

anything is built it is going to be senior citizens homes. He said they were misled by the real estate agent and were misled by the builder of the home.

Councillor Boutilier said in the area Mr. MacKenny was speaking there are buildings with non resident landlords but they are R2 housing. He said this proposal is talking of an apartment complex which is different than a non resident landlord in an R2 zone. He said to have one apartment complex no matter what the units are would still generate the number of people and number of vehicles for traffic. He said if you take in the smaller lot sizes and even though it may be considered to be less there is still going to be the traffic concerns as well as concerns with the population density. He said that was the point he was trying to make.

Mr. MacKenny said his son has built five to six years of growth in paying off his mortgage and depreciation. He said if more single family homes are built it is not going to appreciably lower but if apartments are put in there it is going to lower the property values in the immediate area.

Mr. Clint Scofield, Department of Housing and Consumer Affairs, spoke in favour of the application. He said he would like to advise council that the Department of Housing support this rezoning. He said he was asked to come by the Sackville community council. He said the three parcels of land that are zoned for multi family units were in the original agreement. He said there was originally four parcels and they have already downzoned one. The proposal call that came out some time ago included the apartment buildings and townhouses but when they finalized the proposal they realized that the apartments were not needed. The Department of Housing believed that the vacancy rate in several other things indicated that the apartments were not needed in the Millwood development. The agreement was signed with the developer that they would construct single family houses and duplexes. The agreement was based on the ability of the developer to have these three parcels of land downzoned. He said they fully support that and it is his understanding because the developer will develop the land, the PUD agreement is still in effect with the Department of Housing. He said they will not be giving a deed to the developer until such time as there is approval of subdivision plan and all the necessary engineering work that goes along with the plan. He said they realize that it is their obligation to watch the development. He said they realize that so much so that in the agreement there are funds held back for a bond that will give them the opportunity to correct anything that is not going according to the PUD agreement and deduct from the developer. He said the developer is aware of this. He said the department and the developer have worked out any differences and he is sure the developer knows that they will be watching. They want the development to go along as the

subdivision has.

Deputy Mayor Bates confirmed that the Department of Housing was in agreement and the proposed lot sizes were okay.

Mr. Scofield said they would look to the Department of Transportation and Environment to review those things. If transportation agreed that the development was in line with the requirements they would support it.

Councillor Barnet said he had built a house in Millwood seven or eight years ago and at the time he built the house there was a hold back on the lot and a provision in the purchase and sale agreement whereby he had to place straw on the lot to prevent sifting. He asked if that provision will still be in place.

Mr. Scofield said that was a requirement of the Department of the Environment and if they still require that then they would ensure that it happened.

Councillor Barnet said staff indicates that the one in one hundred flood plain is not in the same place. He asked what the Department of Housing position was on this.

Mr. Scofield said he is not sure. He said they would look to the Department of the Environment for this information.

Mr. Chris Miliar said the flood plain flood fringe was taken from the provincial flood risk initiative. The mapping was done over a period of time. Detailed documents of the 1:1200 scale were prepared. He said the Halifax County planning staff has transposed them onto the planning scale documents for the strategy and the by-law. When they were approved by the Minister of Municipal Affairs they became, irrespectively of the little variances the Mr. Donovan referred to, the real issue. He said in this instance the developers consultants or the department or any property owner may have an idea on where that stuff is. He said now that it has been put in the strategy, through ministerial amendments, it is fixed unless the appropriate provisions are put through to amend. He said they were surprised and questioned the municipality on how they downloaded that information from the 1 in 1200 to the 1 in 10,000 scale. He said it doesn't look correct to them but the fact of the matter is that when it was put in the strategy by the minister it became the law.

Councillor Barnet said what Mr. Miliar is saying is that it does not look correct to him but that is the information that they downloaded from one map to another.

Mr. Miliar said the mapping that the county has shows the apex of where that concentrates, about forty feet away from the culvert.

He said they would say it does not look very accurate because if you look where the culvert is where all the water is concentrated and look where the highest point of the flooding is, it is off to the right and on the ground that is about fifty or sixty feet. He said the fact of the matter is that is what has been prescribed by the minister.

Mr. Scofield said Mr. Reid had mentioned that they had not provided funding for Sackville or Millwood. He said he would agree with him that maybe the funding for Millwood, in respect to recreation, has not been finalized yet but they have provided money for the Sackville area. He said he does not recall knowing or seeing a plan that indicated a senior citizen building would go on High Rigger.

Councillor Harvey said Mr. Schofield had mentioned that one block piece of land had already been downzoned. He asked what size lots were placed on that block.

Mr. Schofield said it is his understanding that there are six duplex lots and twelve or fourteen single family homes.

Councillor Harvey said the original PUD agreement had certain ratios for certain type of housing mix inside the planned development. He asked what was the purpose of having those ratios.

Mr. Schofield said to get the type and variety of housing they thought such a subdivision should need. This included apartments.

Councillor Harvey asked what these applications do in terms of those ratios. Does it approach them or divert from them.

Mr. Schofield said he believes that these applications actually make a lower density over all than what was proposed at first.

Councillor Harvey said it does eliminate or reduce some of the types of housing that was proposed originally. Mr. Schofield said yes.

Councillor Harvey asked if the Housing Department therefore no longer has a mandate to provide a variety of housing types. Mr. Schofield said he believes they do but when the agreement was signed there was a need for, they thought, all types of housing in that area. He said that has changed over the years and right now, with an eight to ten percent vacancy rate, it would indicate apartments were not needed whereas the home owners, with the smaller lots, could be that. He said the Department of Housing and Consumer Affairs are not and perhaps will not give up social housing that they support in the province because they have a lot of social housing in the province and they have a rent supplement

program for landlords and the government will never give up the social housing aspect that cover the need for all housing.

Councillor Harvey asked who owns the lands being talked about at this meeting.

Mr. Schofield said the Minster of Housing and Consumer Affairs.

Councillor Harvey asked if he was right in concluding that the sale of these lands is contingent on the successful application here tonight.

Mr. Schofield said he would agree that the agreement they have in place with the Armoynan Group is contingent upon the outcome.

