

Through the survey in Cow Bay and the Public Meetings they were able to get the opinions and feelings of the people in the district and have followed these guidelines in drafting the plan. He further advised that his association has seen the results of the Public Meetings and have put their full support behind the proposals made by the two PPCs and sincerely hope that County Council will do the same.

Mr. Jim Henneberry, Chairman, Cole Harbour-Westphal PPC: Mr. Henneberry advised that the residents of Eastern Passage and Cow Bay have successfully addressed in their plan, a number of major land uses issues, which, due to the close proximity to Cole Harbour-Westphal were also of concern to the residents of Cole Harbour and Westphal.

These issues were:

1. The expansion of industrial development;
2. Concerns over the long term disposition of lands held by the Department of National Defense;
3. Compatibility of the common boundaries shared between Eastern Passage-Cow Bay and Cole Harbour-Westphal.

Mr. Henneberry submitted to Council a letter, addressed to Mr. Kelly, which fully detailed the above issues. (Please refer to letter, if required).

In summation, Mr. Henneberry advised that the Cole Harbour-Westphal PPC would like to indicate its full support of the Eastern Passage-Cow Bay MDP and Zoning By-Law and expressed the hope that the two Plan Areas will continue in a co-operative and mutually forward looking manner.

Ms. Elizabeth Kwindt, Chairperson, Cow Bay PPC: Ms. Kwindt advised on behalf of the Cow Bay Public Participation Committee, that the Committee was in total support of the District # 6, MDP.

Mr. Kwindt read to Council a letter, prepared by herself, which indicated that the Committee has paid particularly close attention to the wishes of the Cow Bay Residents, expressed early in the planning process. The Committee was, therefore, confident that the plan would regulate future development in Cow Bay to the satisfaction of its residents. She also advised that later in the planning process the two PPC Committees had worked together in developing the final Plan and Zoning By-Law. She indicated that from the beginning, to the final result, County Planning Staff had been invaluable and advised that Valerie Spencer, in particular, the area planner, deserved special recognition for her expertise, patience and guidance.

Mr. H. Sarson, PPC Member: Mr. Sarson, read to Council a brief letter he had prepared indicating his full support of the Plan and Zoning By-Law and urging Council's support of it as well.

Clarence Lucas, Chairman, Eastern Passage, PPC: Mr. Lucas read to Council, the following submission:

"On behalf of the Eastern Passage Public Participation Committee, I would like to inform County Council of our support for the Development Plan and Zoning By-Law for Eastern Passage-Cow Bay, and hope that Council will proceed with a speedy adoption and approval of our Plan.

There were many things to consider in this planning process, and some of our decisions were difficult to make. However, we feel that we have fairly represented the majority view of the residents of Eastern Passage, and the compromises which were reached through the process are reasonable and are a significant step in resolving many issues to the benefit of all concerned.

At the public meetings which were held in the community, we received support from the residents in what was being proposed, and we attempted to find acceptable solutions when problems were brought to light.

As the plan points out, there are major developments in our community which may compete for the use of our land. We had to deal with industrial, recreation for the future, and with the regional park on McNab's Island. Our plan has policies which clearly show how development in these areas should proceed in the future for the betterment of our community. The Plan also gives a great deal of support for the growth of a solid residential community and for the development of small businesses to serve both Eastern Passage and Cow Bay. By working closely with the Cow Bay Committee, we have developed a plan which respects both the similarities and the differences of our two communities.

In closing, I urge County Council to adopt our Plan and to continue to work in close association with our residents to determine the future of our communities."

Mr. Steve Larkin, Eastern Passage: Mr. Larkin spoke briefly in support of the Plan Documents and Zoning By-Law and also indicated his appreciation for the assistance of Municipal Planning Staff throughout the planning process.

Mr. Roger Parklington: Mr. Parklington advised that he was not a resident of the Eastern Passage-Cow Bay area; however, he was concerned with the general development of Recreational Land in plan area. He indicated his general support for the Recreational Designations put on the DND lands at Hartlen Point, McNab's Island and Lawlor Island and expressed the hope that these lands would retain their natural state and that recreational uses would take precedent over any others in the future.

Mrs. Anne Green, Biologist: Mrs. Green indicated her general approval of the Plan. However, she also indicated that Eastern Passage-Cow Bay has a valuable population of rare birds, much envied by other Countries and areas where such birds, "Fish Hawks" are near to extinction. It was her fear that the feeding grounds of these birds might be endangered and so might endanger the species. It was Mrs. Green's request that a one hundred foot setback from Smelt Brook and Cow Bay be established for this purpose.

Mr. Alan Ruffman, Ferguson's Cove: Though not a resident of the plan area, Mr. Rufman indicated his concern for the development of the area and spoke at length requesting several amendments to the Plan and Zoning By-Law. (For abbreviation purposes, his discussion is eliminated in the following; however, his recommendations are listed, as follows:)

Recommendation "A"

"THAT Map 1 and the Special Area Designation (P-65-69) be altered to add a section in P-67 after "Private Lands", to read:

Morris Lake: It is recognized that the shoreline of Morris Lake is a valuable future public resource and it is the Municipality's intention to retain access to and along this shoreline to a depth of 200 ft back from the shoreline by using the Special Designations to develop a Lake Front protection zone. Policy 77 becomes 77.1, Policy 77.2 - within the Special Area Designation, Council shall establish a "Shoreline Lakefront Protection Zone" to a depth of 200 ft. around all of Morris Lake's shoreline.

Cow Bay Shoreline: This shoreline and Salt Marsh shall be protected by the development of a Salt Marsh shoreline and Marsh protection zone and as such the shoreline to 300 ft. back is included in the Special Area Designation.

Policy 77.3 - within the "Special Area Designation" Council shall establish a Salt Marsh shoreline and marsh protection zone to a depth of 300 ft. around all of Cow Bay's shoreline.

Costal Bluffs: It is recognized that the coastal bluffs are eroding steadily and that development should be kept some 200 ft. back. This is the shoreline bluffs of Hartlen Point and the point east of Cow Bay are included in the Special Area Designation to a depth of 200 ft. from the present bluff edge.

Policy 77.4 - within the "Special Area Designation" Council shall establish a "Coastal Bluffs Protection Zone" to a depth of 200 ft. back from the present bluff edges."

Recommendation "B"

"That all reference to the "Plan Amendment Designation" be totally removed and that these areas be designated on the "Generalized Future Land Use Map # 1 as to their appropriate use, specifically:

1. That the residential areas of Shearwater be designated and zoned Residential "A";
2. That the airport and buildings be desginated and zoned Industrial with the exclusion of all the shoreline of MOrris Lake to 200 ft. back which should be special area designation;
3. Hartlen Point should be Park and Institutional or Special Area Designation."

Recommendation "C"

Correction to P-67, regarding Devil's Island: "Only part of Devil's Island is Privately owned."

On page 68 - Devil's Island is not included in the Regional Park Designation and it should be included.

Recommendation: That Policy 70 be revised to read - "McNab's, Lawlors and Devils Island and to ..."

Recommendation "D"

"Policy 22 - be rewritten to read, Policy 22.1 - It shall be the intention of Council to support public consultation as an essential element in the siting of any major access road or rail corridors to or through the plan area. Further, Council shall continue to press the higher levels of government for a full disclosure of reports, regarding any possible development on McNab;s or Lawlor's Islands.

Policy 22.2 - It shall be the policy of Council to require water access to McNab's and Lawlor's Island and Council shall encourage the growth of presently available private tour services and as use and demand grows, Council shall encourage the consideration of the use of transit facilities for access to McNab's and Lawlor's Islands."

Recommendation "E"

"THAT the draft Municipal Development Plan for Eastern Passage-Cow Bay have Map # 3 "Transportation" altered to have a note added, reading: "Access to Lawlor's Island, McNab's Island and Devil's Island shall be by water access."

