



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

Item No. 13.1.1
North West Community Council
September 10, 2018

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

Kelly Denty, Director of Planning and Development

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: August 7, 2018

SUBJECT: **Case 20634: Land Use By-law amendment for 130 and 148 Mann Street, Bedford to rezone a portion of the lands from Heavy Industrial (IHI) to CD-1 (C&D Materials Transfer Stations)**

ORIGIN

Application by WM Fares

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that North West Community Council:

1. Give First Reading to consider approval of the proposed amendment to the Land Use By-law for Bedford, as set out in Attachment A, to rezone of portion of the subject lands from the Heavy Industrial (IHI) Zone to the CD-1 (C&D Materials Transfer) Zone and schedule a public hearing;
2. Adopt the amendment to the Land Use By-law for Bedford, as set out in Attachment A.

BACKGROUND

WM Fares on behalf of Old Fashioned Woodworkers Developments Ltd. is applying to rezone a portion of lands at 130 and 148 Mann St., Bedford from the Heavy Industrial (IHI) Zone to the C&D Materials Transfer (CD-1), as shown on Attachment A.

Subject Site	130 and 148 Mann St., Bedford (PID 40749814)
Location	Bedford Common
Regional Plan Designation	Industrial Parks
Community Plan Designation (Map 1)	Industrial Designation under the Bedford MPS, and Light Industrial Designation under the MPS for Planning Districts 14/17 (Shubenacadie Lakes)
Zoning (Map 2)	IHI (Heavy Industrial) Zone under the Bedford LUB, and I-3 (Light Industrial) Zone under the LUB for Planning Districts 14/17 (Shubenacadie Lakes)
Size of Site	Approx. 26,106 sq. m (281,003 sq. ft.)
Street Frontage	15.2 m (49.9 ft.)
Current Land Use(s)	Vacant
Surrounding Use(s)	Heavy Industrial Uses

Proposal Details

The applicant proposes to rezone a portion of the subject site to the CD-1 Zone (Attachment B) to enable the development of a construction and demolition (C&D) materials transfer station with access from Mann Street, Bedford. 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 a construction and demolition processing facility.
- 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 Regulations

In 1998, Regional Council adopted the Construction and Demolition Materials Waste Management Strategy, which provided a comprehensive regulatory framework for HRM. The C&D strategy has the following goals:

- Minimize amount of material going to Municipal landfill;
- Provide specific and comprehensive land use regulations for C&D uses;
- Provide licensing standards under *By-law L-200, Respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations*;
- Recognize existing operations; and
- Consider new or expanded facilities in industrial or resource designations.

All Municipal Planning Strategies (MPS) and Land Use By-laws (LUB) were amended in September 2002 to outline the process and parameters to consider new C&D operations. The policy considerations and zones are identical in all planning strategies and land use by-laws throughout HRM. C&D materials are now regulated by two mechanisms: the Land Use By-law and By-law L-200.

The Land Use By-law has three construction and demolition zones: CD-1 (C&D Materials Transfer Stations); CD-2 (C&D Materials Processing Facilities); and CD-3 (C&D Materials Disposal Sites). Materials may be sorted at a transfer station before being transported to a CD-2 facility for processing. The materials can be ground, refined or processed into new materials for the marketplace at a CD-2 facility. Any material that cannot be recycled or repurposed is then disposed of at a CD-3 site. These disposal facilities must also comply with Provincial legislation for C&D disposal sites.

The current proposal is to apply the CD-1 Zone to the subject site to allow a transfer station where C&D materials would be sorted. A minimum of 75% of all incoming materials must be recycled or diverted with the remainder being required to be disposed of within HRM at a C&D disposal site. All materials must be sorted, processed and disposed of within HRM's boundaries.

The LUB also requires that any permit be subject to site plan approval. This allows the municipality to control the placement of landscaping, storage areas, parking and loading, amongst other items, to reduce the potential conflict for adjacent properties.