Councillor Harvey said if these matters were not decided in a favourable way to the developer tonight he could walk away from those parcels of land and not feel he has three parcels of land on which he must build apartment houses. Mr. Schofield said he believes that is true.

Councillor Brill said the ten percent vacancy rate in Sackville is as a result of the excellent programs the federal and provincial government has towards allowing a person to get an R1 home.

Mr. Schofield said he does not believe there is any doubt about that. He said in the last two years their lot sales have been really good and he does not think there is any question about this being so.

Councillor Brill asked if it was true that there are no lots to build on in Sackville at this point in time. Mr. Schofield said there are very few and they don't have any.

Councillor Hendsbee asked if there was the circumstance with illegal apartments in residences in Sackville. Mr. Schofield said he believes the apartment vacancies are caused by a number of reasons and one might even be that the number of senior citizens units that they have built in the province in the last few years. He said the federal subsidy money has dried up and there probably won't be many senior citizens units built in the next few years. He said they only have one building under construction and none on the boards.

Deputy Mayor Bates said what Mr. Schofield is saying is that these PUD agreements are not carved in stone and they can be changed if circumstances warrant.

Mr. Schofield said he has attended meetings where it was the desire of many councillors to down zone these particular sites for obvious reasons. He said the Department of Housing likes to

do what should be done and they try to. He said it is his understanding that the PUD agreement can only be changed by the agreement by the municipality and the Department of Housing. He said they know these three sites are zoned for apartments and if the municipality insisted on that, because of the agreement they signed many years ago, they would have to go along with that and they would.

Deputy Mayor Bates asked if the Department of Transportation has already approved these lot sizes.

Mr. Schofield said they have looked at them but he is not sure if they have been approved.

Mr. Donovan said the Department of Transportation has looked at the proposed lots but they can't assess the lots until the subdivision application is made. He said the preliminary assessment by the Department of Transportation supports the application.

Councillor Boutilier said something he has been wondering is why for all the valid reasons wouldn't the Department of Housing down size the lots themselves and then they would be able to put them in the traditional R1 and R2 lots to maintain the present Millwood residential development environment that has taken place. He said if they wanted to do the down sizing in consultation with the municipality based on those valid reasons and then put it out for an option to purchase for developers then any developer could go in, make a bid to have an option to acquire those lands and then the development would have proceeded with the more traditional R1 and R2 lots.

Mr. Schofield said they first decided that they would develop all four sites and perhaps try to down zone but there was pressure from the outside community that they should make some of this land available to developers and not do it all themselves. He said there are even people who think that maybe they shouldn't be in the business. He said they believe that there is a place for them there and they have proven it over the years. He said they wanted to satisfy the outside business people so they put a proposal out for these three parcels of land and the Armoyan Group was the successful bidder. He said they negotiated and the downzoning was part of the discussions with the councillors for some time.

Councillor Boutilier said it seems to him that if it was the departments intention at that time to do the down sizing, could they not have done the down sizing and then put it out to the developers for the option to purchase.

Mr. Schofield said when the first proposal was put out apartments were included in it. He said had someone come along two years

ago and wanted to buy this land or they had had a proposal out two years ago it would have been apartments because at that time they thought that was the right way to go. He said it could have been done that way but they chose to do it the other way and were putting the lands in the hands of private developers.

Dennis Conchera, 47 Kindling Cres, Sackville spoke in favour of the application. He said if you ask an apartment dweller if they would prefer to own a home or live in an apartment they would all say they would rather own their own home. He said statistics point out that in Nova Scotia more people own their own home on a per capita basis than anywhere else in Canada. He said part of that is due to the Nova Scotia Department of Housing. He said he feels there is another opportunity here to permit people to be able to afford a home of their own and perhaps that is why there is a ten percent vacancy rate in apartments because there are affordable homes in Sackville. He said he believes these homes could fit into the mix that is there now. He said there are single family and semi detached homes in Millwood. He has seen the development in Armcrest. He said that type of development, in his opinion, would not be out of place in Millwood. It would fit into the mix that is already there more so than apartment buildings would. He said he has watched Millwood develop from the start and when he decided to move to Sackville he moved to the area because that is where he wanted to live. He said it appeared to be developed as single family, semi detached housing. He said a lot of people who purchased houses on Kindling Crescent were given maps by the real estate agents that showed part of the parcel of land of MFM5 as reserve land. He said this was pencilled in but still they were told that this land is never going to be developed. He said the perception of Millwood is not one where we are going to see apartments but see housing similar to the type that is proposed.

He said the whole concept of the PUD as it was developed a number of years ago is a good concept and if there is a need for apartments then they should be included. He said in any future development like this the county should consider the fact of how development should take place and he feels it is basically wrong to allow a subdivision to develop for five or six years and allow for the value of those properties to go up and allow them to be traded at premium prices and then turn around and start the apartments. He said if apartments were there from the beginning the neighbourhood would develop with that mix and values would be reflected accordingly. He said if he had known there were going to be apartments in there he would not have purchased the land. He said he knows the issue is not the apartments but these particular types of homes. He said he feels that these should be made available to people because there are people who own homes in Millwood now that could not own a home if they had to buy a full size lot with a large house on it.

Councillor Harvey said that this is the second or third speaker who has indicated that the narrow lot frontage would adversely affect property values of the regular lot frontage. He said the Sackville council heard arguments from people in Millwood in the Login Road area to the reverse. He said those people felt that these lots would be detrimental to the R1 sixty foot lots. He said the same thing comes up again but it comes up the other way.

Mr. Conchera said it may be a matter of perception but the residents of Millwood did organize a public meeting which Mr. Armoyan attended when this whole thing first came up. At that meeting the proposal was made in a rough form and there were approximately two hundred people there and most people found that to be a favourable development. He said it is the lesser of two evils. They would rather see that than apartments. He said on his street there are semi detached as well as single family and whatever that does to real estate he does not know. He said if he was looking to buy a home he would prefer one of these over a semi because there is no wall attached to someone else. He said a total of twelve feet separation would be far preferable. Maybe it will lower the value of the homes but the perception of the community is favourable. He said it is not just a matter of real estate value but enjoyment of your own property. He said he does not feel like moving out of Millwood so it will not be an issue for him but what is an issue is enjoyment of his property and if the perception to him and his neighbours is that these houses are fine with them then everyone is happy.

