

Councillor Ball said he had discussed this with Mr. Butler and there are other hearings scheduled for December 13. He said December 13 is a satisfactory date for planning.

Mayor Lichter asked if the other hearing could be rescheduled to the 6th.

Councillor Ball said that, in talking to Mr. Butler, it is his understanding that a December 13th item has been previously approved and could not be readvertised to meet the December 6th date.

3. Mr. Reinhardt outlined a letter from Alfred Neiforth to the Division Engineer, Department of Transportation expressing safety concerns about the bridge over the Shubenacadie River at the foot of Vinegar Hill.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Mayor Lichter said Mr. Neiforth was in contact with him and would like to have council support to ask the Minister of Transportation and Communications to take action as soon as possible. He said the bridge is located at an extremely steep hill with an "S" curve leading to a one lane bridge. He said it is extremely important that something is done before the situation becomes serious.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER, DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS INDICATING THE SUPPORT OF COUNCIL AND REQUESTING AN EARLY RESPONSE"

MOTION CARRIED

4. Mr. Reinhardt outlined a letter from the Womens Action Coalition of Nova Scotia concerning violence against women and asking council to observe a minute of silence at council meetings close to the day of December 6 and flags be flown at half mast on that day.

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

"THAT THE LETTER BE RECEIVED, THAT DECEMBER 6, 1993 BE PROCLAIMED AS A DAY OF REFLECTION ON MALE VIOLENCE AGAINST WOMEN AND FURTHER THAT ALL THE SATELLITE OFFICES FLY THEIR FLAGS AT HALF MAST ON THAT DAY"

MOTION CARRIED

5. Mr. Reinhardt outlined a letter from FCM in response to council's notice concerning the need for a family policy in municipal government.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

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

"THAT COUNCIL SUPPORT THE RESOLUTION"

MOTION CARRIED

PLANNING ADVISORY COMMITTEE REPORT

Staff Report - File No. RA-TLB-02-93-02 - Application by the Armoyan Group Limited to Rezone lots in the Ashdale Heights Subdivision

It was moved by Councillor Brill,

"THAT THE ARMOYAN GROUP REQUEST FOR PUBLIC HEARING BE HELD ON DECEMBER 6, 1993 RATHER THAN DECEMBER 13, 1993 RE: ASHDALE REZONING BE APPROVED"

No Seconder to the motion, motion lost.

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

"THAT DECEMBER 13, 1993 BE THE DATE OF THE PUBLIC HEARING"

MOTION CARRIED

Staff Report - Plan Review Process - Stage 2 Plans

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

"THAT A RECORDED RESOLUTION - "A RESOLUTION RESPECTING A PROGRAMME FOR THE REVIEW OF MUNICIPAL PLANNING STRATEGIES" - BE APPROVED"

MOTION CARRIED

Request by the Department of Housing to amend the Millwood Planned Unit Development (PUD) Agreement to redesignate Parcel MFM-4 in the Millwood PUD from Townhouse/Apartment to Single/Two Unit Dwellings

Mayor Lichter said first council has to decide whether this is a

minor or major amendment. He said if it is decided that it is a minor amendment then it can be dealt with.

Mr. Crooks said the Planned Unit Development By-law can be interpreted to mean that any amendment to a PUD Agreement requires a public hearing. He said the by-law suggests that minor variations in the application of the agreement may be capable of being dealt with as minor matters and without a public hearing. He said it is capable of being interpreted as requiring a public hearing and, from a legal point of view, the conclusion is similar to that of planning staff that in the circumstances a public hearing would be required validly to implement an amendment to this planned unit development agreement.

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

"THAT A PUBLIC HEARING TO AMEND THE MILLWOOD PLANNED UNIT DEVELOPMENT BE HELD ON DECEMBER 13, 1993"

Mr. Meech said the staff report dated October 25th clearly sets out the staff position.

Mayor Lichter said a number of public hearings have been held in instances of downzoning and it was contentious. He said because something is being downzoned does not necessarily mean that it is automatically being supported.

MOTION CARRIED  
15 IN FAVOUR  
5 AGAINST

File No's PA-CHW-15-93/ZAP-CHW-15/SB-04-03 - Amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/Westphal and the Subdivision By-law

It was moved by Deputy Mayor Bates, seconded by Councillor Ball:

"THAT A PUBLIC HEARING DATE BE SET FOR DECEMBER 13, 1993"

MOTION CARRIED

EXECUTIVE COMMITTEE REPORT

Coverall Home Services

It was moved by Deputy Mayor Bates, seconded by Councillor Boutilier:

" THAT FUNDING TO COVERALL HOME SERVICES, IN THE AMOUNT OF \$8,045, BE GIVEN SERIOUS CONSIDERATION FOR INCLUSION IN THE BUDGET FOR THE 1994/95 FISCAL YEAR"

Councillor Merrigan said there have been many requests come to Halifax County and they are referred to grants to organizations.

Mayor Lichter said that when the Parkers appeared before the Executive Committee it was indicated that no commitment or guarantee could be made but it would be recommended to council to give it serious consideration.

Councillor Boutilier said it was his understanding from Executive was that no promises were made other than looking at it at budget time.

Councillor Smiley said the recommendation was to take this to budget time and to take a look at it then. She said she made it very clear to the Parkers that they must not get any false hopes.

MOTION CARRIED

Policy Conditions for Canada Post Use of Municipal Property

It was moved by Councillor Mitchell, seconded by Councillor Rankin:

"THAT COUNCIL APPROVE THE AMENDING OF THE POLICY FOR THE INSTALLATION OF MINI AND SUPER POSTAL SITES BY CANADA POST"

MOTION CARRIED

Land of Mary Ward Sackville

It was moved by Councillor Brill, seconded by Councillor Hendsbee:

"THAT THE ACCESS AGREEMENT FOR A RIGHT OF WAY ACROSS SACKVILLE HEIGHTS ELEMENTARY SCHOOL PROPERTY BE AMENDED TO PERMIT WATER AND SEWER CONNECTION FROM THE WARD PROPERTY TO THE SCHOOL SERVICE"

MOTION CARRIED

Former Eastern Passage Recreation Centre, District #6

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

"THAT THE PROPERTY BE LEASED TO THE EASTERN PASSAGE BAPTIST CHURCH FOR \$1.00 FOR A 10/10 TERM"

MOTION CARRIED

Five Island Lake Water System

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

"THAT APPROVAL OF ADDITIONAL FUNDING OF \$24,000 FOR THE WATER DISTRIBUTION SYSTEM TO SERVE DWELLINGS IN THE FIVE ISLAND LAKE AREA. FURTHER THIS BE CONTINGENT UPON ADDITIONAL FUNDING CONFIRMATION FROM THE PROVINCE"

MOTION CARRIED

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

"THAT THE TENDER BE AWARDED, SUBJECT TO CONFIRMATION OF FUNDING, TO THE LOWEST BIDDER, MARITIME EXCAVATORS, IN THE AMOUNT OF \$213,000"

MOTION CARRIED

Report Re: Social Services

It was moved by Councillor Harvey, seconded by Councillor Hendsbee:

