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MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Shayne Vipond, Planner III

DATE: August 23, 2017

SUBJECT: Case 19461 Application for Site Specific Amendments to the Planning Districts 1 and 3 MPS and LUB to permit an asphalt plant at PID# 40042822, north of Highway 103 and west of Little Indian Lake, Head of St. Margaret's Bay

Feedback is sought from North West Planning Advisory Committee relative to the proposed application. The committee's recommendation will be forwarded along with the staff report to North West Community Council.

Please find enclosed the following documents for your consideration:

- Fact Sheet
- Summary of Public Feedback
- Map 1 - Generalized Future Land Use Map
- Map 2 - Zoning Map
- Map 3 - Site Location
- Map 4 - Site Plan
- Map 5 - Distance Separations to Residential
- Attachment A - Public Participation Minutes – June 1, 2015
- Attachment B - Relevant Excerpts from Planning Districts 1 and 3 MPS & LUB

In preparing your recommendation to North West Community Council, kindly advise whether the proposal is an appropriate location for an asphalt plant.

PROPOSAL INFORMATION: Case 19461

APPLICANT: Scotian Materials Limited

REQUEST: To amend the Planning District 1 and 3 Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable an asphalt plant at PID #40042822, located approximately 1 km northwest of Highway 103 and 1.5 km west of Little Indian Lake, Head of St. Margarets Bay.

PROPOSAL: The applicant has requested that an asphalt plant be permitted on the subject lands. The Planning District 1 and 3 MPS and LUB does not permit asphalt plants on the lands and thus the applicant has requested that the MPS and LUB be amended to permit an asphalt plant on the subject lands.

DISTRICT: 13 – Hammonds Plains - St. Margarets - Councillor Matt Whitman

SITE INFORMATION: PID #40042822, located approximately 1 km northwest of Highway 103 and 1.5 km west of Little Indian Lake, Head of St. Margarets Bay

PLAN AREA:

District 1 and 3

LAND USE DESIGNATION:

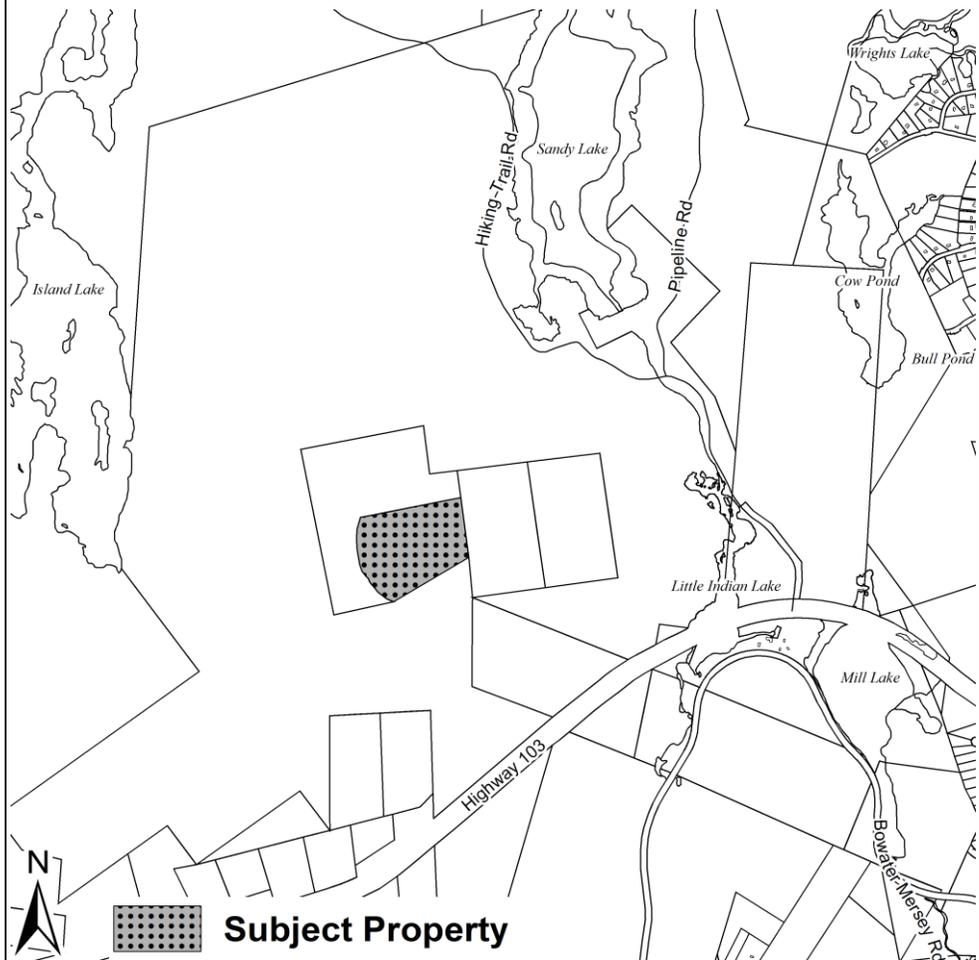
RESOURCE

CURRENT ZONING:

MR-2 –MIXED RESOURCE 2

PROPERTY DESCRIPTION:

Existing quarry
 ~39.98 acres



For further information, please contact **Shayne Vipond**, Planner III, 902-490-4335, viponds@halifax.ca or visit <http://www.halifax.ca/planning/applications/Case19461Details.php>

**SUMMARY OF PUBLIC FEEDBACK
PLANNING APPLICATION CASE NO. 19461**

Scotian Materials Ltd. has a for Site Specific Amendments to the Planning Districts 1 and 3 MPS and LUB to permit an asphalt plant at PID# 40042822, north of Highway 103 and west of Little Indian Lake, Head of St, Margaret's Bay.

The community engagement process for this application is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, and postcard notifications mailed to all property owners within the notification area undertaking a Public Information Meeting and two Community Open Houses.

Community Consultation

Public information Meeting (PIM) – June 1, 2015

Staff began the public consultation process by holding a PIM on June 1, 2015. The meeting was very well attended by over 500 members of the public. Comments received (Attachment A) received were overwhelming against the proposal reflecting concerns as follows:

- Environmental impacts
- Health impacts
- Property values devaluing
- Traffic
- Loss of recreational opportunities

After the meeting, it was identified by HRM staff that approximately 200 persons were turned away from due to room occupancy limits. Consequently, Council directed staff to conduct two additional Community Consultation Meetings. These meetings were held utilizing an Open House format.

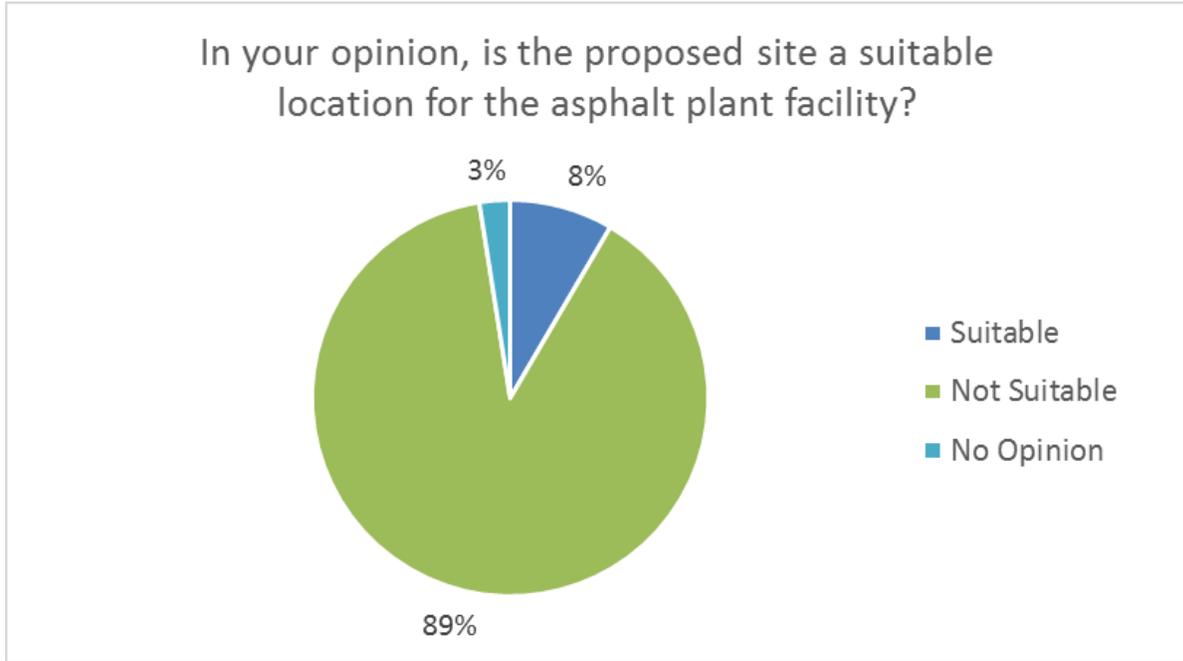
Community Open House(s) – January 25 and 26, 2017.

Approximately 460 persons attended the two Open Houses. Of these participants 330 responded to the staff questionnaire.

