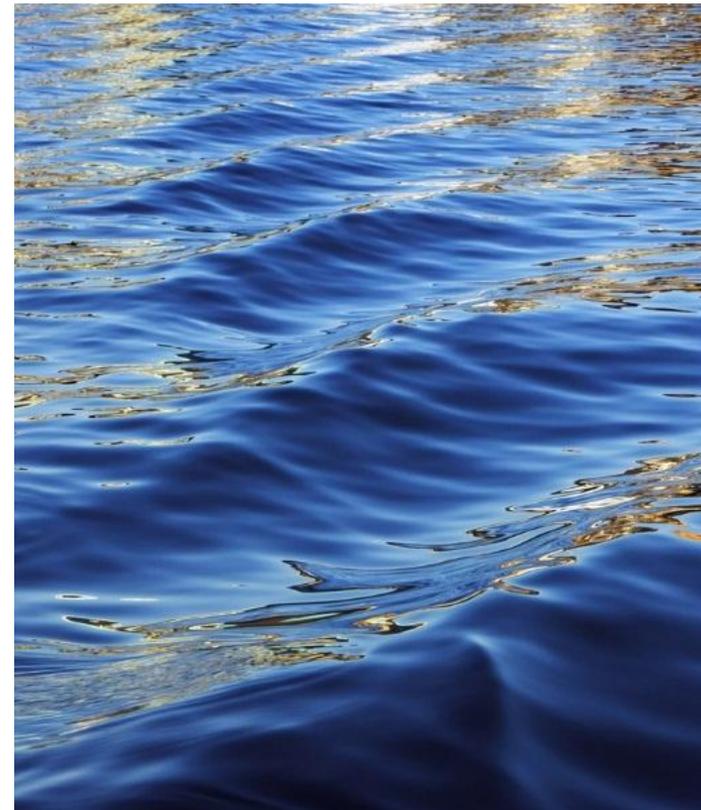




Halifax Regional Municipality

Appeal Hearing
Case #23653

Spokesperson: Dave Hawboldt



Overview

- Introduction: Dave Hawboldt
- Background
- Appellants
- Building Design
- Building Timeline
- Blasting
- Traffic Impact
- Environmental Impacts: Phosphorous & Sewage Treatment Plant

Background

- Residents appeal committee
- Concerned residents of Fall River
- Only those residences within 100 meters of the development property line were able to appeal
- $38/113 = 33.6\%$ Appeals
- Appeal Committee **represents**
 $29/38$ appealing = 87.9%



Lake Thomas

History

It is crucial to take a look at the history to demonstrate the variances that have been introduced to this project over time

Fall 2006 – Commencement of VisionHRM, a community led initiative engaging residents in a dialogue in what their community should look, be and feel like in 10 – 20 years.

Fall 2007 – HRM Council approved Vision and Action Plan for Fall River

Winter 2008 – VisionHRM community meeting in Fall River

Next: Sites discussed for Fall River:

- Village Mainstreet – 3 units per acre, Townhouses/Multiple
- Site A - Inn on the Lake, 4-8 units per acre, Townhouses/Multiple
- **Site B – Carr Farm, 4 units per acre, Townhouses/Multiple**

To prevent high concentration a maximum of 3 multiple unit buildings with a maximum of 40 units per building will be considered. To meet a range of housing needs council will also consider townhouses, two-unit dwellings and single unit dwellings. Overall density shall be limited to 4 units per acre subject to studies to verify that there will not be adverse effects on the road systems, surrounding neighborhoods and waters.

- Site C – Ingram Drive Fall River Village – 4 units per acre, Townhouses/Multiple
- Site D – Charleswood – 2 units per acre, Townhouses

