



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 12.1**  
**Halifax Regional Council**  
**June 18, 2019**  
**July 30, 2019**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Councillor Sam Austin, Chair of Harbour East-Marine Drive Community Council

**DATE:** June 7, 2019

**SUBJECT:** **Case 21440: Amendments to the Cole Harbour/ Westphal Municipal Planning Strategy and Land Use By-law for 206 Ross Road to enable an expansion to the existing C&D Transfer Facility**

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**ORIGIN**

June 6, 2019 Harbour East-Marine Drive Community Council meeting, item 13.1.2.

**LEGISLATIVE AUTHORITY**

Section 25(c) of the *Halifax Regional Municipality Charter* sets out the powers and duties of Community Council to include “recommending to the Council appropriate by-laws, regulations, controls and development standards for the community”.

**RECOMMENDATION**

That Harbour East-Marine Drive Community Council recommends that Halifax Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/ Westphal as set out in Attachments A and B of the staff report dated March 15, 2019, to enable an expansion to the existing C&D Transfer Facility, and schedule a public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy for Cole Harbour/ Westphal, as set out in Attachment A.

## **BACKGROUND**

Harbour East-Marine Drive Community Council received a staff report dated March 15, 2019 at their meeting held June 6, 2019 pertaining to Case 21440, to enable an expansion to the existing C&D Transfer facility at 206 Ross Road, Westphal.

For further information, please refer to the attached staff report dated March 15, 2019.

## **DISCUSSION**

Harbour East-Marine Drive Community Council reviewed the March 15, 2019 staff report and approved the motion outlined in this report.

## **FINANCIAL IMPLICATIONS**

Financial Implications are outlined in the attached March 15, 2019 staff report.

## **RISK CONSIDERATION**

Risk consideration is outlined in the attached March 15, 2019 staff report.

## **COMMUNITY ENGAGEMENT**

Community Council meetings are open to public attendance and members of the public are invited to address the Community Council for up to five minutes at the end of each meeting during Public Participation. Community Councils' agendas, reports, and minutes are posted on Halifax.ca.

## **ENVIRONMENTAL IMPLICATIONS**

Refer to the attached March 15, 2019 staff report.

## **ALTERNATIVES**

The Harbour East-Marine Drive Community Council did not discuss an alternative recommendation.

An alternative is outlined in the attached March 15, 2019 staff report.

## **ATTACHMENTS**

Staff report dated March 15, 2019.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Krista Vining, Legislative Assistant, Office of the Municipal Clerk, 902-490-6520

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P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 13.1.2**  
**Harbour East Marine Drive Community Council**  
**June 6, 2019**

**TO:** Chair and Members of Harbour East Marine Drive Community Council

Original Signed

**SUBMITTED BY:**

\_\_\_\_\_  
Kelly Denty, Director of Planning and Development

Original Signed

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** March 15, 2019

**SUBJECT:** **Case 21440: Amendments to the Cole Harbour/ Westphal Municipal Planning Strategy and Land Use By-law for 206 Ross Road to enable an expansion to the existing C&D Transfer Facility**

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**ORIGIN**

- Application by Dillon Consulting Limited
- February 27, 2018 Regional Council initiated the MPS amendment process

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that Harbour East Marine Drive Community Council recommend that Regional Council:

1. Give First Reading to consider the proposed amendments to the Municipal Planning Strategy and Land Use By-law for Cole Harbour/ Westphal as set out in Attachments A and B, to enable an expansion to the existing C&D Transfer Facility, and schedule a public hearing; and
2. Adopt the proposed amendments to the Municipal Planning Strategy for Cole Harbour/ Westphal, as set out in Attachment A.

**Contingent upon the amendment to the Cole Harbour/ Westphal Municipal Planning Strategy being approved by Regional Council and becoming effective pursuant to the requirements of the Halifax Regional Municipality Charter, it is further recommended that Harbour East- Marine Drive Community Council:**

3. Approve the proposed amendments to the Land Use By-law for Cole Harbour/ Westphal, as set out in Attachment B.

### **BACKGROUND**

Dillon Consulting Limited on behalf of Halifax Construction & Debris Recycling Limited have applied to expand the existing Construction and Demolition (C&D) Transfer Station at 188 Ross Road, to the rear portion of the lands at 206 Ross Road (Maps 1 and 2). This proposed expansion cannot be considered under existing MPS policies and the applicant is seeking amendments to the Cole Harbour/ Westphal Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable the proposed expansion.

<b>Subject Site (Maps 1 and 2)</b>	<ul style="list-style-type: none"> <li>• The existing Construction and Demolition Transfer Station is located at 188 Ross Road;</li> <li>• The proposed expansion is on the rear portion of the adjacent lot at 206 Ross Road.</li> </ul>
<b>Location</b>	East side of Ross Road and south of Salmon River Drive
<b>Regional Plan Designation</b>	Rural Commuter
<b>Community Plan Designation (Map 1)</b>	Urban Residential
<b>Zoning (Map 2)</b>	I-1 (Light Industry) Zone and P-1 (Open Space) Zone
<b>Size of Site</b>	2.57 ha (6.35 acres) 6.8 ha (16.9 acres)
<b>Street Frontage</b>	210 m (689 ft.)
<b>Current Land Use(s)</b>	Vacant except for an Industrial use (Dura-Tech Industrial and Marine Limited) which occupies approx. 0.8 ha (2.0 acres) of the site (206 Ross Road)
<b>Surrounding Use(s)</b>	<ul style="list-style-type: none"> <li>• Single unit dwellings across Ross Road to the west;</li> <li>• The existing C&amp;D Transfer Station and an automotive salvage yard to the north;</li> <li>• Salmon River and vacant lands to the east; and</li> <li>• Residential uses to the south.</li> </ul>

### **Proposal Details**

The applicant proposes to expand an existing construction and demolition transfer station by adding lands from the adjacent property at 206 Ross Road. The major aspects of the proposal are as follows:

- Land will be used to sort construction and demolition materials, prior to transferring the materials to an approved construction and demolition processing facility at another location.
- C&D materials are waste generated from the construction or demolition of buildings and include soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals.

### **Construction and Demolition Facilities**

Prior to 2002, municipal planning documents did not recognize C&D transfer stations or processing facilities which were originally considered to be salvage yards or industrial operations. These previously used standards for C&D uses were inadequate in addressing the unique siting, land use and potential impacts on adjacent communities. To ensure consistency in addressing these matters, a C&D Waste Management Strategy was developed in 1998 that provided a comprehensive regulatory framework for HRM. This strategy led to the creation of By-law L-200 Respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations as well as Administrative Order 27 Respecting Materials That Shall Not

Be Disposed of in a C&D Disposal Site. These regulations are administered by HRM's Solid Waste division. They increase diversion from the landfill by recycling C&D debris and they mitigate environmental, land use and nuisance impacts. A minimum of seventy-five per cent (75%) of all incoming C&D material arriving at a processing facility or transfer station is required to be recycled and diverted with the remainder being disposed at an approved HRM C&D disposal site.

