on their home, while residential homes do not.

Councillor Poirier stated that these mobile homes, or mini homes, are not any different from a residential home. She added that one cannot move from one court to another.

Councillor MacDonald stated that these mobile homes are already built when they arrive on the site. Councillor McInroy stated that Kent homes are also pre-built.

Councillor Bates stated that in banking the mobile home is a chattel, much like for a car, and is not considered real property.

MOTION DEFEATED 10 FOR
10 AGAINST

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

"THAT this matter be reconsidered."
MOTION CARRIED 13 FOR
8 AGAINST

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

"THAT we advertise the building permit fee for mobile homes."
MOTION DEFEATED 11 FOR
11 AGAINST.

Lawrencetown Municipal Plan

Ms. Spencer explained the staff report. She stated that it is recommended that Council adopt the proposed plan with any of the minor amendments (previous errors or omissions). She stated that the topics of concern and recommendations from the L.C.C. were major amendments and that Council was not in a position to simply incorporate these concerns. She stated that the recommendation is 6 step process. She stated that if council was prepared to adopt the plan, this should be followed with a separate motion to direct staff and PAC to pursue a number of topics as amendments or changes that could amend the adopted plan and by-law. She stated that PAC advises council on all plan amendments with reports and

recommendations. She stated that there would be staff recommendations, public recommendations and information that would be recommended to council as amendments to the plan.

Ms. Spencer stated that PAC has a standard public participation process that requires an open house in the community, newsletters with suggested changes and prior to making any changes, a public hearing would be required. She stated that to be fair, staff is suggesting that following the adoption, a 90-day limit be placed on PAC, staff, and the community, to work out recommendations and come back to council with any changes. She stated that this whole process should be kept together within a 90-day period. She stated that this plan would not be sent to the minister until council is finished at the end of the 90-day period. Therefore, when the plan is sent to the minister for signing, it will include the minor and major changes to the document as one complete package.

Councillor Sutherland stated that there were common threads through the public hearing that could have been accommodated and he had expected staff to come to council with these concerns included in the plan. Ms. Spencer stated that 6 items have been noted as the major concerns with the plan. (Page 2 of the staff report). She stated that Council was not in the position to deal with these without public participation. She stated that they cannot simply be put into the document as they are broad areas and require reinvestigation.

Councillor Sutherland asked if this would be considered as a continuation of the public hearing. Ms. Spencer stated that the public hearing portion is closed and there would be no new topics, and only the 6 areas noted would be taken to a public hearing. She stated that the urgency is that Council has a number of obligations and had given notice of the hearing and that they would make a decision. She stated that the process and plan is not perfect. She stated that to show this commitment, more information is needed on 6 specific areas. She stated that the 90 day limit is a matter of fairness. She stated that people want to know one way or the other. She stated that 90 days is a reasonable time frame for PAC and would also let the Minister of Municipal Affairs know that we are doing as much as we can to adopt a plan.

Councillor Morgan stated that the County is presently operating under the proposed plan and By-Law 24. Ms. Spencer stated that this is done with all policies. She stated that if the plan is rejected, they will revert to By-Law 24 in part of the area.

Councillor Morgan stated that the report given last week, nothing is different from when we started. Ms. Spencer stated that the difficulty is a matter of rewriting the amendments to give you a choice. She stated that legally you do not have a choice. She

stated that Council could adopt the plan and leave it as is. She stated that anything else would be contrary to what we advertised for the Public Hearing. She stated that the 6 issues can be dealt with by Public Hearings on each subject and then could adopt as changes to the plan.

Councillor Morgan asked why not to reject the plan. Ms. Spencer stated that if Council rejects the plan, the entire process will have to start over from the beginning.

Councillor Merrigan stated that when people came to that public hearing, they were looking to council for guidance. He stated that there are major issues in the plan that are not right. He stated that by adopting this, we are not giving guidance. Ms. Spencer stated that staff is not suggesting that we leave the public hanging. She stated that a number of items have been identified that Council may want to reconsider. She stated that there were no objections to every page. She stated that it was a matter of closing the book on items that were acceptable and within 90 days use PAC as the amendment committee. She stated that staff is not in the position to give recommendation on what should be done. She stated that rejection of the plan and starting the entire process again is not warranted.