Mr. Tom Swanson, Aldernay Consultants, spoke in favour of the application. He said they have prepared the plans for the public hearing. He said it is not his intention to appear critical of staff. He said he would refer to parcel M-2 where they are proposing to have 17 lots. He said the staff are recommending against the proposal primarily of the concern with regards to the narrow lots and the number of driveways. He said he would like to advise members of council and the public that they have carried out detailed survey pertaining to the driveway site distances and safety and have determined that all of the lot driveways will meet the requirements as recommended by the Roads and Transportation Association of Canada. He said these are the standards used by the Nova Scotia Department of Transportation and Communications. Further the plans have been shown and the information which their surveyors have determined have been shown to the regional office of the Department of Transportation and they have indicated that although they don't give approval at the time of a zoning request, they don't have a problem with the proposed development. He said that is a verbal indication because their approval only comes on a subdivision request. They will not give an advance approval.

He said he believes the lands could be developed under the present PUD agreement as townhouses and as of right. This could

generate up to twenty three driveways in lieu of the sixteen for the R-0 lots assuming the conventional R-1 lots were left the same. He said there is actually a reduction in number of driveways compared to what could be done as of right. The lands could be developed as of right as apartment and it appears that county staff felt that an apartment with perhaps one or two driveways would be more desirable because of site distance from this section of road. The problem is that even though we may reduce to one or two driveways, from a total of seventeen, we would be increasing the number of vehicle trips to more than double and the number of vehicle trips turning in and out of driveways, not the number of driveways contribute to traffic accidents and traffic safety. It is his opinion, as a planner and as an engineer with a lot of work in the traffic, this proposal creates less traffic hazard and potential for accident than either of the types of development which could take place on this land as of right.

He said one other comment made in the planning department presentation was that the lands along the street are all developed in conventional lots. The slides show that there is multiple family directly across the road from parcel 2. He said with reference to parcel 5 on Highrigger Crescent. He said they are proposing a combination of R-0 and R-2 lots. The staff support the application in principle but if it is with regard to specific lots pertaining to the flood boundary in the MPS. He said when they were advised last week of staff's concern in this regard they made enquiries with regard to getting copies of the MPS. He said they have been advised that it is in the hands of Municipal Affairs and the county does not have it and it is not available to the public. He said they then went back to the original flood plain mapping carried out jointly by the provincial and federal group in 1985. Their flood plain mapping was generated on the basis of a survey coordinates tied to the Nova Scotia coordinate monument system. He said they obtained a copy of their map, superimposed it, by using coordinates on the legal plans for this land and have found the boundaries to be substantially different to those indicated on the sketch prepared by county staff and included in page 10 the staff report. He said they found them to be so different that it was to be as they had initially found to be and that it does not effect the development of building at locations which they indicated on their lots.

He said he believes that one other feature, which if one looks at the map on page 10 of the report, shows the flood plain superimposed there by the municipal staff on that sketch to be going vertically crossing two contours with a total vertical change of four metres. There is a ten or twelve foot difference in the elevation of the flood plain according to the map. He said there has obviously been an error in transposing. Because of that they request council approve their clients application

conditional upon a determination of the actual flood plain in accordance with the elevations of the flood plain determined by the federal/provincial study group and confirmed in the field by actual physical survey to determine elevations of existing ground. He said they believe that this is a concept that staff would probably not have a problem with and something that would be practical. He said if mapping gets changed and moved all of the maps and initial studies can be done and superimposed on maps created by aerial photography and in wooded areas wooded areas aerial photography maps can be out by ten or twelve feet in different locations. As a result when it comes to actually building houses that will not be flooded, it is necessary to get out on the ground and do true survey. He said they feel with councils approval in principal this could be worked out through engineering and planning staff without any difficulty in detail. He said if it does mean that some of the lots are within the twenty year flood plain, where building is prohibited, then they would be withdrawn and they would not expect staff to approve them in the final analysis.

He asked if the MPS overrules the PUD agreement because if it is not and the PUD agreement was changed in one place by one party without the other parties agreement it may not overrule. He said he does not want that to become an issue but it simply a question he poses. He said the issue is that they can assure council that they would not expect to get a building permit within the twenty year flood plain when that flood plain is determined by survey of actual ground elevations.

He said he would like to comment on parcel M-6. He said again the department staff have indicated a concern with regards to the reduced size of lots and particularly with regards to the number of driveways along the route 1. He said he believes that there are duplexes along a section of route 1 quite close to this on the opposite side of the road. He said duplexes would have driveways as close or closer than what they are proposing. He said there was a question with regard to the setback of units from the road and basically the lots fronting on route 1 are very deep, 150 to 200 feet, and the setback of buildings is quite flexible and they would be prepared to work with staff to come up with an optimum setback. He said they actually felt that a setback that is not excessively deep may be desirable if it would allow buildings to not have a steep a driveway. He said there are a number of instances throughout Halifax County where driveways are much more severe than what is being proposed here. He said on #1 they have checked that the driveways have site distances as recommended by Roads and Transportation association guidelines. He said they have discussed this with the Department of Transportation who have indicated that they don't see any problems but who will not give approval without an actual subdivision application.

He said with regard to parcel 6 staff also expressed a concern with regard to the sediment and erosion control because of the steep grade of the site. He said they agree that the site is steeply graded and that more earth work than the developer would prefer to do because of its cost will be required to put street grades on a road to meet Department of Transportation standards. He said there are however methods of sediment and erosion control that can be put in place to control this problem. The municipality would be looking at and issuing top soil removal permits and grading permits before they could do that grading. The county engineering department will require to see sediment and erosion controls plans in place before they will issue such permits so that could be handled in the same manner as any other conventional development or subdivision. He said the extent of the grading required would not change significantly regardless of the size or width of the buildings being put on it, whether they were conventional houses or narrower houses. He said the change from the initial application to put the cul-de-sac does substantially reduce the amount of earth work and grading required. He said they would also be prepared to work with the engineering department staff with regard to getting some geotechnical input and evaluation of soil conditions which may permit them to use steeper than conventional 3:1 slope subject to geotechnical approval and that would allow them to leave more treed buffers adjacent to existing homes than if they have to go with more gradual slopes. He said they will attempt to do that only with proper geotechnical investigations and engineering design. He said with regard to the #1 highway it would be once again be possible to put townhouses along the #1 highway as of right with the additional driveways relative to this proposal. He said he is comparing what would be permitted today as compared to what their client has requested.