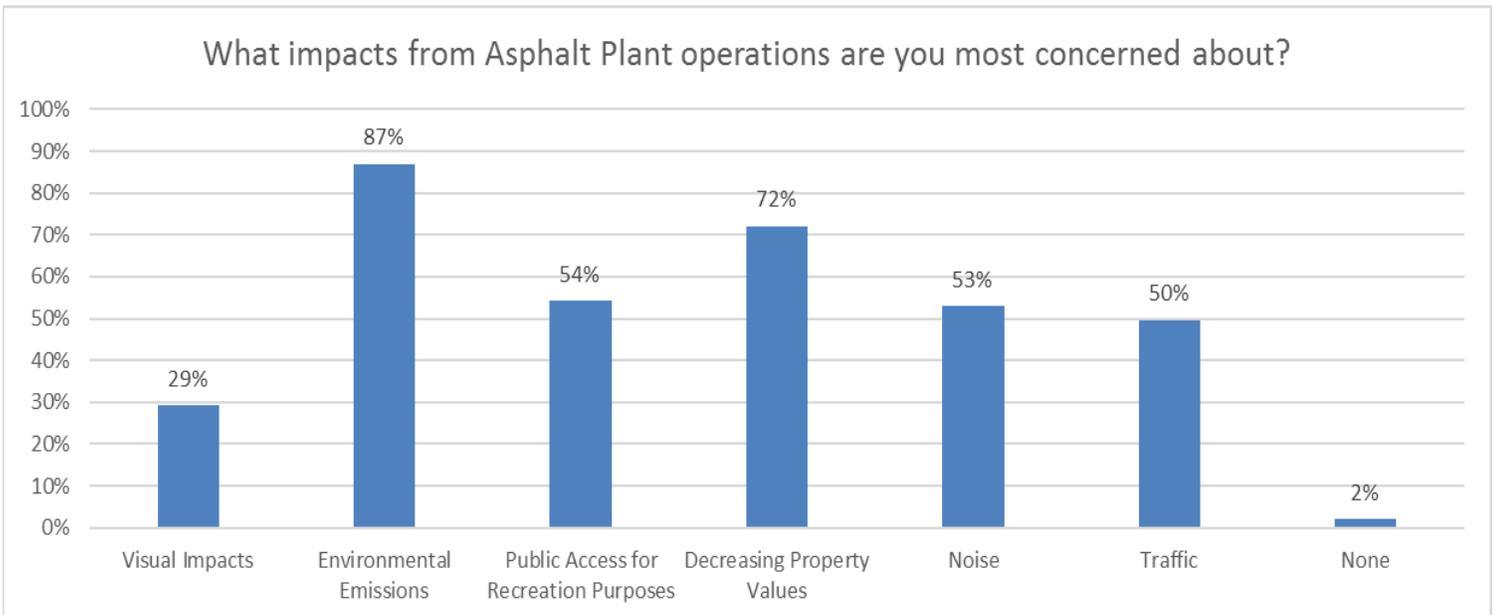
Three specific questions were asked in order to obtain public opinion.

- 1 In your opinion, is the proposed site a suitable location for the asphalt plant facility?
- 2 What impacts from Asphalt Plant operations are you most concerned about? (please check all that apply)
- 3 Are you concerned that approval of the proposal will lead to the introduction of industrial zoning in the area?

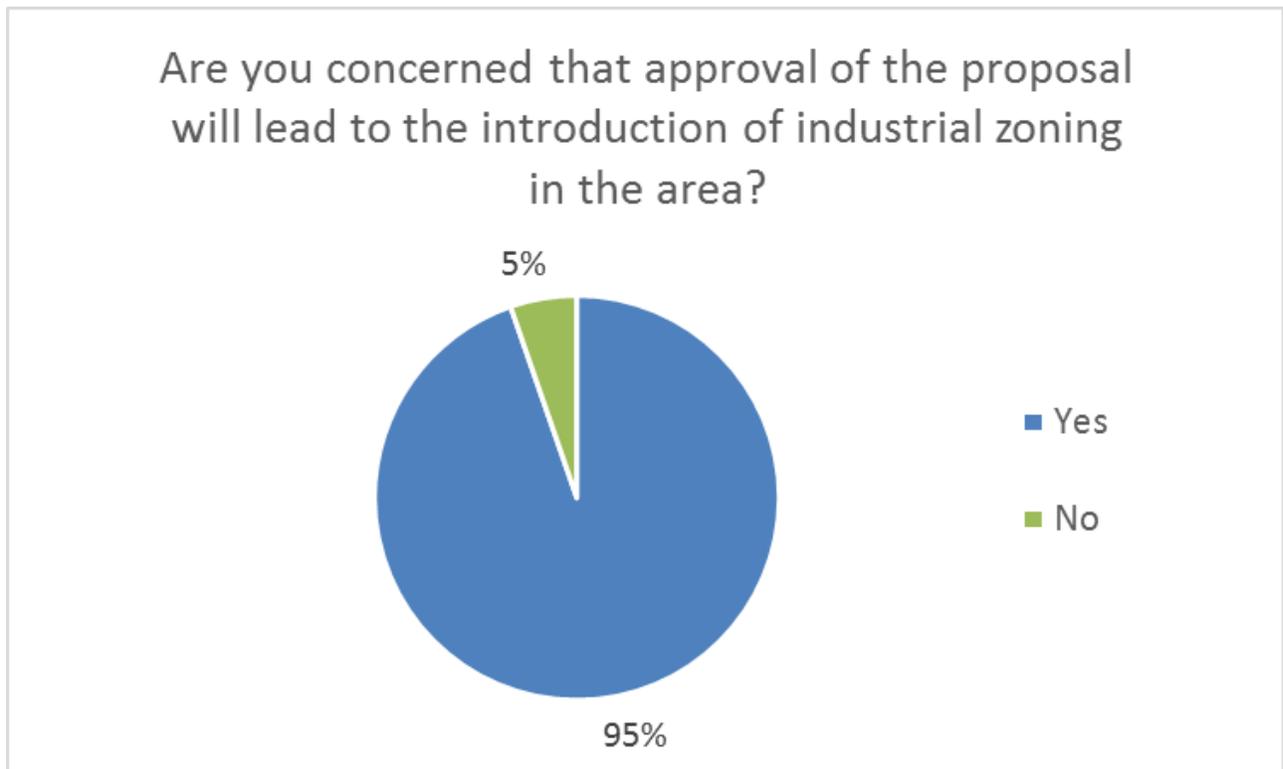
1 In your opinion, is the proposed site a suitable location for the asphalt plant facility?



2 What impacts from Asphalt Plant operations are you most concerned about? (please check all that apply)



3 Are you concerned that approval of the proposal will lead to the introduction of industrial zoning in the area?





Map 1 - Generalized Future Land Use

PID 40042822
 Head of St. Margarets Bay



Subject Property

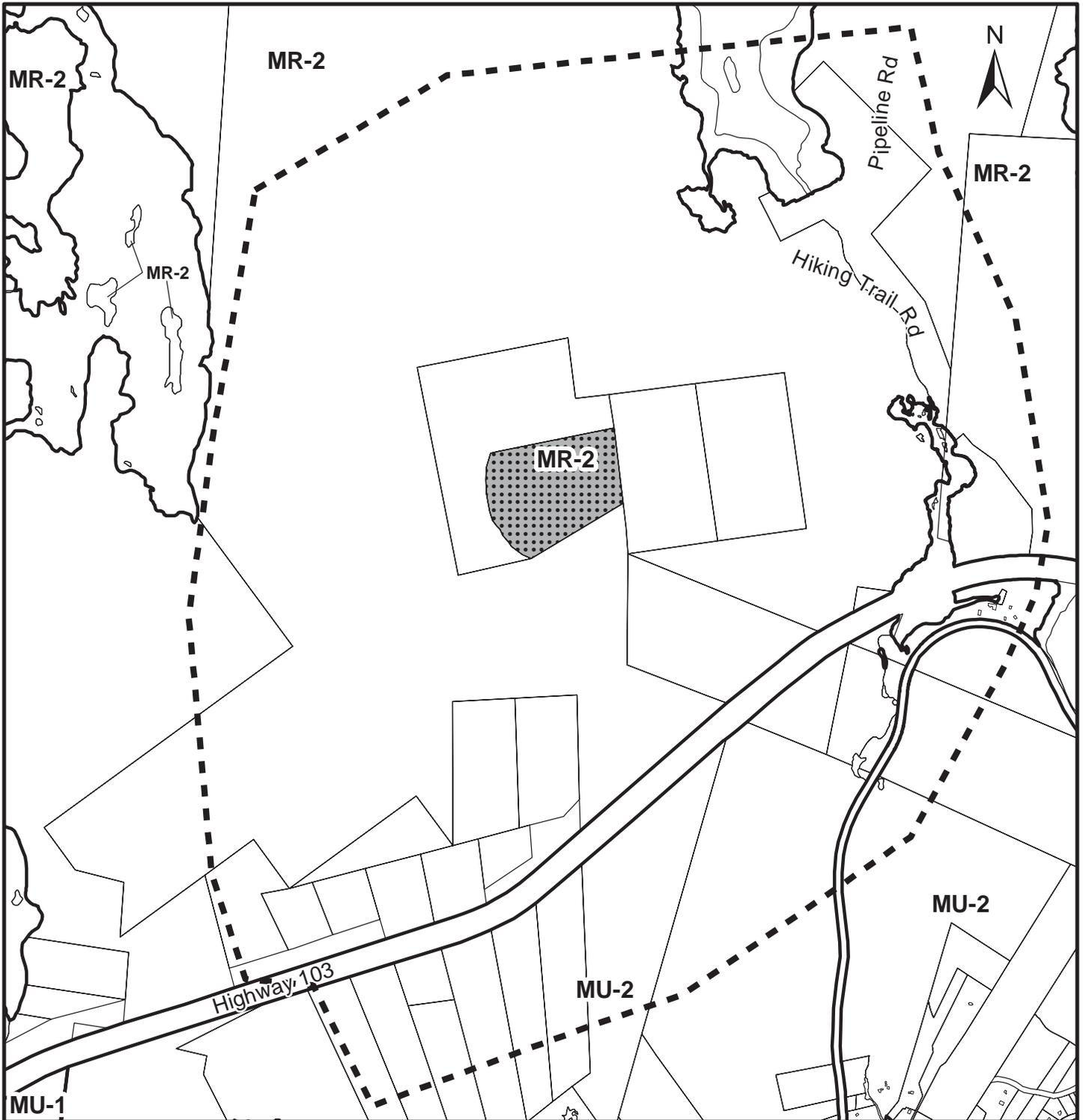
- Designations**
- RSC Resource
 - MUA Mixed Use A
 - MUB Mixed Use B
 - HML Hubley Mill Lake
 - PP Provincial Park
 - TCCV Tantallon Crossroads Coastal Village