Councillor Merrigan stated that there are 6 major problems and asked if Council could adopt excluding those issues. He stated that he could not support the entire plan because it was not what the people wanted. Ms. Spencer stated that every reference, cross reference and mention of these 6 issues would have to be deleted and this would leave gaps throughout the entire plan. Councillor Merrigan stated that he could not support the plan in total.

Ms. Spencer stated that staffs recommendation is 6 steps and adopting the plan is only one of the six.

Councillor Merrigan asked if Council could defer the decision on the plan and advertise these 6 major items in the plan and then approve the plan as a whole.

Ms. Spencer stated that staff did consider that, but as a matter of the notice of the intention to adopt, a decision has to be made. She stated that deferral is not a decision. She stated it is also a matter of the length of the transition period. She stated that the area is now in transition and at the end of May this transition period ends and if the plan has not been approved by then, the area will revert back to By-Law 24. She stated that adopting the plan after the transition period is up would result in a flip-flop between the regulations. She stated that this causes difficulty in processing applications. She stated that one of the purposes of the 90 day time from and having council to adopt the plan and

maintain the policies would be to maintain the status quo rather than flip-flop in the middle of building season. She stated that this is confusing to not only staff, but to residents.

Councillor Eisenhower raised concern about major changes and not having the ability to change the plan and stated that Council cannot change the most fundamental thing in the plan. He stated that there were a lot of good things in the plan, but could not support it until the concerns of the residents were addressed.

Councillor Cooper stated that it would be wrong to reject this and asked if Council was under any time frame from the Department of Municipal Affairs to which Ms. Spencer responded no. She stated that it was a matter of being fair with the process. Councillor Cooper stated that the process is that the municipality through PAC would take control to see this plan to its completion and presentation to Municipal Affairs. Ms. Spencer stated that PAC would do its normal job to recommend amendments to the adopted policy to Council.

Councillor Cooper stated that it was feasible and reasonable that PAC would have some discretionary powers. Ms. Spencer stated that the policy for public participation is not at odds with PAC. She stated that PAC does whatever it feels what must be done for people in the area to know what is going on and to be heard. Council will involve citizens of Lawrencetown and will involve the L.C.C. and there would be notification. She stated that there must be no advantage given to any sides.

Councillor Boutilier stated that to reject the plan would be wrong. He stated that a lot of work, as much as 5 years of work, has gone into this plan. He stated that there were many things that he personally did not like about the plan, but he stated that he agreed with the process and a starting place was needed. He stated that Council has gone 9/10 of the way. He stated that there are 6 areas that will be looked at. He stated that rejecting the plan would be the worse thing that could be done. He stated that Council made a commitment to the people of Lawrencetown. He stated that the L.C.C. made up of volunteers, has put a lot of hard work into this as well as staff, Council and PAC. He stated that Council cannot go wrong when it goes to the people. He stated that this process allows us to go back to the people and listen. He stated that we cannot deal in broad general terms, and these areas are specific. He stated that if they can be accommodated then they will be.

Councillor Deveaux stated that he agreed with Councillor Boutilier in support of the staff recommendations and will be able to complete this within 90 days.

Councillor Fralick stated that he was in support of the staff recommendations and going back to the public and solving these particular issues.

Councillor Randall stated that he agreed wholeheartedly with the amount of work done on this plan. He stated that there has been a lot of participation by the residents. He stated that the last thing he wanted to see was a rejection of the plan. He reminded Council of the uniqueness of the area with its waterways, marshes and beaches. Councillor Randall stated that in District 9 and throughout the remainder of the 8 & 9 Plan there is ample opportunity for industrial and commercial development. He stated that residents had stated that they did not want the commercial zoning in those areas of Lawrencetown. He stated that he hoped and expected that staff would come up with some possible alternatives to the plan that presents difficulties.

Councillor Reid stated that there were major problems with some things in the plan. He stated that he was willing to support the process as long as normal parliamentary procedure to rescind support if council is not satisfied.

Councillor Eisenhower stated that we should save the plan. He stated that these 6 items are major changes and there was no other way out. He stated that he had difficulty in signing a blank cheque.

Ms. Spencer stated that Council is not legally in a position to make major changes before the plan is approved. She stated that they cannot be incorporated tonight.

Councillor Eisenhower asked if, from a staff point of view, the 6 areas of concern could be satisfied. Ms. Spencer stated that staff can recommend amendments but cannot guarantee that amendments will be recommended to respond to every single objection. She stated that Council has to make the decisions.

