

HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 22670

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

Wednesday, February 12, 2020
6:00 p.m.
Port Wallis United Church, Dartmouth

STAFF IN

ATTENDANCE: Tyson Simms, Planner, HRM Planning and Development
Katherine Greene, Regional Policy Program Manager, HRM Planning and Development
Miles Agar, Principal Planner, HRM Planning and Development
Leah Perrin, Planner III, HRM Planning and Development
Jared Cavers, Planning Technician, HRM Planning and Development
Genevieve Hachey, Planning Controller, HRM Planning and Development

ALSO IN

ATTENDANCE: Councillor Steve Streach, District 11
Councillor Tony Mancini, District 6

PUBLIC IN

ATTENDANCE: Approximately 100

The meeting commenced at approximately 6:33 p.m.

1. Call to order, purpose of meeting – Tyson Simms

T. Simms is the Planner and Facilitator for the HRM application and introduced the area Councillor and HRM Staff members.

Case 22670 - Application by Halifax Regional Municipality to consider amendments to applicable secondary municipal planning strategies and land use by-laws to enable industrial and highway commercial development on the Conrad Quarry Lands, identified as PIDs 41168279, 00276188, 00276105, 0027596 and 40174286, located to the north of the Montague Rd./Hwy. 107 interchange in Montague Gold Mines.

The purpose of the Public Information Meeting (PIM) is to:

- Provide background regarding the planning process;
- Review Regional Council's direction; and
- Receive feedback and answer questions.

No decisions are made at the PIM or have been made up to this point.

2. Presentation of Proposal – Tyson Simms

T. Simms gave a presentation of Regional Council's direction in regard to the Conrad Quarry

Lands. Council has asked staff to:

- Proceed with the Port Wallace Secondary Planning work plan and return to Council for direction on the secondary planning process after Nova Scotia Land Inc. completes the risk assessment and management plan for the former Montague Gold Mines site, including the Municipally-owned lands surrounding Barry's Run and any other third-party impacted lands;
- Initiate a process [Case 22670] to consider amendments to applicable municipal planning strategies and land use by-laws, to enable industrial and highway commercial development on the Conrad Quarry lands consistent with the policy direction outlined within the Discussion section of the staff report dated October 15, 2019; and
- Follow the public participation program for municipal planning strategy amendments as approved by Regional Council on February 27, 1997.

3. Questions and Comments

Judy Clark, Burnhope Drive relayed their concerns about the 100-foot buffer not being enough and that 100 meters was more acceptable. They also spoke about how this industrial zone will negatively impact their property values, their research has found studies show on average property values drop by 13% when abutting industrial zones. **T. Simms** – the proposed zone, that initially went before council in 2018, spoke of a 100-foot buffer with some specific uses requiring more than 100 feet, but that the current draft zone identifies 100 meters and that this number is up for discussion. They cannot speak to property values at this time but are open to further discussion about it.

Resident - questioned what the Conrad Brothers wanted to do on this site. **T. Simms** –the Conrad Brothers plan to continue quarry operations, rezone the property in order to allow current uses, repair structures that were damaged during Hurricane Juan and move and build new structures on the quarry land. In the future, if the land is serviced, they would be looking to build new commercial and industrial areas near the front of the property. The Conrad Brothers have indicated they are seeking office uses on the property, however HRM is not supportive of standalone office uses in this area.

Karen Murphy, Spider Lake had the following questions: what is the long-term plan for the quarry, they find the weekends to be fairly quiet - would HRM consider imposing a curfew around what operations could take place on the weekends, will future access to this quarry be connected to the residential areas? **T. Simms** - replied that traffic will be addressed, at this point future access is unknown, a review will be conducted by Engineering staff. A curfew or noise by-law is not something that has been considered, however it is something that can be reviewed. A participant at the meeting noted that blasting is not permitted on the site during the weekend. **T. Simms** indicated that HRM is not aware of a specific long-term plan for the quarry lands other than what has already been discussed, this question would be best directed to the property owners.

John Bellfontaine, Montague asked what the current buffer is for quarry activity that abuts the residential area. **T. Simms** replied that it is currently 100 feet, blasting may require more. The quarry activity (rock removal, blasting) is regulated by the Province, HRM can only regulate structures on the land associated with the quarry use– buildings, weight scales, wash plants, etc. The original proposed buffer for these types of uses was 100 feet and in the draft by-law it is currently 100 meters. Staff is considering the development of two zones within the industrial area, one that would see heavier uses in the middle of the property, further away from residential areas and a less intensive zone that is closer to residential areas. The center zone could potentially be 400 to 500 meters away from residential areas. HRM is looking for public feedback on buffer distances.