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Planning District 1 & 3
 (St Margarets Bay) Plan Area



Map 2 - Zoning and Notification

PID 40042822
 Head of St. Margarets Bay

HALIFAX

 Subject Property

Zones

MU-1 Mixed Use 1
 MU-2 Mixed Use 2
 MR-2 Mixed Resource 2

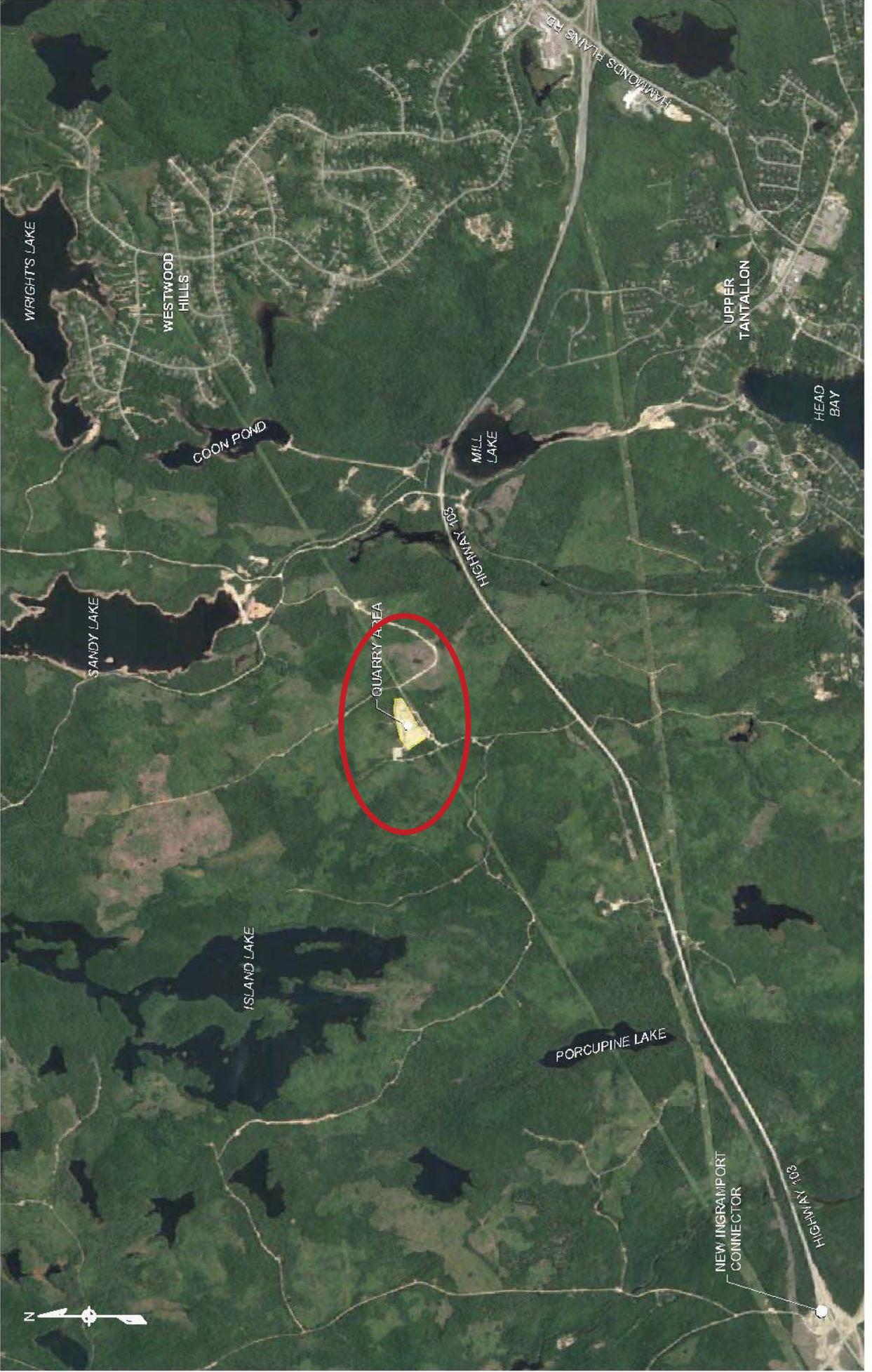


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

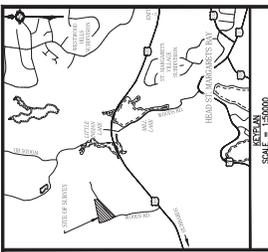
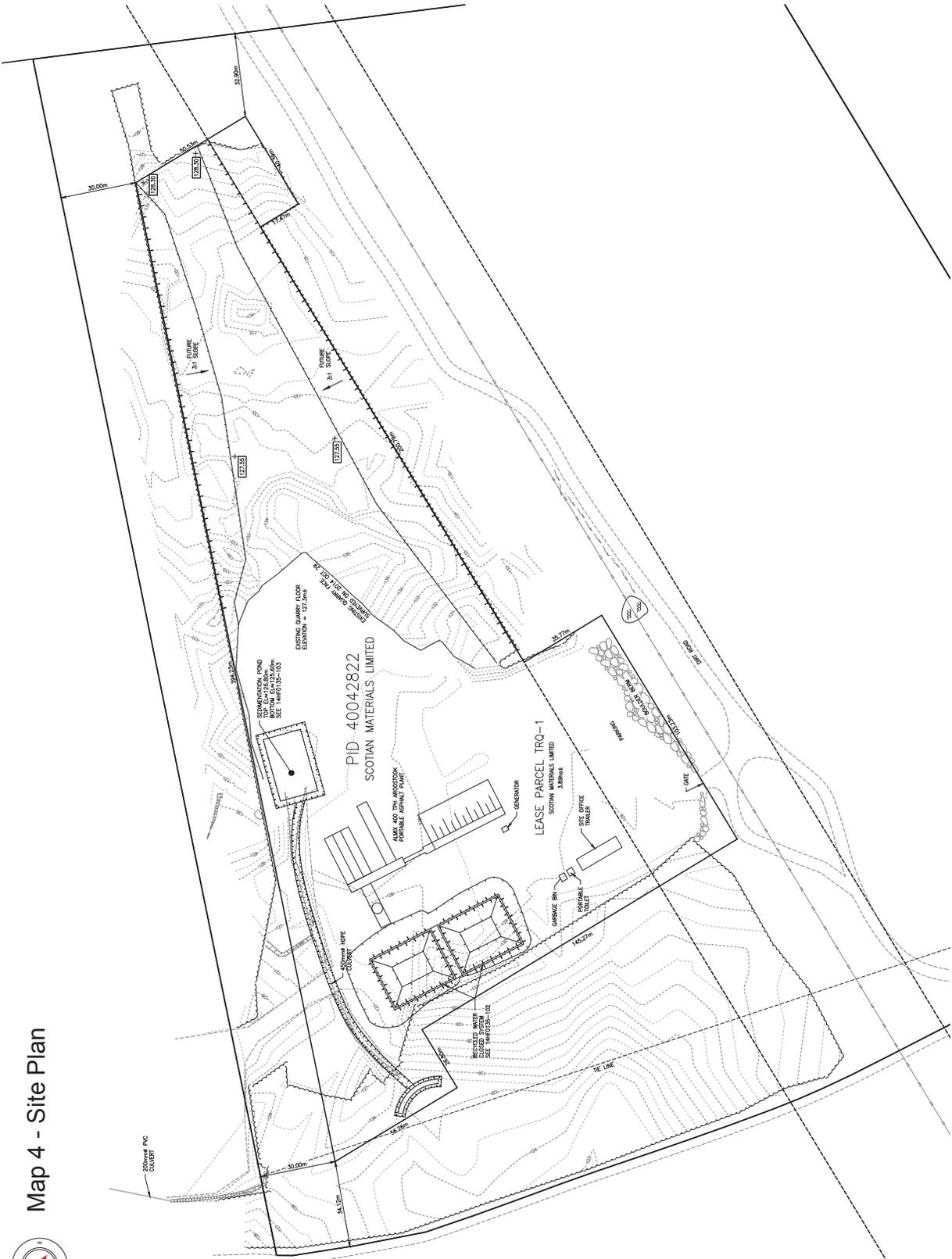
The accuracy of any representation on this plan is not guaranteed.