Recommendation "F"

"That a statement be added to the Regional Plan as a separate paragraph on page 5 stating the need for a Regional Parks and Trails Authority with participation from Halifax County, Bedford, Halifax County and Dartmouth plus the Provincial Government (and Parks Canada) to oversee the acquisition and management of the 7 Regional Parks and interconnected trails and access."

Several Councillors spoke in reaction to Mr. Ruffman's proposals. The Councillor who stood out among these speakers was Councillor Deveaux who agreed with many of the comments made by Mr. Ruffman, but who felt that the proposals should be considered separately and studied for consideration at the end of the five-year, renewal period for the plan.

Robin MacDonald, Silversand Mobile Home Park, Cow Bay: Mr. MacDonald advised that he was representing the 44 families living in the Silver-sands Mobile Home. He advised that the residents were concerned that the Park is not a lawful and conforming use in the Zoning by-law.

However, Mr. MacDonald was informed by Valerie Spencer that the intent of the Plan was to legitimize such situations. It was an unintentional technical error in the By-Law which would be corrected. She apologised for any confusion which had been caused due to this error.

Mr. John Jenkins: Mr. Jenkins spoke briefly in whole-hearted support of the Plan. He also expressed his hope, that Council would support, Mr. Ruffman's previous request that any access to McNab's Island continue to be by water.

Mr. Alan Hayman, on behalf of Texaco Canada Ltd.: Mr. Alan Hayman, Solicitor for Texaco Canada Limited made the following presentation:

Introduction: "In 1958 Texaco Canada purchased 286 acres of land plus a water lot containing 29.2 acres along the Eastern Passage Highway for the development of a petroleum refinery. This refinery was subsequently built between 1958 and 1960 and has been in continuous operation for approximately 22 years. In 1962, an additional 80 acres south of the lands owned by Texaco was purchased to permit the orderly expansion of the plant. The bulk of this land was utilized for the installation of a water processing plant to conform to Provincial Regulations with respect to environmental requirements of the Province. Between 1971 and 1976, Texaco Canada acquired approximately 162 acres of additional land immediately to the south of its present refinery and adjacent to lands it had previously acquired when properties were considered to be zoned industrial under the zoning regulations in effect at the time of purchase."

Recommendation of Approval: "It appears from a perusal of the Draft Municipal Development Plan and Zoning By-Law as well as the maps attached thereto that no major alterations are proposed to the zoning of Texaco's land holdings. We note that most of the area in question is to be designated as I-2 under the Zoning By-Laws and under Policy 18-1 found on page 56 of the Zoning Regulations heavy industrial uses such as oil refineries and bulk fuel storage and distribution facilities are permitted. Texaco Canada Inc. owns lands to the South of the lands designated I-2 and as a result of meetings with the Eastern Passage-Cow Bay Planning Committee, we have agreed to permit those lands to be zoned P-2 as shown on the zoning map entitled Schedule "A". We note that a buffer zone of 100 feet is required around an I-2 zone if it abuts any zone other than an I-1. We find this acceptable as Texaco has always taken the position that they would provide an adequate buffer zone around any heavy industrial use. Texaco owns land designated I-1 on the east side of the Caldwell Road comprising of approximately 5 acres and we support the light industry zone proposed for that area.

This plan and its zoning regulations as it effects Texaco's lands have been the subject of considerable discussion with the local Councillor, Mr. Deveaux, as well as the Planning Committee for the area and the Planning Department of the County of Halifax. A great deal of time and effort has been put into the creation of this Development Plan and on behalf of Texaco Canada Inc. I wish to thank the Planning Committee, Valerie Spencer, and in particular, Councillor Deveaux for the co-operation we have received from them in reaching a mutually satisfactory

zoning for all parties in the area of our client's lands. We have agreed to a restriction in the use of some of Texaco's lands at the request of the Planning Committee and we feel confident that this Plan, when coupled with various Federal and Provincial Regulations regarding pollution abatement, the immersion of smoke, noise, odors and the treatment of domestic waste and sewage, will assure that our client's refinery will not create a nuisance to the people in the surrounding area.

We support the present Development Plan and Zoning By-Law as it effects Texaco's lands and we urge your acceptance of it without further alteration."

Councillor Deveaux, on behalf of Mr. Francis Horne, Eastern Passage: On behalf of Mr. Horne, Councillor Deveaux requested a change in the Zoning By-Law, as outlined in the following letter, submitted by Mr. Horne and read by Councillor Deveaux on his behalf:

"In the spring of 1976 I approached Councillor Deveaux and requested what the requirements would be in order to either build an addition to the Garage I was using as a Vehicle Body Repair Shop, or to build an entirely new garage. The old building was being used in a nonconforming manner at the time.

As the old garage was situated on the same lot at that time as my residential home, there was no way I could acquire a Building Permit to effect the above-mentioned changes. As a result, and in order to meet the requirements laid down by the County of Halifax, regarding zoning and other Planning Policies, I had to have my property surveyed and a separate lot denoted on the survey plan upon which I could hopefully build a new garage. I might add that this and other requirements, such as zoning, cost me well over \$1,000.

When the survey was completed, it was determined that my new lot did not meet the regulation size laid down for lots in serviced areas, and I was, therefore, required to make application for lot approval under the "undersized lot legislation". This was approved at a Public Hearing at the County Building on January 18, 1977.

I was then required to make further application for proper zoning in order to allow me to carry on with my body repair business, said lot determined to be lot "A", and I then requested to have this lot zoned from R-4 to C-1. This request was subsequently approved by Council on April 19, 1977.

I am not opposed to the plan in general as proposed by the local committee, but in all honesty do feel that I should be allowed to retain my C-1 commercial zoning which I worked hard to obtain in good faith in 1976-77.

The dual zoning which the Committee is recommending covers a large scope and does allow me considerable leeway as to what could be placed on the lot in question in the future. However, and it is not to say that I shall ever use the lot for any purpose other than that, the dual zoning with due respect does take away some of the privileges

originally approved by Council and as such I honestly feel this would not be fair to me after having gone through the process mentioned and having spent a large sum of money to obtain that zoning. No one at that time indicated to me that somewhere down the road that zoning would be taken and replaced with another, and should this happen now, I don't feel this would provide much incentive for taxpayers to make efforts to meet requirements laid down by Halifax County.

Based on the above facts, and circumstances, I would appreciate Council's support in allowing me to retain my present C-1 zoning."

Subsequent to reading Mr. Horne's letter, Councillor Deveaux concluded by indicating his full support of the request contained therein.

There were no further speakers in favour of the MDP and Zoning By-Law for Eastern Passage-Cow Bay.

SPEAKERS IN OPPOSITION

Mr. W. Charbonneau, Eastern Passage: Mr. Charbonneau was not strictly opposed to the entire plan; he was, however, opposed to the proposed zoning of his own property. He advised that in 1978 he began to process a rezoning request to permit a salvage yard on his land in Eastern Passage. He advised that he was delayed by the County, and in particular, he felt this delay was caused largely by the District Councillor. This was his opinion as his request had allegedly been approved by the Planning Committee and the Ratepayer's Association.

Mr. Charbonneau was extremely upset that Councillor Deveaux had opposed his rezoning application. Mr. Charbonneau also advised that he had an appeal pending on this application; however, CNR and Autoport had requested a delay on this appeal due to the expected appearance of Company Officials from Moncton who never did present themselves. Therefore, Mr. Charbonneau insisted that his appeal was still pending. Mr. Charbonneau's request for the zoning which would allow the development of a salvage operation on his land on the Hynes Road, was based on the above-mentioned history and alledged, pending appeal.