C&D materials are defined as materials normally used in the construction of buildings, structures, roadways, walls and landscaping features. This includes, but is not limited to, soil, asphalt, brick, concrete, ceramics, porcelain, window glass, mortar, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals. C&D facilities are classified within three defined land uses under HRM's Land Use By-law each having an incremental increase in intensity and potential impact to neighbouring properties. The three uses in ascending order to intensity are as follows:

*Construction and Demolition Materials Transfer Station (CD-1)* means land and/or buildings or part of a building at which C&D Materials are received and sorted for subsequent transport to a C&D Disposal Site or a C&D Processing Facility.

*Construction and Demolition Materials Processing Facility (CD-2)* means lands and/or buildings or part of a building used to sort, alter, grind, or otherwise process, C&D Materials for reuse or recycling into new products.

*Construction and Demolition Materials Disposal Site (CD-3)* means land and /or buildings or part of a building where C&D Materials, or Residue remaining from C&D Processing Facilities, are disposed of by land application or burying.

The proposed MPS amendment is to allow an expansion of an existing Construction and Demolition Materials Material Transfer Station (CD-1).

### **MPS and LUB Context**

When the C&D policies were introduced in 2002, existing C&D operations were recognized in the bylaw. Expansion of these existing facilities is permitted through the site plan approval process but is limited to the existing property boundaries. Expansion beyond those property boundaries as proposed would require the establishment of CD-1 zoning on the area of proposed expansion. However, there is no enabling policy to consider that rezoning. As a result, an MPS amendment is required to establish criteria under which Council could consider an extension of the CD-1 Zone.

The property is within the Urban Residential (UR) designation which recognizes existing industrial uses and allows for their expansion into other industrially zoned lands. The C&D proposal is requested on lands that are currently zoned for industrial use and are consistent with the intent of this designation.

The property in question is currently zoned I-1 (Light Industry). This zone permits nurseries and greenhouses, truck terminals, warehousing, construction storage yards, service industries, light manufacturing operations, and composting operations.

### **COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy, the HRM Charter, and the Public Participation Program approved by Council on February 25, 1997. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on April 23, 2018. Attachment E contains a copy of the minutes from the meeting. The public comments received include the following topics:

- Concerns about potential impacts on Little Salmon River;
- Pleased with the work that Halifax C&D does currently, to clean nails of the road and debris out of ditches; and
- Comments about wanting less industrial in the area;

A public hearing must be held by Regional Council before they can consider approval of the proposed MPS and LUB amendments. Should Regional Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be notified of the hearing by regular mail.

The proposal will potentially impact local residents and business owners.

## **DISCUSSION**

The MPS is a strategic policy document that sets out the goals, objectives and direction for long term growth and development in Municipality. Amendments to an MPS are significant undertakings and Council is under no obligation to consider such requests. In this case, staff advise that amendments are recommended as the intent of the policy was to allow for expansion of this use. The following paragraphs review the rationale and content of the proposed MPS and LUB amendments.

### **Policy Intent**

Policy SW-8 states that an expansion to the existing C&D facility can be considered subject to a site plan approval process. This allows the municipality, through an as-of-right process, to control the placement of landscaping, storage areas, parking and loading, lighting and signage, to reduce the potential conflict for adjacent properties. However, the MPS describes the location of the facility by PID and does not provide any policy to consider a rezoning. C&D uses can only be considered in a C&D Zone and the only way to trigger the site plan approval process for the proposed expansion is to rezone the lands to C&D-1 Zone. The current policy does not allow for the consideration of a CD-1 Zone, so an amendment to the Municipal Planning Strategy is required.

### **Environmental Concerns**

The Little Salmon River runs along the rear property line requiring consideration of how the proposal would impact the surrounding natural environment. Watercourse setbacks were introduced into all riparian areas in 2006 via the adoption of the Regional Municipal Planning Strategy. The current Light Industrial Zoning requires a minimum 20-m watercourse setback for all uses except for composting operations which have a 100-m setback. The proposed CD-1 Zone requires a minimum 30-m setback. In addition to the requirements of the Land Use By-law, By-law L-200 Respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations requires a site specific operational plan which includes an environmental management plan designed to protect watercourses.

The increased watercourse setback in the Land Use Bylaw and By-law L-200 provide enhanced protection to the Little Salmon River over what is currently provided under the existing zoning.

### **Community Context**

Ross Road currently has a mix of residential and industrial uses. The industrial zoning extends for a large section of the eastern side of Ross Road, and includes a salvage yard, fibreglass fabrication, paving company and a glass processing facility. The western side of Ross Road is developed largely with low density residential properties with a few undeveloped parcels of land. Halifax C&D is located next to the vehicle salvage property and the fibreglass fabrication business, with vacant land across the street.

### **Proposed Amendments**

Staff considered the existing MPS policy context and a number of policy approaches when drafting the proposed MPS and LUB amendments. Attachments A and B contain the proposed MPS and LUB amendments. A summary of the proposed amendments is as follows:

- Create a new policy that allows for the application of the CD-1 Zone on lands that are zoned industrial, within the residential designation on Ross Road.
- The policy only applies to the expansion of an existing facility, not the creation of new CD-1 uses.
- The policy introduces policy criteria currently used in other plan areas, for the request for CD-1 zoning. The policy that describes the street network was deleted, as Ross Road is the only affected street.
- Should Regional Council approve the MPS amendment, after ministerial approval from the Province, the report would go back to HEMDCC for a decision on the rezoning. Should HEMDCC approve the rezoning, the Cole Harbour/ Westphal zoning map, would then be amended to rezone the lands to CD-1.
- Attachment D provides the policy review for the proposed rezoning request using the applicable existing policies and the proposed policy. The proposal is consistent with this policy set.

### **Conclusion**

Staff have reviewed the application and the existing policy context and advise that the MPS should be amended to allow the expansion of the existing C&D use. The existing policy contains language that allows for the expansion of the C&D business, but did not include a mechanism to enable that expansion. The proposal is consistent with the intent of the existing designation and provides for additional controls aimed at protecting the watercourse. The proposal also meets the intent of the draft policy and is suitable for the CD-1 Zone. Therefore, staff recommend that the Harbour East Marine Drive Community Council recommend that Regional Council approve the proposed MPS and LUB amendments.

### **FINANCIAL IMPLICATIONS**

The HRM costs associated with the processing of this planning application can be accommodated within the 2019-2020 operating budget C310 Urban and Rural Planning Applications.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations contained within this report. This application involves proposed MPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

No additional concerns were identified beyond those raised in this report.