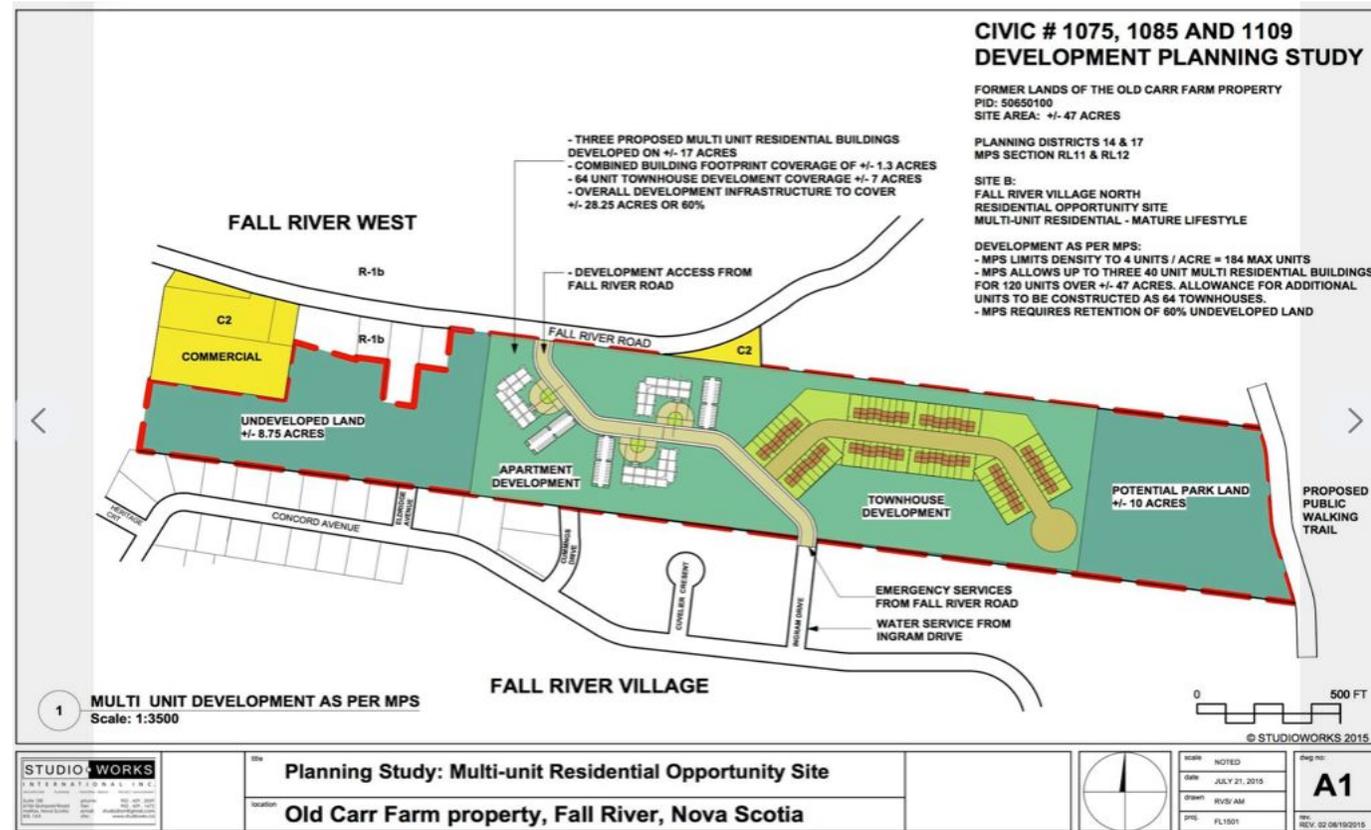
History

Dec 2015 – Developer created a Facebook site *creating an age friendly community in Fall River:*