Planning District 1 & 3
 (St Margarets Bay) By-Law Area

Map 3 – Site Location



Map 4 - Site Plan



SCALE: 1:10000

LEGEND:

- PROPERTY BOUNDARY
- LEASE BOUNDARY
- TIE LINE
- TRAILLINE
- EDGE OF GRAVEL
- TOP OF SLOPE
- BOTTOM OF SLOPE
- EDGE OF WATER
- CULVERT
- TOPOGRAPHIC LINE MAJOR
- TOPOGRAPHIC LINE MINOR
- OVERHEAD POWERLINE ⚡
- STODOPLE
- STANDING WATER
- FUTURE QUARRY BOUNDARY



NO.	REVISION	DATE	BY	CHK
1	ISSUED FOR INFORMATION			
2	ISSUED FOR INFORMATION			

SCOTIAN MATERIALS LIMITED

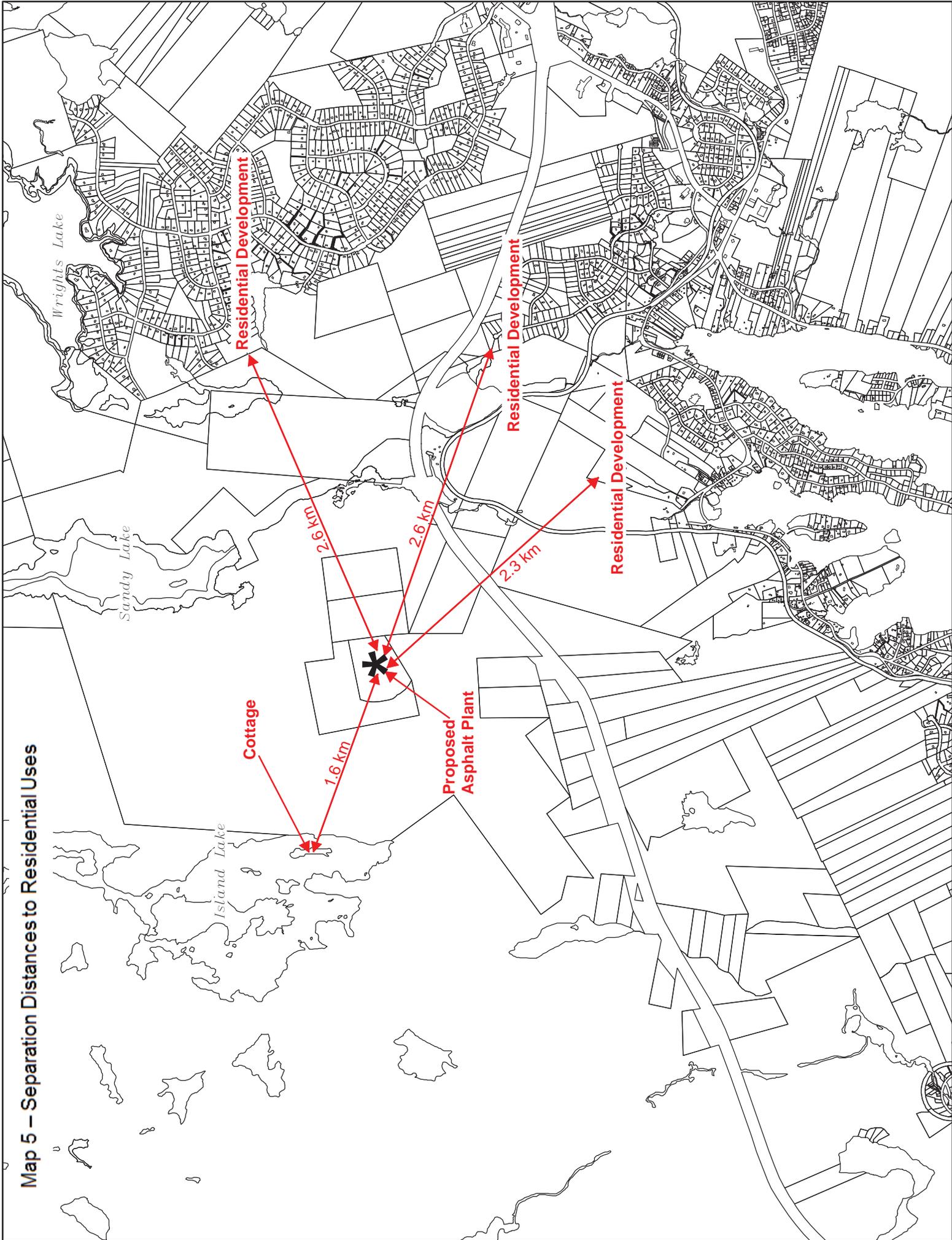
CLIENT NO.	14HF0135-101	DRAWN BY	DATE	14/11/13
PROJECT NO.	14HF0135	ISSN	CAC DATE	14/11/13
DRAWING SIZE	A3	CHKD BY	DIT DATE	14/11/13
SCALE	1:750	APVD BY	CAC DATE	14/11/13

PID 40042822
TANTALON QUARRY
BLACK POINT, NS

TITLE:
SITE PLAN SHOWING
ASPHALT PLANT

DWG NO.	14HF0135-101	REV	1
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Map 5 – Separation Distances to Residential Uses



Attachment A Public Participation Meeting Minutes – June 1, 2015

**HALIFAX REGIONAL MUNICIPALITY
Public Meeting
Case 19461**

**Monday, June 1, 2015
7:00 p.m.
St. Margarets Centre (Gym)**

STAFF IN

ATTENDANCE: Richard Harvey, Major Projects Planner, HRM Development Approvals
 Andrew Bone, Senior Planner, HRM Development Approvals
 Alden Thurston, Planning Technician, HRM Development Approvals
 Cara McFarlane, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Matt Whitman, District 13
 Councillor Barry Dalrymple, District 1
 Rob MacPherson, Scotian Materials, Applicant

PUBLIC IN

ATTENDANCE: Approximately 540 (Approximately 200 persons turned away)

The meeting commenced at approximately 7:03 pm.

1. Call to order, purpose of meeting – Richard Harvey

Mr. Harvey introduced himself as a Major Projects Planner with the Municipality and Facilitator of the meeting; Andrew Bone, Senior Planner, guiding the application through the planning process; Councillor Matt Whitman, District 13; Councillor Barry Dalrymple, District 1; Alden Thurston and Cara McFarlane, HRM Development Approvals; and Rob MacPherson, Applicant, Scotian Materials.

The agenda was reviewed.

2. Overview of planning process – Andrew Bone

The application was received and presented to Regional Council and Council asked Staff to start the planning process: a) hold a public meeting to find out the residents' concerns in the community; b) perform a detailed view with internal/external agencies; c) draft a Staff Report, with Staff's recommendation, to be presented to Council outlining the issues and notes from the Public Meeting; and d) Council will look at the matter, typically schedule a public hearing and render a decision.

3. Presentation of Proposal – Andrew Bone

The application was submitted by Scotian Materials to amend the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning Districts 1 and 3 to permit an asphalt plant on their lands in the Head of St. Margarets Bay.

The subject land is approximately 1.3 km to the northwest of Highway 103. Hiking Trail Road (dashed yellow line) is the existing access way and connects to Nova Scotia Natural Resources logging roads and back woods roads. This access will change with the proposal.

The site is designated Resource and zoned MR-2 (Mixed Resource). The current zone permits forestry and other resource type uses. Currently, asphalt plants are not permitted in this area. There is an existing quarry on the site that was approved by the Province of Nova Scotia, Nova Scotia Environment (NSE). It is adjacent to a site that was previously used for a mobile asphalt plant as permitted by the Province in the past. The Province has the ability to override Municipal rules for uses on their land.

The proposed asphalt plant access to Highway 103 (shown by red line) and the new Ingramport Interchange, has been coordinated through discussions held by the Province and the applicant. This would be over existing woods roads over Crown lands.

The site in relation to existing residential development is somewhere between 1.6 km and 2.6 km away from existing development. It is approximately 2.6 km to Westwood Hills, 2.6 km to St. Margarets Bay Village and as close as 2.3 km to an existing home in the Bay area. There are some seasonal homes that appear to be on Crown land. Some of them may be privately held and at this point one has been located approximately 1.6 km away.

An asphalt plant has equipment to heat/dry aggregate and mix aggregate with bitumen or tar to produce asphalt. It is very common that an asphalt plant is located next to a quarry because the asphalt making process does require aggregate as a base material.

The MPS in Planning Districts 1 and 3 lays out the policies for development of the area. These are the rules that the LUB and Council have to follow in a standard planning process. The LUB is the implementation of the MPS and sets out the regulations that enable land uses to be established. The MPS and LUB do not specifically mention asphalt plants; however, through the I-1 (Industrial) Zone. They are permitted in select areas within the Municipality and specifically within this plan area. However, the current MPS and LUB do not permit an asphalt plant on this existing site.