Councillor Deveaux spoke on this issue advising that his only reason for expressing oppositon to Mr. Charbonneau's previous Rezoning Application, was his opinion, both as Councillor and a resident of the district, that there were ample salvage operations in the district already. Councillor Deveaux also advised that Shearwater and Auto Port were also in opposition to another proposed salvage operation in the District.

This issue initated heated discussion between the Councillor and Mr. Charbonneau.

Mr. Charbonneau produced a petition which had been started on Hynes Road and continued down through Eastern Passage; this petition indicated that there was no opposition to the proposed salvage yard. Mr. Charbonneau felt that he was deliberately being forced to sell his land to CNR by this refusal of permission to use his land for the purpose he is requesting. He indicated that he could not afford to sell the land at the price being offered and would not do so.

Mr. Charbonneau also requested a minimum separation distance between the light industrial uses and residential uses; he indicated that at least 50' would be desireable.

Miss Spencer indicated her opinion that this request could be accomodated by the Planning Department.

Mr. George Noble, Eastern Passage: Mr. Noble spoke briefly, neither in support or opposition to the plan, merely indicating his dissatisfaction with the situation at the Shearwater dump.

It was determined by Council that this had little to do with the matter at hand.

THIRTY MINUTE ADJOURNMENT

It was the request of Planning Staff, that the Public Hearing adjourn for thirty minutes in order that Staff can prepare their reactions and recommendations in response to the suggestions made during the Hearing.

However, this request initiated some debate in Council as several Councillors felt that thirty minutes would not be adequate time in which to deal with some of the very valid suggestions made by speakers, this evening. These Councillors included, Councillor Eisenhauer, Councillor Licher, and Councillor Benjamin.

However, Councillor Deveaux, Councillor Gaetz, and Councillor Topple, agreed with Planning Staff who were confident that recommendations could be prepared within thirty minutes, as staff were familiar with several of the suggestions made, some having been already discussed at PPC and Public Meetings.

Subsequent to debate of the above, it was agreed by Council that the Public Hearing adjourn for thirty minutes.

RECOMMENDATIONS OF STAFF

It was agreed by Council that a motion should be made to approve the Plan and Zoning By-Law subsequent to which the recommendations would be dealt with separately and amendments to the motion, if required, being made prior to final approval of the motion.

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

"THAT the Municipal Development Plan for the Eastern Passage-Cow Bay Area and Zoning By-Laws inclusive of the amendment indicated in the May 10, 1982 memo to Warden and Councillors from Keith Birch, be approved by Municipal Council."
(See Discussion and Motions to Amend).

Request by Mrs. A. Green: to provide a one hundred foot setback from Smelt Brook and Cow Bay

Staff Discussion: This has been previously discussed at some length by the PPC members and MDP Committee. The conclusions reached did not allow the setback of 100 feet as originally proposed by the Cow Bay Committee. The Plan does place emphasis on development setbacks when backlands are developed by rezoning. However, staff cannot recommend that the Municipality prohibit development on greater than twenty-five feet of separation.

Recommendation: To amend the Zoning By-Law to include a twenty-five foot setback from watercourses and water bodies and to exempt existing uses which may become non-conforming by this action.

Valerie Spencer indicated that the request from the Silversands Mobile Home Park to have all of their developed land in the area given an exemption from the proposed zoning, does not require an amendment, as this was clearly the original intent of the MDP and Zoning By-Law and the zoning Maps would be changed to reflect this intent before proceeding to the Minister's office for approval.

Subsequent to brief discussion, Council agreed with the Staff recommendations as put forth.

Miss Spencer then advised that Mr. Ruffman's suggestions would be dealt with as a set, as follows:

Recommendation of Mr. Ruffman, "A", Re: Shoreline Protection

Staff Discussion: Shoreline protection, as emphasized in the Revised Porter Plan, was a subject of importance to the Cow Bay Committee and to area residents who responded to the resident's questionnaire. The general difficulties of adequate jurisdiction were discussed at length. In specific, it has been a policy throughout the process, not to zone private lands prohibitively as Mr. Ruffman is suggesting.

Recommendation of Staff: Staff cannot recommend approval of Mr. Ruffman's request, (with regret, due to legal restrictions and prohibitive zoning); however, it is recommended that provisions of the Plan respecting the dedication of parkland in Policies P-68 and P-40 specify a priority in acquiring land along watercourses and water bodies including the Cow Bay River, Smelt Brook, Morris Lake and the Shoreline of Cow Bay Pond.

This recommendation was discussed briefly by Council, before it received Council's approval.

Recommendation of Mr. Ruffman, "B", Re: Reference to the "Plan Amendment Designation" be Removed and These Areas be Designated on the "Generalized Future Land Use Map # 1 as to their Appropriate Uses

Staff Discussion: It is the opinion of staff that Mr. Ruffman's request is already in effect and carried out through the Zoning By-Law.

Hartlen Point has a residential zoning, Shearwater has been given a DND Zoning to permit the present military operations. The Plan specifically provided for the type of detailed planning Mr. Ruffman suggested should the land at Shearwater ever become surplus to defense needs.

Staff Recommendation: Staff cannot recommend approval of this suggestion as the essence of the request is already in the documents and will be carried out.

Subsequent to discussion, Council approved Staff's recommendations, with some reservation.

Recommendation of Mr. Ruffman, "C", Re: Change in Policy 70, (Refer to Mr. Ruffman's Presentation)

Staff Discussion: Devil's Island is already included in the same Special Area Designation as are McNab's and Lawlor's Islands. The Municipal Development Plan cannot create regional parklands through zoning - this is the scope of the Regional Plan. Staff cannot make minor changes to reflect both private and public ownership. However, no change to zoning is recommended.

Staff Recommendation: Staff cannot recommend approval.

This recommendation was also discussed briefly by Council, prior to receiving approval.

Recommendations of Mr. Ruffman, "D" and "E", Re: Access Roads and Development of McNab's, Devils and Lawlor's Islands (Please Refer to Mr. Ruffman's Presentation)

Staff Discussion: It is the opinion of Staff, that as Mr. Ruffman has indicated, extensive information is not available to make a firm recommendation on this important regional matter. It is for this reason that the Plan specifically asks for information on the alternative access and calls for full public participation in all major access questions.

Staff Recommendation: Staff cannot recommend approval of Mr. Ruffman's proposals in this regard.

This recommendation was also agreed to by Halifax County Council.

Recommendation of Mr. Ruffman, "F", Re: Regional Parks and Trails Authority with Participation of all Appropriate Municipalities, to Oversee Acquisition and Management of Regional Parks

Staff Recommendation: It is recommended that the following be added to Policy P-71: "Council shall encourage the provincial government to work toward a resolution of ownership, development and maintenance of the Park including provisions for Municipal and Regional Representation in all matters.

Municipal Council agreed with this Staff Recommendation.

This concluded the debate of Mr. Ruffman's proposals regarding the Municipal Development Plan and Zoning By-Law for Eastern Passage-Cow Bay. However, it should be noted that the zoning of DND Lands and the Regional Park issues were controversial and many Councillors were dissatisfied with the decisions made regarding them.

Request by Mr. Charbonneau: To Provide a Minimum Separation Distance Between Light Industrial Uses and Residential Uses

Staff Discussion: The Plan and By-Law support the provision of increased sideway clearances relative to industrial and residential use. With the opportunity for the re-development of lands zoned light industrial increased sideways are appropriate.

Staff Recommendation: It is recommended that the Zoning By-Law be amended to include a minimum side or rear yard in the I-1 zone to be 30 feet except where a dwelling is located on the abutting lot in which case the industrial use shall be a minimum of 50 feet from that dwelling.

This recommendation was also agreed to by Municipal Council.