### **ALTERNATIVES**

The Harbour East- Marine Drive Community Council may choose to recommend that Regional Council:

1. Modify the proposed amendments to the MPS and LUB for Cole Harbour/ Westphal, as set out in Attachments A and B of this report. If this alternative is chosen, specific direction regarding the requested modifications is required. Substantive amendments may require another public hearing to be held before approval is granted. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. Refuse the proposed amendments to the MPS and LUB for Cole Harbour/ Westphal. A decision of Council to approve or refuse the proposed amendments is not appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

## **ATTACHMENTS**

Map 1: Generalized Future Land Use  
Map 2: Zoning and Notification Area

Attachment A: Proposed Amendment to Municipal Planning Strategy for Cole Harbour/Westphal  
Attachment B: Proposed Amendments to Land Use By-law for Cole Harbour/Westphal  
Attachment C: Proposed Layout  
Attachment D: Evaluation of the Proposed MPS Policies  
Attachment E: Public Information Meeting Summary

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

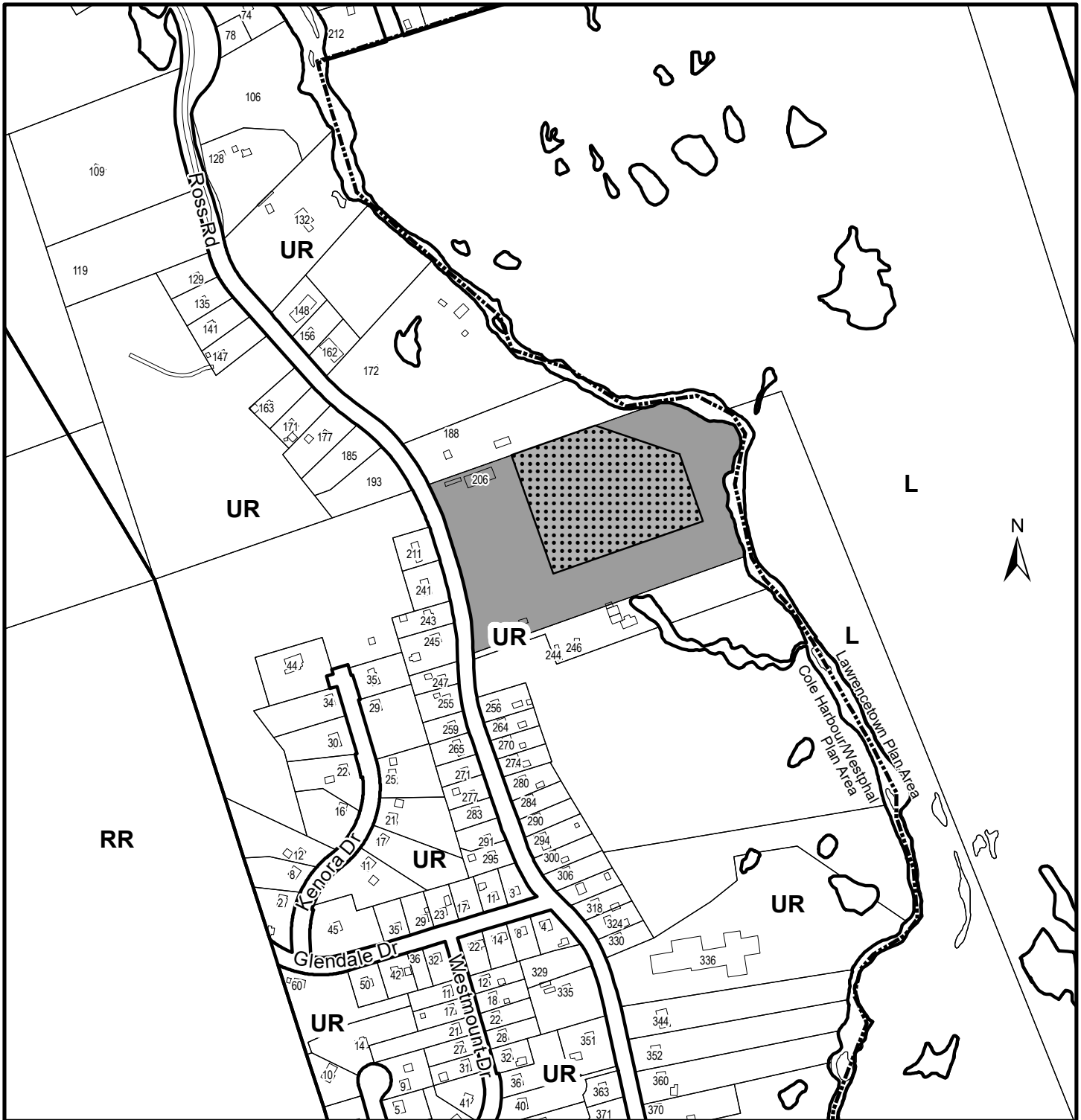
Report Prepared by: Jennifer Chapman, Planner III, 902.490.3999

Original Signed

Report Approved by: \_\_\_\_\_  
Steven Higgins, Manager, Current Planning, 902.490.4382

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





**Map 1 - Generalized Future Land Use**

206 Ross Road, Westphal

**HALIFAX**

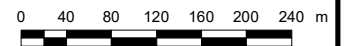
-  Subject Property
-  Area to be Rezoned
-  Plan Area Boundary

