

TOWN OF BEDFORD

Public Hearing #91-03 Reconvened

Thursday, July 4, 1991

A Reconvened Public Hearing of the Town of Bedford took place on Thursday, July 4, 1991, at 7:30 p.m. at the Bedford Lions Den, 36 Holland Avenue, Bedford, Nova Scotia; Mayor Peter Christie presiding.

ATTENDANCE: Deputy Mayor Don Huntington and Councillors Len Goucher, Anne Cosgrove, Grant Walker, Peggy Draper and Peter Kelly.

Staff members in attendance included Barry Zwicker, Director of Planning and Development; Steve Moir, Senior Planner; and Donna Davis-Lohnes, Planner.

Approximately 35 residents were also present.

INTRODUCTION

The purpose of the Reconvened Public Hearing was to receive written and verbal submissions relative to the July 1991 draft Municipal Planning Strategy (MPS) and the Land Use Bylaw (LUB). The proposed MPS is to replace the existing Municipal Development Plan adopted in 1982. The Land Use Bylaw is to implement the policies of the proposed MPS and to replace the existing Land Use Bylaw (Zoning) adopted in 1982. The area affected is the entire area of the Town of Bedford.

For the second night, Mayor Christie brought the Public Hearing to order at approximately 7:40 p.m. and reviewed the PUBLIC HEARING PROCEDURES which Town Council had recently approved. Those present were reminded to place their name on a list at the back of the room; speakers were limited to 10 minutes each; Council would hear presentations until 11:00 pm. and at that time if there were additional speakers, Town Council would determine to either hear the remaining speakers or reconvene to another meeting; written submissions would be received until July 10, 1991 at 4:30 p.m.; and that the proceedings were being taped. Mayor Christie also noted that Town Council would have the opportunity to question those people making presentations; however, the questions would be for clarification only.

MRS. BETSY VANHELVOORT: Mrs. VanHelvoort commented on several areas of the MPS and LUB including:

- providing a clearer definition and understanding of the difference between designations and zones; these are difficult concepts for the general public to understand
- in future MPS reviews, Mrs. VanHelvoort suggested providing maps with each draft of the MPS & LUB so that citizens can visualize where changes are occurring
- identified an inconsistency that Smith's Road is zoned RSU (single family) and that Giles Road is zoned Residential Reserve; yet both areas lie west of the BiCentennial and both are unserved.
- with respect to the expansion of the industrial designation for Atlantic Acres, Mrs. VanHelvoort expressed concern that too much land was designated industrial in this area and that the Town should perhaps be considering industrial growth in closer proximity to Burnside Industrial Park; she also suggested that the configuration of the designation could be changed to be more sensitive to the residential character of the Hammonds Plains Road.
- grade alterations in the Atlantic Acres Industrial Park area have not been sensitive to the environment
- she was pleased to see policy E-20; however, she noted that the citizens want to be involved in the total process of planning and not just at the final public hearing stage; she also suggested that the Sandy Lake Park Master Plan and the PRIS document should form part of the study.
- regarding subdivision of lots within the Residential Reserve Area (R-6), she noted that many properties could not be subdivided because many are pie-shaped and often have less than the required road frontage; she suggested changing the guidelines such that subdivision of existing lots be permitted under development agreement
- Policy R-7; if the intent/purpose of the policy is to keep densities low, Mrs. VanHelvoort suggested that special needs facilities and campgrounds should not be permitted uses in the RR Zone
- with regard to the expansion of the Primary Development boundary, she does support development west of the BiCentennial; she noted proposals by Jack Lake Land Assembly and A. Chaisson and again expressed hope that citizens would be directly involved in the total planning process and not just at the end of the process
- regarding the concept/notion of physical and psychological barrier that the BiCentennial produces, Mrs. VanHelvoort was pleased to see a change in name

from Secondary Development Area to Residential Reserve however, she did note that some of the damaging terms continue to be used and therefore, the 'barrier' will continue to exist; she asked for more sensitivity on the part of Council to include people living west of the BiCentennial as part of the Town, Mayor Christie invited Mrs. VanHelvoort to submit her comments in written form; she agreed to do so.

JIM & FAITH HUGHES: Mr. and Mrs. Hughes asked Town Council to consider their application to designate 51 Rocky Lake Road as commercial with the restriction that the property be used only for a dance school. Mr. & Mrs. Hughes provided background material on their intentions to provide ballet, tap and jazz lessons for children and adults. They also provided information regarding their backgrounds and experience.

It was clarified that the couple has made a formal application through the Planning Department. Mr. Hughes also noted that they have spoken to many area residents and have received no negative comments about the proposal.