"THAT COUNCIL APPROVE THE RECOMMENDATION WITH REGARDS TO THE PROVISION OF SHORT-TERM WORK EXPERIENCE FOR SKILLS MAINTENANCE AND/OR DEVELOPMENT THROUGH TRANSITIONAL EMPLOYMENT OPPORTUNITIES FOR SOCIAL ASSISTANCE RECIPIENTS (SARs) CATEGORIZED AS ABLE-BODIED UNEMPLOYED(ABU)"

MOTION CARRIED

Capital Grant Request

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

"THAT GENERAL PARKLAND GRANT IN THE AMOUNT OF \$1,000 AND DISTRICT PARKLAND GRANT, DISTRICT 8, IN THE AMOUNT OF \$4,000 FOR CONSTRUCTION OF PATH SYSTEM ON PARKLAND IN TWO RIVERS SUBDIVISION IN LAKE ECHO BE APPROVED"

MOTION CARRIED

SERVICE STANDARDS COMMITTEE REPORT

Fire Area Rates

It was moved by Councillor Mitchell, seconded by Councillor Giffin:

"THAT THE "FIRE FIGHTING RATE" BE CHANGED TO "FIRE AND EMERGENCY SERVICES RATE"

Councillor Merrigan said that at one time fire departments were covered under provincial legislation for fire and emergencies and the fire wards had certain authorities but no coverage for emergency operation. He asked if this has been changed.

Councillor Ball said Dr. Stewart, Minister of Health and Fitness, has appointed a consultant to review emergency first response with the fire service with the idea of developing criteria that the volunteer fire service and the fire service in general become emergency first response and be given the legislative tools in order to facilitate this.

Councillor Merrigan said he does not want to, by putting this in place, give the fire departments the false feeling that they are covered and supported by legislation to provide emergency services. He said he does not believe they are.

Mayor Lichter asked if council would agree to refer this to the solicitor for research and have him come back with a recommendation.

Council agreed to this.

Councillor Ball said this is something that the fire service wanted recognition for in that 85% of the service they are giving in Halifax County is emergency related more than it is fire related and that the billing is under a false pretence to the taxpayer.

Mayor Lichter said in some areas it is true but in other areas it may not be the case. He said if there is concern then the solicitor can take a look at it.

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

"THAT THIS BE DEFERRED UNTIL IT CAN BE CHECKED BY THE SOLICITOR"

MOTION DEFEATED

10 IN FAVOUR

10 AGAINST

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

"THAT THE NAME CHANGE BE ADOPTED"

MOTION DEFEATED

10 IN FAVOUR

10 AGAINST

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

"THAT THIS BE REFERRED TO SERVICE STANDARDS"

MOTION CARRIED

SUPPLEMENTARY SERVICE STANDARDS COMMITTEE REPORT

Hubbards Fire Department

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

"THAT COUNCIL APPROVE THE FIRE PROTECTION AGREEMENT WITH THE HUBBARDS AND DISTRICT FIRE DEPARTMENT AND THE MUNICIPALITY OF CHESTER FOR THE PROVISION OF FIRE PROTECTION SERVICE TO THE DEFINED SECTION OF HALIFAX COUNTY AS OUTLINED IN THE STAFF REPORT"

MOTION CARRIED

MEMORANDUM RE: COMMITTEE CHANGE REQUEST

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

"THAT COUNCILLOR TURNER MOVE FROM MUNICIPAL PAC TO SERVICE STANDARDS AND COUNCILLOR BARNET MOVE FROM SERVICE STANDARDS TO PAC"

MOTION CARRIED

RECORDED RESOLUTIONS

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

"THAT RECORDED RESOLUTION - RATE OF INTEREST - RECOVERY COSTS OF WORK DONE BY ENGINEER BE APPROVED"

MOTION CARRIED

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

"THAT RECORDED RESOLUTION - RATE OF INTEREST - ON UNRECOVERABLE EXPENDITURES, DANGEROUS AND UNSIGHTLY PREMISES BE APPROVED"

MOTION CARRIED

RATIFICATION OF APPROVED DISTRICT CAPITAL GRANTS

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

"THAT APPROVED DISTRICT CAPITAL GRANTS BE RATIFIED"

MOTION CARRIED

APPOINTMENT OF RETURNING OFFICER

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

"THAT G. J. KELLY BE APPOINTED AS RETURNING OFFICER"

MOTION CARRIED

WATER, LUCASVILLE ROAD - COUNCILLOR GIFFIN

Councillor Giffin said he intends to hold a public meeting in the Lucasville area to discuss this and he said he will be returning to council with an answer from the community. He said he would like to thank staff for this report.

Mayor Lichter asked Councillor Giffin if there was a time period in which he would be coming back with a recommendation.

Councillor Giffin said he was hoping to bring this back before council before Christmas.

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

"THAT THE REPORT BE RECEIVED"

MOTION CARRIED

CROSSWALKS, BEAVERBANK ROAD - COUNCILLOR MERRIGAN

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION REQUESTING A STUDY BE DONE ON THE BEAVERBANK ROAD TO DETERMINE WHERE CROSSWALKS COULD BE SAFELY PUT INDICATING THAT THERE HAS BEEN VARIOUS REQUESTS FOR SIDEWALKS AND THE AREAS SO FAR REQUESTED HAVE BEEN ADJACENT TO THE BEAVERBANK PIZZA; JUST BELOW DEANS HILL; DANNY DRIVE, BEAVERBANK ROAD; AND NORTH BEAVERBANK"

He said the letter would indicate that the minister have the whole area looked at and come back with a recommendation as to where some crosswalks can be placed.

MOTION CARRIED

DOT - COUNCILLOR FRALICK

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



"THAT A LETTER BE WRITTEN TO THE MINISTER, DEPARTMENT OF TRANSPORTATION, REQUESTING INFORMATION ON WHAT PROCEDURE TO BE USED IN CONTACTING THE DEPARTMENT WITH REGARDS TO HANDLING CALLS THIS WINTER"

MOTION CARRIED

DOT - COUNCILLOR PETERS

Councillor Smiley made the presentation on behalf of councillor Peters. She said in the community of Wellington there is the Holland Road School on the highway that is called Holland Road. She said at the intersection of Holland Road and Anthony Lane there is a hill with a blind crest and just West of that intersection is a row of super mail boxes. These boxes have no road space or indentation off the highway for vehicles to pull off of Holland Road for collection of mail.

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

"THAT A LETTER BE WRITTEN TO THE MINISTER OF TRANSPORTATION AND COMMUNICATIONS, WITH A COPY TO FRANCINE COSSMAN AND BRUCE MILLS, PRESIDENT OF THE LOCAL RATEPAYERS ASSOCIATION, TO ASK HIS STAFF TO INVESTIGATE THE SAFETY CONCERNS OF THE RESIDENTS WHICH INCLUDE 1) THE BLIND CREST AND THE VEHICLE TRAFFIC THAT TAKES PLACE THERE INCLUDING MANY SCHOOL BUSES AND 2) THE FACT THAT SUPER MAIL BOXES ARE LOCATED ON A MAIN ROAD WITH NO PULL OFF SECTION"

MOTION CARRIED

URGENT AGENDA ITEMS

Environmental Health Division - Health Units Rolled into Environment Department

Councillor Merrigan said he has been advised recently that the province of Nova Scotia has started a proceeding to take the inspector and engineers etc. and roll it into the Department of the Environment. He said after contacting some of the MLA's they spoke to the Minister of the Environment who assured that he would make sure that all interested parties would have some input. He said he has concerns with regards to the health inspectors for the Board of Health because they would no longer come under the Health Act. He said he would like a letter written to the Premier with copies to the two ministers involved indicating that Halifax County is not satisfied with the fact that they are undertaking this change in the service which will greatly affect the County of Halifax.