Second Request of Mr. Charbonneau: To Permit the Development of a Salvage Operation on Land on the Hynes Road

Staff Discussion: The matter of new salvage operations was discussed at length by the PPCs during the process. Strong support was given to accomodating only legally existing operations and; at this, under contract provisions. The Plan does not provide any zone or other measure for new Salvage Yards in the Plan Area.

It was clarified by County Planning Staff that Mr. Charbonneau's previous Rezoning Operation had been rejected by County Council.

As well, the request of Mr. Charbonneau was for a brand new salvage yard as there had never been a salvage yard on his property, nor have there been any licenses issued for such purpose; however, it was indicated that from time to time Mr Charbonneau may have used the property to store vehicles.

However, subsequent to lengthy debate in Council, Municipal Council did not agree with the recommendation of Staff regarding this salvage yard issue.

Request by Mr. F. Horne, to Retain the Existing C-1 Zone on Property Located on Caldwell Road, Eastern Passage

Staff Discussion: This request was discussed at several meetings of the Public Participation Committee with the result that the zoning of the property in question is included in the amendment package with a covering memo from the Chief of Planning and Development. Based on the relatively small lot area and type of structure existing on the property, the I-3 Zone was considered most appropriate to allow the existing use and a reasonable change of use. This zone represents an

exception to the rule specific to the property and is not available to other lands in the vicinity. The C-1 Zone has also been given at the previous request of the applicant. This is the only commercial zone permitted in the residential area and has been given to the applicant to reflect his existing commercial zoning to the fullest extent permitted by the Plan. The effect of the dual zoning is to maximize the commercial potential of the lot beyond those of other properties in the residential area.

Recommendation of Staff: Staff cannot recommend approval of Mr. Horne's request to retain the existing C-1 Zone on his property.

During her explanation of this recommendation, Miss Spencer also advised that the C-1 Zone which Mr. Horne is requesting is no longer part of the Zoning By-Law. It was also clarified that the only restrictions placed on his property due to the suggested dual zoning is that Mr. Horne cannot operate any entertainment business such as a Games Arcade, Tavern, etc. In terms of retail services there are no restrictions.

However, subsequent to extremely lengthy debate by Municipal Council, it was Council's decision to reject the recommendation of Planning Staff.

AMENDMENTS AND MOTION

It was amended by Councillor Deveaux, seconded by Councillor Smith:

"THAT a Policy be included in the Municipal Development Plan for Eastern Passage-Cow Bay to allow for a dual zoning, permitting general commercial uses and light industrial uses (C-2 and I-3) to develop on the property of F. Horne."

Amendment Carried.

It was clarified by Planning Staff that the above would be the closest possible zoning to the present, obsolete C-1 zone now in effect on the property.

It was amended by Councillor Deveaux, seconded by Councillor Lichter:

"THAT the May 10th, 1982 memo from Keith Birch to Warden and Council Members be amended to delete the zoning identified on page 4 of that memorandum to I-3 and C-2."

Amendment Carried.

This amendment was required to ensure no conflict existed between the amendments in Mr. Birch's memo and the desired amendments of Municipal Council.

It was amended by Deputy Warden MacKay, seconded by Councillor Poirier:

"THAT the MDP for Eastern Passage-Cow Bay be amended to permit a contract for a salvage operation on the property of Mr. W. Charbonneau, Hynes Road."

Amendment Carried.

It was clarified by Mr. Campbell, that in order to obtain a salvage operation, Mr. Charbonneau would be required to submit an application to the Municipality to sign a contract for a salvage operation which would be subject to the usual Public Hearing Process.

It was amended by Councillor Margeson, seconded by Councillor Deveaux:

"THAT the Municipal Development Plan for Eastern Passage-Cow Bay be amended to add to Policy P-71: "Council shall encourage the Provincial Government to work toward a resolution of ownership, development and maintenance of the park, including provisions for Municipal and regional representation in all matters"."

Amendment Carried.

It was amended by Councillor Deveaux, seconded by Councillor Gaetz:

"THAT the Zoning By-Law be amended to include a minimum side or rear yard in the I-1 Zone to be 30 feet except where a dwelling is located on the abutting lot in which case the industrial use shall be a minimum of 50 feet from that dwelling."

Amendment Carried.

It was amended by Councillor Deveaux, seconded by Councillor Smith:

"THAT the Zoning By-Law be amended to include a twentyfive foot setback from watercourses and water bodies and to exempt existing uses which may become non-conforming by this action."

Amendment Carried.

It was amended by Councillor Deveaux, seconded by Councillor Margeson:

"THAT the provisions of the MDP for Eastern Passage Cow Bay respecting the dedication of parkland in Policies P-68 and P-40 specify a priority in acquiring land along watercourses and water bodies including the Cow Bay River, Smelt Brook, Morris Lake and the Shoreline of Cow Bay Pond."

Amendment Carried.

Prior to approval of the original motion as amended by the above, Council engaged in lengthy discussion regarding the zoning of the DND Properties and the Regional Park issues brought up by Mr. Alan Ruffman. It was the feeling of several Councillors, Councillor Eisenhauer being the main spokesman on the issue, that these issues had not been given sufficient consideration by Council this evening. Councillor Eisenhauer indicated that he was not prepared to vote on the amended motion at this time.

As well, Councillor Licher indicated his dissatisfaction with the manner in which residents on private roads, without the benefit of sewer and water services, were treated in the Plan. He advised that this was his concern with all MDPs dealt with by Council to date. The Councillor also requested some clarification regarding the provisions in the Eastern Passage-Cow Bay Plan for down-zoning.

He was advised by Miss Spencer and Bill Campbell that the Plan permits for down-zoning to the same extent as the Beechville-Lakeside-Timberlea Plan; 20,000 sq. ft. or to Health Regulations.

Subsequent to still further discussion, Mr. Birch approached Council requesting that it support the efforts of the PPC Committees of Eastern Passage and Cow Bay and also that Council display some confidence in the ability of Municipal Planning Staff.

Subsequently, the question was called on the original motion, as amended:

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

"THAT the Municipal Development Plan for the Eastern Passage-Cow Bay Area and Zoning By-Laws, inclusive of the amendments indicated in the May 10, 1982 memo from Keith Birch, to Warden and Councillors be approved by Municipal Council, also inclusive of all amendments passed above."

Motion Carried.

ADJOURNMENT

It was moved by Councillor Margeson, seconded by Councillor Gaetz:

"THAT the MDP Public Hearing for Eastern Passage-Cow Bay adjourn."
Motion Carried.

Therefore, there being no further business, the MDP Public Hearing adjourned at 12:25 A.M., May 11, 1982.

PUBLIC HEARING - MDP
COLE HARBOUR - WESTPHAL
MAY 17, 1982

PRESENT WERE: Warden MacKenzie, Chairman
Councillor Walker
Councillor Poirier
Councillor Baker
Councillor Deveaux
Councillor McInroy
Councillor Topple
Councillor Adams
Councillor Gaetz
Councillor Smith
Councillor McCabe
Councillor Licher
Councillor Benjamin
Councillor Margeson
Deputy Warden MacKay
Councillor Eisenhauer
Councillor MacDonald
Councillor Wiseman

ALSO PRESENT: Mr. K. R. Meech, Chief Administrative Officer
Mr. Robert Cragg, Municipal Solicitor
Mr. G. J. Kelly, Municipal Clerk
Mr. Bill Campbell, Supervisor, Policy Planning Division
Miss Valerie Spencer, Planner
Mr. Chris Reddy, Planner
Mr. Brant Wishart, Planner
Mr. Bob Gough, Director of Development
Mr. Keith Birch, Chief of Planning & Development
Mrs. Cathy MacKay, Planning Secretary
Mr. Robert Shaw, Clayton Developments Ltd.
Mr. Ian MacLaren, N.S. Bird Society
Mr. C. E. Stewart, former District 7 Councillor
Mr. Ira Settle, former Warden of the County of Halifax
Mrs. Anne Green, Biologist
Mr. Mike Eaton, Bissett Road
Judith Tullick
Mr. Murray Ritcey, Cole Harbour
Mr. Alan Ruffman, Ferguson's Cove
Mr. Robert Strum, Long Hill
Mrs. Rosemary Eaton, Cole Harbour Heritage Society
Mr. R. DeRoche, Public Service Commission
Mrs. Joan Crease, Cole Harbour-Westphal, PPC
Mr. Ron Cooper, Resident of Cole Harbour
Mr. Jim Henneberry, Chairman, Cole Harbour-Westphal, PPC
Mr. A. Giles, Resident of Cole Harbour
Mr. Earnest Smith

SECRETARY: Christine E. Simmons

OPENING OF PUBLIC HEARING - THE LORD'S PRAYER

Warden MacKenzie brought the MDP Public Hearing to order at 7:05 P.M. with The Lord's Prayer.