Ms. Spencer stated that Council made a commitment to hear and adopt and listen to objections. She stated that this either has to be approved or rejected, which would mean starting all over again. She stated that there was a commitment to the policy and ideally making a commitment to reinvestigating these areas. She stated that she did not see this commitment being met with a deferral.

Councillor Merrigan asked if it could be approved, but not come into affect until a certain date. Ms. Spencer stated that she was not convinced that this was a possibility.

Councillor Morgan asked when the rules changed and stated that when the public hearings were held for planning districts 14 & 17

concerns that were raised were included in the plan that night. Ms. Spencer stated that the Minister rejected this because major changes were made to the plan without notifying the public.

Warden Lichter stated that it depends on the political will of the Minister. He stated that in this case we were not talking about one amendment, but a number of them.

Councillor Cooper asked how staff would deal with those areas of concern. Ms. Spencer stated that keeping the transition provisions as is, they would administer the process and submit applications according to both the plan and by-law and inform residents that the areas are under reviews. She stated that if it allows something, it gives the applicant the liberty and staff will administer that liberty.

Councillor Richards stated that he would like to support the principle of the plan but that he was having difficulty supporting the process. He stated that he had hoped that Council would have staff's recommendations based on the suggestions at the public hearing. He stated that Council could then look at those changes to the plan and accept or reject them. He stated that to sign a blank cheque would leave major problems. He stated that he would like to pass this plan either as presented or with the amendments built in, not pass and within 90 days make changes. He stated that Council does not know what changes would be and if they would be favourable.

Councillor McInroy asked why not let the 120 day transition expire. Ms. Spencer stated that the area is now in transition and expiring would revert back to By-Law 24 and if the plan was then passed with amendments, it would go back to another 120 days of transition. She stated that this flip-flopping was not desirable and was difficult to administer.

Councillor Merrigan asked for clarification from Mr. Cragg to be provided on Section 41-1 of the Planning Act which would clarify the distinction between the major and minor amendments.

Warden Lichter asked within how many weeks could staff come back with recommendations or options dealing with the 6 areas of concern without going to the public participation. Ms. Spencer responded 3-4 weeks. Warden Lichter asked if there would be any problem in approving or rejecting in 3-4 weeks. Ms. Spencer stated that at the May 15th Council Session they would still be in transition. Warden Lichter suggested having these options explored by staff and brought to Council on May 15, 1990, and then after council has seen the options, undertake the public meetings.

Councillor Boutilier asked if this would mean that in 3-4 weeks

staff would come back with specific recommendations on the 6 issues or options with recommendations of which option would be most satisfactory. Warden Lichter responded yes and then PAC would undertake the public participation portion.

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

"THAT staff bring back the options available to address the six areas of concern back to Council on May 15, 1990."

Warden Lichter stated that once the alternatives for the six issues are addressed they can be passed on to PAC to carry out the public participation were necessary. He stated that he would check with Mr. Cragg and the Municipal Affairs staff as to what could be done, and added that he would be asking for a decision. Councillor Merrigan stated that Mr. Cragg should also clarify the issue of Section 41 of the Planning Act.

MOTION CARRIED

Adjournment

It was moved by Councillor Eisenhower, seconded by Councillor Morgan:

"THAT this session adjourn."
MOTION CARRIED

The meeting adjourned at 9:30 p.m.

PUBLIC HEARINGS

30 APRIL 1990

PRESENT WERE: Warden Lichter
 Councillor Meade
 Councillor Poirier
 Councillor Fralick
 Councillor Randall
 Councillor Bayers
 Councillor Reid
 Councillor Horne
 Councillor Merrigan
 Councillor Morgan
 Councillor Eisenhauer
 Councillor Boutilier
 Councillor Harvey
 Councillor Sutherland
 Councillor McInroy
 Councillor Cooper

ALSO PRESENT: Mr. B. Butler, Planner
 Mr. G. J. Kelly, Municipal Clerk
 Mr. R. G. Cragg, Municipal Solicitor

SECRETARY: Twila Simms

Warden Lichter called the hearing to order at 7:00 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

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

"THAT Twila Simms be appointed as Recording Secretary."
MOTION CARRIED

PA-SA-02-89 - Amendments to the Sackville Municipal Planning Strategy and Land Use By-law, re: request by Antionne Hanna.