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

"THAT A LETTER BE WRITTEN TO THE PREMIER WITH COPIES TO THE MINISTERS INVOLVED STATING THAT HALIFAX COUNTY IS NOT SATISFIED WITH THE FACT THAT THEY ARE UNDERTAKING THIS CHANGE IN THE SERVICE. FURTHER A COPY BE SENT TO THE FORMER COUNCILLORS, NOW MLA'S, WHO HAVE INDICATED THAT THEY WOULD TAKE GREAT INTEREST IN THIS"

Mayor Lichter said he is concerned that the administration of the public health units is going to be as effective as it has been. A lot of health issues and development issues in Halifax County depend on a good working relationship and on the efficiency of those people who have been working with the county. He said it is important that this be emphasized as well as the emphasis that there was no consultation.

Councillor Merrigan said that he felt that the letter should come from the Mayor's office.

MOTION CARRIED

Petition Re: Stewart Hill - Councillor Randall

It was moved by Councillor Randall, seconded by Councillor

'THAT A LETTER BE WRITTEN AND PETITION FORWARDED TO THE MINISTER OF TRANSPORTATION, WITH A COPY TO BROOKE TAYLOR AND THE LOCAL TRANSPORTATION SUPERINTENDENT, REQUESTING THAT LOADED TRUCK TRAFFIC BE TERMINATED FROM DESCENDING STEWART HILL INTO THE VILLAGE OF UPPER MUSQUODOBOIT"

Councillor Randall said that alternate routes be suggested for use such as Wittenburgh or Dean. He said it is an extremely steep hill where, over the past few years, several instances have occurred where trucks have lost use of brakes. He said the residents would like to have something done about this before a fatality or serious accident occurs. He said there are school buses that pass here with students. He said if the department agrees it would also be asked that the department consider putting an appropriate sign indicating that no loaded trucks would descend on Stewart Hill.

MOTION CARRIED

December 21, 1993 Council Session - Councillor Meade

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

"THAT THE DECEMBER 21, 1993 COUNCIL SESSION BE CANCELLED"

MOTION CARRIED

ADDITION OF ITEMS TO DECEMBER 7, 1993 COUNCIL SESSION

Speed Limit, Herring Cove Road - Councillor Ball  
Extraordinary Fire Protection - Councillor Ball  
DOT - Councillor Peters  
Lucasville Water - Councillor Giffin  
Department of Natural Resources - Councillor Randall  
CNR - Councillor Fralick

IN-CAMERA ITEM

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

"THAT COUNCIL MOVE IN CAMERA"

MOTION CARRIED

Council agreed to move out of camera.

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

"THAT THE RECOMMENDATION BE APPROVED"

MOTION CARRIED

ACQUISITION OF SACKVILLE TOWN CENTRE

Mr. Meech said he feels the issue should be referred to the Executive Committee for a recommendation to council.

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

"THAT THE ISSUE BE REFERRED TO THE EXECUTIVE COMMITTEE  
FOR A RECOMMENDATION TO COUNCIL"

Councillor Merrigan said he would suggest that this be discussed at a Committee of the Whole after Executive makes its recommendation.

The motion of referral was withdrawn by Councillor Fralick, Councillor Smiley as seconder agreed to the withdrawal.

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

"THAT THIS BE REFERRED TO A COMMITTEE OF THE WHOLE"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

November 8, 1993

PRESENT WERE: Mayor Lichter  
Councillor Meade  
Councillor Rankin  
Councillor Fralick  
Councillor Mitchell  
Councillor Ball  
Councillor Hendsbee  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Taylor  
Councillor Peters  
Councillor Brill  
Councillor Barnet  
Councillor Boutilier  
Councillor Harvey  
Councillor Sutherland  
Councillor Turner  
Councillor McInroy  
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Acting Municipal Clerk  
Julia Horncastle, Recording Secretary  
Alan Dickson, Municipal Solicitor

=====  
The meeting was called to order at 6:00 p.m. with the Lord's Prayer. Mr. Reinhardt called roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY

MOTION CARRIED

Mayor Lichter outlined the procedure followed for a public hearing.

RA-1&3 - 13-93-03 - APPLICATION BY NAUTICAL ELECTRONIC LABORATORIES LIMITED (NAUTEL) TO REZONE PROPERTIES AT 10079 AND 10069 PEGGY'S COVE ROAD (ROUTE 333) IN HACKETT'S COVE FROM MU-1 (MIXED USE) ZONE TO I-1 (GENERAL INDUSTRIAL) ZONE AND RA-1&3-14-93-03 - APPLICATION BY NAUTICAL ELECTRONICS LABORATORIES LIMITED (NAUTEL) TO REZONE THE PROPERTY AT 9135 PEGGY'S COVE ROAD (ROUTE 333) IN INDIAN HARBOUR FROM I-1 (GENERAL INDUSTRIAL) ZONE TO MU-1 (MIXED USE) ZONE

Paul Morgan gave the staff presentation. He said Nautel owns a property on the Peggy's Cove Road on which they have a manufacturing and engineering facility. He said they manufacture radio transmitters for navigation, communications and radio broadcasting. He said they have been located at this site since 1969. He said they employ 100 people and presently they are running out of room in their production facilities. He said they would like to expand on this site. He said even though their property is quite large in area and has considerable depth, the expansion potential is limited. He said most of the buildings are located near the highway and there is a ridge not far back from the highway which makes further expansion difficult. He said they entered into a purchase agreement with the abutting church property, St. Peter's Anglican Church. He said the church has agreed to sell the land to Nautel in exchange for lands further down the road in Indian Harbour. He said one of the conditions of this land swap agreement is that appropriate zoning be obtained for each party. He said Nautel's lands are zoned light industrial under the Planning Strategy for Planning districts 1 & 3 and if they want to expand on to the church property it too will have to be zoned light industrial. He said the property the church would acquire is zoned light industrial currently and that zone does not permit community facility uses or a residence. He said the church would like to have it down zoned to mixed use zone. He showed slides of both properties to council.

He said the expansion would include an addition to the production facilities. A new parking area located further away from the highway which the company contends would improve the safety. He said a new septic system would be installed. He said both properties are within a mixed use land use policy designation. He said the objectives for this designation are to promote a mixture of land use activities that are traditionally found in the St. Margaret's Bay area. He said most uses are permitted by right in the mixed use one zone but there are certain uses, such as industrial uses, that the community did not want to allow by right but wanted to have a discretionary approval. He said the criteria for identifying industrial uses is identified under Policy 50. He said all rezonings also have to look at general matters and planning concerns which are outlined in Policy 81.