ROLL CALL

Mr. Kelly then called the Roll.

APPOINTMENT OF RECORDING SECRETARY

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

"THAT Christine E. Simmons be appointed Recording Secretary."
Motion Carried.

PUBLIC HEARING

Warden MacKenzie outlined to those present in the Council Chambers, the procedure which would be followed for the Public Hearing.

STAFF INFORMATION

Miss Valerie Spencer outlined to those present, a memo which had been prepared by Mr. Keith Birch, Chief of Planning and Development, relative to amendments to the Municipal Development Plan and Zoning By-Laws for the Cole Harbour and Westphal Area. This memo, to the Warden and Council Members, was dated May 17, 1982, and advised:

"In order to carry out the intent of the Municipal Development Plan and to make the regulations of the Zoning By-Law consistent with other regulations of the Municipality, it is necessary to make a minor amendment to the existing Subdivision Regulations as they pertain to the Cole Harbour-Westphal Plan area. Other amendments to both the Subdivision Regulations and to the Building By-Law, have been made in conjunction with Council's adoption of previous development plans. These new provisions will apply automatically to the Cole Harbour-Westphal area upon Council's approval of the Plan and By-Law. The specific amendment to the Regulations which is brought forward at this time is attached as Part 1.

In addition, recommended amendments to both the Development Plan and the Zoning By-Law for Cole Harbour-Westphal are attached as Parts 2 and 3 respectively. These amendments are brought forward as a result of consultations between Municipal Staff, the Department of Municipal Affairs and the Public Participation Committee for Cole Harbour-Westphal."

NOTE: Parts 1, 2 and 3 are too lengthy to be incorporated into the minutes. Therefore, please refer to the memo and attachments for any necessary clarification of amendments in addition to the following summarization provided by Valerie Spencer:

Miss Spencer indicated that there were significant amendments to the MDP and Zoning By-Law, although they were in regard to one topic only; the treatment of Regional Parklands in the Cole Harbour Area. She advised that the Cole Harbour-Lawrencetown Regional Park is a significant part of the MDP. In conjunction with the Department of Municipal Affairs and discussions with the area residents, it was decided that the treatment of certain zonings under the Regional Park and also certain lands in the Special Area Designations could be better handled for all concerned. The amendments to the MDP, zone all of the lands within Regional Park Designation to Regional Park. She advised that additional properties were being added that are privately owned and which currently have homes on them. She advised that this had been discussed with the Department of Municipal Affairs and in the Regional Park Zone it provided that all of those dwellings can be rebuilt or expanded for use any way, even for a small business.

Miss Spencer advised that in terms of the Special Area Designation which is adjacent to the Regional Park, it was felt that what had been proposed in the final draft was prohibitive in terms of the use of private properties for individual purposes. There had been some provincial acquisition very recently which had to be incorporated. She advised that what was being attempted with the amendments was to permit all of the existing uses in the two areas to be afforded the same rights as other homes; to be used, rebuilt, expanded, to have accessory uses etc., as so desired. In the Special Area Designation, other kinds of uses are being permitted; such as new residential developments or agricultural developments to be developed by contract with the Municipality. That amendment replaces a comprehensive development district that was put over the entire Long Hill area, and the amendment was made to the satisfaction of all concerned.

Miss Spencer further advised that the Zoning amendments which followed the plan amendments are intended to either carry out the new zoning whether it is Regional Park Zoning within the Regional Park or the new Special Area Zone within the Special Area Designation or they are intended to spot zone pieces of property which have received an incorrect zone.

There are two zones which allow Mobile Homes, where there are currently Mobile Homes on the Property and there are a number of existing businesses, agricultural uses and a commercial use, which are not identified in the final draft and which have been added with these amendments.

REPORT ON SUBMISSIONS

Mr. Kelly distributed to Council a memo, indicating that eight submissions had been received regarding the Municipal Development Plan and Zoning By-Law for the Cole Harbour-Westphal area.

The memo further advised that none of these submissions were received in opposition to the Plan; however, two requests have been made for alternative zones, and one request with respect to larger lot sizes. Of the eight submissions, all are generally in favour of the Plan and By-Law. These submissions were from the following:

1. Mr. Jim Henneberry, Chairman, Cole Harbour-Westphal Public Participation Committee, on its behalf;
2. Mr. Sydney J. Langmaid, Sydney Langmaid Planning Consultant & Associates, on behalf of Federal Savings Credit Union, Cole Harbour;
3. Mr. Douglas G. Eisenir, resident on his own behalf;
4. Heather Decker, President, Sunset Acres Homeowner's Association, on behalf of the Association;
5. R. W. Heber & L. T. Heber, residents of Cole Harbour, on their own behalf;
6. William Casavechia, resident on his own behalf;
7. Elizabeth Kwindt and Clarence Lucas, Chairpersons, Eastern Passage Cow Bay, Public Participation Committees, on their behalf;
8. Malcolm Swinemer, President, CVRA, on behalf of CVRA.

These letters were distributed to Council for its perusal; if necessary please refer to letters for details.

Mr. Kelly also indicated that two additional pieces of correspondence had been received this evening; these were from the following:

1. Mr. Gerald F. Blom, President of the Halifax Wildlife Association, in general support of the plan; providing adequate protection could be insured for the wildlife areas.
2. Mr. Fraser G. Conrad, Waverley - in support of the Plan. (Though a resident of Waverley, Mr. Conrad's interest was as a land-owner, businessman and member of the Cole Harbour Planning Committee.)

PUBLIC HEARING

Prior to beginning the Public Portion of the Hearing, Warden MacKenzie indicated that a former Warden of the Municipality was present this evening, Mr. Ira Settle, as well as a former member of Council and a Resident of District 7, C. E. Stewart. Mr. Stewart, he advised, was now a School Board Staff Member.

SPEAKERS IN FAVOUR

Mr. Robert Shaw, Resident of Cole Harbour, representing Clayton Developments Limited: Mr. Shaw advised that during the past year, Clayton Developments has had occasion to work with the Public Participation Committee and with County Staff. He commended both the Committee and Staff on the co-operation directed toward the Company. He advised that in the beginning of the planning process, the Company had felt it had some legitimate concerns. However, these concerns had received consideration and interest; a truly sincere effort had been made toward a mutual agreement on them. He advised that his Company fully supports the Plan and By-Law, he indicated that many of the Policies included in

the Plan were of the utmost importance to Cole Harbour, which had in the last few years, become a very Urbanized part of the County. He encouraged that Council approve and adopt the Plan inclusive of the policies as presented this evening.

Mr. Ian MacLaren, Nova Scotia Bird Society: Mr. MacLaren advised that the Nova Scotia Bird Society had approximately 600 members, some of whom lived within the Plan area. He advised that the members were concerned about the Wildlife and Bird population in the area, advising that an abundance of such life exists in this area. He advised that the Society was pleased with the consideration given in the Plan and the Regional Park Plan, to promoting the continued welfare of the Bird Life in the area. He indicated the Society's general approval of the Plan.