In discussion with Councillor Walker, it was noted that there was an advantage to having the dance school in a permanent location where fixtures and accessories could be used. There was also some general comments regarding the amount of traffic which the school would generate.

MRS. AILEEN MCCORMICK: In her introductory remarks, Mrs. McCormick expressed her concern that according to the Department of Municipal Affairs, Town Council had to permit "reasonable time" for individuals to speak on the draft MPS. She did not feel that 10 minutes was adequate. Mayor Christie noted that these were the procedures which Town Council approved and explained that individuals could also make written submissions.

Mrs. McCormick commented on the following:

MPS

- CP-4 she wants these semi-annual Public Information Meetings to be held
- HC-5 she felt that this policy was contradictory to the public wishes
- p. 15 she questioned the increase of 75 dwelling units for 1981
- R-11 she questioned the difference between density calculations on gross area versus 5% parkland dedication based on net area
- R-13 the 1982 zoning regarding mobile homes must be retained
- R-14 not enough attention given to the Barrens; should be revised; there is no mention of maintaining the small town character
- R-9 should be revisited by Town Council as the expansion of the Primary

- Development Area to include Crestview Properties was not reviewed by BPAC or by the public nor was Policy R-2 applied to the process
- R-22 daycares should be shown on development plans
- R-23 minimum setback should be provided
- R-26 questioned the reason for permitting residential infilling as it will increase density
- C-3 regarding recycling depots; Mrs. McCormick suggested that neighborhood collection centers be established with weekly pickup
- C-5 how high is Town Council willing to permit?
- C-18 where is the golf course?
- C-20 policy not wanted by the public
- C-26 the number of parking lots should be limited
- C-32/33 collector road should be identified
- I-7 on the back burner now
- p.70 she suggested that development should be restricted until "proper space in the schools is available"; portable classrooms are not suitable
- S-3 suggested a home for seniors be located on the waterfront
- S-7 why should a correctional facility be permitted in the Residential Reserve and not within the Primary Development area
- P-9 the \$8,600 study on the swim/tennis proposal should have been spent on an indoor pool study
- P-10 recreational signage should be done; not talked about
- p. 87 a list of public view planes should be made available to the public
- p.92 designating the Barrens as an RCDD is not correct; should try to save at least 1/3 of the 90 acres
- E-24 should be deleted
- E-34 why are on-site disposals permitted on Shore Drive
- E-45 a list of hazardous goods stored should also be provided to medical practitioners

LUB

- p. 9 what size lot
- p.13 definition of view plane missing
- p. 18 with respect to detached garden flats, a lot size should be established
- p. 41 a full description of RCDD should be provided as was included in the February draft
- p. 42 if no buildings are permitted on less than 5 acres; perhaps tents should be limited 1 to 5 acres
- p. 43 why were institutional uses added to general business district
- p. 45 maximum height should be in feet not floors
- p. 49 the February draft should remain
- p. 51 the buffer has been 50 ft.; why reduce it to 40 ft.

MR. RICK COLLINS (read by Mrs. Roughneen): Mr. Collins' presentation was lengthy noting the importance of the Barrens to the heritage of our people and the native people. He spoke of ties to the past and the responsibility of the Town to the future of our country. He also noted that the Barrens has provided many generations with recreational opportunities and with a wilderness reserve; the petroglyphs and their setting must be preserved in their entirety.

MRS. CAROLYN BROOME: Mrs. Broome reported that although she would be making a formal written presentation, she did feel that she would like to address some general concerns, including:

- the MPS still treats the residents/properties of the Residential Reserve/Secondary Development area as "out there" and "not like the rest of the Town"
- p. 16, third paragraph: part of neighborhood stability is keeping things the same; this document does not do that
- the expansion of the industrial designation around Atlantic Acres should not be done until a study of Sandy Lake has been completed
- the expansion of the Primary Development boundary to include Crestview Acres was wrong
- she questioned whether the document specifically excluded dumps, landfills or incinerators from the Residential Reserve area
- a comprehensive plan for the Residential Reserve area should be developed which would outline general locations for daycares, grocery stores, etc.
- Town Council should change the designation for the Barrens; it should not be RCDD as the people have requested

MRS. JEAN PENDER: Mrs. Pender expressed her disappointment that verbal presentations were limited to 10 minutes; it was not long enough. Mrs. Pender reviewed the history pertaining to her lands within the Residential Reserve and how over the past many years, her land holdings have been frozen from development. She noted that the lands west of the BiCentennial were not "treated fairly". Mrs. Pender explained that Town Council was not listening to taxpayers or the residents.