Mr. Butler presented the staff report stating that Mr. Hanna has proposed to develop a retail-office mall over three lots situated on the west side of the Beaver Bank Road, across from the Glendale Avenue intersection.

Mr. Butler stated that the initial plan amendment application requested an extension of the C-2 zone over the entire site. However, due to concerns raised by the rezoning application, Mr. Hanna revised this application to require that a development agreement be negotiated for the entire proposal. This is enabling provision which, if approved by Council, would require that a development agreement be forwarded for approval at a subsequent public hearing. Ministerial approval of this plan amendment

application would be needed prior to Council's consideration of an agreement.

Mr. Butler stated that in light of the documented flood susceptibility of these lands, locating habitable structures may be less environmentally sound than a commercial project. Mr. Hanna has proposed that a commercial structure would be situated towards the front of the property, where the flood risk is least severe and could be overcome without substantial placement of fill.

Questions from Council

None.

Speakers in Favour

Mr. Antoine Hanna stated that he has been working as a developer since 1974. He stated that he is not new to Sackville and stated that he was a concerned member of the community and was interested in commercial development that would be good for the area and provide a service to the residents. He stated that there is an urgent need for commercial properties in the area. He stated that a tax base of 60% residential and 40% commercial provides a good balance, but he stated, that in Sackville the percentages are 9% commercial, 91% residential. He stated that the area urgently needs more commercial tax base. He stated that this facility will also bring benefits to the area with convenient business and service and the employment of approximately 200 people. He stated that this would also increase the tax revenue. The lot presently collects \$2,000; as residential it would collect \$10,000-\$12,000; as commercial \$500,000.

Mr. Hanna stated that an environmental impact study was done on the area and confirmed that there would be no impact on the elevation and 0.01% water elevation and would improve the site from its present status. He assured that they have undertaken many steps to ensure that this would be a safe and sound project.

Questions

None.

Speakers in Favour

Mr. Walter Regan, Sackville Rivers Association, thanked Mr. Hanna for coming to them with the proposals as well. He stated that they had general support for the development with only a few concerns: a wider buffer zone if possible and culverts at Beaver Bank should be widened and deepened to accommodate water flows.

Warden Lichter stated that a letter of support was also received from the Sackville Rivers Association.

Questions

None.

Speakers in Opposition

None.

Decision of Council

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

"THAT Council approve the amendments to the Sackville MPS as noted in the staff report."
MOTION CARRIED

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

"THAT Council approve the amendments to the Sackville LUB as noted in the Staff Report."
MOTION CARRIED

PA-F&S-37-89 - Amendments to the Planning Districts 14 & 17 Municipal Planning Strategy and Land Use By-law, re: request by Bernard MacDonald

Mr. Butler presented the staff report stating that in November of 1989, Mr. MacDonald's request to have his property situated within the Bennery Lake Watershed rezoned for industrial purposes not be approved. PAC directed staff to prepare the amendments necessary to accommodate Mr. MacDonald's rezoning request. Also, the environmental concerns of senior government agencies were to be sought before any development occurred on these lands.

Mr. Butler stated that the amendments would remove the existing policy provisions which enable Council to consider industrial development within the Bennery Lake Watershed by development agreements. Lands within this watershed would be given AE-4 Zone which would permit development by right. No provision is made to extend this zone to additional lands in the watershed.

Mr. Butler stated that amendments require that the Development Officer forward development permit applications to the appropriate federal and provincial agencies. This requirement will alert these agencies concerning a proposed development, but the actual issuance of a development permit would not be contingent upon either the approval of these agencies or upon any conditions of such approval. The referral system would primarily be administrative. Enforcement would rest solely with provincial or federal agencies.

Mr. Butler stated that staff believes that the existing development agreement requirements for the development within this watershed provides the greatest guarantee and recommends not to approve

amendments.

Questions from Council

Councillor Fralick stated that at the PAC level, staff was asked if we could accommodate Mr. MacDonald and staff had indicated that they could. Mr. Butler stated that the amendments would accommodate Mr. MacDonald, but staff is recommending not to approve those amendments.

Councillor Boutilier stated that he was prepared to support the amendments to be fair to Mr. MacDonald who purchased this land for his retirement.