**Cole Harbour/Westphal Designations**

- UR Urban Residential
- RR Rural Residential

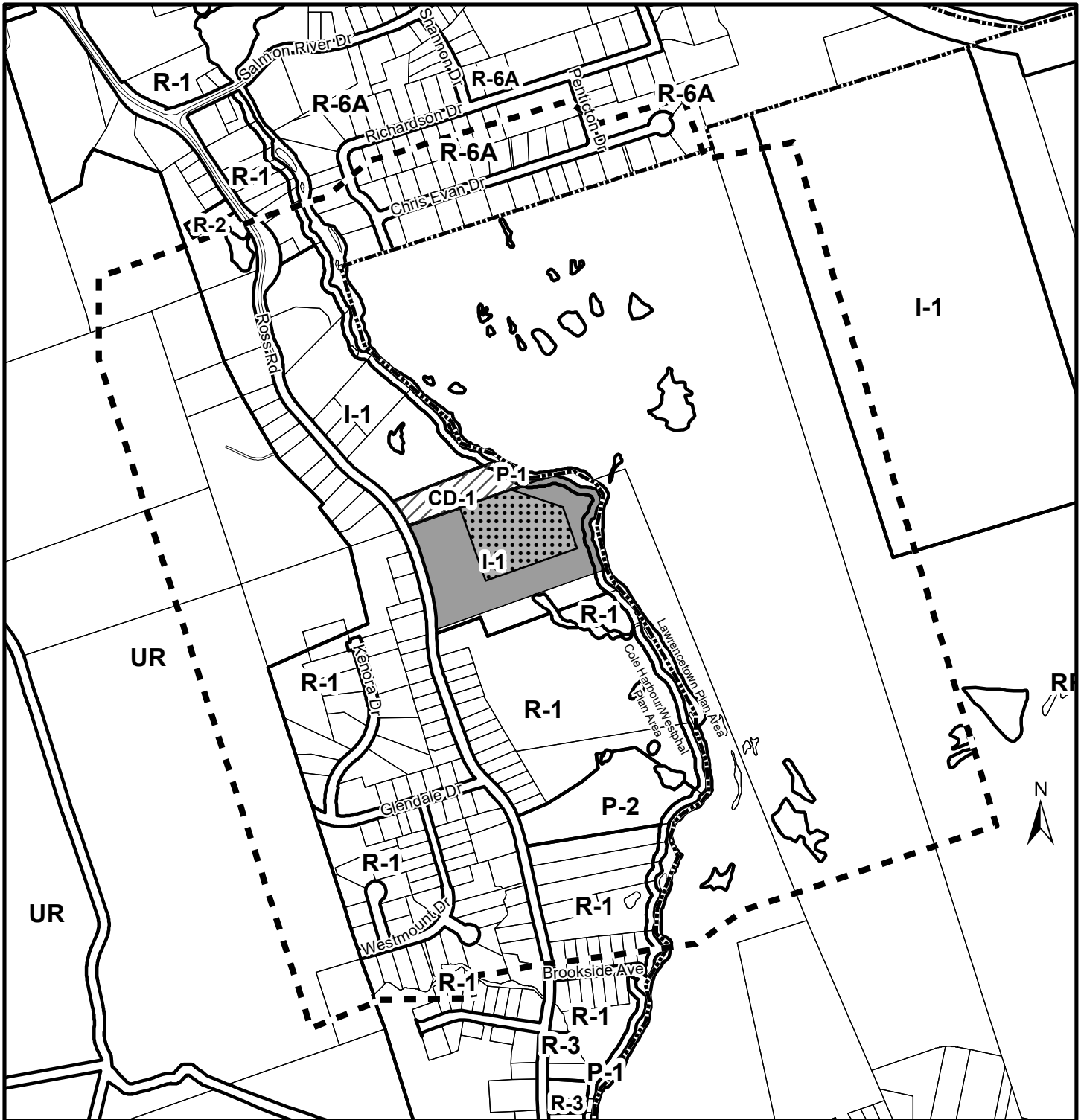
**Lawrencetown Designations**

- L Lawrencetown








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.



**Map 2 - Zoning and Notification**

206 Ross Road, Westphal

-  Subject Property
-  Area to be Rezoned
-  Notification Area
-  Plan Area Boundary
-  Existing C&D Transfer Station

Cole Harbour/Westphal Plan Area

**Cole Harbour/Westphal Zones**

- R-1 Single Unit Dwelling
- I-1 Light Industry
- P-1 Open Space
- P-2 Community Facility
- UR Urban Reserve

**Lawrencetown Zones**

- RR-1 Rural Residential
- I-1 Business Industry

**HALIFAX**



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.

## ATTACHMENT A

Proposed Amendment to the Municipal Planning Strategy for Cole Harbour/ Westphal

BE IT ENACTED by the Regional Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Cole Harbour/ Westphal is hereby further amended as follows:

1. Within Section II, in the Construction and Demolition Waste Management Strategy Subsection add the text shown below after Policy SW-7 and before the heading "**Site Plan Approval**":

### Expansion of an Existing C&D-1 Facility

In order to minimize associated land use concerns with the existing C&D operation, any expansion of the operation shall proceed through a rezoning to CD-1 and a subsequent Site Plan Approval process.

SW-7A Notwithstanding Policy SW-4, an expansion to the existing C&D operation on Ross Road can be considered on lands that are zoned for Industrial use and within the Urban Residential Designation. Council may consider requests for the application of the CD-1 zone pursuant to the following criteria:

- (a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;
- (b) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;
- (c) consideration shall be given to the extent and location of open storage with respect to abutting properties;
- (d) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;
- (e) the proposed site layout including, but not limited to, landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;
- (f) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or noise intrusion to surrounding residential development;
- (g) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);
- (h) no portion of the operation shall be located within a floodplain (1:100 year event);
- (i) consideration shall be given to the adequacy of onsite or central services; and
- (j) provisions of Policy IM-11.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the [INSERT COUNCIL NAME] held on [DATE], 2019.

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Kevin Arjoon

Municipal Clerk

## ATTACHMENT B

### Proposed Amendment to the Land Use By-law for Cole Harbour/ Westphal

BE IT ENACTED by the Harbour East- Marine Drive Community Council of the Halifax Regional Municipality that the Land Use By-law for Cole Harbour/ Westphal is hereby further amended as follows:

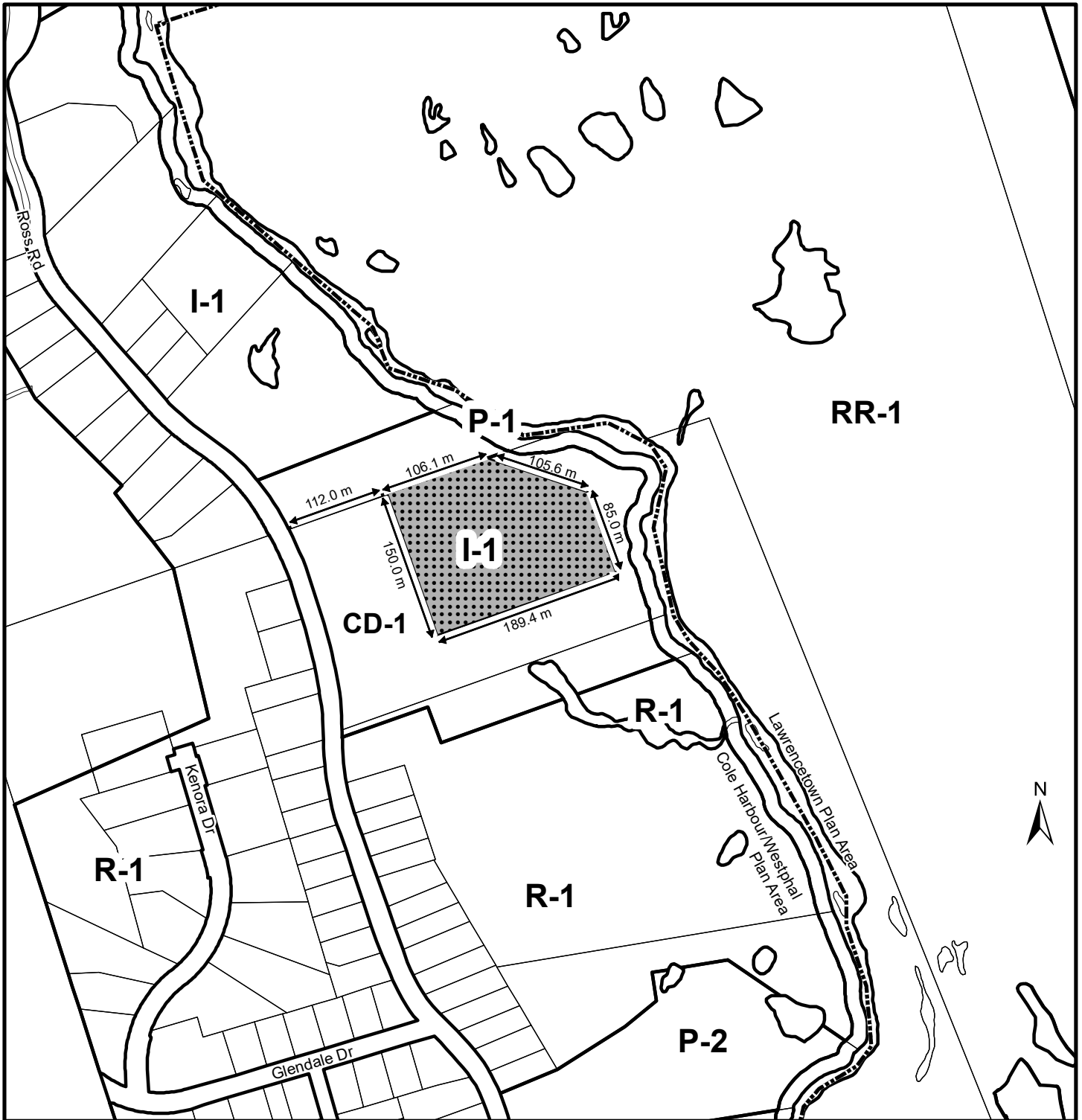
1. Amend Schedule A, the Cole Harbour/ Westphal Zoning Map, by rezoning the portion of the property identified as 206 Ross Road from the I-1 (Light Industrial) Zone to the CD-1 (C&D Materials Transfer Stations) Zone, as shown on the attached Schedule A.