However, he requested that the County consider amending the Plan to allow a 100 foot setback from Lakes and the Sea in order to ensure the safety of the feeding and nesting grounds of the valuable bird population.

C. E. Stewart, Resident of District 7 and former District Councillor: Mr. Stewart indicated that he was extremely impressed by the involvement of local groups in both Westphal and Cole Harbour through-out the entire planning process. He assured Council that the contents of the Plan, as presented this evening, reflects the views of the majority of the Cole Harbour-Westphal population.

Mr. Stewart, however, wished to make special mention of the Cole Harbour Regional Park Designation. He advised that this would be the achievement of the Plan which would remain long after the remainder of the Plan has been amended in future years. He advised that many interested groups have, over the years, attempted to preserve the Cole Harbour Salt Marsh and some of the surrounding lands for future generations. However, he advised that it was only through the Plan as presented tonight and through the recent Provincial Government efforts in purchasing certain lands that success can be achieved. Mr. Stewart advised that previous to this there has been no legal mechanism in place to ensure that the Marsh would be protected.

Mr. Ira Settle, on behalf of Cole Harbour Area Planning Committee:

Mr. Settle, a former Warden of the County of Halifax and a resident of Cole Harbour spoke briefly in support of many of the previous comments of Mr. Stewart. He advised that the Cole Harbour Planning Committee has worked hard since the implementation of the Porter-Plan to make its effect known in protecting Cole Harbour. He reported to Council, that 90% of the lands designated as essential for Park Area to protect Cole Harbour under the Porter-Plan has either been acquired by the Department of Lands and Forests or is in the process of acquisition. He felt this was a very positive step and advised that the Committee was now in consultation with the Planning Department experts of the Provincial Department of Lands and Forests and he believed that some active plans can be made this summer to begin creating the Regional Park. He agreed with Mr. Stewart and Mr. Shaw that the adoption of this MDP would be instrumental toward protecting the interests of the waters of Cole

Harbour and of the entire area. He urged that Council also support the Municipal Development Plan and Zoning By-Laws for Cole Harbour-Westphal as presented this evening.

Mrs. Anne Green, Halifax Field Naturalist: Mrs. Green advised that the Halifax Field Naturalists were a Group of approximately 200 people from the Halifax area who are avid naturalists. She basically restated what Mr. Ian MacLaren had already indicated with respect to the importance of the Bird Life with which the Plan area has been blessed and she reiterated his request that the Council consider the implementation of the 100 foot setback from water bodies in order to protect the nesting and feeding grounds of this bird-life. Mrs. Greene also commended the County for extending the Regional Park from the areas around Flying Point to further up the west side of Cole Harbour. She expressed the hope that the same consideration would be given to the Eastern Shore of the Harbour as well. In addition, she was pleased that the County has made arrangements to ensure that effluent is not discharged into the Harbour.

Mr. Mike Eaton, Bissett Road: Mr. Eaton advised that he was one of those people living in the existing homes in the Park which would be subject to the amendments discussed earlier by Miss Spencer. He advised that himself and the other residents in the area, were very strongly in favour of the Park and in favour of continuing the existing uses of their properties. He advised that they were looking forward to the implemetation of this amendment.

Mrs. Judith Tullick, on behalf of the Heritage Trust of Nova Scotia: Mrs. Tullick also advised that in addition to speaking on behalf of the Heritage Trust, her family has also been associated with the Cole Harbour area for approximately 150 years and she was interested in the Plan for this reason as well. She advised that the Trust has approximately 500 members throughout Nova Scotia, principally in the Halifax-Dartmouth Area; she wished to express support for the Municipal Development Plan and Zoning By-Law for the Cole Harbour-Westphal area and she urged that Council also support it. The trust was especially enthusiastic about the Regional Park which provided a conservation area for the Wildlife in the Salt Marsh area. She advised that the Trust hopes that steps will be taken to enact the intent of the Plan; in particular, the Trust would advocate establishment of a Heritage Advisory Committee for the area and hoped that the Planning process will be continued down the Eastern side of the Harbour.

Mr. Murray Ritcey, Cole Harbour: Mr. Ritcey advised that he was one of the older residents of Cole Harbour. Mr. Ritcie spoke briefly in full support of the Municipal Development Plan and Zoning By-Law for Cole Harbour-Westphal, especially in view of the environmental protections being implemented for the Harbour.

Mr. Alan Ruffman, Ferguson's Cove: Mr. Ruffman spoke at great length, making the following recommendations for inclusion in, or alteration to, the Plan and Zoning By-Laws for Cole Harbour-Westphal:

1. Inclusion of a Preferred 107 By-Pass in the Plan;
2. That Council adopt the Porter Plan or Revised Porter Plan as a portion or portions of the Municipal Development Plan in the form of an appendix;
3. That a 100 foot setback be implemented from all waterbodies, watercourses and wetlands, notwithstanding which, development may proceed subject to development agreements, if cause be shown.

Councillor Topple spoke briefly in agreement with Mr. Ruffman's suggestion regarding a Highway 107 By-Pass; he was also in agreement with Mr. Ruffman's suggestion that it be via the Portobello Road option.

Mr. Robert Strum, Cole Harbour: Mr. Strum advised that he was fortunate to reside on top of Long Hill. He indicated his pleasure that the Planning Committee had seen fit to retain the view plane from the Top of Long Hill over the Harbour. He advised that this was an area which received a great deal of interest from Tourists. He expressed his hope that this view can be protected from development on the land adjacent to the Harbour, although he indicated that the present owner of that land had no such intention to develop. He also advised his understanding that a small cemetery on Lawlor's Point is not included under any protective zoning; he requested that this land be so zoned as not to permit any development on it, which would detract from the view. Mr. Strum commended those people responsible for the MDP and Zoning By-Laws in the Plan area and urged Council's acceptance of the documents.

Mrs. Rosemary Eaton, Cole Harbour Heritage Society: Mrs. Eaton advised that her Society has been working for nine years toward the protection of Cole Harbour's Heritage and she expressed the Society's gratitude that their efforts have been recognized in the Cole Harbour Municipal Development Plan and By-Laws. She indicated the Society's full support for the Plan and By-Laws.

Mr. R. DeRoche, Public Service Commission: Mr. DeRoche advised that he was present tonight in his capacity of Chairman of the Cole Harbour-Westphal and Area Service Commission. He advised that as a representative of the Commission, he has been an active participant on the PPC Committee which has been formulating the Plan for the Area, since its conception approximately 20 months ago. He advised that the Plan is a culmination of many thousands of hours of time contributed by the members and of the energies of each and every one of these members. He advised that every identifiable Organization within the Plan Area was invited to have representation on the Public Participation Committee. Most of these Organizations accepted the invitation and participated in all meetings and discussion which resulted in this Plan and Zoning By-Law. He advised that throughout the planning process, there were also discussions with residents of the area and with developers who wished to meet with the Committee; in this latter situation, every individual, whether a private homeowner or a representative of a Developer, who wished to meet with the Committee was extended the courtesy of being heard; some of these on several occasions. He advised that in every case, the individual was advised of the impact of the Plan on their particular property and on their plans for future development as they outlined them to the Committee. He also advised that in every case,

a prompt response was provided by the Committee which enabled the individual to offer their plans to coincide with the MDP or to submit a new proposal to the Committee for reconsideration. He advised that where it was possible to do so, without destroying the intent of the Plan or altering it to the extent where it would be unacceptable to the Plan area, all the requests and proposals were accepted and the Plan tailored to accomodate the proposal.