By-law L-200 licenses construction and demolition facilities. This by-law is enforced by the Solid Waste division and has the following requirements:

- Provides mandatory recycling or diversion target of 75% of all materials;
- Materials can stay at a Transfer station no longer than 15 days;
- Requires transfer facility licensee to provide a bond of \$10,000 to be used for removal of accumulated material if owner has not removed material in accordance with the By-law;
- Licenses must be renewed annually;
- Provide an Operational Plan which:
 - Shows method of processing;
 - Materials to be recycled;
 - Environmental controls to limit dust and debris, berms to protect watercourses, surface and groundwater and leachate treatment and control; and a
 - Fire safety Plan; and
- Regulates height, diameter and separation distances of stock piles.

Solid Waste staff conduct quarterly site inspections and fines can be levied for failure to comply with By-law L-200.

Enabling Policy and LUB Context

Policy SW-6 in the Bedford MPS allows Council to consider the application of the CD-1 Zone on lands that are within the Industrial designation.

The land in which the C&D-1 uses are proposed fall wholly within the Bedford plan area, and is currently zoned IHI which permits a wide variety of heavy industrial uses including the following: warehouse and storage distribution centres; manufacturing, processing, assembly or warehousing; railway uses; parking and/or storage of industrial or heavy commercial vehicles, equipment and similar goods; trade centres, building supplies sales and wholesalers; recycling facilities; construction industries; concrete, brick and asphalt plants; utilities; bulk storage facilities; dry-cleaning establishments; local solid waste transfer stations; auto body repair shops; uses permitted in the ILI Zone, subject to the ILI Zone provisions; and accessory uses.

The proposed CD-1 Zone only has one use permitted—C&D transfer stations. Should NWCC rezone this property, no other use would be permitted on those portions of the lands. The remainder of the lands, which are not part of the rezoning proposal, fall within the I-3 (Light Industrial) Zone under the LUB for Planning Districts 14/17 (Shubenacadie Lakes), which permits uses such as warehouse, service industries, light manufacturing and office/retail. There is no zoning change proposed for the portion of the lands located within Planning Districts 14/17.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through providing information and seeking comments through the HRM website, signage posted on the subject site, letters mailed to property owners within the notification area and a public information meeting held on November 23, 2017. Attachment C contains a summary of the public meeting. The public comments received included concerns about the watercourse setbacks from and environmental protection.

Council should note that the application under discussion at the PIM proposed a CD-2 Zone to permit a C&D processing facility. Subject to that meeting this applicant chose to amend the application to reflect a CD-1 Zone to permit a C&D transfer station. As a result, some of the detailed comments in the PIM minutes may no longer be applicable to the request.

A public hearing must be held by North West Community Council before they can consider approval of the proposed LUB amendment. Should Community 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 HRM website will also be updated to indicate notice of the public hearing.

The proposal will potentially impact local businesses, residents and property owners.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and advise that it is reasonably consistent with the intent of the MPS. Attachment A contains the proposed land use bylaw amendment that would allow a construction and demolition transfer station.

LUB Amendment Review

Attachment D provides an evaluation of the proposed rezoning in relation to relevant MPS policies. Of the matters reviewed to satisfy the MPS criteria, the following have been identified for more detailed discussion.

Watercourse Protection

The property has a shore line on Rocky Lake and consideration is required as to how the proposal would impact the lake. Watercourse setbacks were introduced into all riparian areas in 2006 via the adoption of the Regional Municipal Planning Strategy. Under the current IHI zone, any development would be required to meet a 20-m watercourse setback, while the proposed CD-1 Zone would have an increased watercourse setback requirement of 30 m. Bylaw L-200 also requires an operational plan which includes an environmental management plan designed to protect watercourses. The IHI zone permits heavy industrial uses which include similar uses to that being proposed, such as local solid waste transfer stations. Within the existing zone, these similar uses would be permitted with lesser watercourse setbacks and without the added oversight of By-law L-200. Staff advise that the increased watercourse setback and By-law L-200 provide extra protection to Rocky Lake than what is currently provided under the existing zoning.