The request is to add a policy to the MPS to identify an asphalt plant as a permitted use on the site and secondly, to add a section to the LUB, in this case, to the MR-2 Zone which allows for an asphalt plant on this specific site. This is not a request to rezone the lands to I-1 (Industrial) Zone.

NSE would be involved in the detailed review for comment on the proposal. Under the Environment Act, asphalt plants require a permit from the Province. Although the applicant has indicated they have had consultations with NS Transportation and Infrastructure Renewal (NSTIR), Staff would confirm these discussions and get a formal

opinion as well. This site is surrounded by a significant amount of Crown land and used for public purposes; therefore, NS Natural Resources (NSNR) would be consulted. Due to a hydropower project adjacent to the site, NS Power may also be involved. Also, any other relevant agencies that Staff feel are relevant to add to the review.

Presentation of Proposal – Rob MacPherson, Scotian Materials

Leading up to this meeting, Mr. MacPherson has heard many concerns from the community regarding emissions, noise, lights, traffic, water quality, etc. If these concerns become a reality and occur then this won't be the site for an asphalt plant. The application with probably be withdrawn. However, if the issues can be mitigated and addressed so they don't have a negative impact, he would like to be awarded the opportunity to move his business forward.

Things of interest and requested documents will be posted on Scotian Materials' Facebook page. Recently the permit showing the terms and conditions for the asphalt plan was posted on this website.

Scotian Materials head office is located in Burnside and is a Nova Scotia aggregate provider. The company originally was Northern Construction Enterprises located in New Brunswick. When he recently took over managing the company, he moved the company to Nova Scotia. The company's management practice is to have an open door policy with the communities and go beyond the minimum requirements and supply local contractors with quality products for competitive prices.

Scotian Materials has one approved quarry in Halifax and another under application. There are a number of other properties along Highway 103 between here and Barrington in various stages of approval.

The location of the quarry (in red) and proposed asphalt plant (in yellow) was shown. The lands, not Crown land, were purchased from Barrett Lumber. In 2013, NSTIR approved a quarry for a job that was being done on St. Margaret's Bay Road. May to June 2014, a mobile asphalt plant was operational on a site adjacent to the quarry. A Letter of Authority with the Province was issued to operate the asphalt plant for a two month period on a piece of Crown land. July 2014, Scotian Materials applied for a quarry under 4 hectares and in December 2014, a public consultation was held. Written comments were received and in March 2015, the quarry approval was received.

The application to amend the Planning District 1 and 3 MPS was submitted to HRM in July 2014. It was felt that the best scenario would be site specific because if approved, only an asphalt plant would be permitted in the quarry.

The site does meet or exceed all Provincial guidelines for the permit. It is environmentally responsible to locate the plant near the source of materials. The extensive separation from residential communities and the MPS acknowledges that the resource designation has some potential for industrial uses that complement the resource uses.

It is required, under the permit, to be located 360 metres from residentially zoned

communities. There is no commercial access to the site until the Ingramsport Interchange is constructed. The process for the Interchange will take some time; therefore, we would like to have our approvals in place for when that happens.

Currently, Scotian Materials has a 250 tph counter flow drum with a wet scrubber (ran on the site from May to June, 2014). There is also a 400 tph ALMIX uni-flow drum mixer with a baghouse (picture shown and description given). Particulate matter and some gases from the burner are monitored, tested and reported to NSE as required by the permit.

The permit requires the company to be responsible for: erosion sediment control, service water, separation distances, sound levels, air and particulate emissions and odor control.

For the water quality protection, there would be erosion and sediment controls put in place. They are actually in place now for the quarry but are also required for the asphalt plant. The total suspended solids monitoring is undertaken on a regular basis to confirm that the water leaving the site is within the guidelines of the permit. The monitoring plan has to be approved by NSE in advance and all monitoring reports are submitted to NSE on a monthly basis.

The location of a sedimentation pond and a dispersion ditch was shown. Dark blue arrows outlined the site drainage. The sedimentation pond is in the lowest point of the quarry which allows any surface water in the quarry to run down to the dispersion ditch and disperse on the site.

The permit requires separation distances (list shown).

Modeling is done for the noise levels. The average predicted noise levels beyond 2 km of the plant would be below 20 dba. Under the property line, the permit allows up to 65 dba. There are hills and valleys in the area which would impact how the noise travels. Noise monitoring is part of NSE's approval. Hours of plant operations would affect the noise levels as well.

The permit requires a test performed by a third party consultant for air emissions (particulate matter and combustion gases) which is sent directly to NSE. A list of emissions that require testing was shown (Schedule A). If results don't meet operational standards, corrective action has to be taken.

A graph was shown demonstrating that at 1.2 km away from the plant the particle concentrations in the air are equivalent to those of other sources in the community.

Third party testing is performed and submitted to NSE for pollution control.

Testing for odour control is not required but it is complaint driven. If the plant is not operating properly or processes are being done incorrectly, NSE would shut it down and corrective action would have to be taken. Under normal conditions, there really isn't any odour.

Mr. Harvey opened the floor to questions and comments but mentioned that Staff would like to know what questions the residents need to have answered through this review

process and what issues the residents have with the siting of the asphalt plant on the property, particularly from compatibility and impact point of view.

4. Questions and Comments

Dennis, Westwood – What process will be used for sweating the trucks? Will there be a dyke in that area? Will the waterways in that area be protected from the sweating process? **Mr. MacPherson** – The Company's practice is to have proper areas for those types of activities but he will provide additional information.

Brian, Oceanstone Drive Westwood – He read some information regarding toxic emissions associated with asphalt production plants and the health issues they cause. He asked the applicant, given this information, if he would like to have such a facility built near his home? **Mr. MacPherson** – He has, for many years, lived next to an asphalt plant (about 1 km away) and now works about 300 m from one. **Brian**– He referred to a report of the residents of Blue Ridge, Virginia, who lived within 1 km of a newly constructed asphalt plant, and health issues they have encountered from that plant. In that community as well, there was a 56% drop in property values. Those concerns are shared by this community.

Trevor Brown, Highway 333 – The prospect of having any kind of retaining or settling pond is terrifying. Everything is downhill from the site and the watertable will be affected. Children are going to experience the after-effects of this. Also, air emissions are a problem. There is no guarantee that chemicals won't get out into the community. The site is right in the middle of the community. Bitumen (liquid asphalt) is part of the process and is the worst chemical to use. Once the City opens the door to these companies, there will be an industrial complex here.

Beth McGee, Seabright – She is concerned about the safety of the access road to/from the site across Crown land. Scotian Materials has a right of way agreement with DNR over approximately 10 km of Crown land. She understands that Scotian Materials would be required to provide upgrades to this road to ensure the suitability and safety for the mix of users of this very narrow road. These Crown lands are for recreation as well as resource use. Scotian Materials has a site on Boulder Road in East Chester where an asphalt plant could go as of right. Their site is adjacent to the on/off ramp at Exit 7 giving an easy and cost effective access to Highway 103.

Ms. McGee – She is concerned about the planning in this area of HRM. If Council approves this application by Scotian Materials at the proposed site, this will set a precedent for processing resource materials in an MR-2 Zone not just in HRM but across the Province. It won't be long before Council is asked to rezone the site to Industrial. She referred to the Bowater Lands and asked that HRM and DNR work together and not make any LUB changes until that work is complete.

Ms. McGee – She disagrees with the piece meal planning for the area and would like HRM Council and Provincial representatives to look at an overall plan for the area. She would like to see the boundaries of the St. Margarets Bay Planning and Advisory Committee expanded to include the watershed of St. Margarets Bay from Exit 4 to Hubbards.

Trevor Magarvey, Westwood Hills – What involvement did Council have in the application? What are their guidelines? **Mr. Bone** – Regional Council is the keeper of the MPSs for each area and any request to amend the plan requires their approval. In this particular request, Council initiated the request and asked Staff to look at the application. In the end, they will review all advice and render a decision on the matter. **Mr. Magarvey** – He referred to Page 3 of Mr. Bone's report, regarding considerations for changes to the MPS and asked if this was his view or the policy. **Mr. Bone** – In general, that is the Planning Department's position and any request to change the MPS requires a plan amendment to be approved by Council. **Mr. Magarvey** – Would Policy RE-7 of the MPS apply here? **Mr. Bone** – RE-7 is the current policy set and it has been identified to Council that the asphalt plant it is not permitted. **Mr. Magarvey** – Would an asphalt plant be considered as a light industrial use? The Bedford MPS considered it a heavy industrial use. **Mr. Bone** – It is an industrial type of use. Every plan would treat an asphalt plant differently. The Bedford plan has no relevance in this area. The relevant document in this area is the Planning Districts 1 and 3 MPS and it doesn't identify anything related to asphalt.

Mr. Magarvey – He asked Mr. MacPherson, aside from HRM Staff, if he discussed the application with HRM Councillors? Was pricing of asphalt discussed and the fact that if he entered the market, he would supply asphalt to HRM at lower prices than the current rate? **Mr. MacPherson** – He spoke to the local Councillor to make him aware of what was coming forward. There was no discussion about pricing. Scotian Materials' goal is to be as competitive as possible.