Mr. DeRoche summarized his presentation by reminding Council that the Plan before them now for adoption, has been developed by representatives of the residents of the total Westphal-Cole Harbour area with the interests of those residents in mind. He urged Council to adopt the Plan as presented.

Mrs. Joan Crease, Bissett Road: Mrs. Crease advised that on July 15, 1981 she addressed a brief to Council stating her concern that there was too great an emphasis on development and commercial enterprise in the residential areas presented in the first draft of the Cole Harbour-Westphal Municipal Development Plan, and that it would be detrimental to the individual homeowner's investment. She further advised that there have been many meetings with the PPC since that time, and the final draft, as it stands at R1 and R2 zoning is, for the most part, acceptable to the residents of the area.

She indicated her understanding, however, that presentations will be made at this meeting which will seriously affect the value of their homes, and the ecological balance of the district. The residents of Bissett Road who will be most affected are in opposition to any attempt at rezoning the land abutting their properties from R2 to commercial for the purpose of building a shopping mall or any other commercial undertaking. This land is in a flood plains area, and many wildfowl nest along the run. It is also in close proximity to an Elementary School, and would cause additional hazard, due to the increase of traffic. There are already two cross walk guards at the junction of Cole Harbour Road and Col. John Stewart Drive to handle the normal flow of traffic during school hours. She also advised it might be well for Council to keep in mind that most shopping centres today have licensed liquor facilites.

Mrs. Crease indicated that there are already two shopping centres planned for the area, and it is doubtful if a third is necessary. She also advised that it is a recorded fact that there were 800 bankruptcies in April alone, across Canada, up to 37% over last year; and an estimated 70% of businesses started in the last 6 years have folded. She advised that it would be advisable to check out the other Malls in the Dartmouth area, and note the number of business closures.

Mrs. Crease advised that residents of Bissett Road are in opposition to any extension of the Commercial Zone, east of Bissett Road, on the Cole Harbour Road. This would infringe on the right of homeowners to enjoy their property, and would devalue their homes, as well as being an offense to their view.

Finally, Mrs. Crease noted that in the last couple of days a car dealer has opened business operations on the corner of John Stewart Drive and Cole Harbour Road; part of this land is R-2 and the operation should be investigated as soon as possible.

Mr. Ron Cooper, Chairman of the Community Affairs Committee of The Forest Hills Resident's Association: Mr. Cooper advised that the Cole Harbour-Westphal area has been a settled area of the Municipality for many years; this community during the mid 60's was for the most part an agricultural community. However, the developments of the Nova Scotia Housing Commission and Clayton Developments has resulted in a mainly residential area at the present time. During the development of the area he advised that there was little in the way of land use designation and planning for the area. Shortly after commencement of the Forest Hills area, the Resident's Association was established and the primary aim of the Association was to foster controlled development of the community. He advised that out of irritation expressed in the community by lack of development control, County Council has recognized the need, identified and acted upon the concerns of these Urban area Residents. This resulted in the establishment of the Urban Area Study and the Municipal Development Plan Process. Mr. Cooper further indicated that the Resident's Association welcomed the opportunity offered by the Public Participation Process as established under the Municipal Development Plan. He felt that the input of the community through the Committee, with the guiding hand of County Planning Staff has resulted in the Plan which best meets the needs of the Cole Harbour and Westphal area. He advised that this plan was compiled after months of hard work involving a great number of area residents. The recreation, industrial, commercial and residential needs for the present and the near future have been given adequate consideration and has accommodated everyone's concerns where possible.

Also, in regard to the Planned Unit Development Agreement with the Nova Scotia Housing Commission for Forest Hills; Mr. Cooper advised that the Resident's Association has reviewed the plan and hopes that in the near future, with participation similar to the MDP process, it can be made to agree more closely with the MDP and Zoning By-Laws as presented this evening.

He indicated the Association's whole-hearted endorsement of the Plan Documents.

Mr. Jim Henneberry, Chairman, Public Participation Committee: Mr. Henneberry referred Council to his written submission, which detailed the progress and opinions of the Public Participation Committee with respect to the Municipal Development Plan and Zoning By-Laws for the Plan area. Mr. Henneberry highlighted some of these points in his presentation; (please refer to the submission for detail.) However, Mr. Henneberry indicated that although a great deal of success had been achieved in accommodating most concerns expressed by various Groups, Organizations and Individuals, not all requests were able to be granted by the Public Participation Committee. He advised that in a community with a population of approximately 14,000 this success rate would be impossible to achieve. He therefore, wished to bring Council's attention to those major concerns on which the PPC had been unable to compromise, as follows:

1. First, he advised that there had been a proposal from Mr. A. Giles on the Cole Harbour Highway; Mr. Giles desired to have his residential property designated as Commercial. The Committee could not agree with this particular proposal as the property abuts other residential properties and would give him the opportunity to apply for a commercial zoning of his property and a Public Hearing would have to be held which would, in turn give the residents of the area an opportunity to come before Council and express their opinions.

He advised that Mr. Giles had come before the Committee one evening to present his request; at the following meeting fifty residents appeared before the Committee in opposition to Mr. Giles' proposal.

2. Secondly, a proposal had been received from Mr. Ken Robb, whose main concern was with a large parcel of land that is unserviced. Mr. Robb feels that he has been victimized by various levels of Government; Municipal, Provincial and Federal.

The PPC listened to Mr. Robb's proposal and wrote a letter to the Engineering Department of the Municipality asking whether it would be possible to extend Municipal Services to Mr. Robb's proposed development. However, the Engineering Department replied that the system was not designed to, or capable of handing that large an operation. Therefore, the Committee was unable to provide Mr. Robb with the support he was seeking.

3. Mr. Robb was also concerned with lot sizes; the Committee had proposed large lot sizes. The Committee, did however make an amendment to the draft plan and zoned the particular parcel, R-1 unserviced, which means that if it meets Health Standards, the minimum lot size would be 20,000 sq. ft.

4. The only other major problem on which the Committee could not reach a mutual agreement, was a proposal by V. & R. Investments. Mr. Richardson of this Company, proposed a 200,000 sq. ft. shopping centre which Mrs. Crease has eluded to in strict opposition.

The proposed area for the Shopping Centre is on the Cole Harbour Highway, directly across from the main Fire Station for the Cole Harbour-Westphal area, across the street from an Elementary School, and in a marsh and flood plains area. Therefore, it would not be an environmentally feasible development.

Mr. Henneberry further advised that this land is zoned C-2 for the first 200 feet in from the Cole Harbour Highway, and the back parcel is zoned Residential. Mr. Henneberry also advised that traffic volume was another area of concern for this proposed site.

Subsequent to explanation of the above problems, Mr. Henneberry, indicated his appreciation on behalf of the PPC for the assistance and guidance offered to the Committee, on the part of Municipal Planning Staff; Mr. Birch, Valerie Spencer, and in particular Mr. Chris Reddy.

Subsequent to the above, Councillor Benjamin questioned Mr. Henneberry as to whether Mr. Ruffman had approached the Committee with the recommendations he had presented to Council this evening. The Councillor was advised by Mr. Henneberry that Mr. Ruffman had not appeared before the Committee, nor had he any contact whatsoever with the Committee prior to this evening.

Councillor McInroy on behalf of William Casavechia: Councillor McInroy advised that Mr. Casavechia had requested that he speak on his behalf. Councillor McInroy, outlined Mr. Casavechia's concerns with regard to his lot XW, Caldwell Road, by reading his letter to Mr. Kelly, dated May 12, 1982, as follows:

"Please be advised that I purchased the above referred to lot from Mrs. Myrtle Warner, widow of Ernest Warner, who had this property zoned C-1, Commercial in February of 1970.

I bought this property at the time because it was zoned commercial and paid a higher price for it because of this zoning. Since that time, I have also paid a commercial tax rate on this property because of it being commercial.

