

## MEETING #72

### TOWN OF BEDFORD

#### Public Hearing #93-04

Tuesday, August 24, 1993

A Public Hearing of the Town of Bedford took place on Tuesday, August 24, 1993 at 7:30 p.m. in the Council Chambers, Suite 400, Bedford Tower, Bedford, Nova Scotia.

#### ATTENDANCE

Deputy Mayor Oickle and Councillors Harris Hutt, Bill MacLean and Len Goucher were in attendance at the commencement of the Meeting.

Staff members in attendance included Rick Paynter, Director of Engineering and Works; Donna Davis-Lohnes, Acting Director of Planning; and Jenifer Tsang, Planner.

#### **Amendment to the Municipal Planning Strategy**

#### **INTRODUCTION**

The purpose of the amendment is to change the Generalized Future Land Use designation from Residential Comprehensive Development District (RCDD) to Institutional, to permit Town Council to subsequently consider amending the Zoning Map from the Residential Comprehensive Development District (RCDD) to the Utilities (SU) zone to permit the construction of a 180' communication tower and shelter approximately 300 square feet in area.

Jenifer Tsang, Planner verbally reviewed the background to the application, noting that a Public Information Meeting was held on April 20, and that a Staff report was included in the agenda package. The matter will be brought before the Planning Advisory Committee for review and recommendation on September 9. All written documentation for the application was included in an information package with the agenda.

Ms. Tsang reported that among the concerns raised by residents during the Information Meeting was the site for the proposed communication tower and shelter being so close to a residential area, and a concern regarding the proposed right-of-way to access the site.

Mayor Kelly inquired whether there were any questions from Council.

Deputy Mayor Oickle inquired about Cantel's attempt to locate the tower on the opposite

side of the BiCentennial Highway. Mr. Sean Gillespie, Director of Network Operations for Rogers Cantel Inc. responded, reporting that this alternative had been pursued with C.M.H.C. (the owner of the land) but that had been refused.

Councillor Hutt inquired about the length of the access road. Ms. Tsang indicated that it would be approximately 1,000 to 1,200 feet.

There were no further questions from Council and the floor was then opened to the public.

### **SPEAKERS**

#### ***Ms. Shirley Towell***

Ms. Towell stated that she strongly opposed the amendment, recalling the long process of developing the M.P.S. and Generalized Future Land Use map when the land in question was given the designation of RCDD to enable Town Council to have more control over the use of the land. She indicated that she felt the land had been made RCDD for good reasons and should remain RCDD.

Ms. Towell went on to list her concerns about site disturbance, the fact that it was environmentally sensitive land, and the construction of an access road. She indicated she was disappointed no decision had been made as yet with respect to the preservation of the Barrens and the petroglyphs. She also inquired about possible blasting. Mr. Gillespie, the proponent, stated that no blasting would be necessary to erect the tower.

Ms. Towell noted that she was concerned about blasting because of past problems residents have experienced following Town-approved development in their area, and suggested the Town should be responsible for any damages to resident's properties or homes, arising as a result of any development approved by the Town.

#### ***Bruce Burrell - Centre Street***

Mr. Burrell expressed concern with respect to the fact that the public hearing was proceeding without a B.P.A.C. recommendation, and that residents have not had an opportunity to speak prior to the Public Hearing, as they could have at a B.P.A.C. meeting.

Mayor Kelly explained that Town Council had voted to proceed with the Public Hearing, and that he must concur with the wishes of Council.

Mr. Burrell raised concerns about the impact on the existing neighbourhood, and suggested that the proposal circumvents the intention of the establishment of RCDD lands. He further suggested that approval of this could lead to other "spot" re-zonings on RCDD lands.

He inquired whether there was any proposal to include the Fire and Police Department radio systems on the tower. Donna Davis-Lohnes indicated that there had been no discussion of this possibility.

**Dwight Dorey - Chief of the Native Council of Nova Scotia**

Mr. Dorey spoke in opposition to the amendment, and expressed that he was upset that the Hearing was taking place. Mr. Dorey noted that 1993 has been declared the International Year of Indigenous Peoples and read aloud from a Draft Declaration of the Rights of Indigenous Peoples.

Mr. Dorey noted that although native groups had been invited to participate in the Petroglyph Advisory Committee, with the Committee's report being tabled one year ago, they had not been advised that this amendment was proposed and were not advised of the Public Hearing. Mr. Dorey indicated that he had thought Town Council would review the recommendations in the Advisory Committee's report and make a decision, and felt disappointed that Council was proposing to amend the use of the land. He noted that the wishes of the Mic Mac people is clear in the report, and that the request to establish a Commission for the Barrens has not been responded to.

Mr. Dorey urged Council to not consider development on any part of the Barrens until a decision is made with respect to the recommendations in the Advisory Committee's report as well as, he stated that if the amendment is approved by Council, the Mic Mac people will take appropriate action to prevent development and seek protection by the Supreme Court.

Mayor Kelly reported that when the report from the committee was tabled, Council had voted to seek out alternatives with the Federal and Provincial governments. He also noted he has met with the Minister to attempt to get a Commission established for the Barrens. Mayor Kelly noted he has corresponded with both the Minister of Natural Resources and the Minister of the Environment several times, but has had no response or interest. He indicated he will continue to work with the Mic Mac people, the Provincial and the Federal governments. He further noted that Teresa MacPhee, a Mic Mac representative from the Petroglyph Advisory Committee was made aware of the amendment application.