He said the lands the church would acquire would not require much analysis. He said it would be a down zoning. He said the lands around that property are zoned mixed use one. He said it is inherently consistent giving a mixed use one zoning to the property. He said more importantly, to make this transaction work, is the request for industrial zoning on the lands now owned by the church. He said there are two main emphasis. One is the locational attribute. St. Margaret's Bay Road is a very scenic highway and it is one of the things the community wanted to ensure that industrial uses would not be established on certain lands which might detract from the community or the aesthetics of the area. He said they would suggest that the existing operation is well landscaped and well maintained. He said it is back from the highway and not particularly noticeable. He said another aspect is environmental considerations. He said the company has just recently received financial assistance under the Canada/Nova Scotia Cooperation Agreement on sustainable economic development. He said they will be using this funding to make improvements to the operation. He said most notably is freon and ozone depleting CFC will be totally removed from its production processes and there will also be measures taken to reduce the amount of liquid waste produced as a by product of the production processes.

He said, prior to this agreement being in place, the company met or exceeded all provincial and federal standards regarding environmental protection. He said he spoke with members from both the provincial and federal departments of environment and they advise that the company has always been cooperative in ensuring that their operations meet standards. He said staff would recommend that both applications be approved.

QUESTIONS FROM COUNCIL

Councillor Hendsbee asked what will be done to the rectory presently located on the property.

Mr. Morgan said he did not know what was to become of the building. He said he knew it was to be removed but did not know whether this meant demolition or not.

SPEAKERS IN FAVOUR

Mr. David Grace, president of Nautel, spoke in favour of the application. He said they have been in Hackett's Cove for over twenty four years. He said they have a subsidiary in the US for seventeen years. He said they are a high tech company doing research and development and manufacturing of high power radio transmitters for navigation, communications and broadcasting. He said they currently have 104 employees in the Hackett's Cove location. He said their sales are approximately ten million a year, eighty five percent of which go overseas or outside of Canada. He said they believe they provide substantial benefits to the county and province in the form of jobs and the goods and services they purchase. He said they also pay corporate tax. He said Nautel last expanded in 1982. He said they had expanded in the US in 1989. He said they have been successful in introducing new product line in the FM broadcast area and very high power AM broadcast transmitters. He said they frequently have to have trailers on site for storage because they are short of space. He said their plans call for an increase in plant space from thirty thousand square feet to about fifty five thousand square feet. He said this is not feasible unless they can purchase and get the property next door rezoned. He said this expansion should enable them to double their output and should raise the employment level to 125 people. He said the parish council for the church concerned have voted unanimously in favour of the transaction. He said he, personally, is not aware of any opposition to these proposals and none of the employees have indicated hearing of any opposition. He said the rectory is going to be removed but cannot do so until they have erected the expansion and the minister has built his new abode.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN OPPOSITION

No speakers in opposition

DECISION OF COUNCIL

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

"THAT APPLICATION RA-1&3-13-93-03 - APPLICATION BY NAUTICAL ELECTRONIC LABORATORIES LIMITED (NAUTEL) TO REZONE PROPERTIES AT 10079 AND 10069 PEGGY'S COVE ROAD (ROUTE 333) IN HACKETT'S COVE FROM MU-1 (MIXED USE) ZONE TO I-1 (GENERAL INDUSTRIAL) ZONE BE APPROVED"

MOTION CARRIED

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

"THAT APPLICATION RA-1&3-14-93-03 - APPLICATION BY NAUTICAL ELECTRONIC LABORATORIES LIMITED (NAUTEL) TO REZONE THE PROPERTY AT 9135 PEGGY'S COVE ROAD (ROUTE 333) IN INDIAN HARBOUR FROM I-1 (GENERAL INDUSTRIAL) TO MU-1 (MIXED USE) ZONE BE APPROVED"

MOTION CARRIED

ZA-TLB-08-93 - APPLICATION BY THE MUNICIPALITY TO AMEND THE PROVISIONS OF THE LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE RESPECTING THE PLACEMENT OF ELECTRICAL CONDUITS ON THE FACADES OF TWO UNIT DWELLINGS

Jim Donovan made the staff presentation. He said this application is a staff initiated one and the purpose of the application is to amend the Land Use By-law for Timberlea, Lakeside, Beechville in order to clarify the present requirements with respect to the placement of electrical utilities on the front of two unit dwellings in the R-2 zone. He said there is a provision in the By-law that was a result of the plan review process and some concerns expressed by residents of the community about the visual appearance of two unit dwellings with the electrical metres on the front of these buildings. He said in response to concerns by area residents the recently adopted Land Use By-law and Planning Strategy for Timberlea contains a restriction as to where these electrical utilities should be located. He said this is unique to the Timberlea, Lakeside, Beechville plan area. He said according to Section 8.4 of the Land Use By-law, which addresses this matter specifically, indicates that no utility metre or conduit shall be located on the front facade of a two unit dwelling. He said this has been applied but there have been some problems in terms of the way it is implemented particularly when it is taken into account with the Nova Scotia Powers policy of dropping only one power pole per sixty foot lot. He said the way the By-law provision is applied it has resulted in some visual clutter and may have resulted in working at cross purposes.

He said the one pole, if it is placed at the common property line, under the present By-law provision, would result in the front line being traversed by lines in order to ensure that both the conduit and the metre is at either side of the building. He said that type of arrangement has some problems in itself with respect to Nova Scotia Power in terms of maintaining the line and also for the land owner because it basically uses up their front yard for overhead lines. He said another arrangement is to have the power pole offset to one side of the property and serving a single side of the dwelling. The other side would be served by what is called a mid span tap. He said this is a method of tapping into the line between the two poles. He said that only works under certain circumstances and also it does result in its own way of

visual clutter because there is a fair amount of wires needed in order to actually hook that up. He said it results in a birds nest effect. He said staff consulted with Nova Scotia Power in trying to come up with a mutually agreeable solution to the problem knowing that the residents of Timberlea do not want to see single utility metres on the front of these buildings while at the same time trying to respect the Nova Scotia Power policy in terms of a single pole per lot. He said what is being proposed is to remove the reference to no conduits at all on the front of the two unit dwelling and still require the metres to be placed at the sides. He said at the same time restrict the location of the electrical conduit which feeds from the pole to the metres to a location within one foot of the roof line. He said this way it is almost unnoticeable. He said the conduits and metres still remain at the side of the building in keeping with the intention of the community. He said that is the intent of Appendix "A".

QUESTIONS FROM COUNCIL

Councillor Hendsbee asked if this would apply to any other districts within the county.

Mr. Donovan said it is unique to this plan area. He said it is as a result of concerns expressed by the public. He said the complication is a result of the application of the by-law requirement whereas in other areas you can have two unit dwellings with the electrical metres on the front as well as the conduits. He said there are no restrictions in the other plan areas.

Councillor McInroy asked if this amendment disallow underground wiring which would also have metres on the front of the dwellings.

Mr. Donovan said it doesn't prohibit underground wiring as long as the end result is that the electrical metres are at the sides of the building.

Mayor Lichter referenced Appendix "A" 8.4 (b). He said if no exterior conduit is permitted other than one foot below the soffit line of the main roof. He asked how you get up to that point without a conduit.

Mr. Donovan said that intention is to restrict the location of those conduits to within a foot.

Mayor Lichter said if you are going in under ground you have to come up somewhere and take it up to that one foot below the soffit line so you must have a conduit coming up vertically. He said this by-law would prevent underground wiring coming to a building.