As noted above, a portion of the property to the north, outside the area proposed to be rezoned CD-1, falls within Planning Districts 14/17 (Shubenacadie Lakes) and is designated and zoned for light industrial use. Should the proposed CD-1 rezoning be approved, access through the CD-1 zoned area to the light industrial zoned portion of the property for light industrial uses would not be permitted. This would effectively eliminate the potential for light industrial use on these remaining lands. However, the property configuration, dimensions and the impacts of a minimum 30 m watercourse buffer already significantly impact the practicality of light industrial development in this area. Additionally, access from Rocky Lake Drive and permission from CNR to cross their rail lines would also be required.

Impacts on Adjacent Properties

The nearest residential property is approximately 447 metres away, well exceeding the required separation distance of 60 m. The surrounding properties are heavy industrial properties that are located within the Bedford Industrial Park and the proposal is consistent with these surrounding uses. The proposal would increase the number of vehicles using Mann St., but Engineering staff have confirmed that the existing street sees a low number of daily vehicles and is able to manage the increased traffic. The proposal would generate limited impacts on the surrounding businesses and is suitable for this area.

Existing Construction and Demolition Uses and Zones

There is currently only 1 C&D business in Halifax which has three locations: a CD-1 zoned property on Ross Road; a CD-2 zoned property on Mills Drive in Goodwood; and a C&D disposal site in Antrim. There was a C&D processing and disposal site in Harrietsfield, as well as a CD-2 site on Whynder Lake Road in North Preston but these businesses have ceased operations. Their closure notwithstanding, the properties in Harrietsfield and Whynder Lake Road still retain the C&D zoning.

North West Planning Advisory Committee

On December 6, 2017, the North West Planning Advisory Committee (PAC) recommended that the previous application to rezone the lands for construction and demolition processing CD-2 Zone be refused based on concerns around the protection of the watercourse. The applicant revised the proposal to change the request to a CD-1 Zone for a transfer station only. This was reconsidered by NWPAC on July 4, 2018. At this meeting, NWPAC recommended that the application be refused based on concerns over the lot size and the potential impacts on the watercourse.

Staff note the subject property meets the minimum lot size requirements as set out in the land use bylaw and the proposal will be required to satisfy conditions in both the land use bylaw and By-Law L-200. Satisfaction of these requirements is consistent with the policy obligations under which this application can be considered.

Conclusion

Staff have reviewed the proposal in terms of all relevant policy criteria and advise that the proposal is reasonably consistent with the intent of the MPS. The proposal is within an industrial park and adjacent to a variety of heavy industrial users, and the proposed use is compatible with the surrounding context. The proposed zone would add increased watercourse setbacks and would require an environmental management plan that may not be required for any other activity in the current zone, thus increasing the protection of the watercourse.

Therefore, staff recommend that the North West Community Council approve the proposed LUB amendment.

FINANCIAL IMPLICATIONS

The HRM cost associated with processing this planning application can be accommodated with the approved 2018-19 operating budget for C310 Urban and Rural Planning Applications.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application may be considered under existing MPS policies. Community Council has the discretion to make decisions that are consistent with the MPS, and such decisions may be appealed to the N.S. Utility and Review Board. Information concerning risks and other implications of adopting the proposed LUB amendment are contained within the Discussion section of this report.

ENVIRONMENTAL IMPLICATIONS

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

ALTERNATIVES

1. North West Community Council may choose to approve the proposed LUB amendment subject to modifications. Such modifications may require further discussion with the applicant and may require

a supplementary report or another public hearing. A decision of Council to approve this proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

2. North West Community Council may choose to refuse the proposed LUB amendment, and in doing so, must provide reasons why the proposed amendment does not reasonably carry out the intent of the MPS. A decision of Council to refuse the proposed LUB amendment is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