3 Apartments, 120 Units, 64 Townhouses, 2 people per unit and townhouse
Total Population = 368

June 2016 – Report to Council and federal \$ for water installation

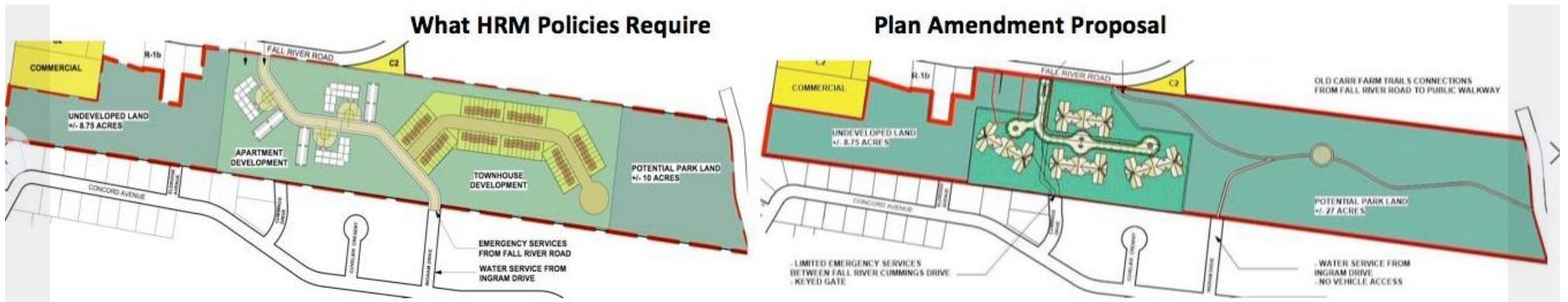
Jan 2017 - Detailed Plans within MPS are presented online



History

2017

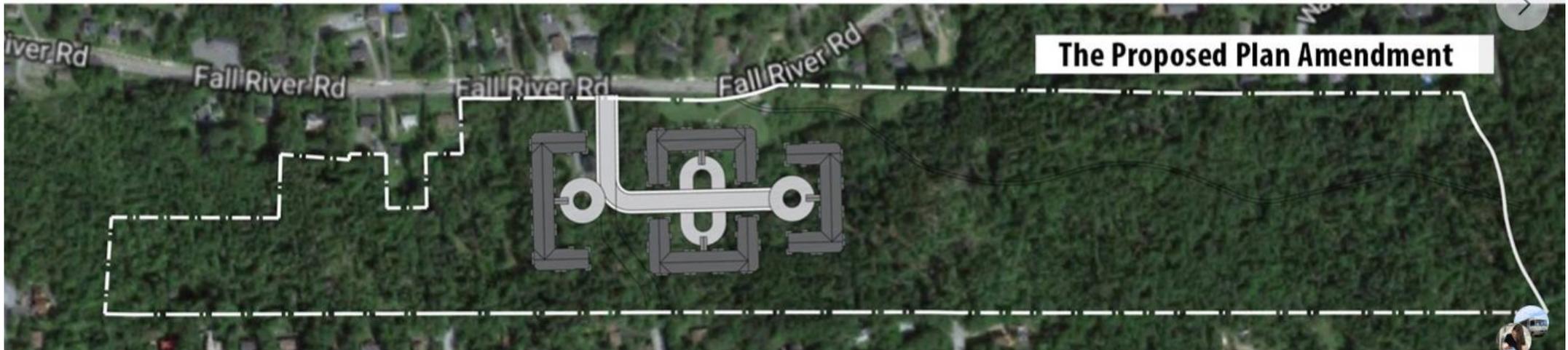
- Requested amendment Use by-law to four-5 storey multiple unit dwellings of 8 units per acre
- Open house held - many public concerns
- Sanitary wastewater is a concern
- New plan 5 buildings, some 3 stories and some 4 stories.
- Community discusses.
- Facebook groups form.
- Community volunteers work many hours on new plan.



June 2017

Building
Height
Changes

Five stories
to four
stories



History

March 5, 2019 - Full council hearing - New Zone is Passed

Most, including the public, believed the density limit was 8 units per acre or 400 total units.

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Archive: 2019-03-05.mp4

The River Lakes Residential Campus zone does not mention any limits on the number of units. Only the height and total maximum size of each of the main buildings.

Lacking transparency most were unaware of the ability to exceed 400 units.

