

Mrs. Bird also read a March 18, 1991 letter from Frank Mayo (addressed to the Mayor) into the record as being in opposition to the deregistration.

**MR. ANTHONY EDWARDS (Chair, Bedford Heritage Advisory Committee):** Mr. Edwards noted his correspondence dated March 8, 1991 and the MOTION passed by the Heritage Advisory Committee recommending that if Bedford Town Council agrees to enter into a contract development agreement for the development of Fort Sackville that 1) the development proceed with the Heritage Registration in place; 2) that an archaeological survey precede any excavation on the site; and 3) that the excavation be monitored by the Town of Bedford or an appointed agent. He felt that Town Council should refuse the application for deregistration and permit a development agreement to proceed through application for substantial alteration.

Mr. Edwards also reviewed his March 14, 1991 memorandum to Town Council. Mr. Edwards referred to D. Lohnes' memorandum containing three decision options and he suggested that two additional options were available including:

- refuse the deregistration application and recommend that the landowner apply under 'substantial alteration'
- Town Council could defer a decision on the deregistration until the terms of the development agreement have been finalized and resolved (Mr. Edwards indicated that he felt that the current procedure should be reversed, i.e. the development agreement finalized and then an application for deregistration/substantial alteration).

**MRS. A. MACCORMICK (Resident):** Mrs. MacCormick indicated her agreement with the points raised by previous speakers. She noted that her main concern was that there must be a burial ground on that site and that a proper archaeological survey be undertaken prior to deregistration or approval of a development agreement.

**MS. E. PACEY (President, Heritage Trust of Nova Scotia):** In Ms. Pacey's address to Town Council she outlined the historical background to the Heritage Property Act and its intent. She stressed that the intent of the Act is to protect heritage properties and yet give some flexibility to developers.

Ms. Pacey noted Mr. Miller's concern with "sufficiency of boundaries" and she emphasized that the exact determination of which portion of the estate is really historically significant is key to Town Council's final decision. She pointed out a specific rule which pertains to the interpretation of historical sites, that being preservation of that which is "within visual distance". She clarified this noting that the Town should preserve what one can see if one stands at the site as if one was an early settler.

concerns regarding the preservation of vegetation, specifically with regard to the calliper of trees. Staff is requesting the preservation of all vegetation greater than two inch calliper. Mr. Zwicker noted that although staff has not previously specified calliper size in other development agreements, staff was attempting to increase the total amount of vegetation preserved on this particular site.

There were no further questions from Town Council.

### PUBLIC COMMENT

*WAYNE & JANICE KIDD* - Mayor Christie read the April 2, 1991 letter into the record which noted that these residents of Perth Street were not in favour of the proposed development citing undersized lots and change in character of the neighborhood as their reasons.

*MR. MILLER (Developer)* - With the aid of four color drawings and maps, Mr. Miller reviewed the history of the project noting historical sentiments/romanticism versus practical development. He agreed that there were five or six areas of disagreement between planning staff and the property owners but he did not consider these major. Mr. Miller was quite clear that there was "no room for compromise"; and, if this development agreement was not approved the Tolson family would proceed with as-of-right single-family development. Mayor Christie reminded Mr. Miller that the topic of discussion at this public hearing was the actual development proposal.

Mr. Miller outlined the various phases of the proposal with the aid of a map. He also pointed out the various driveway locations (one map with the proposed 15 driveways and an overlay depicting as-of-right 16 driveways).

Mr. Miller announced that he would present to the Mayor a written request from the Tolson family, effectively serving notice that should this development agreement not be approved, 'substantial alteration' to the municipal heritage designation would be sought.

*MRS. E. TOLSON* - Mrs. Tolson read her letter to Town Council (copy circulated). She dwelled on the historic importance of the property and her involvement in its preservation. She reviewed the history leading up to a signed agreement of purchase with the Town of Bedford in 1988 which was never brought to fruition; she commented that the Town acted in bad faith.

Mrs. Tolson continued by noting her disagreement with Town staff that the proposal does not meet the criteria set out in the 1982 MDP; with T. Edwards that an archaeological survey is necessary; with A. MacCormick that an Indian burial ground may be present; and with Mrs. E. Pacey concerning sufficiency of boundaries. Mrs. Tolson notified the Town that should this application for development agreement be rejected by Town Council that she would appeal the decision.