I was not aware of it being zoned back to R1 until my Real Estate Agent called me and indicated that he had a client interested in purchasing this property for the purpose of contructing a 7-11 store. I am of the opinion that this area is in bad need of this type of store as the only other commercial amenities in this area, are located over two and one-half miles away on the Cole Harbour Road. It is further pointed out that this is the only property that was zoned C-1 on the Cole Harbour section of the Caldwell Road.

I feel that this commercial area could be an asset to this section of Cole Harbour. I do not think it fair that after my orginal investment of purchasing this commercial property, and my expenses involved in keeping this land for this number of years through higher taxes, services and interest, that it now be changed from commercial to residential status.

As a result of the foregoing, I would ask you to please give every consideration to leaving this land zoned commercial so that I may be in a position to sell this property to repay me for my investment over the last twelve years. I can appreciate the work that has gone in the development of this proposed Municipal Development Plan and I basically agree with most of the recommendations in the plan and proposed Zoning By-Law. However, once again, I do not feel it is fair to individuals who have purchased and invested time and money in commercial properties, only to have them changed to residential use."

This concluded the Speakers in Favour of the Municipal Development Plan and Zoning By-Laws for the Cole Harbour-Westphal Plan area.

SPEAKERS IN OPPOSITION

Mr. Alfie Giles, Resident of Cole Harbour: Mr. Giles advised that he had been a resident of Cole Harbour for many years and indicated that he was not opposed to the entire plan; in fact, he felt it was something which had been required for many years in the area. However, he was opposed to the zoning of lands owned by himself.

He went on to indicate to Council, a past history of unhappy occurrences relative his family's lands, as well as an untimely expropriation of land by the Nova Scotia Housing Commission. The following requests were made by Mr. Giles, for Council's consideration:

1. That the Commercial Designation be extended up to the County Drainage Line, which is to the end of County Services and would include several existing businesses such a siding business, a construction firm and property acquired by the Church. This would also include his own property, on which his dwelling was situated, at the corner of the Bissett and Cole Harbour Roads;
2. That property backing onto his own and owned by Eagles and Radcliff, a small printing firm, be zoned commercial;
3. He was also concerned with a cemetery in Cole Harbour, to which there was no ready access. He advised that on several occasions, when he had attempted to maintain grave sites, he had been threatened for trespassing.

Regarding, his concern with the cemetery, Mr. Keith Birch indicated that the MDP would have nothing to do with whether or not an access is established to the Graveyard. Since, the Planning & Development Department has now become aware of this problem, it will be addressed in the near future, regardless of the Plan.

Mr. Reddy advised Council that the Eagles and Radcliff property, is a Printing Shop now operating in a non-conforming status.

Council engaged in brief discussion of the above requests, prior to moving onto the next Speaker in Opposition to the MDP and Zoning By-Laws.

Mr. Ernest Smith, Real Estate Appraiser in Regard to land previously owned by Mr. Ronald Hayman on Lawlor's Point and now owned by Fidelity Financial Corporation:

The Corporation would like Council to consider that the front 500 foot residential zoning be amended on that specific parcel, to a further extension of 500 feet to the rear. He advised that the land was partially accessible by Pacific Avenue and what is intended if the zoning is accepted is to put in residential, unserviced R-1 Lots, meeting all present regulations. If the proposal is accepted, Mr. Smith advised that his clients are prepared to deed over the residual lands to the County on a no-cost basis. He indicated that the present situation is that the fronting land on Cole Harbour Road, is developed for a number of approved lots and residences which in actual fact

leaves approximately 5.7 acres of dead land to the rear of these lots and if another 500 feet is added they can initiate further development, establishing lots on both sides of the cul-de-sac off Pacific Avenue. The area that is requested for an R-1 zoning amendment is approximately 11.52 acres and the area that they are proposing to deed over to the County is approximately 11.25 acres.

It was determined by Councillor Topple that the land was previously zoned Parks and Institutional when owned by Mr. Hayman.

Councillor Wiseman and Councillor Smith expressed some concern regarding this proposed residential development as this area of Lawlor's Point is one of the most environmentally sensitive in the whole Plan Area. They were concerned that no proposals were made to the PPC about this area and indicated that this evening there would not be time to properly assess the impact of this development.

Subsequent to the above comments, there were no further speakers in opposition to the Plan and Warden MacKenzie, therefore, declared the Public Portion of the Hearing closed.

THIRTY MINUTE ADJOURNMENT

Prior to the thirty-minute break, required for Staff to prepare their reactions and recommendations in response to the issues raised, there was brief discussion in Council as to whether or not the PPC Chairmen, and Area Council Representatives should take part in the deliberations.

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

"THAT the Chairpersons of the Public participation Committees be enabled to take part in the Staff deliberations and recommendations."

Motion Defeated.

Mr. Campbell, Supervisor of the Policy Planning Division, expressed his opposition to this procedure feeling that it would be cumbersome and more time consuming, than if Staff were to discuss the matters alone, based on their experience in the issues to date. It was Mr. Campbell's opinion that such a gathering could turn into a lengthy Committee Meeting. This opinion was substantiated by Deputy Warden MacKay and Councillors Tople, Smith, Gaetz, Eisenhauer, McInroy and MacDonald.

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

"THAT Staff retire for thirty minutes to prepared recommendations in response to the issues raised this evening and further that staff deliberate alone."

Motion Carried.

STAFF RECOMMENDATIONS AND DISCUSSION

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

"THAT Municipal Council approve and adopt the Final Draft of the Municipal Development Plan and Zoning By-Laws for the Cole Harbour-Westphal Plan Area as presented by Municipal Staff, with the inclusion of the amendments described in Mr. Keith Birch's memo to Warden and Council, dated May 17, 1982."

Mr. Campbell, indicated his preference that Council deal with each recommendation separately, either agreeing or disagreeing with each. Subsequently, amendments can be made where required, prior to final approval of the motion.

It was moved by Councillor Licher, seconded by Councillor Baker:

"THAT the MDP Public Hearing be adjourned until Wednesday evening, May 19, 1982 at 7:00 P.M."
Motion Defeated.

Miss Spencer and Mr. Reddy proceeded to outline to Council the Staff Recommendations, as follows:

Request by Mr. A. Ruffman, Re: Adopt the Porter Plan-Revised Porter Plan as a Portion (s) of the MDP in the Form of an Appendix

Staff Discussion: Miss Spencer advised: "Reference is made throughout the Plan to the significance of the Porter Plan and the Revised Porter Plan. The intents of both the Regional Park Designation and the Special Area Designations are based in part upon the recommendations of these documents and those of the Porter Plan Advisory Committee. If the concern in Mr. Ruffman's request, is to specify the exact documents to which the Plan refers, (as opposed to any future revisions), a dated footnote may be added without requiring an amendment by Council. However, as the documents in question, were prepared for the Provincial Government and have not, as yet, been officially adopted by the Province, Council's adoption is not recommended. In addition, these documents contain some recommendations and regulations which are not implementable by a Municipality under the Planning Act. Any policy which does not permit implementation by Council has no effect in contributing to proper development control but may mislead residents and developers as to the intentions and powers of Council in this regard."

Staff Recommendation: Staff cannot recommend approval.

Council agreed with the Staff recommendation, with the provision that, as suggested by Councillor Topple, the dated footnote which will be added to specify the exact documents to which the MDP refers, will be the Porter Plan established in 1978, not any revised Porter Plan.

Miss Spencer of the Planning Department agreed to the Councillor's request, advising that any changes in the Porter Plan would not be recognized in Council's MDP without a specific, future, Council-approved amendment to the MDP.

Request by Mr. A. Ruffman, Re: Inclusion of a Preferred 107 By-Pass Route in the Plan