He said there has been some comment that even with reduced density that is proposed with smaller there may be similar density to that which was there as of right. The current PUD agreement between the three parcels would permit a total of up to 210 units. He said they are proposing a total of 85 units or just over 30%. He said there is a significant reduction in total units and that would result in a parallel reduction in traffic, in school population, truck sewer, sewage treatment and servicing capacity. He said these reductions would be taking place.

He said with regard to the question of the PUD and plan review and some of the citizens made reference to the provincial planning act requests the municipality review it planning strategy and zoning by-laws in various areas every five years. He said the PUD has been in place for twelve years and perhaps a review and some changes are in order. He said he is not saying this to be critical of the drafters of the PUD but after twelve years such things as market demands and types of development etc. change. He said with regard to parcel M-2 they are proposing

that over 50% of that parcel be deeded to the municipality as park and open space. With regard to parcel M-6 it is closer to 70% that they are proposing be deeded to the municipality for park and open space. He said with regard to parcel M-5, where there has been concern by the municipal planning department about the small size lots in actual fact the average lot area, taking the area of all of the lots, is close to 5900 square feet. The conventional minimum lot size is 6000 square feet. He said although they have narrow frontage on the outside of curve and on a number of the lots the wider backyards and the deeper lots which they are leaving in several areas because of backyard slopes brings the average area of the lots up to conventional lot sizes.

He said there has been discussion with regard to R-0 lots being introduced to Millwood and whether that is appropriate. He said there is one street in there that is now developed as R-0 and, in actual fact, R-0 lots generate less density as R-2 lots. He said there is little or no land available in Sackville at the present time for single family homes and approval of this project would result in jobs and employment in the area as the total project value will be in the range of eight to ten million dollars and would be his client's intention to proceed as quickly as possible.

He said with regards to parcel M-2 staff have indicated that they recommend against it. He said he has given arguments why he believes approval would be appropriate. Staff have gone on to say "should council decide to approve it, they should approve it conditional on the developer building appropriate sanitary sewer, a new storm sewer and curb on his side of the street and sidewalk". He said their client is in agreement which building the appropriate sanitary sewer with building a new storm sewer with building the new curb. He said they do not believe that their client should be required to build sidewalk, have the conventional county subdivision requirements and regulations do not require sidewalk and it would not be required even if the parcel were developed for townhouse or apartment. He said these would have higher density and more people wanting to use the area. He said they believe that if sidewalks are required in this area it should be brought in by the normal means of installing sidewalks and that a downzoning to decrease the density doesn't warrant an additional expenditure for pedestrian movement.

He said with regard to parcel M-5 they request that council approve the lots on the basis of the configuration submitted conditional upon appropriate physical survey in the field confirming that none of the buildings are below the elevation of the twenty year flood plain as determined by the joint federal/provincial task force and studies. Should some of the lots currently shown not qualify under the that criteria then

they would make changes of the plan to ensure that there would be no building below that twenty year flood plain level.

He said with regard to parcel M-6 they ask for approval of the plans as submitted including the R-0 lots fronting on the #1 highway. He said it would be their clients intention to put in sanitary sewer and water to service these lots. He said the engineering department indicated that they were interested in having the waterline along this section of the highway and it could be installed, at the developers cost, and looped back into the waterlines within the Millwood Subdivision. However, he is not offering to build that waterline on the #1 highway beyond the extent of their clients property. He said they also don't believe that it is appropriate for their client to be installing curbs, sidewalks or storm sewers on #1 highway which is an existing Nova Scotia DOT highway.

He said his client, Mr. Armoyan, has advised him that if council should decide not to grant the approvals requested, whether or not to proceed with the purchase and sale agreement would be at the option of the Armoyan Group and that the Armoyan Group have evaluated development of the land for townhouses based a similar lotting arrangement to that currently proposed and they would find that to be financially attractive although it is not the preferred alternative so that they believe they would be proceeding with the development of these lands in any event. He said he wanted to again emphasize that he is not trying to intimidate and he does not mean for anyone on to council to take it that way. What he is trying to say is that the believe that they have come up with a proposal that many of the public, who are here this evening, have spoken about and have indicated that they would find to be more acceptable than the development that may take place as of right and that their client is interested in doing that development and working with the municipal staff to overcome concerns expressed by the staff reports with regards to items such as sediment and runoff control and engineering details.

Deputy Mayor Bates said on M-5 the flood plains were referenced and was proposed to provide sanitary sewer, storm sewer, and sidewalks. He asked if they were planning to put them in there.

Mr. Swanson said on parcel M-5 the storm sewer and sanitary sewer and water lines are already existing on the street. He said they have been installed on Highrigger Crescent by the Department of Housing. He said it would be their clients intention to connect service laterals to them but not to construct any new primary services in the street.

Councillor Brill asked why it is they wouldn't consider sidewalks in M2R on Millwood.

Mr. Swanson said essentially it is a question that sidewalks are a relatively expensive item to install and their client feels that when downzoning the land it shouldn't be required to upgrade the servicing that would be required if the land were not downzoned. He said it is a matter of economics.

Councillor Brill said it is a matter of economics all way round because throughout Sackville people are paying area rates for sidewalks yet they don't have them. Here is a street that is obvious there should be a sidewalk on it. He said it seems to him the county should not be paying but the developer should and if that has to go onto the price of the lots then so be it.