Mr. Magarvey – In discussions with Councillors, was the same rationale used that is in the application as the reason of wanting this application to go through? The presentation was on Scotian Materials. The Registry of Joint Stocks office says that Northern Construction, formerly in New Brunswick, changed its name and imported the company from another jurisdiction. Is Scotian Materials really Northern Construction? **Mr. MacPherson** – The same rationale would have been shown. Scotian Materials is Northern Construction Enterprises and it was an incorporated company in New Brunswick. He took over the management and moved it to Nova Scotia and it was re-incorporated as Scotian Materials to reflect those changes. A shareholder in the company is part of the Belanger family (from Grand Falls, NB).

Mr. Magarvey – Scotian Materials has an approved quarry at Exit 7. Does the zone prevent an asphalt plant at that site? There was no mention of that site (13 miles away) in the application but it was mentioned that this proposed site is an underserved area. **Mr. MacPherson** – The intent of the wording in the presentation was referring to available lands for the location of an asphalt plant.

Mr. Magarvey – He contacted two other asphalt companies in HRM to get an understanding of market conditions and asphalt pricing. Demand for asphalt in the HRM area is stagnant. There is no need for an additional plant as this is not a growing area and present plants are operating at about 50% capacity. The price charged in HRM is around \$90. Why consider another asphalt plant within HRM? **Mr. MacPherson** – He is unable to speak to the numbers provided or other businesses' data.

Mr. Magarvey – Scotian Materials has an agreement with DNR. Can a copy of that

agreement be shared with the audience? **Mr. MacPherson** – Once the agreement has been reviewed for sensitivities, it will be posted to the website. **Mr. Magarvey** – Who negotiated the right of way agreement for Scotian Materials? What is the person's name at DNR and their position held? **Mr. MacPherson** – He negotiated the agreement with many people at DNR.

Mr. Magarvey – He asked Mr. MacPherson what CHF asphalt mix meant as it is the most basic asphalt product in NS. **Mr. MacPherson** was unsure.

Chris Turner, Westwood Hills – He spoke to the potential geological impact specific to the surrounding community. A distance of 360 m is insufficient. Canada does not follow its own regulations and often refers to EPA regulations. He suggested using Edomic modeling which evaluates the values of residents' homes in an area that experience encroachment of industrial sprawl. When dealing with the types of toxins from asphalt plant, properties can be devalued by 30%.

Nick Horne, Westwood Hills – The access road to the quarry and proposed asphalt plant consists of over 8 km of woods roads over Crown lands. Is Scotian Materials responsible for upgrades and maintenance of these roads? **Mr. MacPherson** – Throughout the term of the right of way agreement, Scotian Materials is responsible. There is no cost to the Province. **Mr. Horne** - Asked the audience who opposes to this application. According to Mr. Horne, everyone put their hands up. HRM should work with the Province, assign a piece of Crown land and give that Crown land to a successful proponent to operate, by permit, an asphalt plant for the twinning project. When the project is done, the site is done and everything is gone. He believes the public would accept that and other companies could bid competitively. He noted that the proponent and local companies have mobile asphalt plants available for this to work. Residents are concerned about a possible expansion into an industrial park or the quarry expanding several times (4 hectares at a time). A potential landfill at the quarry site was mentioned to Regional Council. Does an amendment to the MPS allow this in the future? Is there a way to prevent it? **Mr. Bone** – He is not aware of any requests of a landfill in this particular area. This request in the MPS would be very specific. He doesn't have enough information to identify whether the quarry, which is relatively small, provides any risk of that happening.

Mr. Horne – The proposed changes to the MPS and LUB are advertised not to be subjected to the NSUARB appeal process. Why is HRM denying its citizens the right to fair process? **Mr. Bone** A change in the LUB that implements a MPS amendment is not appealable. We will identify that section of the HRM Charter in our report to Council. **Mr. Horne** – With tonight's large crowd, he formerly requested an additional meeting in order to give everyone a chance to speak on the application.

John Hamblin, (lives behind RCMP station) – He moved to this community because it is a pristine area with beautiful property. How can you say that placing an asphalt plant in the middle of the community is compatible with no issues? The possibility of amending the MPS is absurd.

Mike Murphy, Boutiliers Point, Chair of the St. Margarets Bay Coastal Planning Advisory Committee (SMBCPAC) – He was disappointed that this application didn't come to the SMBCPAC because it did not fall within the PAC's jurisdiction. He believes

that Councillor Whitman is working with Staff to address this. The request for an amendment to the MPS is a prime example of how incremental change can pervert the planning process and why citizens get so upset at any kind of development. The staff report dated April 28, 2015 is very clear that a MPS amendment is the only way to permit this. The opposition to this request is not of NIMBY mentality, but comes from the distrust of the entire planning process as it appears to be driven by incremental decisions that seem to be minor at the time but have huge consequences in the future. How will the operation of a permanent asphalt plant affect future development in this area? By amending the MPS we are in effect changing this area to a general industrial zone. If Council approves this request to amend the MPS, it allows industrial use in the future without Council or citizen input.

Peter Lund, Dartmouth, Co-chair of the Five Bridges Wilderness Heritage Trust – He reassured everyone that a landfill would never go on that site. Provincial regulations do not cover all types of chemicals and toxins that come from an asphalt plant. There are different types of asphalt plants which emit different toxins. There has to be test data available. If this is a mobile plant, it should be stated as such. The existing access road is narrow and has steep grades, blind corners, atv riders, walkers, etc. He is concerned about safety of the road. If a truck goes off the road and there is a spill, it will disappear into the granular soil and make cleanup impossible. There are waterways and lakes to be protected. He is concerned that this will open the doors for the rest of the Province. He understands that an application for an expansion to the quarry would not require an environmental assessment to be submitted. Has Scotian Materials received approval? **Mr. MacPherson** – A permit has been issued for that application. **Mr. Lund** – Expansion of 3.9 hectares is permitted without an environment assessment. Referring to the site map, he asked if this area is private land holdings. **Mr. Bone** – Much of it is Crown land. Those parcels need further clarification and research.

Michelle Horne, Westwood Hills – She read some excerpts from Item # 11.1.6, a memo to Mayor Savage and members of Halifax Council submitted by Richard Butts, CAO, and Mike LeBrecque, Deputy CAO, dated March 31, 2015 and as a result had several questions:

- There are numerous studies and reports outlining the negative environmental impact on surrounding areas. How does a site specific amendment for a permanent asphalt plant fit in with the prioritization of protecting the natural environment? There is a reason at the time the existing plan was approved to purposefully exclude industrial zones. What has happened to cause the need to revisit the plan? If there was no application filed, would the plan be undergoing the same consideration for an amendment at this point in time?
- A) The term significant is very subjective, there needs to be a more clearly defined term for separation from existing residential development. B) What studies/reports were reviewed to determine that the impact would be limited?
- There are conflicting comments from the staff review. It was indicated that the environmental impact would be limited. Again, what studies/reports were reviewed to allow such a statement?

She referred to some excerpts from the applicant's rationale for consideration in the same memo:

- Outside of an existing quarry already operating on the property, how is this site suitable and sensible for a permanent plant being the entire area and site itself is zoned MR-2 to maintain the priority for protection of the natural environment.

- An asphalt plant has recently been operated on a Crown land parcel with no issues or concerns from regulators or nearby regulators. No issues or concerns documented by the applicant. The public was not engaged or informed properly regarding the plant. Although the public did not know it was there, they could still smell it operating.
- Surrounding land is owned by the Crown and zoned such that future developmental encroachment would not be a concern moving forward. There is preferably 100 hectares of MR-2 lands surrounding the proposed site. This could be to significant industrial creep.
- There is currently a lack of asphalt plants in the metro area and this site is well positioned to accommodate the growing market in the area including the recently announced Inraport Interchange and future plans for twinning Highway 103. The applicant has recently been approved to open a plant in East River, Chester, yet to commence operation. Asphalt plants are currently operating at 50% capacity. I fail to see the economic need to have two fully functioning asphalt plants within 50 km of each other for two, possibly only one, short term project.

She referred to excerpts taken from the application letter submitted by Scotian Materials to Planning & Development dated July 11, 2014.

- What exactly is the difference between site specific and rezoning?
- There is no mention of surface watercourse in the document although that was presented on the slide by Scotian Materials. She read the definition of a watercourse. A) What zone or zones will be considered for the proposed site? B) What studies/reports have been reviewed to verify no watercourses are connected to any of these three lakes that are within 100 feet of the proposed site? C) Is Council aware there are numerous underground lakes in the vicinity of this site? Westwood Hills and quite possibly Pockwock Watershed share the watertables of these lakes and other watercourses for its potable water.
- A) Has Council received an economic assessment verifying that the savings on construction costs will significantly compensate the lost revenue on the depressed property taxes the residential areas will experience? B) Has Council received an environmental assessment to verify that the reduced carbon footprint will significantly offset the life-long health issues experienced from the noise, dust, fumes, truck traffic or other matters that a permanent asphalt plant will bring to a natural environment that Planning District 1 and 3 is trying to preserve? If so, can this information be released to the public?

James Friday, Black Point – The public owns the Crown lands. HRM has approved many projects around the City that the residents either were opposed to or uninformed. The law, MPS, states that this doesn't belong here; therefore, it should have been stopped on submission. This meeting shouldn't be taking place. He is appalled that DNR allows this company to simply have access to Highway 103 when he had to fight to get a key to the locked gate to access a piece of property he owns. He fears that the road will be locked and the residents will be denied access to the lands. Those roads are not safe and not conducive to what everyone has been working towards for years and this application should be shut down now.