Councillor Eisenhauer asked about sewer and water in a watershed area. Mr. Butler stated that existing policies anticipate that sewer and water will be extended along that section. He stated that that is why the appropriate zoning has been given.

Councillor Horne asked if it was possible to have an option that included both the race track and the lands of Mr. MacDonald. Mr. Butler stated that there was some justification in rezoning the lands of the race track in that adequate environmental concerns would be followed as a result of the A.C.O.A. funding. Mr. Butler stated that if Council accepts Mr. MacDonald's argument that the rezoning to the race track was discriminatory, then the zoning should be extended to all other lands, because the owners could use the same argument.

Councillor McInroy declared a conflict of interest in that his brother was the lawyer for the owners of abutting lands.

Councillor Sutherland asked about the break line for drainage in Option A. Mr. Butler stated that this follows the boundary line for the watershed area.

Councillor Boutilier stated that the lands around Mr. MacDonald's land is zoned AE-4.

Speakers in Favour

Mr. Bernard MacDonald stated that he bought this land 33 years ago and has been paying taxes on it all this time and when he bought it, it was zoned for industrial uses. He stated that the County needed to use this for the watershed and without his knowledge or consent, rezoned this land to watershed. He stated that when this was brought to his attention, he made representation to the county and it has still zoned it watershed. He stated that this zoning makes the property useless to him. He stated that if the county really needs this land, then they should pay him for it. He stated that this was expropriation without compensation. He stated that development agreements impose on a developer rules that the county does not have by state authority, but by virtue of the agreement. He stated that this was not fair. He added that water lines will

be running 66 feet away from this land and sewer lines several hundred feet.

Mr. MacDonald stated that he is asking for fair and equal treatment. He stated that he has owned this asset for many years and he has been relieved of the asset without compensation. He stated that he realizes that it is possible to develop by development agreement, but stated that value of the land has been diminished.

Speakers in Favour

None.

Speakers in Opposition

None.

Decision of Council

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

"THAT Council approve the amendments to the MPS for Planning Districts 14 and 17 as outlined in Option A of the staff report."
MOTION CARRIED

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

"THAT Council approve the amendments to the LUB for Planning Districts 14 and 17 as outlined in Option A of the staff report."
MOTION CARRIED

PA-F&S-05-90 - Amendments to the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17, re: variance of zone requirements by development agreement within the Airport Industrial Designation.

Mr. Butler presented the staff report stating that at the request of the Industrial Commission, amendments have been prepared which permit a variance of zone requirements if Council is prepared to entertain a development agreement. He stated that this allows for flexibility in design standards and in the amount of land and service capacity allocated to the tenants. It also maintains the Municipality's overall control on the initial project and on changes of use.

Mr Butler stated that it allows the Industrial Commission, subject to Council's agreement, to make smaller parcels and fewer services available to some tenants by reducing the minimum lot area or frontage allotted to specific projects. He stated that this would allow two buildings to be joined and design alternatives to the overall campus project and enables individual sites to be

evaluated.

Questions from Council

Councillor Horne stated that amending this would improve and enhance the development of the Park in the future.

Councillor Boutilier stated that the amendments would include not only Aerotech Park, but also Aerotech Lands specifically.

Councillor Sutherland asked if this alters the concept. Councillor Horne stated that it will change slightly and the availability of allowing future developments on Aerotech lands and one could add on to a building.

Speakers in Favour

None.

Speakers in Opposition

None.

Decision of Council

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

"THAT Council approve the MPS for Planning Districts 14 and 17 re: variance of zone requirements by development agreement within the Airport Industrial Designation."
MOTION CARRIED

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

"THAT Council approve the LUB for Planning Districts 14 and 17 re: variance of zone requirements by development agreement within the Airport Industrial Designation."
MOTION CARRIED

Adjournment

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

"THAT this meeting adjourn."
MOTION CARRIED

The meeting adjourned at 8:00 p. m.