SPEAKERS IN OPPOSITION

Mr. Marvin Silver spoke in opposition to the application. He said he is vice president of the Sackville Rivers Association and he is speaking on behalf of that association. He said the association was formed some seven years ago to protect and where necessary to restore the Sackville River watershed. Over the years their efforts have been relatively successful. The Sackville Rivers Association is gratified that the N.S. Department of Municipal Affairs has altered the Sackville Municipal Planning Strategy to include the flood plain designation. The Sackville Rivers Association expresses support for the Department of Planning and Development for prohibition of building in the flood plain F-3 zone. The Sackville Rivers Association contends that this recommendation does not go far enough and that there should be no development or infilling within the lands designated as flood plain. Flood proofing of buildings is very expensive and does afford some protection for those buildings should a flood occur but, of course, it does not prevent floods. There is the real danger that future owners may not be adequately informed that their lands are in whole or in part in the flood plain and may suffer both financially and emotionally when their property is impacted by flooding. He said for the people in attendance who are from the area, the plans that are proposed are generally never carried out as proposed. If you look at the map with the apartments on it, you will see that the flood plain designation will go right through those apartments and to build those apartments flood proofed may be extremely expensive. There is no guarantee that even if a plan is approved that it is not changed at a later date and the parts and pieces that you did not want to see in there and worked so hard against appear again. It is not the first time it has happened and if it happens it won't be the last time.

Councillor Brill said with regards to the flood plain, on one hand they are concerned and on another hand they are not concerned. He said with regards to this particular project they are concerned but there is the Wal Mart store at Downsview Mall which is infilling along the property but nobody says anything.

Mr. Silver said that is another matter and he would reserve comment until they are dealing with that matter. He said they are concerned about that, quite concerned.

Mr. Armoyn said councillors had concerns why the Department of Housing didn't get this thing downzoned first then call proposals. He said he would like to draw to councils attention that when this proposal was called originally and they were successful applicant there was no restriction on apartment. They were allowed to do apartments. He said they took it upon themselves to ask that this application, when they negotiated their agreement, to leave it their option that if they cannot downzone it they can walk away from it. The proposal when it was called originally was not restrictive that there would be no apartments or townhouses there. He said they took it upon themselves by doing some market research that it was the best development for this particular area. He said if you were to drive on Highrigger most of the homes that exist on that are either semi detached or small housing that exist on that street. None of these would be out of character for what is built there. He said they have worked hard to try to satisfy most of the residents by eliminating the apartment building of the site MFM-5. He said they had to give up approximately three hundred thousand dollars in revenue to satisfy the residents of that area. He said their land price was not reduced by the Department of Housing. What was originally negotiated was still to be the same price. He said they have to make every development as economical as possible. He said he would urge council to approve the application as it is in front of council.

DECISION OF COUNCIL

Councillor Barnet said he has some concerns. He said those concerns are that council has an option to do nothing and allow this development to develop as of right which would include several large apartment buildings and which would not be consistent with the existing development or there is an option where this can be downzoned to lotted frontage. He said approximately one year ago he approached the Department of Housing with the idea of downzoning these to lotted frontage. He said he meet with Mr. Dillon and discussed this in detail and inevitably he put an application forward to the Municipality which the Municipality was not agree with. It went to the planning process and it came through and was granted. He said he heard the street was started today's date.

He said there is an element of risk. If council do not do anything, there is the opportunity to have a developer start construction tomorrow on townhouses or apartment buildings or council has the opportunity to achieve fourteen acres of parkland. He said there is the ability to meet the desires of the property owners, the Department of Housing; the developer and

the vast majority of the home owners in the Millwood area. He said a lot of discussion went about the PUD and how its and antiquated document. There are a number of PUD's in the municipality. He said the difference between the Sackville PUD and the Cole Harbour PUD is substantial. In Cole Harbour they developed apartments and townhouses but they developed at the same time as they developed the single family houses and the semi detached. In Millwood they did not do that. In Cole Harbour the Department of Housing saw fit to develop a substantial park. In Millwood it has not achieved yet. He said there is a tot lot in the beginning stages but they don't have a park. He said the majority of the homeowners would prefer a 60 x 100 lot in their back yard as opposed to a 32 x 100 or 200 lot whatever it works out to be. He said council has to deal with what is in front of them. He said there was discussion regarding sidewalks. Sidewalks along MFM2 are on a list that was provided by the Sackville Community Council to the Department of Transportation as a priority list for sidewalks. It has been on that list for a number of years. This year it was not approved. Maybe next year it will be approved and will be expended in the same way where 20% of the money comes from a fund allocated by municipal tax dollars that have been paid into and 80% of the funds come from the Department of Transportation for the province.

He said with regards to the narrow lot type of housing there is been a lot of discussion. He said that recently in Millwood this narrow lot type of housing has become so popular that may people have built this style house on their conventional lot. They like the looks of it, the design of it and the option of having something different. He said if you drive through he existing Millwood on Kindling Crescent and other streets you will find narrow, two storey type houses. In addition to that, you will find them in Penstock Court - narrow houses on narrow lots.

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

'THAT COUNCIL APPROVE THE APPLICATION SUBJECT TO THE CONFIRMATION OF THE 1:20 AND THE 1:100 YEAR FLOOD PLAIN MAP AS INDICATED THE APPLICANT WOULD CONCUR WITH THE CONCURRENCE OF STAFF OF THE ENGINEERING AND PLANNING DEPARTMENT'

Deputy Mayor Bates asked if Councillor Barnet was including the sidewalks as part of the motion.

Councillor Barnet said no.

Councillor Harvey said that, for the record, he would like to indicate that this revised application did not have the benefit or consideration of the Sackville PAC nor the Sackville council.

He said he would prefer that the three parcels were moved and seconded separately. He asked if Schedule A, attached to the report, was not to be included.

Deputy Mayor Bates said the resolution being referred to includes sidewalks, and services provided by the developer. The motion does not wish that to be included that is why he asked for clarification.

Councillor Harvey asked if adequate flood proofing was included in the motion.

Councillor Barnet said the developer said they would verify the 1:100 flood plain and confirm that it was outside of the 100 year flood plain. Regarding the sidewalk issue, essentially if the municipality puts sidewalks across the front of these houses where would they go. He said he does believe that on the bigger picture sidewalks should go from existing Millwood Drive to existing Beaverbank Road but not to ask for a developer, just because he happens to be in business in the municipality, to take over the responsibility and put sidewalks in.