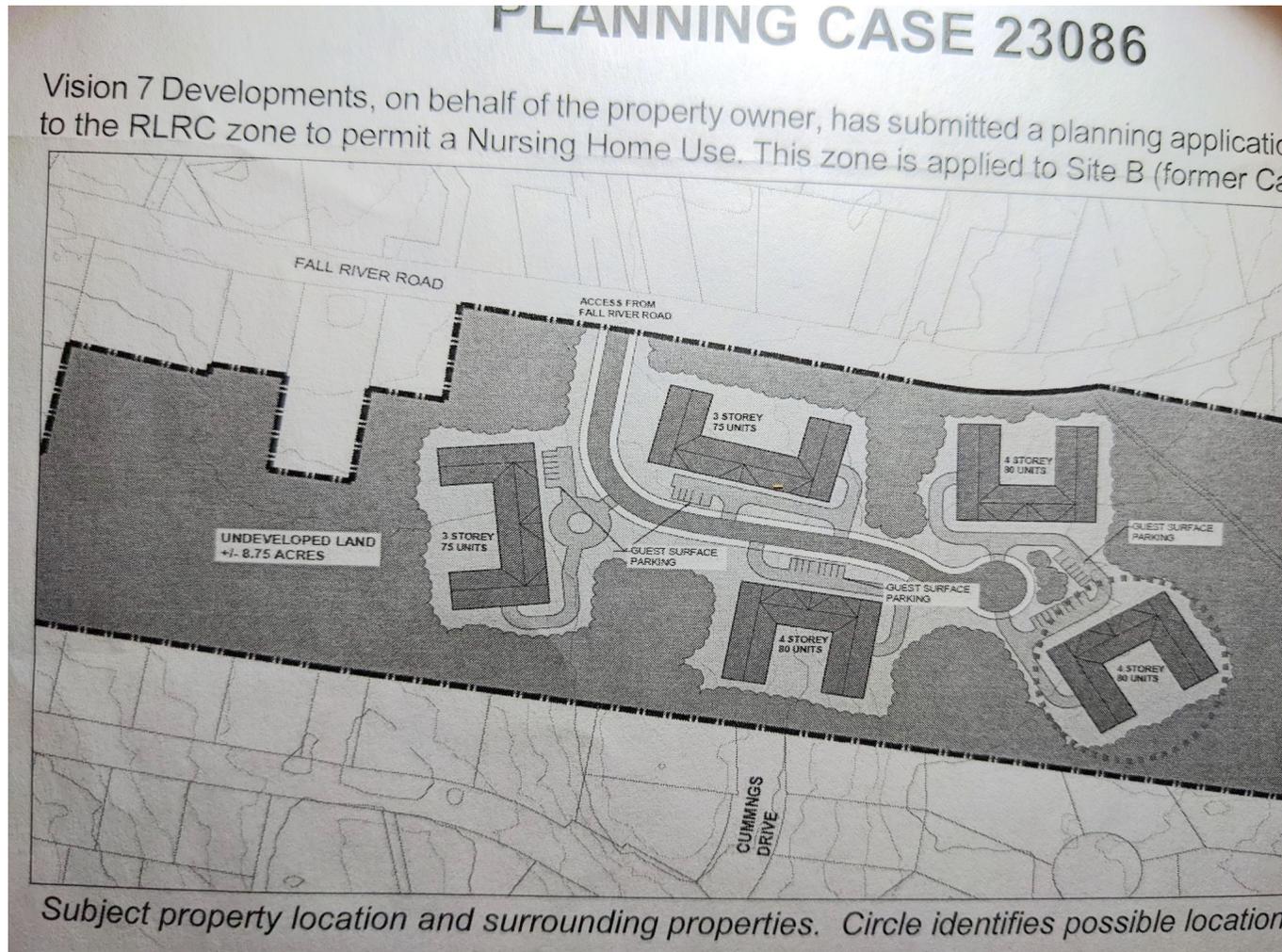
Later verification would result in this email from Thea Langille sent in 2022:

There isn't a density maximum in the zone, so the applicant is permitted as many units as can fit within those development controls.



History

November 2020 - 540 residents receive letter - application to locate 100 Long-Term nursing beds in one of the 5 buildings



5 buildings with their estimated height and units:
2 - 3 story – 75 units each
3 - 4 story – 80 units each
LT Care to be located in one of the 5 buildings