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

MAY COUNCIL SESSION

TUESDAY, MAY 1st & 15th, 1990

&

PUBLIC HEARINGS

MAY 7th & 28th, 1990

&

SPECIAL COUNCIL SESSIONS

MAY 8th, 14th & 15th

&

JOINT COUNCIL SESSIONS

May 8th & 15th, 1990

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COUNCIL SESSION

1 May 1990

PRESENT WERE:

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

ALSO PRESENT:

Mr. K. R. Meech, Chief Administrative Officer
Mr. G. J. Kelly, Municipal Clerk
Mr. R. G. Cragg, Municipal Solicitor
Mr. P. Fawson, Director Personnel
Ms. V. Spencer, Director Planning

SECRETARY:

Twila Simms

Warden Lichter called the meeting to order at 6:00 p.m. with the Lord's Prayer. Mr. Kelly called the Roll.

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

"THAT Twila Simms be appointed as Recording Secretary."
MOTION CARRIED

Recognition: "Jigger" Mott

Councillor Randall stated that it was his pleasure to welcome to the Council Chambers his friend and gentleman who has given of himself to the community, Ralph "Jigger" Mott. Councillor Randall stated that "Jigger" is well known for his fund raising works in the

County. Councillor Randall stated that "Jigger" started fund-raising 12 years ago for the local legion and has worked for numerous organizations since then. It is estimated that he has raised \$110,000 to \$120,000 in his efforts for various organizations. He also welcomed Ulah Mott, his supportive wife and Ed Roach, Director.

Councillor Randall stated that it was his privilege to proclaim May 12, 1990 as "Jigger" Mott Day and presented him with an award for his work.

"Jigger" Mott stated that he was a young 72 years and would be married 50 years two weeks from now.

Approval of Minutes

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

"THAT the Council Session minutes of April 3, 1990, be approved as circulated."
MOTION CARRIED

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

"THAT the Public Hearing Minutes of April 9, 1990, be approved as circulated."
MOTION CARRIED

Fine Options Program

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

"THAT Halifax County endorse this program."

Councillor Cooper stated that this a most needed program that will benefit all involved. He asked if this item had gone to the Executive Committee prior to coming to Council. Warden Lichter stated that it had not. Councillor Cooper stated that he was disappointed that this item was surpassing the process normally followed.

Warden Lichter stated that he was attempting to speed up the process. Mr. Fawson also stated that delaying this would delay getting the program underway because with Council's endorsement, he has the ability to hire an administrative assistant to begin the program.

Councillor Reid asked how long the SEED money was available. Mr. Fawson stated that it was available until the end of August and the

\$40 per person fee would remain. He stated that Council would be updated if they could not continue.

Councillor Reid expressed concern with the province providing funds to initiate a program and then discontinuing funding. He stated that then the Municipality is left to care for the expense.

Warden Lichter stated that Council has the opportunity to get out of the program.

MOTION CARRIED

LETTERS AND CORRESPONDENCE

Friends of McNab's Island

Mr. Kelly reviewed the letter expressing concern over placing a sewage plant on McNab's Island.

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

"THAT this letter be received."

Councillor Horne stated that no action should be taken or reaction given to this letter until the Fournier Task Force Report comes in.

MOTION CARRIED

Nova Scotia House of Assembly

Mr. Kelly reviewed the letter concerning stray cats.

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

"THAT this letter be received."

Warden Lichter stated that Mountain Security has stated that this is not in their contract and they are not responsible for stray cats. They stated that they can be disposed of for a fee.

Councillor Merrigan stated that stray cats are a problem that people cannot do much about. He stated that Council should find out how much it would cost to have an arrangement for Mountain Security to pick up stray cats.

Mr. Cragg stated that no by-law would be required to do that.

MOTION CARRIED

Mrs. W. O'Laughlin

Mr. Kelly reviewed the letter expressing concern with the proposed quarry in the Kearney Lake area.

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

"THAT this letter be received."
MOTION CARRIED

Sonia Verabioff

Mr. Kelly reviewed the letter expressing concern with the proposed quarry in the Kearney Lake area.

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

"THAT this letter be received."
MOTION CARRIED

Quarry at Kearney Lake

Mr. Kelly reviewed the letter expressing concern with the proposed quarry in the Kearney Lake area.

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

"THAT this letter be received."
MOTION CARRIED

Robert A. Guildford

Mr. Kelly reviewed the letter on behalf of the District 10 Ratepayers Association over the tax rate.

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

"THAT this letter be received."
MOTION CARRIED

Department of Transportation and Communications

Mr. Kelly reviewed the letter concerning the Old Sambro Road between Sussex Street and Leiblin Park.