Councillor Ball said in dealing with it at PAC it does not prevent the under ground wiring. He said if you want the under ground wiring in this area you are allowed to do that and your branch would take place under ground and the metre boxes would still have to come out on the side. It would not appear on the front of the house. He said the splice would take place underground and go around the side.

SPEAKERS IN FAVOUR

No speakers in favour.



SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT AMENDMENTS IDENTIFIED IN APPENDIX "A" TO CLARIFY THE ARCHITECTURAL REQUIREMENTS OF THE LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/BEECHVILLE RESPECTING THE PLACEMENT OF ELECTRICAL UTILITIES ALONG THE FRONT OF TWO UNIT DWELLINGS BE APPROVED BY MUNICIPAL COUNCIL"

A representative of Nova Scotia Power spoke to council. He said Nova Scotia Power normally serves two unit dwellings with one service drop to the centre of building. He said they have a regulation that states that the normal feed to a two dwelling building is with one overhead service to the common point. He said by the service to the two ends, as far as Nova Scotia Power is concerned, the location of the metre can be on the face of the building or the side of the building as long as it is within certain height restrictions for the metre readers to read the metre. He said there are some pros and cons, with regards to the overhead service, to having the metres on the side of the building with a connection to the centre. He said this causes extended conduit or lines from the point of connection to the house, around across the front and down to the metre base. He said, from an electrical point of view, normally the metre should be located as close as possible to where the service connection is made and by extending the line further around the building it creates more opportunity for exposure. He said as long as it is done properly by the Canadian Electrical Code there is no problem with extending to the side of the building as long as the metres are located at a proper height from the ground. He said underground services do not pose any problem because instead of going to the face of the building you go to the corner. He said there is not much difference distance wise. He said he would like to point out that any costs incurred by Nova Scotia Power to provide service to a building other than what it normally can provide is at a cost to a developer or the builder. He said if they provide an underground service to the two ends they normally charge the home owner or the developer the extra costs incurred to feed that underground service. He said they give a credit of what they would normally supply as an overhead service and then charge them the difference in cost. He said if a home owner can't meet the guideline of keeping within one foot of the roofline and there is no other alternative but to continue to feed to the ends of the building then if there is an extra cost incurred Nova Scotia Power will charge it to the developer or home owner.

Councillor McInroy asked if the power corporation has experience that would indicate that it comes across situations where the windows are at a location where there may only be ten inches clearance.

The representative said there is a height restriction. He said there is a maximum height of twenty nine feet to make a connection onto the building and there is a minimum height of 4.5 metres.

MOTION CARRIED

ZA-24-14-93 - APPLICATION BY THE MUNICIPALITY TO AMEND ZONING BY-LAW NO. 24 IN ORDER TO ESTABLISH SETBACK PROVISIONS AND TO PROVIDE FOR THE APPLICATION OF THE GENERAL BUILDING ZONE TO PREVIOUSLY UNZONED PROPERTIES.

Mr. Donovan outlined the staff report. He said this is a staff initiated application relating to a number of discussions by council with respect to lesser setback applications that have been brought forward in the past. He said staff was asked to prepare a report on this matter. He said the application before council tonight is intending to clarify the existing by-law with respect to the fact that all existing lots within the area covered by By-law 24 are eligible for lesser setback applications and to clarify that the so called unzoned areas of the municipality should actually fall under the general building zone in order to actually have a setback requirement to vary should a lesser setback application be brought forward to council. He said there has been discussion at council regarding the validity of lesser setback applications that have been brought forward for consideration particularly in instances where buildings have already been constructed and an applicant comes forward and requests a reduction in the minimum setback. He said in the past this has been interpreted to be thirty feet and in most areas it continues to apply but in the so called unzoned areas of the municipality it does not apply. He said there are areas located of the main roads and highway network that are unzoned. He said the actual application of lesser setbacks and the ability of council to approve them falls under part thirty of By-law 24 under what is termed Powers of Council. He said part 30 (1) (f) permits such modifications of the building line and lot area regulations as may be necessary to secure an appropriate development of the lot where such lot was separately owned at the time of coming into effect of the By-law.

He said the procedure regarding lesser setbacks has been referred to the solicitor who has identified some legal issues with respect to the way these have been processed in the past. He said the first relates to the way By-law 24 was adopted in 1960 and a strict interpretation of that clause would imply that only lots that were in existence on that effective date are in fact eligible for lesser setbacks. He said it is a similar process as minor variances under the Land Use By-laws that have been adopted in place of By-law 24. He said neither staff nor council have applied this as strictly as what is interpreted to be the strict interpretation of the law. He said there are numerous occasions where applications have been put forward to council for lesser setbacks on lots that have been recently approved and buildings have been put on or proposed to be put on these lots. He said staff does not feel it would be reasonable to interpret an existing lot under By-law 24 to be a lot that was in existence in 1960 or before. He said one of the amendments being suggested is to clarify that and to actually drop the phrase "where such lot was separately owned at the time of coming into effect of this by-law".

He said the second relates to the fact that the zone was not applied throughout the entire municipality when By-law 24 was adopted. He said spot zoning occurred on a case by case basis and it is almost impossible to determine what, in some of the far reaches of the municipality, is zoned general building and what is not zoned at all. He said the general building zone may have a setback requirement of thirty feet and an applicant may wish to have a building placed on a lot in an area where that general building zone is not officially declared in which case the whole question of council hearing a lesser setback application is called into question. He said the consequences are what authority does the municipality have to actually turn down

an application for a lesser setback in an area that is not zoned. He said staff feel that some amendments are called for and should be brought forward as soon as possible. He said Appendix "A" outlines that all lots would be eligible for lesser setbacks regardless of when they were created and the provisions of the General Building Zone would apply to all properties that are presently not zoned in areas covered by By-law 24.

QUESTIONS FROM COUNCIL

Councillor Sutherland asked if anyone who wants to apply for a minor variance can.

Mr. Donovan said the actual intent of the minor variance legislation under the planning act is to allow for some flexibility in situations where the By-law regulations would cause undue hardship in terms of physical conditions on a site. He said the minor variance route has been taken to justify buildings that are already put in place in the past. He said this has caused some questions on the part of council. He said the staff report alludes to the fact that building location certificates are generally called for after footings and foundations are in place. He said by that time it is generally too late to find these difficulties which often result from human error or carelessness. He said the alternative is to require the building location certificates earlier in the process but that would result in two visits to a site by a surveyor and would add more cost to the application process. He said the lesser setback provisions of By-law 24 are intended to be applied in a similar way as a minor variance application in the other By-law's.

Councillor Sutherland said he has no difficulty with a site constraint which restricts where foundations can be located nor with the foundation that has been misplaced and requires a minor setback.

Mayor Lichter said this is talking about the five districts which have been unplanned. He said this applies to district 10, 11, 12, 13 and 4 only. He said this is the only place where By-law 24 applies.

Councillor Bayers said that he was under the assumption that the general building zone applied to all of district 10. He asked if this meant that there are properties in district 10 that have no zoning at all and if people build they have no ability to ask for a lesser setback.

Mr. Donovan said legally that is the status but it is not the way it has been applied because the by-law is silent with respect to where the general building zone applies. He said there is no mapping to indicate where it applies. He said at the present time there isn't a provision to entertain a lesser setback if the property is unzoned. He said it is possible that before the charter and the adoption of the new building by-law there was a setback requirement in the building by-law. He said that was removed through an amendment so; therefore, there is no reference point when it comes to building setbacks.