Kevin Fitzgerald, Montagu Road – asked if there is a way to address the rusted-out garage that is at this location, it is an eyesore. They know that the Conrad Brothers have requested a permit to rebuild the garage, however were denied because the land is not zoned for it. Is this not something that could be addressed without having to go through this whole process? Why can they not just rebuild it? The quarry has been here since 1954-55. **T. Simms** replied that the current zoning of this property does not allow heavy industrial uses or any accessory buildings for heavy industrial uses and because of that a permit is not able to be issued.

Rene, Lake Charles area – feels that the Conrad Brothers should be allowed to replace their buildings and add a couple more without having to rezone 500 acres of land. Is there any kind of needs assessment done to see if HRM needs more industrial land, there are many industrial areas here already, Burnside, Ross Road, a refinery that is derelict in Shearwater, the Woodside area, the Aerotech Business park to name a few, do we need 500 more acres of industrial land adjacent to a mature residential area? has there been an environmental assessment done in regards to water runoff that would go into the lakes - they have been documenting storm water issues for the past six years and feel that HRM is not adequately addressing this issue and that the advanced storm water management practices that HRM is speaking of are not working. There is talk of an additional 10,000 people coming to the Port Wallace area, could we not have businesses, amenities, parks and recreational areas to support these 10 thousand people instead of industrial zones. They recognize that the Conrad Brothers are well respected and work with the neighbors, however what happens if they sell and someone less community minded purchases this land? **T. Simms** – replied that HRM considers zoning with the land in mind and not specific landowners. The property owner may request a specific land use, however the regulations are created with the site in mind. Stormwater generated on the quarry site is regulated by the province and HRM has no jurisdiction there, however HRM does have the ability to regulate stormwater on the rest of the site and is working to develop advanced storm water management requirements. HRM is aware of the concerns with respect to water runoff and they are actively working on this. This year staff will be working to review the Regional Plan, this will include a needs assessment for industrial lands in the municipality. The study has commenced, however we do not have results at this time. At this point, there is no indication that there is not a need for industrial lands, the results will be available within a few months.

Gary Brinton, Burnhope Drive – feels that the Conrad Brothers have been very transparent with their plans and that HRM has not. The Conrad Brothers have a grandfathered agreement that supersedes quarry guidelines and they sympathize with the Conrads as none of these residential areas existed when they created the quarry and they they feel it is the city that has created this entire issue. They have been trying to get answers from HRM for years about who's responsibility it is to protect the citizens that live around the quarry, they were told by everyone that they would not be affected by this quarry when they purchased, the house is rocked by blasting, it wakes the baby up, the house shakes, inspectors were supposed to look at all this and they never did, they are 300 meters away from the blasting. The Conrads are trying to run their business, this issue was entirely created by HRM. They suggest that if anyone wants to know what is going on that they contact the Conrad Brothers directly.

Adam Filck, Craighburn Drive – commented that where they live will be impacted by the smells coming from the industrial zones and that spills, metals and oils from this site will end up in the watershed and into Lake Charles. This does not have to be a negative impact on property values, if you look at Larry Uteck the houses that back onto the commercial areas have increased in value, why can we not have a commercial area here? The land around the interchange would be perfect for commercial and it would be much more valuable as that type of zone. What is the rush to zone the land to less attractive uses? staff previously identified that office and larger scale commercial uses may not be appropriate on the subject site due to a lack of transit service.

Kendal Taylor, Craighburn Drive - They bought the land knowing who was next door, they have had a good relationship with the Conrad Brothers. They feel that the buffer that is between them and the quarry needs to take the topography into account, the 100 meters might work for one area but not another. They also do not want to see the biodiversity destroyed in order to create a different buffer, it is currently wooded and should be protected. Light pollution is another issue that they would like to see addressed. **T. Simms** – when the buffer was presented and discussed by the Port Wallace Public Participation Committee there were discussions with regards to topography and existing vegetation. HRM is also considering lighting standards that will deal with light pollution.

Resident – asked if there will be a meeting planned by the Conrads, where they will be able to tell their side of things? **T. Simms** – at this time it was Council's direction that staff move forward with this staff-led process. The Conrad Brothers are able to hold their own meeting if they wish to do so.