Mr. Jim Donovan said a question was asked of him earlier about Department of Transportation and he did indicate that they officially responded and indicated that, from a stopping site distance point of view, the lots were acceptable. There were other comments.

With respect to parcel 2R he wanted to indicate this because it may effect any decision by the Department of Transportation, at some point in the future, to cost share on a sidewalk project along the street. It says in the letter written by Paul O'Brien, Area Manager Suburban, attached as an adjunct to the official response to this application "I would also suggest that since the community is pushing for sidewalks along Millwood Drive then now is the time to have these put in as well. It is imperative that the sidewalk and adequate provision for parking be provided from the outset. The parking along this portion of development must include a place for a minimum of two cars off the right of way per lot". He said there are comments with respect to the other two parcels as well.

With respect to parcel MFM5 "Yesterday I was to the brook location on Highrigger and my recommendation is that any development that takes place on lot M521 be tightly controlled. The reason for requiring that is to protect the flow of the brook so that back up and flooding of the road does not occur".

With respect to parcel MFM6 "The cul de sac looks very similar to the one on Bond Court. Parking on Bond Court is a problem throughout the winter and even during the summer. The density of the housing does not allow on street parking unless it is

perpendicular to the curb. As you can appreciate that creates numerous problems from snow removal to street sweeping. I therefore recommend that space be provided for two cars to park per lot and completely off the right of way. The grade of the proposed street and contour suggests that a high degree of street drainage will result in winter icing problems. It is certainly a location where we must insist on a parallel drainage system to allow for individual lot hook ups or at the very least direct laterals into the storm system. I would further insist that should the county not recognize and support the potential problem and its resolution at this stage then they should be made very aware that the resulting problem will be theirs to correct totally. The lots of trunk 1 are another problem. Trunk 1 will probably be upgraded in the next five years as volumes increase and the surface disappears. We would recommend that the minimum setback for each unit along trunk 1 be set at 30 feet. The existing road is one of the typical highways in the province, has no curb or storm drainage and has an open ditch. I would suggest that it be left that way to establish a section of curbed storm drained isolated trunk 1 will be, in the short term, a problem".

Councillor Barnet said this information comes after a motion has been made and after the applicant has had the opportunity to rebut any evidence. This is not the proper procedure and call for the question on the motion.

Deputy Mayor Bates said the sidewalks were being talked about and as Mr. Donovan had some additional information he does not see that it hinders the process.

Councillor Boutilier asked for clarification with regards parcel MFM-6 with the soil erosion and the bank stability and the slope stability etc. He said the development in Millwood would now be covered by the Nova Scotia Department of Housing and the N.S. Department of Environment and does it indicate somewhere in the agreement that in fact the developer will follow and maintain the same standards as set by the N.S. Department of Housing and Environment.

Mr. Donovan said that that is one of the terms of the purchase and sale agreement is that the developer will abide by the provisions of the PUD agreement.

Councillor Boutilier said along highway #1 are water services or municipal sewer or curb and gutter a given.

Mr. Boutilier said all these lots will require services but in terms of curb and gutter he does not know, on route 1 in particular, what the answer would be. He said the Department of Transportation obviously doesn't support curb and gutter along that stretch of road.

Councillor Boutilier asked if it would be a storm drainage curb and gutter or would it be an open ditch.

Mr. Donovan said it looks like it would be an open ditch according to what he just read in terms of Transportations comments.

Deputy Mayor Bates asked if the Department of Transportation can change the conditions after it has been approved at council.

Mr. Donovan said anything that is the jurisdiction of theirs along the road system they can make requirements at the subdivision stage. He said these comments were volunteered as preliminary comments. He said the direct question that he asked related to stopping site distances and the Department of Transportation, from that point of view, have no problems with the application. Any analysis done at the initial subdivision stage related to servicing and exact driveway locations he cannot respond to at this stage.

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

"THAT THE SUBDIVISION APPROVAL REGARDING PARCEL MFM2R INCLUDE THAT SUBDIVISION APPROVAL FOR LOTS M201 TO M217 SHALL BE CONDITIONAL UPON THE INSTALLATION OF SIDEWALKS, CURBING AND SERVICES BEING PROVIDED BY THE DEVELOPER"

Councillor Cooper said there had been a comparison made between the PUD in Sackville and the PUD in Cole Harbour. He said it is unfortunate that the people in Sackville haven't learned from some of the mistakes that were made in Cole Harbour. He said one of the mistakes was that ditches were left at the sides of the road. There will be down the road a request to have sidewalks put in along these roads. There have been enough complaints about the PUD in Cole Harbour and he is surprised that it hasn't taken root in Sackville that you look at what was done wrong there and try to correct it. The sidewalks will be required, the curbing will be required. He said he feels it will be difficult for the municipality to address all these concerns when we now have the opportunity to correct them. He said the amendment to have these installed should be taken as the first step and if as the other areas are developed, whether through the province or the Department of Housing, these things could be infilled and the advantage should be taken of to do it. He said he would like to see council recommend and accept the amendment as a start to what is ultimately going to be required along Millwood Drive and those areas.

Deputy Mayor Bates asked what happens down the road when there are problems and the municipality is faced with the cost.

Mr. Donovan said a lot of the matters will be addressed at the subdivision stage and his reading the excerpts was not only for the benefit of council but also for the applicants who may not have had that information.