Councillor Bayers said he has difficulty with the amount of setback that is required.

SPEAKERS IN FAVOUR

No speakers in favour.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

"THAT THE AMENDMENTS TO BY-LAW 24 AS OUTLINED IN APPENDIX  
"A" BE APPROVED"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Rankin:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

November 22, 1993

PRESENT WERE: Mayor Lichter  
Councillor Meade  
Councillor Rankin  
Councillor Fralick  
Councillor Ball  
Councillor Deveaux  
Deputy Mayor Bates  
Councillor Hendsbee  
Councillor Randall  
Councillor Bayers  
Councillor Smiley  
Councillor Peters  
Councillor Merrigan  
Councillor Brill  
Councillor Giffin  
Councillor Barnet  
Councillor Sutherland  
Councillor Turner  
Councillor Cooper

ALSO PRESENT: Dale Reinhardt, Acting Municipal Clerk  
Fred Crooks, Municipal Solicitor  
Julia Horncastle, Recording Secretary

=====  
The meeting was called to order at 6:00 p.m. with the Lord's Prayer. Mr. Reinhardt called roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

Mayor Lichter outlined the procedure followed for a public hearing.

CDD-EP/CB-01-88-06 - APPLICATION BY WALLACE MACDONALD AND LIVELY ON BEHALF OF ANAHID INVESTMENTS TO ENTER INTO A DEVELOPMENT AGREEMENT PURSUANT TO A CDD FOR AN APPROXIMATELY 130 ACRE PARCEL OF LAND LOCATED TO THE EAST OF CALDWELL ROAD AND TO THE SOUTH OF THE COW BAY ROAD IN ORDER TO ALLOW FOR DEVELOPMENT OF THESE LANDS BY DEVELOPMENT AGREEMENT

Jim Donovan made the staff presentation. He said as part of the

package there is a memo of minor revisions to the proposed development agreement which came to light after the advertisement for the public hearing was inserted in the paper. He said the memo outlines four areas where some minor revisions should be included as part of the proposed agreement. The first one relates to Article 4.4.2 of the agreement on page 21 whereby certification from a surveyor, with respect to basement floor elevation and height of foundation walls, are required. The certification has to agree with the subdivision and lot grading plans as is presently worded. An earlier section of the agreement actually allows a lot grading plan to be varied from the subdivision grading plan pursuant to engineering approvals. That sets up a situation which was not intended whereby a surveyor would have to indicate compliance with both in which case that might not be possible. To clarify they would like to see the words "subdivision and" removed from line 5 of that article. Schedule A is intended to provide a legal description which, to date, has not been provided. He said he would like to point out to council and members of the public that it will be required before any execution of the development agreement can take place.

Schedule E shows a fifty foot right of way whereas in the staff report it refers to a fifty five foot right of way. He said they have asked for and received another cross section which should be included as part of the agreement tonight. There are some changes to Appendix B of the agreement because it refers to a figure 1 which was not included as part of the staff report and should form part of the agreement, basically the last page. He said the staff report contains two recommendations one of which is that two small areas of land located on the perimeter of the CDD site be rezoned to CDD. He said these two areas, unfortunately, were not referred to in the advertisement for tonight's public hearing and consequently council cannot consider the rezoning of those two parcels of land at tonight's meeting. He said they were not included in the public hearing ad through a staff oversight and consequently the agreement could not be approved as it presently applies to the property. He said this should not preclude council from considering the merits of the application or taking submissions on the proposal at tonight's meeting. He said staff would like to see the advertisement for the rezoning aspect of this development proceed as quickly as possible and should council determine at the end of tonight's meeting that a public hearing be held as early as possible on those two areas of land to be rezoned. Staff would be looking for council to defer consideration of the development agreement until these parcels of land can be rezoned at a future time.

#### QUESTIONS FROM COUNCIL

Councillor Deveaux asked where this left council this evening with regards to making any legal final decision. He asked if this relates only to one aspect or can any of the proposal be approved this evening.

Mayor Lichter said it is the feeling that perhaps council's best position tonight would be to hear all submissions and then have council defer any decision making and debate until after the public hearing has been held on the rezoning aspect.

Councillor Deveaux asked if that would constitute another public hearing where those same issues can be debated again.

Mayor Lichter said speakers can come forward, at that public hearing, and speak on the issue but if council does not debate the issue tonight then it wouldn't be redebated again at the next public hearing.

Councillor Ball said he was under the understanding that if the debate was deferred to the next meeting that council could debate the issue of the rezoning but no debate concerning the actual development agreement. He said this was the understanding he had received in discussion with staff. He said it was his understanding that theoretically council could deal with this, come back to a public hearing of the two parcels of land that need to be rezoned and have a public hearing on those two parcels, but not revisit debate on the CDD zone.

Jim Donovan said it depends on to what point council reaches any decision on the level of comfort with the agreement. He said if there are suggested amendments to the agreement then those may have to be readvertised.

Councillor Ball asked the solicitor if council could theoretically deal with the development agreement and come back on the public hearing on the rezoning of the two parcels of land and that the development agreement not be revisited at that public hearing. He said he would suggest that the public hearing be site specific to the two parcels of land.

Mr. Crooks said what council is not, in his opinion, free to do tonight is to take a decision on the development agreement given that no decision has been taken with respect to the rezoning of the two parcels identified by Mr. Donovan. Council is in a position, short of that, to receive submissions and as well to debate or deliberate concerning those submissions if it should so choose. He said ultimately it is for council to decide whether or not there would be further discussion and debate on the 13th or whether or not council would wish to move at that point to a decision.

Councillor Ball said in times before when council has had to adjourn a public hearing there has been the question mark as to who is allowed to address the hearing where a hearing has been adjourned. He said it is his understanding that in the past there has been the difficulty that people who participated in the original public hearing, including members of council, were the only ones that could follow into the debate of public hearing

subsequent to that.

Mayor Lichter said his feeling would be that adjournment would come only after, if council wishes, all submissions have been heard both in favour and in opposition. He said then the public hearing portion is over on the CDD itself. He said the public is free at a future date to address the issue of the rezoning of those two small parcels but not the CDD. He said once all submissions are heard council is free to make the decision of adjourning or deferring the decision to another date.

Councillor Ball said his concern is that the audience can come back and speak site specific to the two parcels of land that have to be rezoned but can't, if this portion of the hearing is concluded, revisit the development agreement. He said he wants this for the record so that the people in the gallery can understand that.

Mr. Donovan said the application before council tonight is an application for a development agreement to permit a mixed residential development provisions respecting comprehensive districts as outlined in the municipal planning strategy for Eastern Passage/Cow Bay and in the provincial planning act. The property under consideration consists of a 130 acre parcel of land that is situated East of the Cow Bay and Caldwell Road intersection in Eastern Passage and extends roughly from an areas just East of Caldwell Road to the Smelt Brook. The Armoyan Group intends to develop this property as a comprehensive residential development consisting of a major residential component and areas set aside for active and passive parkland as well as a planned pedestrian and vehicular transportation network. In total a maximum number of 618 dwelling units is being proposed here and they are to be arranged on single individual and semi detached dwelling lots. He made reference to page 3 of the staff report which gives a breakdown of the residential component which includes 104 units which are to be a minimum of 60 feet in width and 5800 square feet in area.