Lynda Corkum, Head of St. Margarets Bay –She referred to the HRM brochure regarding protecting the watershed. It suggests that residents can contribute to the overall ecosystem health through many ways but the small efforts of the public won't quite be enough compared to the effects that industries will have on polluting the water.

She was surprised Mr. Bone didn't recall the landfill being mentioned by Councillor Hendsbee during the April 28, 2015, Council meeting just shortly after he presented. Councillor Hendsbee believed that this area was considered one of the landfill sites.

Roger Bowman, Head of St. Margarets Bay – He has, over the years, watched the natural habitat cut down and animals losing their homes. It has to stop. Where does it stop?

Brody Jacobson, Westwood – Why put the plant so close to a neighbourhood? This will pollute the environment. There is a local charity that has raised more than \$5000 for cancer. This asphalt plant will increase the risk of cancer in the community. **Mr. MacPherson** – He has learned tonight that there are other chemicals that may be emitted which are not tested for. Therefore, he'll have seek further information and provide an appropriate answer. The location was chosen because the quarry is adjacent to it. Competitiveness is dependent on proximity to job sites which is what the business is based on. **Mr. Jacobson** – What does the community get out of it? **Mr. Harvey** – This is a question that needs more investigation. The Planning Department cannot answer it.

Yarrow Gillis, Westwood Hills – He reiterates the previous questions. Referring to the company's mobile plants, are you trying to get ahead of the competition for future projects? Why this site? **Mr. MacPherson** – The plants that we currently have are mobile. The change to the MPS is to allow this location to be permanent. **Ms. Gillis** – She believes that the demand for asphalt in the Tantallon area is quite low. There is no benefit to the community. For HRM, revenue from this permanent asphalt plant must be higher than what will be lost from the decreased taxes on the value of the land. Is HRM okay with that? What about the downstream healthcare costs to the people who live in the community? Who is liable when something tragic happens? **Mr. Bone** – Property values will be researched and a comment provided in the Staff Report. Staff would not normally comment on health costs but as with a lot of information tonight, research on relevant matters will be done. **Ms. Gillis** – Do future potential lawsuits the company's responsibility? If the company changes its name, then perhaps HRM?

Stacey Rudderham, Fall River –The residents of Fall River have been fighting the same proponent for the last 3.5 years. There was an application to amend the Planning Districts 14 and 17 LUB and rezone for an asphalt plant as well as a concrete plant. People purchase their homes based on future plans. There is a game sanctuary almost 100 years old located there. Residents from Fall River were at the meeting to support the community of Tantallon. She gave some results of an economic impact study that was performed regarding the effect industrial applications have when they are applied to well-established residential communities. Property values in Fall River decreased by 11% due to a proposal. Why would HRM think that it is appropriate to engage a community in investing in building and developing a lifestyle all to eventually turn around and rip that out from under them. One would believe that amendments or LUB updates would be done to better the community and not degrade it. She suggests that the HRM work diligently and quickly to figure out a solution to whatever aggregate issues the proponent is claiming to have. Through research, and knowledge, there is an aggregate supply of 100 years in this province.

Councillor Barry Dalrymple, District 1, Wellington – His communities have been in a court battle with Northern Construction for 3.5 years. They were turned down for a

permit by HRM Development Services. They appealed to the UARB who decided with the community and upheld the appeal. They appealed to the courts and they also agreed with the community and upheld the decision. The company then decided to appeal to the courts on two different issues. The appeal court favoured with the community on one issue but unfortunately ruled in favour of the company on the other issue. That battle continues. His communities are in total support of this community. He doesn't want to be the purveyor of bad news but he is aware of two other major construction companies that are in negotiations with land owners to either lease or buy properties near the community of Fall River and Waverley. Why? Because applications like this forces them to. They have to move closer to Highway 102 and to the City to be competitive. Communities face the same thing together. If this is approved by Council, how could they ever say no to the next application?

David Wimberly, St. Margarets Bay, live within the circle of pollution and downhill from the site – Particulate matter tends to flow downhill and winds are very effective purveyors as well. He has been in this process of looking at zoning on that particular site since the early 90's because of an interest he has in solid waste management issues and the follies of HRM planning staff around that even before it was HRM (it was Metropolitan Authority). He sat on the Waste Management Advisory Committee to Metropolitan Authority. There was a proposal for a landfill at Sandy Lake but not an interchange to access it. Now the infrastructure is being constructed. Councillor Hendsbee mentioned in HRM Council that this would be an appropriate site because it is on the opposite side of the Harbour from his District. By allowing this application to happen and allowing changes and the access road to be built right up to the edge of Sandy Lake, HRM is putting a big arrow on the community for the next landfill. He invited the Planners to look at those planning documents. This is a Liberal process because they shut down their own portable asphalt plant. The community is paying for the political folly and becoming more exposed for future asphalt sites and industrial uses here. He invited this process to expand its size just a bit and undergo an environmental assessment. He believes members of the St. Margarets Bay Stewardship Association, after going through multi-year processes of helping to create the LUB for the area, would agree that they were trying to protect the area from industrialization and make it a real village and community. He does not trust a report coming from Planning but would trust an environmental assessment. Based on the LUB, HRM should refuse the application so residents don't have to go through this again. Does the applicant really think the community wants this? Is the community benefitting in any way?

John Turnbull, Westwood Hills Subdivision – He is opposed to this application by Soctian Materials. Residents all over the Province are being treated badly by industry. For 17 years he has lived at his current location. The possibility of an asphalt plant, or any other industrial operation, setting up permanently in close proximity to his home is deeply troubling. He is concerned about potential impact of the exhaust and fumes that may seep into the groundwater and the health risk to residents, including approximately 2000 children, from this plant or any other industrial operation. He is concerned about the potential impact of the plant on the environment although Mr. MacPherson indicated that a temporary asphalt plant operated in the same area last summer without complaints from the residents. None of the residents knew about the plant but wondered what the pungent odours were. He is also concerned about the impact of this asphalt plant on the residents' quality of life. He is certain that no one chose to live here to live close to an industrial operation. From his home, he hears large boulders tumbling and lately the fracturing of stone which he assumes is from the quarry. The increased large

truck traffic, the sound of the rock fracturing and the operation of the 250 and 400 ton drums used in the asphalt plant will combine to create an unacceptable level of noise pollution. This is unacceptable. He asked Mr. Bone and City Councillors to be bold by recognizing the interests and rights of their constituents and come up with another solution. Mr. Bone referred to an access road that has been granted for the trucks from the plant to access Highway 103. Does this have Provincial approval? **Mr. Bone** – The applicant indicated they have had discussions with the Province regarding that particular road. HRM is waiting to get all of the input from tonight before seeking advice and comments from the Province on the proposal. **Mr. MacPherson** – Scotian Materials has a right of way agreement with the Province. **Mr. Turnbull** – He wonders if all of the residents' concerns this evening have been directed to the wrong people. Does the Province already have a plan to go ahead with supporting the applicant's bid? Could HRM refuse this request and possibly be overridden by the Province?

Chris Bain, Westwood Hills – He is opposed to any MPS amendment and hopes that it is not indicative to the fact that Mayor Savage isn't at this meeting. In a letter dated December 12, 2014 from Mr. MacPherson to the Director of Planning for HRM, it quotes, "Asphalt plants and concrete plants are manufacturing uses that are to be located in established industrial parks." That says it all. Asphalt plants should be located in an industrial park. At one point, Mr. MacPherson said that if the community doesn't want this plant then he would find another solution. **Mr. MacPherson** – There are a lot of concerns around the asphalt plant and if those concerns can't be addressed or mitigated, then the company wouldn't want to have the plant here. Some information has come to light that will have to be investigated. **Mr. Bain** – He hopes that the residents don't have to go to the Superior Court of NS to decide this and that the applicant listens to the residents of this area.

Ron Fitzgerald, Haliburton – He doesn't understand the economic model that has been used. What is Plan B? Is having the asphalt plant here a plan for something bigger on Scotian Materials' behalf or something larger on behalf of HRM? Are they going to reopen Sandy Lake now that they have an asphalt plant and a gravel plant there? **Mr. MacPherson** – Mobile quarries and asphalt plants are job specific. As long as there is market demand then they are operating. **Mr. Fitzgerald** – He understood that the application is for a permanent plant not a mobile one. **Mr. MacPherson** – The application is for a permanent change to the land. The actual plant would be brought in based on job demand. **Mr. Bone** – In general, HRM does not review the economic models that a business proposes. There is no Plan B on Planning's end. **Mr. Fitzgerald** – This sounds like a done deal rather than an application. **Mr. Harvey** – He emphasized that this is not a done deal but part of the process.