I, Kevin Arjoon, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Harbour East- Marine Drive Community Council held on [DATE], 2019

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Kevin Arjoon


Municipal Clerk



**Schedule A**

206 Ross Road, Westphal

 Area to be Rezoned from I-1 to CD-1

 Plan Area Boundary

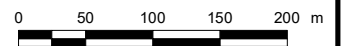
**Cole Harbour/Westphal Zones**

- R-1 Single Unit Dwelling
- I-1 Light Industry
- P-1 Open Space
- P-2 Community Facility

**Lawrencetown Zones**

- RR-1 Rural Residential

**HALIFAX**



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.

Cole Harbour/Westphal Plan Area

**PRELIMINARY**

**ISSUING REFERENCE:**  
 JOHN C. MACINNIS, RNIA, SCRIA  
 LAND SURVEYOR, PLAN OF SITE  
 NO. 164300  
 DATED 2014-09-09

**Conditions of Use**

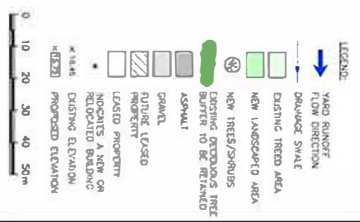
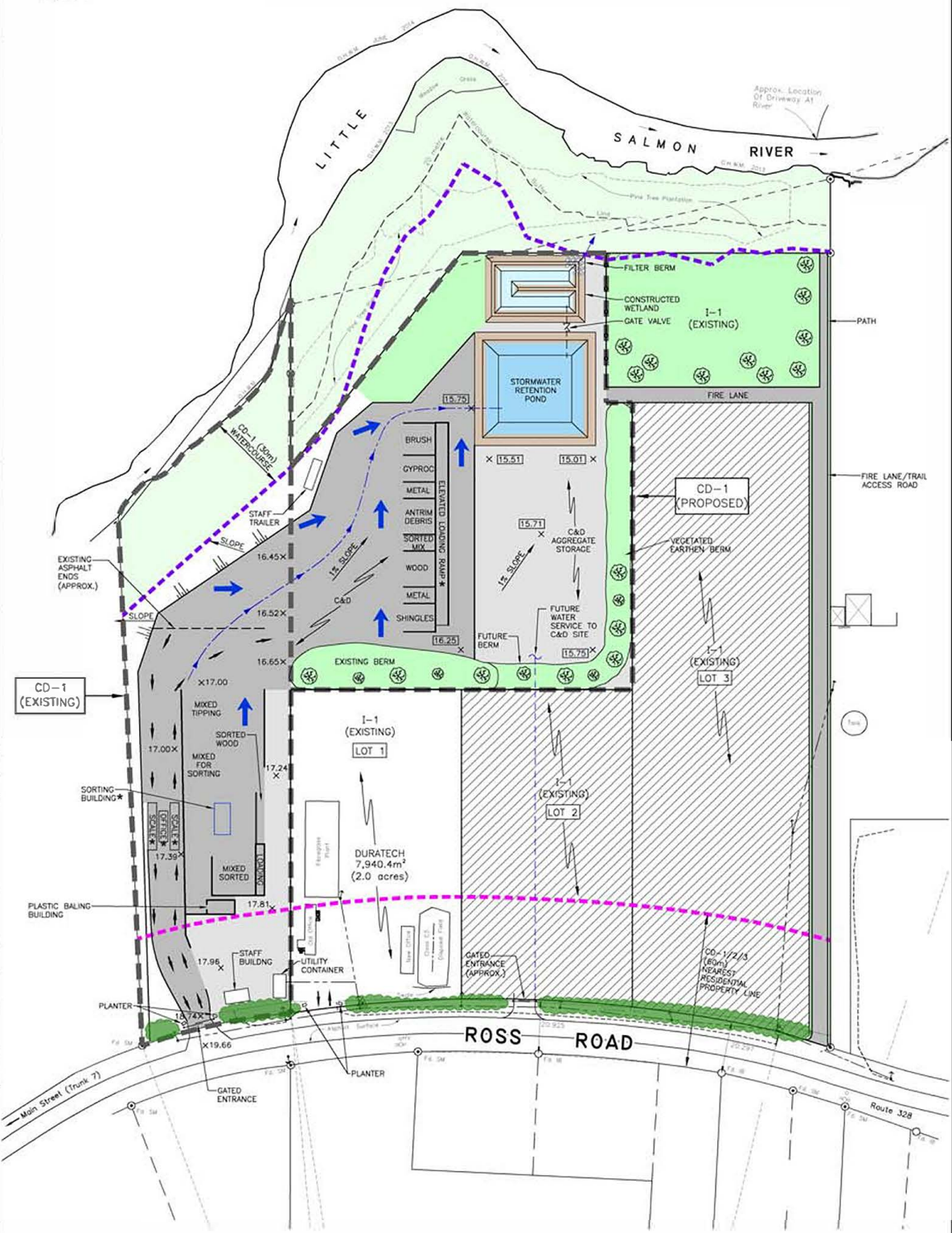
This drawing and its contents are the property of the author and shall remain confidential. It is not to be used for any other purpose without the written consent of the author. The author shall not be liable for any errors or omissions in this drawing.