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

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

Department of Transportation and Communications

Mr. Kelly reviewed the letter concerning road signage in the Fall River area.

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

"THAT this letter be received."
MOTION CARRIED

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

"THAT we write a letter to the Department of Transportation requesting them to re-analyze and re-check traffic counts in this area."
MOTION CARRIED

Department of Transportation and Communications

Mr. Kelly reviewed the letter concerning the meeting between Minister George Moody and the Sackville Community Committee.

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

"THAT this letter be received and referred to the Sackville Community Committee for any further action."
MOTION CARRIED

Department of Health and Fitness

Mr. Kelly reviewed the letter concerning the Woodbine Mobile Home Park Sewage Treatment Plant.

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

"THAT this letter be received."

Councillor Horne stated that it is difficult to understand what the Minister is saying. He stated that in one part of the letter he states that it would not sufficiently improve water or sewage and he disagreed.

Warden Lichter stated that part of the reason is because the water body is not sizeable or swift enough to carry the treated effluent.

Councillor Horne stated that Enfield and Elmsdale are downstream and Woodbine should hook up to Mill Cove. He stated that this situation has been going on for five years and time should have solved this problem and a decision should have been made.

Warden Lichter stated that the Urban Services Committee sent the agreement that the province sent to the Municipality back to spell out the conditions of the hook-up to Mill Cove. The Sackville Community committee seriously studied the agreement and 16 conditions were added to the agreement and those were sent back to the province noting that if the 16 conditions were added, they would consider the hook-up. Warden Lichter stated that no reply was received.

Councillor Morgan stated that the director of the Atlantic Board of Health will meet with our Board of Health next Wednesday to explain this letter full detail.

Councillor Harvey stated that he found the letter interesting. He stated that long time residents have walked along the water and have been able to see a notable difference as a result of the sewage treatment.

MOTION CARRIED

Mr. Cragg's Correspondence re: Woodbine Mobile Home Park - Sewer Hook-up

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

"THAT this item of correspondence be received."

Councillor Eisenhauer asked for clarification on this issue. He stated that for several years Council has been dealing with this issue and a consensus had been reached to hook-up to Mill Cove.

Warden Lichter stated that there were conditions to this agreement that were proposed by the Sackville Community Committee and through Urban Services to the Minister. He stated that these concerns still have to be addressed.

MOTION CARRIED

Capilano Developments Ltd.

Mr. Kelly reviewed the letter concerning the Woodbine Park and its effluent and the study of this matter.

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

"THAT this letter be received."
MOTION CARRIED

Sheet Harbour Board of Trade

Mr. Kelly reviewed the letter supporting a federal National Park encompassing the Liscomb Game Sanctuary.

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

"THAT this letter be received."
MOTION CARRIED

Minister of the Environment

Mr. Kelly reviewed the letter concerning the Environmental Partners Fund.

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

"THAT this letter be received."

Warden Lichter stated that he has sent for more information on this fund.

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

Application No. RA-FEN-02-90-19/ZA-FEN-03-90-19 - Rezoning of the Lands within phase two of the Springfield Lake Servicing from RR-1 (Restricted Residential) zone to R-1 (single unit dwelling) zone and MU-2 (mixed use two) zone.

Mr. Kelly reviewed the report.

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

"THAT a public hearing be held on this issue on June 11, 1990, at 7:00 p.m."
MOTION CARRIED

Application No. RA-SA-07-90-16 - Application by 500 Ventures

Limited to Rezone Lot C of the Skyfield Subdivision from R-1 (Single Unit Dwelling) to R-2 (Two Unit Dwelling) Zone.

Mr. Kelly reviewed the report.

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

"THAT a public hearing be held on this issue on June 11, 1990, at 7:00 p. m."

MOTION CARRIED

Application No. ZA-CH/W-06-90 - Application by Badiah and Susan JeBailey to amend the requirements of the C-1 (Local Business) Zone of the Land Use By-law for Cole Harbour/Westphal to permit a maximum of 2,000 square feet of floor area for commercial uses.

Mr. Kelly reviewed the report.

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

"THAT a public hearing be held on this issue on June 11, 1990 at 7:00 p. m.

Councillor Richards stated that he has not had time to go through all of this and stated that the change that PAC made at the last minute were significant. He stated that he had major reservations with the application itself considering the location.

