

Only handful of citizens at Midland Point zoning meeting

by Dave McCausland
Zoning is coming to Midland Point in Tay Township and not everyone is happy with the draft by-law. But by the small attendance at the public hearing held on Tuesday, February 4, one might conclude that few really cared.

A large proportion of those were solicitors and other representatives of developers who are building or planning subdivisions on various parts of the Midland Point area. But there were only a handful of private citizens at the meeting. The discussion was quiet and centered on only a few issues which came up several times. The meeting, which began about 8 p.m. was over by 9:45 p.m.

The draft by-law drawn up by the township planning board divides the Midland Point area into 16 zones ranging from agricultural to institutional and industrial. The majority of the zones are varieties of residential area with five zones of different residential densities labelled respectively R1 to R5. These areas vary by frontage, lot area required, and the minimum floor area of houses that can be con-

structed on those lots. In addition to these five areas of residential zoning there are zones designated as rural residential, residential mobile home, and two zones of seasonal residential, each of different density.

In the R1 to R5 zones the minimum floor area of a one storey house ranges from 1,800 square feet in an R1 zone to 1,050 in an R4 and 1,150 in an R5. These minimum floor areas came under fire a number of times at the hearing both from developers and private citizens. A spokesman for GAL Investments said that an area they were in the process of developing had been zoned industrial under the draft by-law. The homes they were planning to build were "for ordinary people" and he argued that the spot their company was working on was ideal for this because of its easy serviceability. Rather than zoning it industrial, he said the area was more suitable for smaller homes such as those in the R4 classification and therefore available to families in the \$12,000 per year earning range.

GAL Investments' concern about the minimum space requirements was echoed several times by private citizens who voiced their views on how the size of the house they had to build was going to make it too expensive for them to continue their plans to build. The planning board agreed to take these expressions of opinion into account in preparing their submission to council.

February 21 is the deadline for written submissions to the Tay Planning Board before the submission goes to the Township Council. If the council approves and passes the by-law, it will then go to the Ontario Municipal Board, which will advise calling for any objections to the proposal. If there are then they will order another public hearing. Faulkner pointed out that the public then has two opportunities to make its views known on the proposed by-law, the first was on February 4. He described the process of approving a zoning by-law such as this one a very "accountable process" with its opportunities for public input into the decision making process. Unlike the formulation of other types of laws it has room for the public to participate. But by the turnout on February 4 it is evident that not too many feel strongly enough about it to come out on a Tuesday evening.



Waiting for sunbathers

Photo by Harvey Markle

Apart from several other

Lawyer suggests malfunctioning breathalyzer but argument brushed aside in court

A Midland lawyer's suggestion that a breathalyzer machine used by the area detachment of the Ontario Provincial Police may be malfunctioning was turned aside in provincial court in Penetanguishene last Thursday.

In defending a 54-year-old client against a charge of impaired driving lawyer Martin Prost raised the possibility that if specified maintenance schedule checks on the breathalyzer were not maintained by the area OPP, then the machine's readings may not be accurate.

Prost insisted he was not questioning the qualifications of the machine's operator, only whether or not the machine was operating properly if checks on the breathalyzer were not carried out.

A booklet on the OPP breathalyzer states that a check list must be filled out once a month or at other fixed regular intervals for future reference if required in a court case.

The list contains six steps which are to be followed every month in checking the machine.

During testimony given in court the machine's operator, Constable Ivan Price, agreed a check on the machine should be done but said "I have never done it personally."

In summing up his case Prost told the court that either the breathalyzer reading of his client, Ross Hawke of Midland, was wrong, or Hawke was lying. The breathalyzer showed Hawke had a reading of 240 milligrams on September 28 when an Ontario Provincial Police Officer stopped his car on Highway 12 near the Hole-in-the-wall underpass and charged Hawke with impaired driving.

Prost claimed that for a reading of 240 milligrams his client would have had to consume roughly 11 bottles of beer. The court heard testimony from Hawke and his wife that he had three bottles of beer on the night of September 27 and three more the following morning. It was also revealed that Hawke was taking prescribed pills to treat a nervous condition and that alcohol should not have been consumed before driving while Hawke was taking the pills. Hawke admitted his doctor told him this but he did not know if it was before or after the accident. Provincial Judge Len

Montgomery said the case all came down to credibility. He chose to accept the police officer's evidence and reject Hawke's.

As a result Hawke was declared guilty and fined \$300. His driver's licence was

suspended for six months. In an interview on Monday, staff-sergeant Len Doolittle admitted that the OPP does not follow the instructions in the breathalyzer booklet because it is an American

book. But he added that instead of checking the breathalyzer once a month the area OPP works under the regulations of its department and carries out checks each time the breathalyzer is used.

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Town of Penetanguishene



Important Message to the Elderly Citizen

The Council of the Town of Penetanguishene has arranged to hire a person to assist the elderly residents of the Town with their Income Tax Returns.

This person will be at the Municipal Office from 9:00 a.m. to 5:00 p.m. daily as of February 17th, 1975.

So that you will not have to wait, please phone 549-7453 and make an appointment.

Y. A. Gagne, A.M.C.T.,
Clerk-Treasurer,
Town of Penetanguishene.