Donna Buckland – She is concerned with the fact that Mr. MacPherson has to research the chemicals involved when he has been in the business for 20 years. **Mr. MacPherson** – He has been in the development business for 20 years but aggregate and asphalt is new to him. **Ms. Buckland** – She grew up in this community and is owner/operator of Giant Steps Children Centre. All three of her Centres are close to this proposed asphalt plant. She and all the children in this community do not want an asphalt plant in St. Margarets Bay. There are also two other licensed daycare centres in the area. The total capacity of daycare centres in the area is 414 children. Licensed centres require the children to play outside twice a day. Poor air quality would be an extreme condition that would inhibit this. In addition to the daycare centres, there are

three elementary schools and a high school where children are outdoors playing sports. Is there a chance that the quality of the air will be tainted by an asphalt plant? Is this a chance the applicant is willing to take with our children? Children are more susceptible to carcinogens for the simple fact that they breathe twice as much as an adult. Can it be proven that these chemicals emitted from an asphalt plant will not adversely affect the health of our children now or over the long term? She urged members of Council, on behalf of all the children, to say no to this proposed asphalt plant and the rezoning of this beautiful area. Asphalt plants need to be located in non-residential or industrial areas. Show St. Margarets Bay residents, and most importantly the children, that they are at the top of HRM's list, not an asphalt plant.

Shawn Duggan – The slide in the presentation indicated that only greenhouse gases will be monitored. The existing regulations for monitoring are inadequate. He thanked the Councillors in attendance for listening to the residents and asked them to do what is right and be bold. The community does not need this proposal.

David Law, Head of St. Margarets Bay – He is concerned about emissions from the plant being emitted into a pristine environment. NSE has shown, particularly from Northern Pulp, how poorly emissions are regulated in NS. Do you have any data or studies on the most toxic part of particulates and emissions from your plant? **Mr. MacPherson** – He couldn't answer tonight but will look into it. **Mr. Law** – There have to be management systems in place to keep the plant in working order. Can both the baghouse and scrubber systems be used based on this permit? The baghouse system works very well for dust. **Mr. MacPherson** – The 400 ton system has the baghouse system. **Mr. Law** – Can alternate fuels be used? Where do you get your waste oil from? People are worried about the emissions from the metals in the recycled, reused oils. Are there any regulations on the quality of the oil that is used? **Mr. MacPherson** – There are other fuels that can be used and he will certainly see if there is a more appropriate fuel that could be used at this site. **Mr. Law** – There are also different qualities of bitumen. There are higher volatile organic compounds in bitumen that have smells and pollutants that would be emitted into the community. Have studies been done for the harmful toxins or the odours? **Mr. MacPherson** – There haven't been any studies done but based on some of the comments, that is something that will probably have to be addressed as part of this application. **Mr. Law** – Coastal fog in the area would trap and disperse the pollutants into the air. What type of technology would be in place to continue monitoring toxins and particulates if there was an upset? He is concerned that there are no aspects for continuing monitoring on the site.

Emily McDonah, Glen Margaret – She gave to the applicant a sign that her son had made regarding the asphalt plan. Her son knows all too well what air pollutants can do to people. These are conversations that families have had and it is likely scaring kids about mortality, their health, health of their parents, and the health of their environment. She sincerely hopes the Councillors listen to the crowd. If not, there will be a new generation of kids with an innate distrust for government. If this application is approved, it is very clear that the citizens do not have a say.

Renée Hines, Westwood Hills – She has two young children, one with heart and lung conditions. She pleads not to add to her son's health battle and all of the children that are going to be affected in our surrounding community. Make the right decision and put the children first.

Robert Kraitzek, a builder in St. Margarets Village – He came to the meeting with an open mind but after listening to all the comments, he is now on the side of the community. Economically, he is against this application and suggests that Staff take a look at the numbers and the loss of income in terms of taxes. He suggested to the public to appeal property assessments.

Suzanne, Hacketts Cove – The people can do something about this application by working together as a community.

Jacqui Tupper, Head of St. Margarets Bay – Her and her husband took their life savings and invested in 25 acres where they built their home and established a hobby farm through their blood, sweat and tears. The asphalt plant is going to decrease their property values and degrade their recreational area. She regularly rides her horse and ATV on the Crown lands where asphalt is going to be trucked. The plant will also put the health of her family at risk. Their farm is within the 3 km pollution zone and they also own 30 acres of resource land within 1 km of the proposed asphalt plant. What is the benefit to her family and this community for taking that kind of risk with their lives? What will they get out of it? If there is a spill, it will run down into the community and pollute the water. How long will it take to clean it up? What happens to her life savings and blood, sweat and tears that has gone into building her hobby farm?

5. Closing Comments

Mr. Harvey thanked everyone for coming and expressing their comments.

6. Adjournment

The meeting adjourned at approximately 10:06 p.m.

Attachment B - Relevant Excerpts from Planning Districts 1 and 3 - MPS & LUB

Planning Districts 1 and 3 MPS

There is also some potential for non-resource related industrial development within the designation, given both its size and unpopulated nature. Additionally, there are instances where non-resource industries can complement resource industries. However, given the overriding concern for the natural environment, industries that produce process waste water which cannot be treated by an approved on-site system will not be permitted. Uses such as this should be directed to industrial parks or serviced areas that are equipped to handle such water. Similarly, hazardous waste disposal or sanitary land fill sites will not be permitted within the designation.

Therefore, although it is not the intention of the plan to actively encourage non-resource industrial development within the Resource Designation, such uses may be permitted through an amendment to the land use by-law.

RE-7 Notwithstanding Policies RE-2 and RE-3, within the Resource Designation, Council shall establish a mixed industrial zone which permits all uses permitted in the MR-1 and MR-2 Zones, non-resource related light and service industrial uses. This zone shall be applied to existing industrial uses, and establishes controls on outdoor storage and display, parking and loading area, and buffering, including setbacks from watercourses. Council shall only consider new industrial uses by amendment to the land use by-law to permit such uses, Council shall have regard to the following:

- (a) the potential for adversely affecting nearby land uses by virtue of either the nature or scale of the proposed industrial operation;
- (b) the effects of the proposed use on air quality;
- (c) the effects of the volume and type of vehicular traffic using the access road to the proposed site;
- (d) consideration of the compatibility of the proposed development with existing and potential resource development;
- (e) that the use does not create effluent which cannot be disposed of by means of an on-site sewage disposal system; and
- (f) the provisions of Policy IM-9.

Planning Districts 1 and 3 LUB

PART 18: MR-2 (MIXED RESOURCE 2) ZONE

18.1 MR-2 USES PERMITTED

No development permit shall be issued in and MR-2 (Mixed Resource 2) Zone except for the following:

Residential Uses
Single unit dwellings
Two unit dwellings
Mobile dwelling units

Businesses uses in conjunction with permitted dwellings

Resource Uses

Forestry uses

Fishery uses

Extraction facilities and bulk storage

Agricultural uses

Composting operations (see section 4.29) (MC-Feb 26/96;M-Mar 28/96)

Commercial Uses

Hunting lodges

Fishing lodges

Community Uses

Open space uses

18.2 MR-2 ZONE REQUIREMENTS

Except as otherwise provided for in this part, no development permit shall be issued in any MR-2 Zone except in conformity with the following:

Minimum lot area	100,000 square feet (9290.3 m ²)
Minimum frontage	150 feet (46 m)
Minimum front and flankage yard	30 feet (9.1 m)
Minimum rear or side yard	30 feet (9.1 m)
Maximum height of the building	26 feet (8 m)

18.3 OTHER REQUIREMENTS: EXTRACTIVE USES AND BULK STORAGE FACILITIES

In any MR-2 Zone, where extractive facilities and bulk storage facilities are permitted, no building, structure, plant, or product stockpile shall:

- (a) be located within one hundred (100) feet (30.5 m) of any property line;
- (b) be located within three hundred (300) feet (91.5 m) of any zone other than a Mixed Resource or Industrial Zone or within one half (.5) miles (.8 km) of a Residential Zone;
- (c) be located within one hundred (100) feet (30.5 m) of a public road; or
- (d) be located within three hundred (300) feet (91.5 m) of a watercourse.

18.4 OTHER REQUIREMENTS: AGRICULTURAL USES

In any MR-1 Zone where agricultural uses are permitted, the following shall apply:

- (a) No barn, stable, or other building intended for the keeping of more than fifty (50) domestic fowl or ten (10) other animals shall be located:
 - (i) less than fifty (50) feet (15.2 m) from any side lot line;
 - (ii) less than one hundred (100) feet (30.5 m) from any dwelling or potable water supply except a dwelling or supply on the same lot or directly related to the agricultural use; or
 - (iii) less than three hundred (300) (90.3 m) feet from any watercourse.

18.5 OTHER REQUIREMENTS: FORESTRY USES

In any MR-2 Zone where forestry uses are permitted, the following shall apply:

- (a) No sawmill or other industrial mill related to forestry shall be located less than fifty (50) feet (15.2 m) from any lot line or less than one hundred (100) feet (30.5 m) from any dwelling except a dwelling located on the same lot or directly related to the forestry use.

- (b) Where any sawmill or other industrial mill over two thousand (2,000) square feet (186 m²) related to forestry abuts any residential zone, a visual and physical barrier shall be provided.

18.6 OTHER REQUIREMENTS: BUSINESS USES

In any MR-2 Zone where business uses in conjunction with a dwelling are permitted, no more than fifty per cent of the gross floor area of any dwelling shall be devoted to any business use and in no case shall the gross floor area of any dwelling or accessory building devoted to a business use exceed one thousand five hundred (1,500) square feet (134.4 m²).

18.7 OTHER REQUIREMENTS: OPEN SPACE USES

In any MR-2 Zone where uses are permitted as Open Space Uses, no development permit shall be issued except in conformity with the following:

Minimum Frontage or Flankage Yard	30 feet (9.1 m)
Minimum Rear or Side Yard	30 feet (9.1 m)