NO.	REVISION	DATE	BY	CHK
1	ISSUED FOR PERMIT	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS
2	REVISED PER PLAN OF SITE	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS
3	REVISED PER PLAN OF SITE	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS
4	REVISED PER PLAN OF SITE	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS
5	REVISED PER PLAN OF SITE	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS
6	REVISED PER PLAN OF SITE	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS
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8	REVISED PER PLAN OF SITE	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS
9	REVISED PER PLAN OF SITE	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS
10	REVISED PER PLAN OF SITE	2014-09-09	TAMMY RONCOLI	JOHN C. MACINNIS

ROSS ROAD ADVISORY SERVICES

PROPOSED LAYOUT



**Attachment D  
Evaluation of Proposed MPS Policies**

	<b>Policy</b>	<b>Staff Response</b>
	<p><u>Expansion of an Existing C&amp;D-1 Facility</u>  <i>In order to minimize associated land use concerns with the existing C&amp;D operation, any expansion of the operation shall proceed through a rezoning to CD-1 and a subsequent Site Plan Approval process.</i></p>	
SW-7A	<p><i>Notwithstanding Policy SW-4, an expansion to the existing C&amp;D operation on Ross Road can be considered on lands that are zoned for Industrial use, within the Residential Designation. Council may consider requests to consider the application of the CD-1 zone pursuant to the following criteria:</i></p>	<p>Lands are an existing C&amp;D operation on Ross Road, zoned Industrial and within the Residential Designation</p>
	<p><i>(a) safe access to and from the site of the proposed operation shall be obtained from the abutting street or highway and the development shall not cause traffic circulation problems or traffic hazards due to the nature or level of traffic created;</i></p>	<p>Proposal is intended to alleviate concerns with existing operation causing traffic to back up along Ross Road. Revised site plan will move scale further away and allow a longer driveway into the site.</p>
	<p><i>(b) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;</i></p>	<p>Abuts industrially zoned property and proposed rezoning area provides 173.4 m of separation distance from residential, exceeding requirement of 60 m in the CD-1 zone.</p>
	<p><i>(c) consideration shall be given to the extent and location of open storage with respect to abutting properties;</i></p>	<p>Open storage is located away from Ross Road and near adjacent industrial properties. Adjacent land uses are a salvage yard and a fibreglass tank manufacturing business, which are not likely to be impacted by the location of the outdoor storage.</p>
	<p><i>(d) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;</i></p>	<p>Proposal is consistent with surrounding uses</p>
	<p><i>(e) the proposed site layout, including but not limited to landscaping, buildings or structures, access and egress, parking areas, signage, and outdoor storage or display areas, shall be appropriate having regard to the other provisions of this Policy;</i></p>	<p>The proposed layout of the C&amp;D operation will improve the operations and access and egress to the site, reducing the impact on surrounding areas. As the business is currently established in this area, the proposed expansion is requested to reorganize the site to better manage the uses and reduce the impacts on adjacent properties. Existing signage will be used and outdoor storage will be moved further away from Ross Road, improving the existing separation distances and reducing the impacts on nearby residential properties.</p>
	<p><i>(f) adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means to reduce any visual and/or</i></p>	<p>Landscaping and berms proposed around proposed site. This, combined with the separation distance should provide adequate buffering for residential uses.</p>



	<i>noise intrusion to surrounding residential development;</i>	
	<i>(g) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (ie watercourse, groundwater, etc.);</i>	Environmental report provided that describes proposed measures to protect the watercourse, including a stormwater management system, which will direct runoff into an engineered wetland.
	<i>(h) no portion of the operation shall be located within a floodplain (1:100 year event);</i>	Meets.
	<i>(i) consideration shall be given to the adequacy of onsite or central services</i>	Onsite services are adequate.
	<i>(j) provisions of Policy IM-11.</i>	
IM-11	<i>In considering amendments to the land use by-law or development agreements, in addition to all other criteria as set out in various policies of this planning strategy, Cole Harbour/Westphal Community Council shall have appropriate regard to the following matters:</i>	
	<i>(a) that the proposal is in conformity with the intent of this planning strategy and with the requirements of all other municipal by-laws and regulations;</i>	meets
	<i>(b) that the proposal is not premature or inappropriate by reason of:</i>	
	<i>(i) the financial capability of the Municipality to absorb any costs relating to the development;</i>	meets
	<i>(ii) the adequacy of sewer and water services;</i>	Onsite services provided
	<i>(iii) the adequacy or proximity of school, recreation and other community facilities;</i>	NA
	<i>(iv) the adequacy of road networks leading or adjacent to or within the development; and</i>	TIS provided and accepted by Development Engineering.
	<i>(v) the potential for damage to or destruction of designated historic buildings and sites.</i>	NA
	<i>(c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:</i>	
	<i>(i) type of use;</i>	Adjacent uses are industrial and compatible with proposed use. Nearest residential dwelling is 173.8 m from proposed use.

	<i>(ii) height, bulk and lot coverage of any proposed building;</i>	NA
	<i>(iii) traffic generation, access to and egress from the site, and parking;</i>	TIS provided and accepted by Development Engineering.
	<i>(iv) open storage;</i>	Oriented towards industrially used properties and away from Ross Road.
	<i>(v) signs; and</i>	Existing signage will be maintained.
	<i>(vi) any other relevant matter of planning concern.</i>	NA
	<i>(d) that the proposed site is suitable in terms of steepness of grades, soil and geological conditions, locations of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding; and</i>	Suitable for proposed development.
	<i>(e) any other relevant matter of planning concern.</i>	NA
	<i>(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.</i>	NA

**Attachment E  
Public Information Meeting Summary**

**HALIFAX REGIONAL MUNICIPALITY  
Public Information Meeting  
Case 21440**

**The following does not represent a verbatim record of the proceedings of this meeting.**

**Monday, April 23, 2018**

**7:00 p.m.**

**Ross Road School - Gym - 336 Ross Rd, Westphal, NS**

**STAFF IN**

**ATTENDANCE:** Jesse Morton, Planner II, HRM Planning  
Thea Langille, Principle Planner, HRM Planning  
Iain Grant, Planning Technician, HRM Planning  
Tara Couvrette, Planning Controller, HRM Planning

**ALSO IN**

**ATTENDANCE:** Councillor, Lorelei Nicoll, District 4  
Scott Kyle, Dillon Consulting Limited – Applicant  
Mike & Dan Chassie – Owner of Halifax C & D Recycling Ltd.

**PUBLIC IN**

**ATTENDANCE:** Approximately: 17

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The meeting commenced at approximately 7:07 p.m.

**Call to order, purpose of meeting – Jesse Morton**

Mr. Morton introduced himself as the Planner and facilitator for the application. He also introduced: Thea Langille – Principle Planner with HRM; Councillor Lorelei Nicoll; Councillor Hendsbee; Tara Couvrette – Planning Controller; Iain Grant - Planning Technician; Scott Kyle, Dillon Consulting Limited – Applicant; and Mike & Dan Chassie - Owner of Halifax C & D Recycling Ltd.

Case 21440 – A request to amend the Cole Harbour / Westphal Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable the expansion of the existing construction & demolition (C&D) transfer station into the rear portion of 206 Ross Rd.

