

Port Wallace Public Participation Committee
Meeting Notes: December 12, 2018, commencing at 6:30 p.m.
HEMDCC room, Alderney Gate

PRESENT:

Adam Flick
Robert MacPherson
Peter Conor
Bertrand Losier

STAFF:

Andrew Bone, Planner III
Leah Perrin, Planner III
Genevieve Hachey, Planning Controller

REGRETS:

Valerie Gray
Claudia Currie
Catherine Lunn

OTHERS:

Kevin Neatt, Clayton Developments Limited
Tom Swanson, P.Eng, Summit Rock Developments Limited
Kim Conrad, Conrad Brothers Ltd.

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1. CALL TO ORDER

Robert MacPherson called the meeting to order at 6:30 pm.

2. ADDED ITEMS / APPROVAL OF AGENDA

Peter moved to approve the agenda, seconded by Bertrand Losier, all in favor.

3. APPROVAL OF MEETING NOTES – NOVEMBER 15, 2018

Peter would like to speak to the added items of last meeting concerning the ice on the street. Robert said they would add that to the end of today's meeting. Motion to approve the notes with amendments to add clarification about the ice issue being addressed in the Waverley Road Safety Audit by Robert MacPherson, all in favor.

4. PUBLIC PARTICIPATION COMMENTS RECEIVED

Andrew advised that there have been no comments received since the last meeting.

5. LAST MEETING REVIEW

Andrew briefly reviewed items discussed at the last meeting.

6. ISSUES TABLE UPDATE

Andrew advised that they have moved the Montebello Turning lane construction timing from the "parking lot" to the Issues Table, this will be reviewed at a future meeting. They have asked questions about the timing of this and are expecting a response.

Barry's Run Environmental:

Andrew advised that Regional Council has approved a \$100 000.00 phase 1 and 2 environmental assessment on lands at Barry's Run. The Request for Proposal request is going out, a "desktop analysis" will be done – reviewing historical information in more detail – and from that a sampling program that will collect detailed information. The Province of Nova Scotia has commenced the process to close the Montague Mine site, they are collecting data from their lands and from some surrounding lands, they will come back with closure options.

Robert asked what the scope of this process is.

Andrew replied that they are looking to find out if the municipal lands at Barry's Run are contaminated.

Tom Swanson asked who owns the land at the bottom of the brook, as that's where the contamination is. They think it belongs to the Province.

Andrew replied that there is some question about that. There is wording in the deed from the 1860's that talks about owning the water rights, at this point we do not know and that will be for the lawyers to find out. The HRM owned lands here are suggested to be parkland, however HRM does need to know the scope of

contamination so they can know if it can be used as park land or if it needs remediation. The suggestion that it be park land or that there be trails around Barry's run mean that it becomes part of this process.

Robert MacPherson asked if it comes back that there is contamination that it could be requested that this area be redesigned or that there would be policy saying this area can't be used.

Andrew replied that HRM would possibly need to incorporate policy depending on what the testing results are.

Peter asked if there is any precedents for active park use around water that is contaminated.

Andrew replied that they haven't researched this at this point, they will wait to get the results and see what is needed once they know if there is contamination or not.

7. JUNE 2018 FIELD TRIP RECAP

Peter Connor wanted to recap on some of the things that they saw while on their field trip to Bedford West. They have some pictures that they would like to present and discuss.

Andrew Bone asked Peter to send him the photos and he can incorporate text and present it to the committee. Many of the photos would be able to show some of the policies they have been discussing in this process.

8. GREEN NETWORK PLAN

Andrew presented a power point explaining what the Green Network Plan is.

Peter Connor asked if there will be interpretation of cultural aspects in the Port Wallace plan?

Andrew replied that this is something that policies around this could be included in the plan.

Kevin Neatt added that the land suitability analysis has a robust cultural section.

Peter Connor asked if there would be a more in-depth presentation of the Green Network Plan.

Andrew Bone replied that there will be a presentation on the Green Network Plan and how it applies to the Port Wallace process.

9. PORT WALLACE LAND USE BYLAW WORKING DRAFT REVIEW - INDUSTRIAL

Robert MacPherson recused himself from this part of the meeting, Adam Flick will take over for them.

Andrew Bone recused himself from this part of the meeting, Leah Perrin will take over for them.

Leah Perrin introduced herself and explained their involvement in the Port Wallace project. They read the motion from council regarding the re-zoning of the Conrad Lands and spoke about the process around the industrial lands included in the Port Wallace project.

Working Draft Port Wallace Commercial – Industrial (CI) Zone

Permitted uses

Peter Connor asked if it is correct that office uses are not encouraged or permitted other than accessory uses.

Leah Perrin replied that certain types of offices could be used here like engineering firms or there may be storage and large truck needs, those types of businesses are not meant to be in a downtown core area and that they are open to and asking for suggestions from this group as to what the language could be.

Adam Flick asked if industrial land use owners in Burnside had concerns about being next to General Industrial zones.