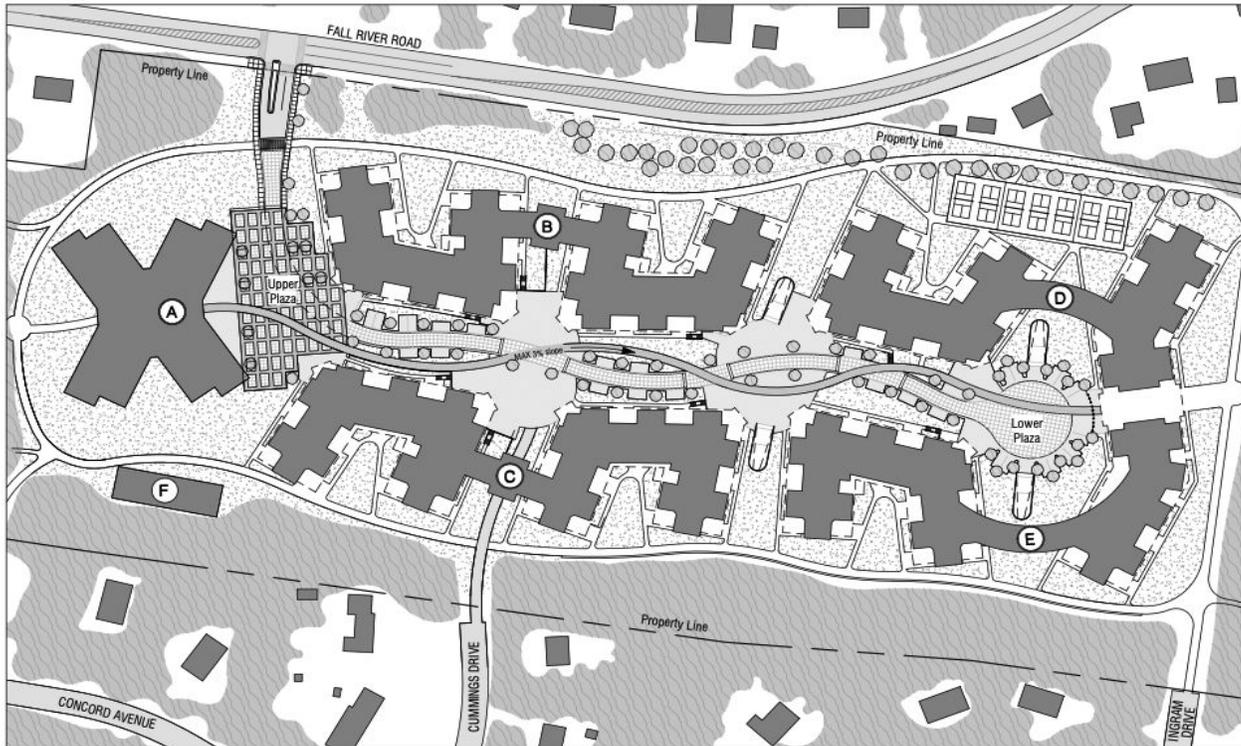
Total apartments = 310

Sent during the second wave of COVID and many presumed the LT Care building would mean less apartments

Motion passes to change the zone in March 2021.

History

November 2021 - 113 residents receive letter - site plan approval



SITE PLAN

DRAWING SCALE = 1 : 1500



ELEVATION OF BUILDING "B"

DRAWING SCALE = 1 : 1000

- existing woodland to remain
- soft landscaping: sod, shrubs, etc.
- new trees
- retaining wall
- building footprint
- verandah / eaves / winter garden
- dark concrete (barrier free walkway)
- medium-tone concrete (parking/walking/loading)
- light-tone concrete (driving / cycling)
- two-tone concrete (upper plaza)

Letter to 113 indicates 500 apartments and 100 nursing home beds

Estimated residents and staff:
500 apartments times 2 = 1000
LT Care residents = 100
Staff onsite = 100

Total humans creating waste water each day = 1200

Timeline

- The developer has the option to have construction hours from 7 am – 9 pm Monday to Friday and from 7 am to 5 pm on weekends and holidays.
- The project will take 5 - 7 years to complete.
- This is subjecting at least 500 homes or more to noise, construction debris and traffic for the next 5-7 years

Blasting

- Underground parking for 580 vehicles
- Blasting bylaw requires residences within 300 meters be notified
- Groundwater contamination
- Before and after the blasting is done every homeowner within 300m or more will need to have a water quality and flow test done on their well

Traffic Impact

- Current proposal 500 apartments & 144 long term care (LTC) beds
- Possible 1, 100 residents in apartment 580 underground parking spots with unknown above ground
- LTC staff coming and going
- Traffic study is between 3 and 5 years out of date and admits there are queuing problems
- Outdated between 3-5 years
- Study only done over 24-hour period in 2019
- Traffic Study acknowledges existing “queuing” problems during peak times
- Main intersection between HWY 2 and Fall River Road was studied on June 27 th 2017, 1.5 years prior to initial report