Mr. Morton explained that the purpose of the Public Information Meeting (PIM) is to: a) identify that HRM has received a proposal for the site; b) provide information on the project; c) explain the Planning Policies and the stages of the Planning Process; d) give Staff to opportunity to receive public feedback regarding the proposal. No decisions are made at this PIM.

**1a) Presentation of Proposal – Mr. Morton**

Mr. Morton provided a brief introduction and made a presentation to the public outlining the purpose of the meeting, status of the application and the applicant's request. Mr. Morton outlined the context of the subject lands and the relevant planning policies.

## 1b) Presentation by Mike Chassie, Land Owner

Mr. Mike Chassie explained why the amendment application was being requested and what the transfer station would look like if the expansion was approved.

## 2. Questions and Comments

**Brian McNeil, Ross Rd** - Does not want the C&D transfer station on Ross Rd, and feels it should be located in an industrial park because of the noise, dust, tire repairs (from all the nails on the road) and garbage (in the ditches) that it creates. Mr. McNeil stated that this use is a “junk yard” and will pollute the Little Salmon River.

**Eugene Jasinski, Beaver Cres, Owner of Jem** - Has owned 65 acres of property along Salmon River and Lawrencetown Rd. for about 45 years. Mr. Jasinski wanted to know how this facility was initially approved. **Mr. Morton** explained that the Municipal Planning Strategy for this area contains a policy that enables a C&D transfer station on the subject property. **Mr. Jasinski** stated that he has never experienced a traffic problem on Ross Rd, and if this is the justification for this amendment application, it is not a valid rationale. Mr. Jasinski feels the applicant is saying that so they can get more property to keep doing what they are doing. Mr. Jasinski feels that this use hurts the area’s development prospects and its future. Homburg applied to develop 200 acres along the Salmon River. It was a plan that would include water, sewer, pavement, trees, walking trails, schools and churches; a development that would have rivaled Forest Hills and Colby Village. It would have required a great deal of capital, labour, construction, commercial trades and a lot of tax dollars. Mr. Jasinski feels the city and province should put their heads together to make Homburg’s plan possible. Mr. Jasinski feels the transfer station hurts the prospects of what is right and proper for this area. He does not approve of this application.

**Donna Lassaline, Ross Rd** - Had questions around the Little Salmon River. The river is a very environmentally sensitive area, and she would like to know if there has been an environmental study done. **Mr. Morton** explained that the proposal satisfies the minimum watercourse setback requirement. The application is currently being circulated and other HRM departments will provide feedback on the application, as well. **Ms. Lassaline** stated that 30 meters is not very much considering this is a flood plain area. If there are sensitive materials lying around and the river floods they will go into Little Salmon River. **Ms. Lassaline** was involved in an appeal to the URB regarding a rezoning application in Cole Harbour and at that time she believed the Little Salmon River was under the federal government’s jurisdiction. **Mr. Morton** was not aware of the application / appeal she was referring to. **Ms. Lassaline** wanted to know if this was the same company that was trying to get a recycling depo in East Preston. **Mr. Morton** – No. **Ms. Lassaline** asked if there was an environmental issue and/or if the land had to be remediated; who would be responsible. **Mr. Morton** explained that before development permits are issued all of those matters would have to be vetted. **Ms. Lassaline** would like to know why a tailing pond is required. **Mr. Dan Chassie** explained that the pond is not required. Mr. Chassie also explained that the province does not regulate any CD-1 or CD-2 facilities, only CD-3 facilities, which is a landfill; this location is not a landfill. The setback of 30 meters is something that they asked for because the province, back in the day, only required 10 meters. **Ms. Lassaline** wanted to know what 30 meters looked like. **Mr. Dan Chassie** said that would be about the length of the gym. **The public/audience** stated it would be about the width, not length, of the gym. **Ms. Lassaline** wanted to know what type of materials are recycled. **Mr. Dan Chassie** said they are construction materials. Mr. Chassie also explained the water testing program that his company started on their own and have been doing for about 3 years now. It is not required in any of their licenses; the owners started the program so they could show their test results – testing occurs every 3 months - to anyone who complained that the transfer station is releasing contaminants into Salmon River. The materials that are recycled don’t stay on the property long enough to have any leaching. The pond will be a lined pond and all water from the site will run into the pond; staff can then pump the water back and reuse it for any dust control that is necessary. The engineered wetland

ensures that when a storm occurs, water isn't directly going into the brook – the facility has a controlled runoff. If there is ever a problem staff have the ability to shut that water and pump it out, haul it away or treat it. **Ms. Lassaline** wanted to know what would be in that water. **Mr. Dan Chassie** stated it would be parking lot water. The same runoff as you would find on any other parking lot. Just rainwater. **Ms. Lassaline** stated she has never had any problem with any backup from this facility on Ross Rd. She said the only tie up on Ross Rd is due to vehicles accessing the #7 highway. **Mr. Dan Chassie** said they have had as many as 15 vehicles waiting to get into their facility with people waiting to get in, in the morning, which they deter as much as they can. There can be backups on Ross Rd and the neighbourhood has made complaints.

**Public** – Can this project be moved to another location? **Mr. Dan Chassie** stated they tried to get into Burnside but there was a zoning issue and it wasn't an affordable option. **Public** – How long is this project going to be good for? **Mr. Dan Chassie** – 100 years. **Public** – As the population grows this project is going to be bad. It should be moved.

**Randy Sampson, Ross Rd** – If there isn't a financial gain for the proposed expansion then what is the gain? **Mr. Morton** stated there is no gain for HRM. The addition will improve the on-site efficiency and will stop traffic backups, as well as help eliminate some of the dust. **Mr. Sampson** said with all this added expense to the owner and no gain, just to slow down the traffic - why do it? **Mr. Dan Chassie** explained that the transfer station's license requires a 75% diversion rate and right now, on the weekends, they have 120+ residents dumping their yard cleanup debris here; that material has to be trucked over to Halifax to be sorted. This expansion will allow on-site material sorting in the bins. There won't be more materials, the expansion will save the owners from trucking material around. The transfer station will operate more efficiently and meet the desired goal of a 90% recycling rate - the first in Canada. **Mr. Sampson** stated it sounded like a good answer to him. Mr. Sampson noted he has seen a lot of positive work done by the transfer station owners, including extra effort to clear the side of the road. Mr. Sampson wanted to know why it took until now to do this. **Mr. Dan Chassie** explained that it's due to the length of time it took to acquire the abutting property (i.e., 206 Ross Rd); the owners have been trying to buy it for 17 years. **Mr. Sampson** stated that moving the transfer station back from the road is one of the best things you could do. Mr. Sampson stated that Mr. Chassie's son, Mike, stopped by his shop and spent a bit of time answering any questions that he had, which he thought was great. Mr. Sampson said he had always been the one cleaning the sides of the road and now Mr. Chassie pays people to clean the sides of the road, but feels these efforts could be expanded further along the road. **Mr. Dan Chassie** stated that is something that can be considered. Mr. Chassie stated they have done some fundraisers and clean up on different properties. When they purchased the property, they did 50 container loads of cleanup because of the amount of debris that was on the property. They intend to keep the property clean now. **Mr. Sampson** stated that it shows; you can see it from the aerial photos and just from being around that they have made a great effort in the last year. Mr. Sampson stated that people have dumped materials on his property when the transfer station is closed; he has then brought the materials over to the facility, even though he knows a staff person would have collected the materials, had he asked. **Mr. Dan Chassie** has turned people away and knows some people will do that sort of thing, but can't do anything about that - criminals will be criminals. **Mr. Sampson** said he has a list of plate numbers and vehicles that have been violating the rules and not covering up there loads and speeding up and down the road. **Mr. Dan Chassie** told Mr. Sampson that they could go over the list together. Staff warn everyone who ends up on the scale that loads must be covered, but that's all they can do; the RCMP, compliance officers, and bylaw officers must police. **Mr. Sampson**, stated the nails over the road is a real issue with residents getting flat tire all the time. **Mr. Mike Chassie** stated they are taking a magnet, which is attached to a ½ ton truck, up and down the shoulder of the road. **Mr. Sampson** - What is to say that will continue that process if the application is approved? **Mr. Mike Chassie** stated they have been doing this for a while now and will continue to do it in the future.