Leah Perrin replied that there is a scheduled meeting to discuss these things with some Burnside area businesses. The questions that have arisen from the process underway for the Burnside Industrial Lands have been more about dealing with heavy industrial.

Peter Connor asked about the General Industrial use being a “heavier” industrial use and commercial industrial being a “lighter” industrial use, Leah confirmed this is the case, they added that we should be looking at having office type uses on the Conrad lands.

Leah Perrin replied that the City of Lakes business park will have its own business park zone that will be more office oriented, the commercial industrial zone in Burnside is proposed to be along major streets like Akerley and Wright. There are good areas within HRM that are well suited for Commercial Industrial zones that are well served by transit. The integrated mobility plan states that these areas where people will work should be in areas that are serviced by transit. The Conrad lands will not be serviced by transit.

Bertrand Losier asked about what happens if a new business that is not listed on this list wants to come here in the future?

Leah responded that the “J – Industrial uses” in this document would cover many types of businesses, they are currently working on a definition of “industrial use”.

Regarding the service boundary, Tom Swanson advised the committee that the reason that the Conrad’s have asked for rezoning is that their buildings that house heavy equipment were damaged during hurricane Juan and when they went to get permits to rebuild they were denied because they are in a residential zone. The Conrad’s want to build a new garage for their heavy equipment on the unserved industrial land. There could be trucking operations, warehouse and distribution centres, things that don’t have high demand for water and sewer service at the back portion of the lands. This plan shows the setbacks asked by HRM staff of 300 meters from the nearest residentially zoned lands. They would still like to build that maintenance garage. The Commercial Industrial applies to the land visible from the 107 by-pass and adjacent to the residential zoned lands at either side.

Peter Connor asked what if you measure the degree of pipe services that are required in the serviceable boundary and this changes over time, could the serviceable boundary potentially change?

Tom Swanson was told by that the system does not have the capacity to add more, all of the serviced portion of the Conrad’s land will be draining into a single pipe that will go under the 107 bypass into the system. They’ve discussed with Halifax Water what would happen if the capacity of the system is not taken up by development in this area, would they then allow more service to these lands, Halifax Water replied that they could not answer that question without knowing what might happen in Dartmouth in the future. The Conrad’s have at least 25 years of rock to get out of this quarry, their intention is that the grade of the floor of the quarry be done in a certain way as to allow future development purposes.

Bertrand Losier asked if there is anything to protect against certain industries that may affect the air? As an example, someone mentioned an incinerator for garbage.

Adam Flick added that this type of industrial zone is exactly for things like that. They feel that this zone doesn’t fit here as there are residential zones on 3 sides of this area and a watershed, heavy industrial would be better placed in Burnside.

Peter Connor asked if C and D might be allowed here.

Leah Perrin replied that applications for Construction and Demolition sites have their own process, any Industrial zoned land in all of HRM is eligible for a rezoning to allow for C&D however this would be a separate process and it would go for public consultation and to Council.

Peter Connor spoke about light commercial, they feel that having the highway here would make this area good for hotel use and highway office type uses. Perhaps the people living in this area could be the workforce that could cycle on a trail and get to work in this area. The zoning proposed here would not allow for any of these things, that might be short-sighted.

Adam Flick agreed that there would be some good opportunities here for people live and work close by.

Kevin Neatt added that there are specific types of businesses that want to be located close to their clients, for example a safety company. Would this allow that kind of business to locate there?

Leah Perrin replied that this is the type of thing they are struggling with, they want to be able to direct businesses that fit better in the downtown area to those areas, there is some work that is needed in the language here, they are aware that companies that work directly with businesses that would be in the industrial zone would want to be located in this zone.

Tom Swanson asked to be able to clarify something. Among the requests made by the Conrad's they have requested to have small commercial businesses visible from the 107 Highway, staff have discouraged this. The Conrad's do not want C&D sites, they would support the idea of this committee to recommend against these types of businesses. They have requested that the list of permitted uses allowed on both of the industrial lands be what they have officially requested. They have not applied from any heavy industrial use other than those that are already on site, they believe it should be a light industrial area. Some of the things allowed here in the proposed zoning would not be wanted by the Conrad's. They would like more light industrial and commercial industrial, they would like to be able to put small commercial businesses.

Peter Connor asked if the list of uses the Conrad's have submitted has been looked at by staff, are all of the requested uses included in this document?

Leah Perrin replied that the offices have continued to be a source of debate, the "cardlock" (truck gas station) is not in here but it should be. There is some work that needs to be done still in this language. All vehicle related industries would be allowed here. There will be more definitions included in this, we are working on this now. The current working definition of Heavy Industrial is "the extraction of raw material or the manufacturing or processing of products from raw materials or the production or use of flammable or explosive or other hazardous materials and the storage of these products and materials".

Peter Connor would like to more commercial allowed in the light industrial area and finds the current language too restricting.

Adam Flick thinks there could be better uses than what is proposed here, they also find the language too restrictive.