Highway 118 Exit Ramp 14 at 1600 hours Dec, 2021

Phosphorous Study

- The supplied phosphorous study does not include an analysis of phosphorus loading from the “treated” sewage effluent leaving the property.
- Treated effluent is still contains phosphorus

Sewage Treatment Plant & Lake Thomas

- Privately operated onsite sewage treatment plant (STP)
- All STP release phosphorus
- Treated effluent pipe to Lake Thomas
 - Running down Waterview Drive, Lake Thomas Crescent & Horobin Drive
- Already receives treated effluent
- Summer 2021 Blue- Green algae in Lake Thomas
- **How much is too much?**



<https://www.halifax.ca/about-halifax/energy-environment/lakes-rivers/harmful-algae-blooms>

Approvals?

Have approvals been sought?

- **Nova Scotia Environment & Department of Oceans & Fisheries**
- **Federal Fisheries Act: Section 35 & 36**
- **Indigenous Consultations KMKNO**
 - *In 2004 and 2005, the Supreme Court of Canada (SCC) handed down three landmark decisions that found the Crown (provincial and federal) has a duty to consult with Aboriginal peoples regarding decisions or taking actions that might adversely affect their established or potential Aboriginal rights and Treaty rights (Haida and Taku, 2004, Mikisew Cree, 2005).*
- **Sipekne'katik** (Indian Brook First Nation, N.S.)
-



Development Officer's Official Review

- Criteria (2) – The site Plan does not include details of the Sewage Treatment Facility to be located on Waterview Drive or indicate areas outside the main campus that are to be cleared or otherwise disturbed.
- Criteria (3) – The site plan does not meet the requirements of 14G.8
 - - Traffic Study has not adequately considered affected intersections . The Findings are no longer valid and have not been adequately reassessed
 - - Required improvements have not yet been implemented
 - - Treatment facilities have not been adequately defined & Wastewater discharge is located offsite
- Criteria (3a) – The treatment plant is not centrally located on the property
- Criteria (3b) – Parking and access to sewage treatment plant not indicated
- Criteria (3c) – Access for Sewage Treatment Plant is not indicated but based on positioning would likely be located on Waterview Drive, not by Fall River Rd.
- Criteria (3e) – Insufficient buffering between development and 1139 Fall River Rd.

Development Officer's Official Review

- Criteria (3f) – The Sewage Treatment Plant and Stormwater pond are located within the “Non-Disturbance Area”. While technically water infrastructure, such structures do not align with the spirit of criteria.
- Criteria (3h-3j) – Lighting proposal not present in site plan, and not available for public review or comment
- Criteria (3k-3l) – Engineering Documents indicated does not show any of the culverts of other mitigations that would be needed to “correct” the changes to elevation on the property.
- Criteria (4) – The specified notification Distance was observed; considering prior community engagement related to this development, the potential impacts on Lake Thomas ecosystem and lack of local transportation and infrastructure, the marked departure from existing community architecture, and the presence of competing development proposals, city staff should recognize that limiting the notification distance to the immediately adjacent properties is entirely insufficient. Those who are affected have not adequately informed or consulted given the opportunity to appeal on the setting of this 100m notification area and therefore any prior approvals based on this notification distance should be rescinded.



March 2022

NWCC
votes

Please
reject or
postpone

Scope Creep

Communities wishes and hard-work from volunteers lost along the way
Councils vote will potentially forever alter the village feel of Fall River.

The by-laws for our district once clearly specified that Opportunity Site B was a good location to add some additional density and diversity to the housing stock in the Fall River area – within well-defined limitations.

Awareness Long-Term Care is desperately needed and many wish for it to proceed in **haste**.

Our responsibility to protect our lakes from further degradation, with a proposal that may witness the number of residents in the heart of residential Fall River go from zero today to likely over 1200 new people. Even if one was to go back to the original number of approved units of 400 and subtract 144 LT beds, that is still 256 units which is greater than the 120 units first allowed.

Please reject this proposal until the number of new residents is brought into line with community wishes and environmental limits.



Thank you