AMENDMENT DEFEATED
9 IN FAVOUR
9 AGAINST

MAIN MOTION PASSED

ADJOURNMENT

It was moved by Councillor Merrigan:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

MINUTES & REPORTS
OF THE
THIRD YEAR MEETINGS
OF THE
FORTY-FOURTH COUNCIL
OF
HALIFAX COUNTY MUNICIPALITY
AUGUST COUNCIL SESSION
TUESDAY, AUGUST 2, 1994
&
PUBLIC HEARINGS
AUGUST 10 & 22 & 29, 1994
&
SPECIAL COUNCIL SESSION
AUGUST 22, 1994
&
COMMITTEE OF THE WHOLE
AUGUST 29, 1994

INDEX

AUGUST COUNCIL SESSION, 1994

A.	Air Rifles	25-26 & 35
	Allen Evans School	26
	Access-A-Bus Committee	28-29
B.	Borrowing Resolutions	27
	Beaver Bank Water & Sewer	28
C.	Cow Bay Infrastructure Program	2-3
	County Crest	9
	Cultural & Recreation Facilities	27
D.	Dartmouth/Halifax Housing Authority Appointments	1-2
E.	Environment Act	21
F.		
G.	Grants	26
H.	Highland Park Recreation Property	27
	Hubbards Mall	27
I.	Infrastructure Program	29
J.		
K.		
L.	Letters and Correspondence	4-12
	Landfill Site Tonage	8
	Lesser Setback	12
M.	Motion - Recording Secretary - Appointment	1
	Motion - Dartmouth/Halifax Housing Authority Appointment	1-2
	Motion - Cow Bay Infrastructure Program	2-3
	Motion - Letters and Correspondence	4-12
	Motion - Child Care Awareness Days	4-5
	Motion - UNSM Travel Fund	6
	Motion - Alzheimer Society Campaign	6
	Motion - Nova Scotia Association of Police Boards	7
	Motion - Landfill Site Tonage	8
	Motion - County Crest	9
	Motion - Its Not Garbage Coalition	10
	Motion - Millcove Treatment Plant	10-11
	Motion - Vernon Kynock Development Agreement	11-12
	Motion - Lesser Setback	12 & 18-19
	Motion - Minor Variance	12 & 19-21
	Motion - Date for Public Hearings	12 & 24-25
	Motion - Parkland Policy	12-14

Motion -	Heritage Properties	14-18
Motion -	Environment Act	21
Motion -	Paulsen Developments Ltd.	21
Motion -	Subdivision Parkland Dedication	22
Motion -	Sackville MPS & Subdivision By-law	22-24
Motion -	Water Service Districts	24
Motion -	Waiving of Fees	25
Motion -	St. Margarets Arena	25
Motion -	Pawn Shop Regulations	25
Motion -	Air Rifles	25-26 & 35
Motion -	Allen Evans School	26
Motion -	Grants	26
Motion -	Highland Park Recreation Property	27
Motion -	Hubbards Mall	27
Motion -	Borrowing Resolutions	27
Motion -	Cultural and Recreation Facilities	27
Motion -	Beaver Bank Water and Sewer	28
Motion -	Southshore Regional Rec Centre	28
Motion -	Sidewalk Construction Agreements	28
Motion -	Assistant Returning Officer	28
Motion -	Access-a-Bus Committee	28-29
Motion -	Infrastructure Program	29
Motion -	RDA	29-30
Motion -	Approval Capital Grants	30
Motion -	Hwy. #3 & 333 at Tantallon	30
Motion -	Three Way Stop/Crosswalk/Crosswalk Guards Sackville	30
Motion -	Traffic/Safety Hazard, Hammonds Plains Road	31
Motion -	Paving, Haliburton Heights	31
Motion -	School, Hammonds Plains	31
Motion -	Exit Greenwood Heights/Maplewood	31-32
Motion -	Transit Timberlea	32
Motion -	Tourism Peggy's Cove and Surrounding Areas	32-33
Motion -	Government Wharves	33
Motion -	Taylor's Head Beach	33
Motion -	Flaring System Sackville Landfill	34
Motion -	Traffic Lights Prospect Road	34
Motion -	Solid Waste Management	35
Motion -	Adjournment	35

N.

O.

P.	Public Hearings - Dates	12 & 24-25
	Parkland Policy	12-14
	Paulsen Developments Limited	21
	Pawn Shop Regulations	25

Q.

R.	RDA	29-30
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S.	Subdivision Parkland Dedication	22
	Sackville MPS and Subdivision By-law	22-24
	St. Margarets Arena	25
	Southshore Regionald Rec Centre	28
	Sidwalk Construction Agreements	28
	Solid Waste Management	35
T.		
U.	UNSM Travel Fund	6
V.		
W.	Water Service Districts	24
	Waiving of Fees	25
X.		
Y.		
Z.		

COUNCIL SESSION

August 2, 1994

PRESENT WERE: Mayor Ball
Councillor Meade
Councillor Rankin
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Councillor Hendsbee
Councillor Randall
Councillor Bayers
Councillor Smiley
Councillor Reid
Councillor Merrigan
Councillor Brill
Councillor Snow
Councillor Giffin
Councillor Barnet
Councillor Boutilier
Councillor Harvey
Councillor Turner
Councillor McInroy
Councillor Cooper

ALSO PRESENT: K. R. Meech, Chief Administrative Officer
Nancy Dempsey Crossman, Municipal Clerk
Fred Crooks, Municipal Solicitor

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING
SECRETARY"

MOTION CARRIED

ULTRAMAR CANADA LTD. - DONATION TO FIRE SAFE HOUSE

Councillor Giffin said he was presenting a cheque for \$500.00 on
behalf of Lynn Bungay and Ultramar Canada for the Fire Safe
House.

APPOINTMENTS - DARTMOUTH/HALIFAX COUNTY REGIONAL HOUSING

AUTHORITY

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

"THAT VELMA LEDWIDGE BE NOMINATED"

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

"THAT HELEN MOSHER BE NOMINATED"

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

"THAT NOMINATIONS CEASE"

MOTION CARRIED

Councillor Harvey asked if council would consider sending letters of appreciation to those members of the authority who are now retiring.

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

'THAT A LETTER BE WRITTEN TO THE RETIRING MEMBERS"

MOTION CARRIED

REPORT RE: COW BAY INFRASTRUCTURE PROGRAM

Mr. Wdowiak outlined the staff report and background information for council.

Councillor Deveaux said the costs have escalated from the original infrastructure project which was presented earlier this year. He said prior to the escalated cost the county would have been responsible for 2.4% of the overall costs. He said even with the escalation it would still only bring the municipal contribution to 6%. He said it is his understanding the Mr. MacDonald, MP, has indicated that the Federal and Provincial government will provide the extra \$60,000.