**Janet Barker, Ross Rd** – Is impressed by the employees who have been going up and down the road. After that last miserable rain storm, she noted that employees almost had to wear hip waders to get into the ditch and they were in there cleaning it out water and all. She's also seen the employees out with magnets collecting nails, screws and things that drop off. Further, Ms. Baker has seen the traffic backups going into the site and the noise that comes from the site (but this is something you get used to). Ms. Baker is impressed with the Chassie's plans and how they're doing business. They are being proactive to make sure that the wastewater is looked after.

**Brian McNeil, Ross Rd** – Would like to know from the Councillors if there are any plans in place to improve Ross Rd, the pavement, shoulder etc. Both ends of Ross Rd are very dangerous to get in and out of.

**Deb Day, Mineville** – Stated that when she was young, and lived / played in the area there was a lot of debris. If the Chassies are cleaning the debris, that is a great thing. Ms. Day is the chair of the coalition for saving healthy communities in Preston, Mineville, Lake Echo and Porters Lake, and Mike Chassie invited the coalition to talk so they could outline the plan and get the coalition's comments. They didn't have to do that. Ms. Day has a construction demolition expert on the coalition and they meet with the Chassies to give their impression - they were thrilled with that they saw. They had one small suggestion for an additional berm, which the Chassies thought was a good idea. They went that extra step and it was not necessary. Ms. Day said they are not saying yes or no to what they are proposing, just that this is what happened.

**Brian McLeod, Ross Rd** - To the councilors – is there going to be anything done about Ross Rd? Brian stated that he's been there 15 years and the road had deteriorated to the point that it's falling down on the sides. Some properties flood because the water in the ditches doesn't go away fast enough. They came out and dug out a hole here, a hole here, and then went off to the next property. The city wouldn't even give him the dirt that came out of his own driveway, they said it belongs to the city. Mr. McLeod wanted the dirt to fill in the ruts in his driveway. Mr. McLeod's house is on a hill and there's insulation in the back of their yard; they didn't want their dogs to chew insulation. Mr. McLeod stated that they like the plan. If they push the transfer station back further, keep it clean and keep the noise down it would be great; no big deal you get used to it but the road is going to continue to fall apart. What happens when the big trucks come in and the road caves in?

**Neil Peters, Brookside Ave** – Is very concerned about Little Salmon River. Mr. Peters has been in the area for over 50 years and has seen a lot of development and most hasn't been beneficial to Little Salmon River. You're lucky to see ducks in the river; all the fish have gone because of the pollution. All the sediment from the gravel is going into Little Salmon River. What is preventing this site's runoff from going into Little Salmon River? What will happen to all the water/garbage if the area floods? The plan on paper might be acceptable to some people, but it is not acceptable to Mr. Peters because the more garbage that is hauled to the site to be recycled, processed, reprocessed, and redelivered elsewhere, the greater likelihood that it could end up in the Little Salmon River. Residents used to swim in the river but because of the abuse that it has taken, the sediment, you can't even get in it. Why is the transfer station in this area, other than economics? This area is subjected to flooding and this proposal will be a disaster. Mr. Peters would like this use out of the Ross Rd area altogether. Will this bylaw change be restricted to this site or community wide? Could other industries come into the area and contribute to the pollution of Little Salmon River. **Mr. Morton** explained the process. **Mr. Peters** said that means we have to put all our trust in the Councilors and that they will put our best interest at heart. Mr. Peters is very suspicious of this proposal and with his 50 years of experience he is not sure that it should proceed. Industry is looking out for number one and the all mighty dollar

**Janet Barker, Ross Rd** - Would like to know the elevation between the proposed construction area and the river. **Mr. Dan Cassie** stated it is about 3 ½ meters down to about 2 ½ meters above

the high-water mark, the river is still another meter below that. **Ms. Barker** wanted to know if the applicant thought about adding a berm. **Mr. Dan Chassie** explained what they had planned, and where berms and landscaping would be. **Ms. Barker** wanted to know how long materials are held on-site before being shipped away. **Mr. Dan Chassie** explained that they can't hold them on-site more than 15 days but their turnover is actually less. There are times, like Hurricane Juan, for example, when their time restrictions are extended so they can truck at night.

**Brian McLeod, Ross Rd** – If Kinsmans floods, Little Salmon River is already done because of the junk yard. The junk yard has been there for 50 years. To say that it is going to be a disaster if it floods, the damage has already been done. The junk yard is more to blame for ruining the river than the transfer station.

**Donna Lassaline, Ross Rd** – Just because the junk yard has been there for 50 years and has caused problems we can't justify adding more contaminants to the river. Ms. Lassaline respects the applicants, however, her main concern is the Little Salmon River and Cole Harbour. Several years ago, properties were protected by an environmental plan but more contaminants kept being added. Storms are getting worse, so flooding is going to happen more often.

**Brian McNeil, Ross Rd** – Asked the councilors to make remarks about their concerns regarding Ross Rd.

**Councillor Nicoll** - Addressed some comments and concerns regarding Ross Rd and offered to speak with people after the meeting.

**Brian McLeod, Ross Rd** - Wanted to know what type of materials get recycled at the transfer station, is there a list of items you take into your yard. **Mr. Mike and Dan Chassie** stated they do not accept hazardous materials. If somebody brings materials that they don't accept or unacceptable materials are left on-site unbeknownst to them, the individual is told to come back and get it or they will be charged a disposal fee.

**Public** – Wanted to know when this would be completed. **Mr. Morton** explained next steps, public hearing, etc.

### **3. Closing Comments**

**Mr. Morton** thanked everyone for coming and expressing their comments.

### **4. Adjournment**

The meeting adjourned at approximately 8:24 p.m.