Deputy Mayor Oickle noted to Mr. Dorey that the legal owner of the land has made an application to develop the land, and that Town Council must legally entertain that application at this time, but that no decision has been made as yet.

**Vitska Kronstein - Centre Street**

Ms. Kronstein suggested that the issue should not be a difficult one to decide on for Town Council, and that it was clear that no development should take place on the Barrens until

a decision is made about it's preservation.

*Joyce Pitcher*

Ms. Pitcher asked how a decision to rezone the land can be made when the question of the Barrens is in "limbo". Ms. Davis-Lohnes noted that the land was given the designation RCDD in 1991, and that the Town is obligated to consider and process applications for development of the land, even though Town Council has not yet made a decision on the recommendations of the Petroglyph Advisory Committee.

*Jim Phillips*

Mr. Phillips questioned the "kind of signal" Town Council will be sending to the Provincial and Federal governments if the application is approved. Mayor Kelly indicated that this was a valid point. Mr. Phillips went on to state that he was against the development of the Barrens until a resolution is reached with respect to the recommendations of the Advisory Committee. He also inquired about the possibility of another location for the tower.

Mr. Gillespie explained that six other sites were considered but that none were worth looking at further as well, C.M.H.C. had refused to sell the land on the other side of the highway.

*Greg Ross - 2 Centre Street*

Mr. Ross inquired whether the access road was included in the amendment to the map. Ms. Tsang indicated that it was not, because it is intended to be a right-of-way across the Redden Brother's property.

Mr. Ross read aloud from a prepared statement against the proposed amendment, and noted the streets into the area are narrow, with steep slopes and sharp turns. Mr. Ross indicated he was opposed because of a failure in the process, referring to the lack of a B.P.A.C. recommendation, and that the access road will become a "conduit for further development".

He stated that Council has no right to approve development until the issue of the Barrens is resolved.

*Tony Edwards*

Mr. Edwards stated that he had several objections. First was with respect to the wording in the notice in the paper, which he felt implied that a decision has already been made on the amendment. Second was with respect to the timing of the Hearing. Mr. Edwards

suggested that no Public Hearings on matters of this importance should take place between June 15 and September 15, due to the fact that many residents are on holiday. Third was an objection to "spot" rezonings in general.

Mr. Edwards went on to point out that although Jenifer Tsang had indicated that the 30 acres owned by the Redden brothers was not included in the lands considered "the Barrens", he felt this was not true and that the entire 90 acres should be protected. He suggested that the native religious view of this land should be respected.

Mr. Edwards also objected because of the location in the Centre Street area, suggesting that it was a unique part of Bedford and should be protected. He added the residents had been promised there would be no further development at the end of Centre Street.

***Frank Kempster - Pine Street - Lands Chairman of St. Paul's Home***

Mr. Kempster objected to the proposed tower because it would be placed on land adjacent to land owned by St. Paul's School for Girls and would devalue that land. He noted that offers to purchase the St. Pauls land have been turned down by them because the land is considered sensitive.

Mr. Kempster also pointed out the sharp turn in the road that would lead to the access road, and also suggested that even if the access road is temporary, once it is there it will be used, possibly for undesirable purposes.

Mr. Kempster indicated he felt the tower was of no benefit to the Town, and urged Council to turn down the amendment request.

***Bill Roy - 42 First Ave.***

Mr. Roy spoke against the amendment, suggesting that it was not desirable to place a tower in a subdivision area. He further suggested that the access road could become a place for youth to "hang out". He urged Council to not make radical spot rezonings.

***Mr. L. Wallace - Applicant Representative for Cantel***

Mr. Wallace reported that the Province has been involved with surveys of the Barrens, and is negotiating with the land owners. He urged Council to make a decision with respect to their intentions for the Barrens.

Mr. Wallace suggested that protection against further development resulting from the construction of the right-of-way could be included as a covenant in the deed. He noted that the right-of-way would be temporary and would be removed as soon as an alternative is

found. He suggested that use of the right-of-way for purposes other than access to the tower could be prevented.

Ms. Davis-Lohnes also indicated that it is not accurate to call this amendment a "spot" rezoning. The Tower is a "utility" use, for which there are no pre-designated zones in the MPS. Proposals for utility uses are required to go through the rezoning process because their locations are not predictable and are dependent on physical characteristics of a site.

In response to a question from a resident, Mr. Wallace indicated that no blasting will take place for the construction of the road without the approval of Town Engineering Staff.

**Mr. Dorey**

Mr. Dorey spoke again to request that the recommendations in the Petroglyph Advisory Committee's report be considered a written submission of the Native Council of Nova Scotia.

**Mr. Tony Edwards**

Mr. Edwards again objected to the process, and that no B.P.A.C. recommendation is available to be read into the record. He stated the Public Hearing should have been cancelled.

**Unknown Resident**

This resident indicated she had been under the impression that this meeting had been cancelled, therefore, many residents of her area had not attended. She also objected that 60 members of the Volunteer Fire Department are unable to attend Town Council Sessions and Public Hearings because they are always held on a Tuesday night.

Councillor Goucher pointed out that in lieu of attendance, residents can give written submissions to Council. He requested to Mayor Kelly that the acceptance of written submissions for this Public Hearing be kept open until Friday, August 27.

After three calls by Mayor Kelly there were no further speakers or questions from Council.

Therefore, Public Hearing #93-04 of the Town of Bedford was adjourned at 9:05 p.m.

MAYOR

CHIEF ADMINISTRATIVE OFFICER