Mayor Ball said he talked to Mr. MacDonald and the Federal commitment as far as he is concerned is there but no notification has been received from the Province whether theirs is there or not. He said as a result the motion can be made subject to.

Mr. Meech said the reason why this has been advanced at this point is that the municipality would like to be able to get on with the project and if it is made conditional, it may be the end of August before official word is received from the Provincial/Federal Infrastructure program. He said with all the

information the county has at this point in time and supported by the conversation by Mayor Ball with the MP MacDonald it seems to him that the county should now proceed with the project and give it the necessary approval.

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

"THAT THE ADDITIONAL FUNDING BE APPROVED"

Councillor Cooper asked if the motion was for the extra \$60,000.

Mr. Meech said he would assume that the county had the additional amount approved previously when the application was submitted on the Federal Infrastructure program. He said it was increased to 1.4 million at that time.

Councillor Cooper said he gets the indication from this report that that money isn't there yet.

Mr. Meech said the original application that had been made to the Infrastructure program was for 1.1 million and then subsequent to that there was a tentative agreement reached with the developer who was going to participate in the program with the county on a cost sharing basis. However, the Federal and Provincial government, when they sent back the approval of that program, deducted that \$300,000. off. He said the \$340,000. had not been included in the original application.

Councillor Cooper said if they stay with the present funding then the municipal \$267,000. share is on a frontage charge and if they don't come up with the extra \$300,000. that will also be added to the frontage charge.

Mr. Meech said the only thing that would be on the frontage charge would be thirty percent of the cost.

Councillor Cooper asked if the municipality was cost sharing with the residents 70/30 on all the projects. Mr. Meech confirmed this.

MOTION CARRIED

METRO WATER UTILITY - COUNCILLOR MCINROY

Councillor McInroy referenced the problems being experienced with the Dartmouth Water Utility water quality. He said approximately 35% of the paying customers of that utility reside within Halifax County and the residents have a stake in the direction in which the Dartmouth Water Utility might proceed. He said he wanted to ask if staff could prepare, as quickly as feasible, some kind of an update report and give some idea as to

what direction they feel would be in the best interest of Halifax County residents.

Councillor Cooper said for a number of years there have been expressions of concern about the quality and the need for improvements in the Dartmouth system. He said it effects county residents and will continue to effect county residents as it expands since they have responsibility through the province for supplying water on that side of the harbour. He said, having read the original report, it is feasible to consider the regional plan and at the same time allow Dartmouth a few more years to bring the system up to the level it needs to be to ensure safe water. He said he would like to see the municipality get the report and take every opportunity to urge Dartmouth to reconsider their infrastructure over there.

Mr. Wdowiak said it was recommended at the last Service Standards Committee that correspondence be sent regarding the deficiencies in the system and with a request as to what their plans are.

LETTERS AND CORRESPONDENCE

1. Ms. Dempsey Crossman outlined a letter from John Risley, Chair, The Campaign for the Future of Health Care, giving an update on the merger of hospitals.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

2. Ms. Dempsey Crossman outlined a letter from FCM advising that submissions of resolutions on subjects of national municipal interest for debate at the upcoming board of directors meeting.

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

"THAT THE LETTER BE RECEIVED"

Mayor Ball said if there are any submissions they have to be there by August 15th.

MOTION CARRIED

3. Ms. Dempsey Crossman outlined a letter from Child Care Connection, N.S. asking the municipality to declare August 23 to September 10, 1994 as Child Care Awareness Days.

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

"THAT THE LETTER BE RECEIVED AND THAT AUGUST 23 TO SEPTEMBER 10, 1994 BE DECLARED AS CHILD CARE AWARENESS DAYS"

MOTION CARRIED

4. Ms. Dempsey Crossman outlined a letter from the Minister of Community Services dealing with the transfer of the Social Services component of municipal programs and the possibility of contracting with Halifax County to provide the provincial program.

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

"THAT THE LETTER BE RECEIVED"

Mayor Ball said he has spoken to Dr. Smith and they have outlined some concerns. He said service exchange is talked about but nothing specific has come forward as to where it is going. He said he suggested to Dr. Smith that a) Halifax County wants to know if service exchange is going ahead and; b) if it does go ahead then there were other things that Halifax County wanted specifically outlined as to what would be negotiated from their point of view. He said until such time as to where service exchange is going at this point, what kind of a contract, what impact it is going to have on our employees there would really be no point in negotiating a contract because it could be a waste of staff resources if this exchange does not take place. He said it is a matter of receiving this and other things will unfold later on. He said he will keep council informed.

MOTION CARRIED

5. Ms. Dempsey Crossman outlined a letter from Brooke Taylor, MLA, in response to councils letter concerning the elimination of the Rent Review Board.

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

'THAT THE LETTER BE RECEIVED"

MOTION CARRIED

6. Ms. Dempsey Crossman outlined a letter from Mr. George Armoynan wherein he withdraws his application for the appeal of Ashdale Estates.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

7. Ms. Dempsey Crossman outlined a letter from UNSM with respect to the establishment of a travel fund.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

Councillor Barnet said this was dealt with at UNSM and it would enable the county to spend six to eight thousand dollars to facilitate another municipality to send directors to the national board. He said he cannot support this.

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

"THAT A LETTER BE SENT TO UNSM INDICATING HALIFAX COUNTY'S POSITION AS TO NOT TO FAVOUR THIS EXPENDITURE FOR OTHER MUNICIPALITIES"

MOTION CARRIED

8. Ms. Dempsey Crossman outlined a letter from the Honourable Guy Brown in response to councils' letter concerning rent increases within mobile home parks. He advises that they have established the mobile home advisory committee.

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

"THAT THE LETTER BE RECEIVED"

MOTION CARRIED

9. Ms. Dempsey Crossman outlined a letter from the Alzheimer Society of Nova Scotia advising council of their upcoming door to door campaign in January of 1995 and asking council to proclaim the door to door campaign.

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

"TO RECEIVE THE LETTER AND PROCLAIM THE DOOR TO DOOR CAMPAIGN"

MOTION CARRIED

10. Ms. Dempsey Crossman outlined a letter from FCM concerning the recommendation from the House of Commons Finance Committee to