He said the next component is 138 single unit dwellings on lots having a minimum frontage of 54 feet and minimum area of 5200 square feet. He said there are 84 units on lots having a minimum width of 40 feet and a minimum area of 3800 square feet. He said they are in various locations throughout the development site. He said 108 units would be on 36 foot frontage lots and having a minimum area of 3400 square feet. He said these are also spread throughout the development site. He said the last two categories are for semi detached dwelling units. He said there are 62 units proposed on minimum lot size of 32 feet and minimum lot areas of 3100 square feet. He said 122 units would be on semi detached lots of 35 feet minimum and 3400 square feet. He said these are also spread throughout the proposed development concept.

He said the proposed concept includes a collector road system that extends from the Cow Bay Road into the development where the roads



would be designed at a 66 foot wide minimum right of way and a spine road called Melrose Avenue at a minimum width of 55 feet. Both of those road widths are intended to accommodate sidewalks that are going to be constructed. He said there would be an internal pedestrian walkway system that would be complementing the sidewalk system linking the various neighbourhood units and the remainder of the outlying community. Most of the pedestrian linkage would be provided by a boardwalk across a conservation area that is being proposed to be dedicated to the municipality by the developer.

He said the open space component is approximately 38 acres in total and about 29% of the site. He said 3.7 acres would be in the form of four active parkland parcels and approximately 2000 square feet of each would have to be fenced, graded and sodded for the purposes of a playground. The remaining area would be developed at the municipality's discretion at a future date. He said it would remain in its natural state until such time as the Department of Parks and Recreation or the community wishes to see something else done on those sites. He said there are two conservation parcels which are not suited to residential development because of wetness and extraordinary measures financially and engineeringly that would be required to bring them up to some kind of a level that would support any types of development. They would be dedicated as part of the parkland component and left as open space.

He said the applicant has some land that is immediately adjacent to the property that is presently zoned R-2 and is developing that area independently of the CDD; however, this extends beyond that and some clearing has occurred within the CDD itself. He said the staff report outlines that development agreements for comprehensive development districts in Eastern Passage may be considered pursuant to Policy UR-15 of the planning strategy. That policy indicates that council must consider the types of land uses included in the development, the general phasing of the development relative to the distribution of specific housing types, the distribution and function of proposed public lands, any specific land use elements which characterize the development, any other matter relating to the development's impact upon the surrounding uses or upon the general community as contained in the general implementation policy (Policy IM-11). Furthermore matters relating to the general provision of central services and handling of storm water must be considered in the agreement.

He said, with respect to Policy UR-15, staff is of the opinion that the agreement before council is consistent with the policy and planning strategy. The types of land uses are low density, single and single detached dwelling units. They are not inconsistent to what is already in place in the community. They are on smaller lots but the types of houses themselves are not different than what is presently seen throughout the community. The development agreement stipulates that the housing will be as generally

indicated on schedules which are attached to the agreement.

He said, with respect to the general phasing of the development relative to the distribution of specific housing types, the phasing is addressed under part 7 of the agreement. He said a phasing plan must be submitted for engineering approval prior to final approval of the subdivision. Basically the proposed agreement acknowledges that for the purposes of the subdivision by-law, this plan represents or satisfies the requirements for a tentative plan of subdivision; however, a final plan of subdivision must be submitted with all the engineering drawings that would normally be required through the subdivision process. He said in addition to that, a phasing plan has to be submitted as well showing how these services would be installed and because it is to be serviced with municipal central sewer and water, there are certain matters relating to a pumping station to be constructed and the actual connection to municipal services has to be addressed first before final approval can be given. He said the agreement also indicates that a second access onto Cow Bay Road will have to be constructed prior to any permits being issued for anything beyond fifty percent of the dwelling units permitted under the agreement. He said after 309 dwelling units are constructed an access has to be built down to Melrose Avenue as indicated in Article 7.4 of the proposed agreement.

He said the agreement itself is centred on a concept of neighbourhood units where each one of the neighbourhoods would contain a balance of the various housing types and lot categories that are approved under the agreement. The agreement provides for the dedication of parkland and public open spaces through the dedication of the conservation areas. In addition the agreement stipulates the grading and sodding and other improvements that would be necessary to those areas before the municipality accepts a deed for them.

He said there are no commercial or apartments being considered here. The only other form of development besides single unit and semi detached housing is a provision whereby individual permits could be issued for day cares where the property is located next to a park parcel. He said that is referred to in the agreement. Policy IM-11 is a general implementation policy that has to be considered for any rezoning development agreement implication. He said that policy outlines various matters respecting servicing and the capability of the municipality to absorb any costs related to the development, whether or not the development is premature by reason of the financial capability of the municipality to absorb costs or the inadequacy of the sewer and water services and adequacy and proximity of school, recreation and other community facilities. He said also the adequacy of the road network leading into or adjacent to the development and the potential for damage or destruction of potential historic sites. The proposal is capable, through either the development agreement or by itself, of complying

with all those criteria.

He said other than the specific provisions that are made with respect to reducing lot sizes the development must proceed in accordance with all existing municipal subdivision and building by-law requirements and engineering requirements. He said all the provision of municipal services such as the construction of sidewalks and walkways and the development of the pumping station required costs would be borne by the applicant. He said it is basically a cost neutral development as far as the municipality is concerned. In addition Article 7.5 of the agreement refers to the developer being responsible for paying \$676. for each of the first 100 lots to pay for the upgrading of the Quigleys Corner pumping station which would be required at some point in the future should this development proceed. He said that the figure was worked out based on the incremental costs of upgrading the pumping station to service the additional lands that were included within the Eastern Passage service boundary taking into consideration that this proposal represents 130 acres of the total 250 acres that were initially included. He said given that the pumping station costs were calculated to be in the range of \$130,000 and that this proposal is slightly more than half of the 250 acres a figure of \$67,600 was required on the part of the developer to offset those costs. He said Section 7.5 of the agreement would require the payment of \$676 per lot at the time of final endorsement of subdivision approval so that total costs could be amortized over a period of time.

He said the site is well located in the community with respect to adequacy and proximity of school, recreation and other community facilities. He said the area just beyond the Caldwell Road contains the Elkins Barracks which is the community commons for Eastern Passage as major school facilities, a fire station and junior high school. The actual parkland in the development is over and above what is being provided by those existing facilities. The School Board has indicated that the development of this many dwelling units in a short period of time would result in overcrowding of the school. He said while recognizing the potential educational impacts that could precede this type of development is not going to occur over night and it is unfair to limit this proposal when other development in the area may proceed as of right and result in as much over crowding. He said staff does not feel that that particular concern is necessarily a major one with respect to this development.

He said in terms of the adequacy of road networks leading to, adjacent or within the development he has indicated how the site is to be developed. He said individual P loops would be 50 feet wide and no sidewalks would be constructed on these streets although they would be linked to the walkway system that leads to the sidewalk system. He said they have been in touch with the Department of Transportation and the Cow Bay Road is capable of

handling the increased traffic that would result from the development. The Cow Bay Road is not developed according to urban standards at the present time. He said it is just a two lane street and has ditches. At some point it may be necessary to have some controlled intersections but, based on a transportation study that was provided by the applicant to the Department of Transportation, that is not a concern at the present time.