Councillor Ball stated that this is a recommendation for a public hearing, not an approval, and stated that decisions are made in Executive Committee without the consultation of the PAC. He stated that objections will be dealt with at the public hearing.

MOTION CARRIED

Minor Variance - #MV 7-01-90

Ms. Spencer stated that a development and building permit application has been submitted by George Pothier to allow for an expansion to the Queensland Beach Restaurant. A residential structure on the abutting property would be converted for the restaurant operation and would be linked to the existing structure. THE existing decks, adjoining each building would be converted to a solarium and an enlarged deck build around the perimeter of the new building. THIS proposal would reduce the East and West side yard setbacks to 3.5 and 0.5 feet respectively. The rear yard setback would be four (4) feet from St. Margarets Bay.

The property is zoned MU-1 Zone under the Land Use By-law. The requirement setbacks are eight feet from any rear or side property line and the minimum required setback from any waterbody is 25 feet.

Ms. Spencer stated that as a development officer, she was unable to grant the minor variance. She stated that she had some concern about the eventual ability to meet other requirements as well. She showed various slides of the structure.

Questions from Council

Councillor Harvey asked the status of the beach. Ms. Spencer stated that it was the land of Mr. Pothier on this particular portion and is considered an expansion on his property. She stated that there is a right of way to high water marks.

Councillor Ball stated that this individual applied to the Board of Health and it was rejected under Section 38 (A).

Speakers

Mr. Tim Swanson, Alderney Consultants, explained the reasons for the appeal and why it should be approved.

He stated that the normal rules for variance would not necessarily apply because of extenuating circumstances in this situation. He stated that the existing building shown in the slides and on the survey plan now have a minor variance granted them, and the expansion would bring the facility closer to the beach and not to the sides of the property. He stated that the four feet of water mark was determined by legal survey, however, low water mark is 64 feet and the mean tide would be 34 feet from the back of the building. He stated that the land on both sides of this lot is owned by the Crown and the reasons for regulations contained referring to 8 feet are not of important concern in this instance, ie. fire safety regulations, appearance, ability to maintain the building. He stated that Mr. Pothier has approached Lands and Forests and they did not have any objections and stated that there would be nothing constructed on their land so they would not object if it were necessary to go on to their land for the purpose of construction or maintenance.

He stated that the applicant proposes to put a solarium on the back of the restaurant and an open dock or balcony around the solarium. He stated that the by-law would permit a patio to extend to the edge of the property, but the applicant would prefer a balcony as it would be more attractive on this site. He stated that the abutting land owner does not object and tourism has encouraged this, although it would be closer to the high water mark.

Mr. Swanson stated that with respect to parking, it is true there is not adequate parking on the site, but the applicant does own a small lot across the street where some parking could be provided. He stated that an abutter has also stated that some arrangements could be made to use their lands. He stated that patrons of the restaurant generally park in the public parking available on Queensland Beach. He stated that with the expansion, parking would be required for 58 cars. He stated that this would represent 1/4 of the parking available in the area on crown land. He stated that they were reluctant to give a designated space for parking, but would not object to the present policy in place now that permits parking there. Mr. Swanson stated that peak restaurant hours do not correspond with peak beach times.

Mr. Swanson stated that as for sewage, both existing buildings have holding tanks that are pumped out as required. He stated that an application made for a larger holding tank was rejected by the Board of Health. He stated that there are several ways for sewage to be accommodated, from a small plant to a trickling filter as done on the bare rocks at Peggy's Cove. He stated that there are variations of sewage treatment and additional land could be acquired. He stated that the applicant is prepared to design this to Department of Health standards.

Mr. Swanson circulated blueprints of an architects perspective of the new facility.

Questions

Councillor Poirier asked if the province was allowing patrons to use parking on their lands. Mr. Swanson stated that they were and a letter was sent from the provincial office to the development officer March 20, 1990.

Councillor Poirier stated that the province is letting the people down badly.

Warden Lichter stated that this was an appeal for minor variance and parking should not even be addressed.

Councillor Ball asked if there was any documentation in writing from the province and abutting land owners, etc. Mr. Swanson stated that the only item in writing was the letter sent to the development officer.

Councillor Horne asked how many could be seated presently. Mr. Swanson stated that the restaurant has seating capacity for 60 presently and the expansion would allow seating for 174. Councillor Horne asked if the facility presently accommodates the