She disagreed with the recent expansion of the Primary Development boundary to include the lands of Crestview Properties. She felt that Bedford was "catering to big money development interests".

Mrs. Pender asked Town Council to listen to a tape of Public Participation Meeting held in the fall of 1989 when Chris Nolan was the Chairman. The tape revealed a conversation between Mrs. Pender and Mr. Nolan regarding Mrs. Pender's objection to the 5 acre requirement (Mr. Nolan reported that this was the first time he had heard of the objection). Apparently, Mrs. Pender had previously filed a brief with the Mayor which had been reviewed by the neither the MPS Committee nor BPAC. Mrs. Pender further noted correspondence from members of the Planning Department which brought forward her concerns.

Mrs. Pender concluded by noting that although she has attended many meetings and provided substantial input, Town Council does not seem to listen to the public input. Mayor Christie insisted that Mrs. Pender's allotted time had expired.

For clarification, Deputy Mayor Huntington asked Mrs. Pender, G. Lowther and B. VanHelvoort for suggestions to overcome the apparent attitude problem regarding lands west of the BiCentennial in an effort to fully integrate the two areas. Mrs. Pender asked that not only residents but also land owners be included.

MR. T. EDWARDS: Mr. Edwards began his presentation by noting that Bedford residents don't agree with the MPS; "the expressed collective views of what Bedford should be ... have been systematically dismissed". Mr. Edwards noted the following concerns:

MPS

- Mainstreet Commercial -- recommended that the height should be no greater than two floors, measured from the Bedford Highway
- R-23 -- varying setbacks; a minimum distance (10 or 15 feet) should be specified for safety reasons
- minimum lot size for garden flats should be established
- residential infilling should not be permitted
- the recent expansion of the Primary Development boundary did not follow the process as established in R-2 and therefore the inclusion of Crestview Properties should be deleted
- C-26 -- the allowance for sidewalks and parking lots is in opposition to the development of a pedestrian oriented area
- list of private streets slated for acquisition should be deleted

LUB

- complete definition of RCDD should be included
- POS designation of the Barrens should be reinstated
- residents don't want strip malls; so exclude them

Mr. Edwards also noted that the timing of the public hearings was poor and that the draft "MPS does a disservice to the people of Bedford".

Deputy Mayor Huntington sought clarification from staff regarding a comment which Mr. Edwards made that a "developer thanked Town Council for the changes in the MPS and for not listening to the residents". Mr. Ron Hiltz was identified as making this statement during an MPS Meeting held last year.

MR. RICK HATTIN: Mr. Hattin noted his objection to holding the public hearings during the summer months. He also noted that he would be providing a written submission. Mr. Hattin's presentation focused on the methodology of strategy, goals and objectives (he noted some areas where the "objectives were good but the methodology of implementation flawed"). Concerns were raised on the following issues:

- as a member of the Petroglyphs Advisory Committee, Mr. Hattin asked Town Council to "pause" and review the issue; he suggested that at least some of the Barrens should be maintained in a natural state
- regarding the Environmental section, Mr. Hattin noted that the 1991 MPS was more in tune with current environmental thrusts than the 1982 but that there was still room for some improvement, i.e. E-16 the question of Town jurisdiction; E-12 sensitive areas identified; and that protection of Paper Mill Lake water quality was not specifically mentioned in the MPS and should be.
- he suggested that the minimum percentage specified for single family dwellings in RCDDs should reflect the status quo (57%)
- he noted a "pro-development tone" throughout the MPS specially C-12 through to C-16
- objection to the expansion of the Primary Development boundary to include Crestview Properties
- objection to the ability of convenience stores to establish in existing neighborhoods
- with respect to recreation/parks, he noted an obvious lack of opportunity for residents associations (and residents) to participate directly in the development of recreational neighborhood parks (i.e. donations of work, loads of fill, etc.) and that this should be encouraged
- he attempted to find the small town character in the MPS and found it lacking

In conclusion, Mr. Hattin noted that Bedford is no longer a small town (approximately 11,000 people) and it should stop and redefine its direction for growth as well as protect the Barrens.

In discussion with Councillor Walker, Mr. Hattin noted that he lived in many different types of urban settings and he liked the many opportunities which Bedford offered.

RECESS

MR. J.D. KOPPERNAES: Mr. Koppernaes was provided clarification by Mayor Christie regarding the process the MPS would go through as a result of these public hearings. Mayor Christie noted that Town Council must review and make a decision on each item which the public raised, and then decide whether to forward the document to the Minister for Municipal Affairs for approval. It was also noted that should Town Council make substantial alterations to the documents, then further public hearings will have held.