He said found no areas of concern with regards to destruction or damage of historic sites. He said the second part of the implementation policy indicates that controls are to be placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of the type of use, the height, bulk and lot coverage of any proposed building. He said the development agreement is based on controls and permits only the residential lot categories that are outlined in the agreement. He said it is very specific, in terms of the type of use, that this is residential development. He said there are concerns expressed in the planning strategy about large scale semi detached dwelling developments particularly the visual impact of these generally larger buildings in an area where people feel too much semi detached building has occurred in the past. He said the development agreement has attempted to address these concerns by implementing controls on the semi detached housing. He said all of them have a restriction in terms of their height. The power meters are discouraged to be located from the front of the building rather to be located on the side. The architectural design of these forms of semi detached dwelling units are more compatible with the community and address the concerns that are expressed in the planning strategy more than what would be permitted as of right in other areas of the community that are currently zoned R-2.

He said the agreement stipulates that the lot coverage is the same as that permitted in other R-1 or R-2 zones which is a maximum of 35% of the lot covered by building. The height is restricted to 30 feet as opposed to 35 feet and the actual appearance is as indicated. He said there is no open storage permitted in the proposed development and there is a provision for day care facilities and a sign would be permitted in conjunction with a day care. If someone wanted to have a home business the same provisions of the R-1 zone would apply to this proposed development.

He said Policy UR-5 outlines that the proposal meet the general target for housing types that is outlined in the planning strategy. He said this policy outlines the general target of 70% single unit dwellings to 30% higher density form of dwellings as being a requirement and a general target for any development proposal before council. He said this application meets that requirement. He said there is a maximum of 186 semi detached dwelling units within the proposed development concept and a minimum of 432 single unit dwellings permitted under the development agreement which

works out to 70/30.

He said the staff recommendation for the development is consistent with the planning strategy. He said there are controls within the development agreement to address concerns related to environmental matters, storm water runoff, engineering and servicing standards, the actual density and separation of buildings from one another and therefore the development agreement should proceed to approval at some point.

QUESTIONS FROM COUNCIL

Councillor Deveaux asked how the density of this development compare with the one designed by Kiel Developments.

Mr. Donovan said he believes that Kiel Development had somewhere in excess of 600 dwelling units of which 200 would be in the form of apartments. He said he believed there were two 100 unit apartment complexes proposed. The rest were single unit dwellings and a scattering of semi detached dwellings. He said roughly the same amount of dwelling units.

Councillor Deveaux asked if the density was any different from the density being presented here.

Mr. Donovan said the parcel of land has never changed it is 130 acres. He said if you translate somewhere in excess of 600 units one way or the other the density overall is the same. He said this development plan extends back to 1988 when Kiel Developments made their application which included a concept plan that showed that type of layout. It also showed construction of streets within the conservation area and one of the apartment sites was close to the areas shown as conservation.

Councillor Deveaux said one of the concerns was the Briarwood Subdivision and the parking. He said it was his understanding that Mr. Armoynan has made allowance for parking in this agreement than what was not allowed for in Briarwood because that was not a development agreement.

Mr. Donovan said the proposed development agreement contains specific clauses on the provision of on site parking prior to the issuance of permits. The applicant must demonstrate and show, on a lot grading plan, that there is sufficient parking on site to accommodate two vehicles entirely within the lot boundaries and not in any area in front of the dwelling. To address the usual requirements for R-1 zone where there is a 60 foot minimum lot size and a minimum square footage of 6,000 square feet and a minimum building setback of 8 feet this agreement would allow the minimum setback to be reduced from 8 feet to 4 feet thereby allowing, on some of the larger lots, some greater diversity in the arrangement of housing. He said this would allow this development to occur on

narrower lots. He said no building can be no closer than twelve feet from the neighbouring building on another lot. He said this sets up arrangements so there can be eight foot side yards on one lot and four on another, etc. as long as the parking can be arranged entirely within the lot boundaries.

Councillor Sutherland asked with regards to the category D lots. He asked if a ten foot driveway would be considered adequate.

Mr. Donovan said they would consider a ten foot wide driveway to be adequate.

Councillor Sutherland said it would severely restrict the building if the driveway was to be within the right of way.

Mr. Donovan said those are minimum standards and if an abutting lot was developed in a way that was not a B, C or D there would be additional separation and it is possible that a building could be arranged on a lot that may be able to extend closer in one area but allow additional parking on the side. He said that 10.3 is supposed to represent minimum standards and not allow for things that might be below that to be developed on the site.

Councillor Sutherland said he was thinking about the possibility of sharing driveways.

Mr. Donovan said there are provisions for double driveways and the ability to do that.

Councillor Brill said if off street parking is not provided for the winter there will be problems. He said it is his understanding that parkland space must be usable land.

Mr. Donovan confirmed this.

Councillor Brill asked what was the minimum amount of parkland acreage the developer is required to donate out of the 130 acres.

Mr. Donovan said it is 5%. He said it is all usable. He said there is conservation land also being deeded over to the county. He said in the R-2 zoned areas streets have been constructed and services installed.

Councillor Brill asked if streets have been installed in the proposed development.

Mr. Donovan said no.

Councillor Brill asked if businesses were being allowed.

Mr. Donovan said home businesses were being permitted subject to the requirements to the R-1 zone.

Councillor Brill asked if there was an allowance for parking for the clients of those businesses.

Mr. Donovan said the R-1 zone in the land use by-law requires a minimum of one additional parking space be provided in conjunction with every home business. He said in a case like that there may be a need for three. He said two is needed for a house and if an application is made for a permit for a home business it will have to be shown that there is a spot available for the third parking space. He said the specifications for driveways is indicated under section 10.8 of the agreement.

Councillor Brill asked if there will be an allowance for roomers in the homes.

Mr. Donovan said anyone can have up to three people sharing room and board in their home without any municipal restrictions. He said when there are over three persons then it becomes defined as a rooming and boarding house which is not permitted.

Councillor Rankin said the Policy UR-5 made reference to the split between single and multiple unit dwellings. He asked what the approximate split is at present in that district.

Mr. Donovan said it is slanted towards the R-2 right now.

Councillor Hendsbee asked if there are other areas presently in the county that have this type of construction and minimum lot sizes.

Mr. Donovan said Sackville has a similar type of development, Armcrest, which allows for the development of single unit dwellings on 32 foot wide lots and, based on 0 lot line, every building is set on the property line. He said the 0 lot line concept requires that a maintenance easement agreement be executed between adjoining property owners and they have difficulty in ensuring that those kinds of instructions are executed and could involve property disputes. He said they tried to avoid that with this development by going with slightly wider lot sizes and having minimum separation distances from the property lines of four feet which is adequate to provide for maintenance of building without having to get into these maintenance easements.

Councillor Hendsbee asked if the foundations for the semi detached homes be joint.

Mr. Donovan said the semi's will be joined down a common wall. The 35 foot would be for each side of the semi. Each side would have 35 feet minimum lot frontage.

Councillor Hendsbee asked if the single homes would have their foundations joined in any way.