Leah Perrin added that sometimes what happens is that the industrial businesses that need larger amounts of land and they are susceptible to raising land prices, once you allow more types of businesses here the land value raises and makes some of the industrial businesses financially out of range.

Andrew Bone redirected the group to look at some of the lighting requirements that have been put together based on comments that the committee has previously made and requested the committee members comment on this.

Peter Connor asked that roadway lighting be "Dark Sky Compliant".

Andrew Bone replied that they cannot speak to roadway lighting is not something that can be decided in this planning policy. The only lighting they can speak to here is lighting on private property.

Bertrand Losier asked if breweries or wine making stores would be allowed in this Commercial Industrial zone, Leah replied that they are not listed but that they should be included.

Tom Swanson added that they would like to have the ability in the future of having compressed and/or liquid natural gas or electric charging stations, Leah replied that these could be added to the definition.

Tom Swanson asked about the first clause under buffering requirements. It states that all structures and uses of land shall be setback a minimum of 100 meters from any residential zoning, we believe that's excessive, the quarry requirements are that it be setback 100 feet from residential zoning. This basically takes 50 acres of land out of use.

Leah advised that this came from concerns from the community about buffering.

Adam Flick added that it's possible that the community didn't understand what can be done with zoning, they may have been concerned that 100 feet from their home there could be a six-story building. Perhaps this is something we can better address and go back to the public about, perhaps 100 meters is appropriate, perhaps it should be less.

Peter Connor asked if the edge of the quarry against the Spider lake lands where the lands are terraced, is the buffer there 30 meters? Are we saying in the setback requirement that we will be able to get closer to the residential lands or will it be further away from what's already been terraced? How wide is the existing terrace and does that work? What is the vertical change? You may not need a horizontal setback if you have that vertical separation.

Andrew Bone said that from the way it is written it would be from the property line.

Kim Conrad said that it is 30 meters from the quarry floor to the top of Fernlilly Place, but at the lower part of the property it's only 5 meters.

Peter Connor added perhaps it could be a combination, where there is a great vertical height difference perhaps you don't need a horizontal difference as much.

Tom Swanson advised that they can work with either a berm or treed buffer, whatever works better but they do not want to give up 50 acres.

Leah Perrin mentioned you could provide landscaping in lieu of distance.

Adam Flick added that perhaps a vertical barrier could go towards reducing that distance.

Andrew Bone advised that the next draft version of this document will address everything we've discussed here, you are the first to comment on this document.

Requirements for all Uses

Tom Swanson requested that (g) be modified as there is a certain distance of landscaping required from the street to the building and we'd like to request that no outside storage be permitted in the yard abutting the street within the buffer zone because there may be outdoor storage at the end of a building.

Leah replied that the language here would need to change as this may not fit all situations.

Andrew Bone spoke about the outdoor lighting plan.

Tom Swanson added that they have asked that the height of lighting standards being restricted to 5.5 meters be looked at because some of the lights will leave everything in shadow if things are stacked higher than that. We are asking that where we will be using the dark sky lighting that we have the same height allowances as

street lighting which they believe is 12.6 meters. We feel that 5.5 meters isn't high enough for lighting lots where trucks drive in, it leaves too much in shadow.

Andrew Bone asked if the committee was willing to stay longer to finish going through the document, the committee members agreed.

Special Requirements

Peter Connor asked why (b) in Caretaker units is reserved for a maximum of 2 adults.

Leah Perrin replied that the purpose is not to build a dormitory to house workers, it is for when you must have someone on the premises for 24 hours that they have a place to sleep.

Kim Conrad asked what they can do about the people who come from further away who may want to bring a trailer or find a place to stay from Monday to Friday, people who live too far to commute.

Leah Perrin advised that it is not permissible in this zone right now but it is something they could think about.

Port Wallace General Industrial (GI) Zone

Adam Flick would like the committee to think about some of the industries that could come here, if you live on Craighburn you can hear activities on the quarry, if you start ripping cars apart on the land here you will hear it. They smell the asphalt plant quite often, if you put more industries like this up there you will smell more of it.

Peter Connor spoke about how they are miles away from the train tracks but they can still hear the train in Burnside. You can't prevent sound travelling.

Adam Flick believes if this quarry was not there that this whole area would be residential, they believe it should be residential but they understand that industrial is what will be going here.

Andrew Bone advised the committee that many of the items in this document are taken from policy found in Ontario, they seem to have well studied plans and policies for industrial lands.

Peter Connor asked if high mast lighting would be used?

Andrew Bone replied that there is great information about lighting available, they will consider this and come back to the committee about lighting in the industrial zone.

10. GENERAL COMMITTEE DISCUSSION – Parking Lot Items

Deferred

11. PUBLIC COMMENTS

None

12. NEXT MEETINGS

We do not at this time know when the next meeting will be, we will have to wait on the Environmental Assessment information to come back to us. We hope to have a more complete draft version of the document to present to the committee at that time as well.

13. ADJOURNEMENT

Meeting adjourned at 9:09 pm