Mr. Koppernaes noted the reluctance of Town Council to listen to the public input. He noted his concerns regarding the policy on intertidal infilling and voiced his objection to the Town's involvement in his application to the federal government authorities. He also commented that as the owner of #1248 Bedford Highway, he does not want this property to become "heritage" but wants to retain its commercial zoning; he also stated that these "rezonings are wrong" but conceded that he was uncertain of the effect of the proposed zoning change. Mr. Koppernaes noted that the term "development agreement bothers him" as it seems that "everything is forbidden unless permitted by development agreement". This is an Eastern European philosophy and the Canadian philosophy should be reversed.

KATHY MARTIN: As a member of the Millbrook Band, Ms. Martin asked Town Council to pay some respect to the native process noting that the natives have not been consulted. She inquired whether anyone had investigated the aboriginal land title to the Barrens which may not have been cleared. Ms. Martin also shared her peoples understanding of 'sacred' by reading quotations from several native individuals and in conclusion noted that to the Micmac, "all land is considered sacred".

In conclusion, Ms. Martin asked Town Council to consider some of the historical facts as to why the Micmacs left the area which they considered sacred. She questioned why the POS designation was rescinded; why P. Christmas was asked to forfeit his membership on the Petroglyph Advisory Committee; and suggested examination of the possible environmental destruction that will occur should the Barrens be developed.

MRS. S. TOLSON-WINTERS: With the aid of a sketch, yardstick and her son, Mrs. Winters voiced her objection to the LUB fencing provisions. She suggested that a three foot fence for front yards was too short to protect children and she requested the deletion of subsection ii (page 28).

In discussion with Mr. Zwicker, it was clarified that should individuals want to seek exemption from the LUB provision, they may apply for a development agreement and go through the public hearing process which will cost approximately \$1,000.

MRS. PHYLLIS PATTON: Mrs. Patton noted that she will be opening a dance school on August 15 in Sunnyside Mall. With respect to the application made by Mr. & Mrs. Hughes for rezoning to permit a dance school at 51 Rocky Lake Drive (this property was identified in discussion with Councillor Goucher), Mrs. Patton expressed concern that she is against the concept of spot rezoning. She indicated that the applicants should have their enterprise in an area already zoned commercial; last minute zoning changes to the MPS "create unfair competition".

Mayor Christie called for any further speakers. Although there were no new speakers, Mayor Christie asked for Council's consideration to allow individuals to speak a second time (Mrs. Towill had made an earlier request to speak for 2 minutes). Mr. Roughneen and Mrs. McCormick indicated their wish to make a second ten minute presentation.

ON MOTION of Councillor Draper and Councillor Goucher, it was moved to permit Mrs. Towill to speak for two minutes and for Mr. Roughneen and Mrs. McCormick to make additional 10-minute presentations regarding the draft MPS and LUB. **The MOTION was carried** (Deputy Mayor Huntington voted against the motion).

MRS. S. TOWILL: Mrs. Towill requested that, like many other residents, Town Council "put the documents on hold until after the fall election".

MR. MICHAEL ROUGHNEEN: Mr. Roughneen's second presentation focused on his comment that the policies were not always consistent with the goals. After discussion with Mr. Zwicker that inconsistencies should be removed, Mr. Roughneen suggested the inclusion of a sentence that indicates "in evaluating actions or proposals, the Town is committed to and will give priority to the following objectives:....". He also suggested that the statement of goals should be more clearly expressed.

Other comments included:

- C-1 (p. 42) -- Town Council shall give favourable consideration to.... should be changed to be consistent with other policies which state "It shall be the intention of Town Council ..."
- HC-1 and HC-5 should include the word 'areas'

- residential section -- agrees with other speakers including A. Chaisson that the expansion of the Primary Development boundary to include Crestview Properties is inconsistent
- objects to the policy of residential infilling
- recommended that a greater mix of uses along the Mainstreet would be more in keeping with the character of the Town
- recommends that the height restriction along the Bedford Highway should be three stories measured from the Bedford Highway
- the list of private streets slated for acquisition requires a clear statement of intent.

MRS. A. MCCORMICK: Mr. McCormick's second presentation focused on two areas. The first area of concern was the environment and Mrs. McCormick noted the disappearance of some wildlife due to tree cutting, infilling of the waterfront, especially bird life. Mrs. McCormick also noted that although the MPS makes several references to maintaining the "small town character" of Bedford, the policies seem to be "city policies forced on a small town and they won't work".

Mayor Christie reminded individuals that written submissions would be accepted at the Town Office until 4:30 p.m. July 10, 1991.

Public Hearing #91-03 was adjourned at approximately 10:30 p.m.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

/dl