Abel Lazarus, Hazelnut court – asked why a variance could not be issued to allow the Conrads to build their accessory buildings for the current use? There are many industrial parks in the area, why do we need more? There is a bus that goes here, the 55, this bus could service commercial areas. It was mentioned that council asked to coordinate this with the Burnside plan, there is a buffer at Burnside already, there is no residential in that area other than Highfield park – these two things should be separate. **T. Simms** responded that council's direction was simply that the language used in the Land Use By-law for Burnside be consistent with the one created for this area, not that the uses themselves be similar. There is a By-law simplification process underway that is looking at this. The existing transit service would not support office uses on this site, however that reflects the existing condition and this could change.

Dennis Folley, lake Micmac – voiced their concern about the health of the lakes, there have been many issues lately with lakes Micmac and Banook. More industrial areas will create more runoff of phosphorus that is contaminating these lakes. The watershed belongs to the municipality and we need to remedy these situations before we lose our lakes. A natural land buffer could create a good filter, there is evidence that the runoff from pavement brings phosphorus to the lakes and this is what is causing the blue-green algae issue. Has HRM been investigating this? **T. Simms** – replied that Regional Planning staff is aware of concerns related to phosphorus and that HRM has recently required studies and mitigation plans in an effort to reduce the impact of phosphorus for new development and subdivision.

Resident – feels that the Conrad Brothers are made to look like the “bandits” in this process when all this is the fault of HRM. They believe there is a credibility issue here, before Ikea came in they were assured there would be no light pollution and that it would be “attractive”, Ikea is a monstrosity.

Chris Dube, Lake Charles Drive – feels that there are already enough business parks in HRM and within a close distance to this area that all have available land. In regard to property taxes, are you taking away from the large residential tax base in favor of a small commercial/industrial tax base? The residential area will be less valuable with an industrial area here; they are tired of hearing of remediation of the lakes and water systems, can we not manage the water and environmental issues before they become a problem? A well-managed quarry could be a much better end result than what has happened with Dartmouth Crossing.

Carmen Brown, Lochburn Lane- wanted to know how it happened that a quarry was allowed to be built here and when the owners tried replacing a damaged structure that all of a sudden, the land was not zoned for it, what changed? **T. Simms** – replied that this is something that they are investigating the quarry land use is considered a heavy industrial use. There is no indication the land was ever zoned for this use. The Quarry activity itself is regulated by the Province. Structures associated with the quarry use fall under HRM jurisdiction. A development officer is

only able to issue a permit for an associated structure if the zone permits. There may be some ability to repair or reconstruct existing buildings provided they are not expanded or relocated. Staff will investigate further.

Resident – feels that someone from the Department of Environment should have been here tonight, HRM is not providing any answers and that there is a lack of clarity. **T. Simms** – replied that they are trying to work within the direction that council has given staff, they are open to further discussion and can answer any question that residents have in person, by email or phone.

Resident – they have settled in this area because of the lakes, we need to keep those lakes beautiful, if there are issues with the one runoff that is there now how is HRM going to mitigate issues when all this new construction comes in?

Andrew Craft – asked how long this process could take. **T. Simms** – replied that they cannot give exact dates but that it could take a year or more.

Resident – feels that HRM should somehow allow the Conrad Brothers to put the building up that they need to continue their work instead of having to rezone the whole thing, they could do what they need to do without creating this large new industrial zone. **T. Simms** – replied that they understand what the Conrad Brothers are looking to do and that staff have no intention of making this process any longer than is required.

Kim Conrad – commented that this process started in 1986 when they were told that they should get their land zoned. Years later they wanted to put a building up and were told they couldn't as it was zoned residential, it seemed as if during amalgamation the zoning was changed to residential somehow. As a follow-up to that they called in and asked if they could put residential in and were told they couldn't as HRM did not want more residential development on the North East of the Highway. In 2007 HRM Planner Paul Morgan told the Conrads that if they put in an application along with the Port Wallace application that it might take 3 or 4 years, this is what they did. It has been since then that they have been trying to fix the zoning on this land, they were at one point promised water and sewer. They conveyed that a lot of good things have happened to this area because of the Conrad Brothers company, Montague Road was a dirt road before they set up, they had better power lines and telephone lines brought in, they provide wages to the tune of about \$250 000 a week, they have hired Stantec to conduct their own water testing and have been taking samples for the past 20-30 years. The water studies have shown that water discharging from the quarry is clean and the highway and city storm sewers run into the lake untreated. They don't want to blast any closer than what is currently happening, they know what bad lighting can do because they have the Burnside lights coming into their home, they want to work with the community and will hold a meeting where the public can ask questions. They do not have any detailed plans of the future as they do not know what will be allowed.

4. Closing Comments

Tyson Simms thanked residents for attending and participating.

5. Adjournment

The meeting adjourned at approximately 8:28 p.m.