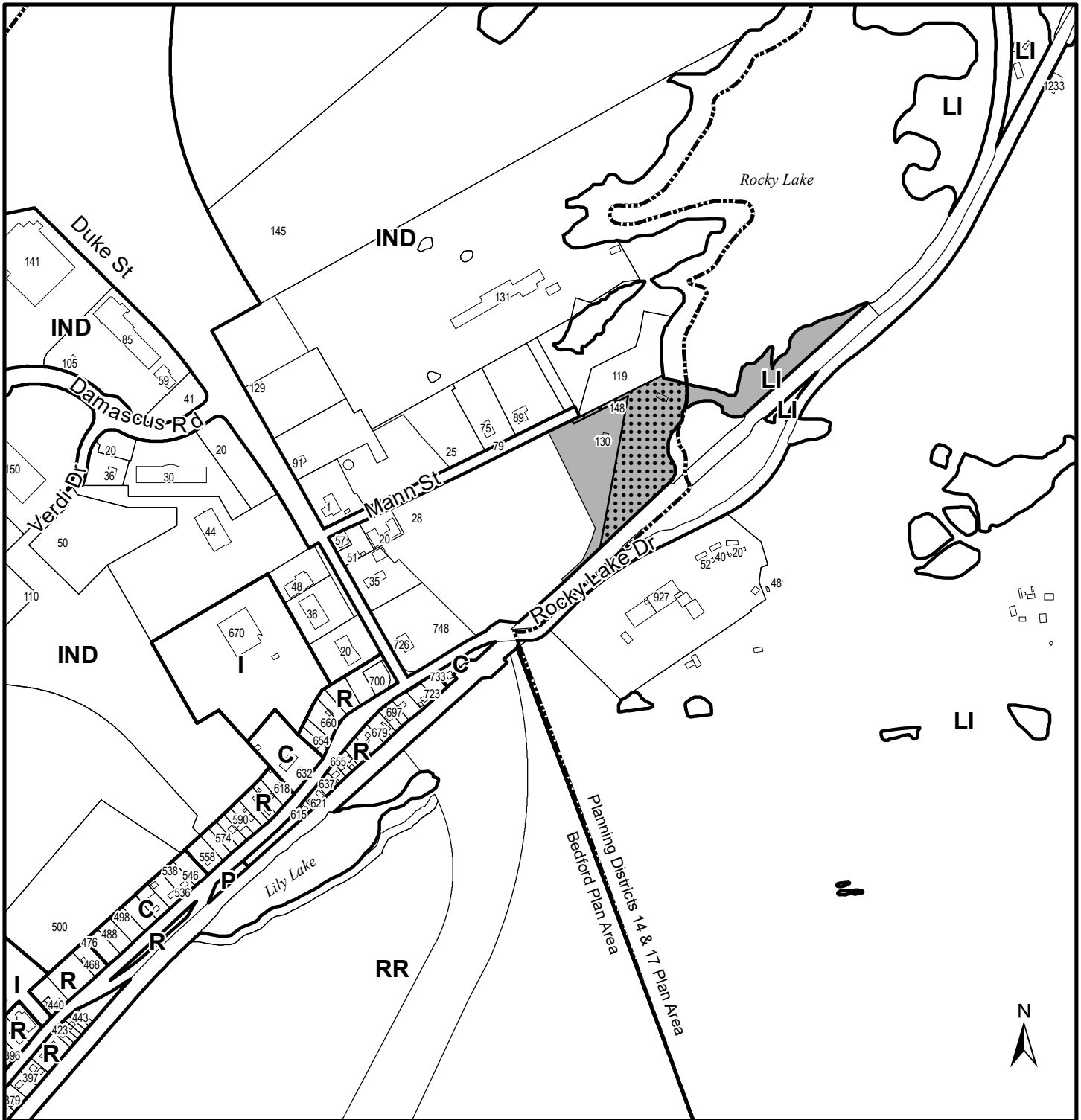
ATTACHMENTS

Map 1:	Generalized Future Land Use
Map 2:	Zoning and Notification Area
Attachment A:	Proposed LUB Amendment
Attachment B:	CD-1 Zone
Attachment C:	Summary of the Public Information Meeting
Attachment D:	Review of Relevant MPS Policies

A copy of this report can be obtained online at 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

Report Approved by: Original Signed
Steve Higgins, Manager, Current Planning, 902.490.4382



Map 1 - Generalized Future Land Use

130 Mann Street,
Bedford

-  Subject Property
-  Area to be rezoned from IHI to CD-1 (C & D Materials Transfer Stations)
-  Plan Area Boundary

Bedford Plan Area &
Planning Districts 14 & 17

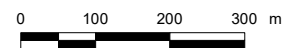
Planning Districts 14 & 17 Designations

LI Light Industrial

Bedford Designations

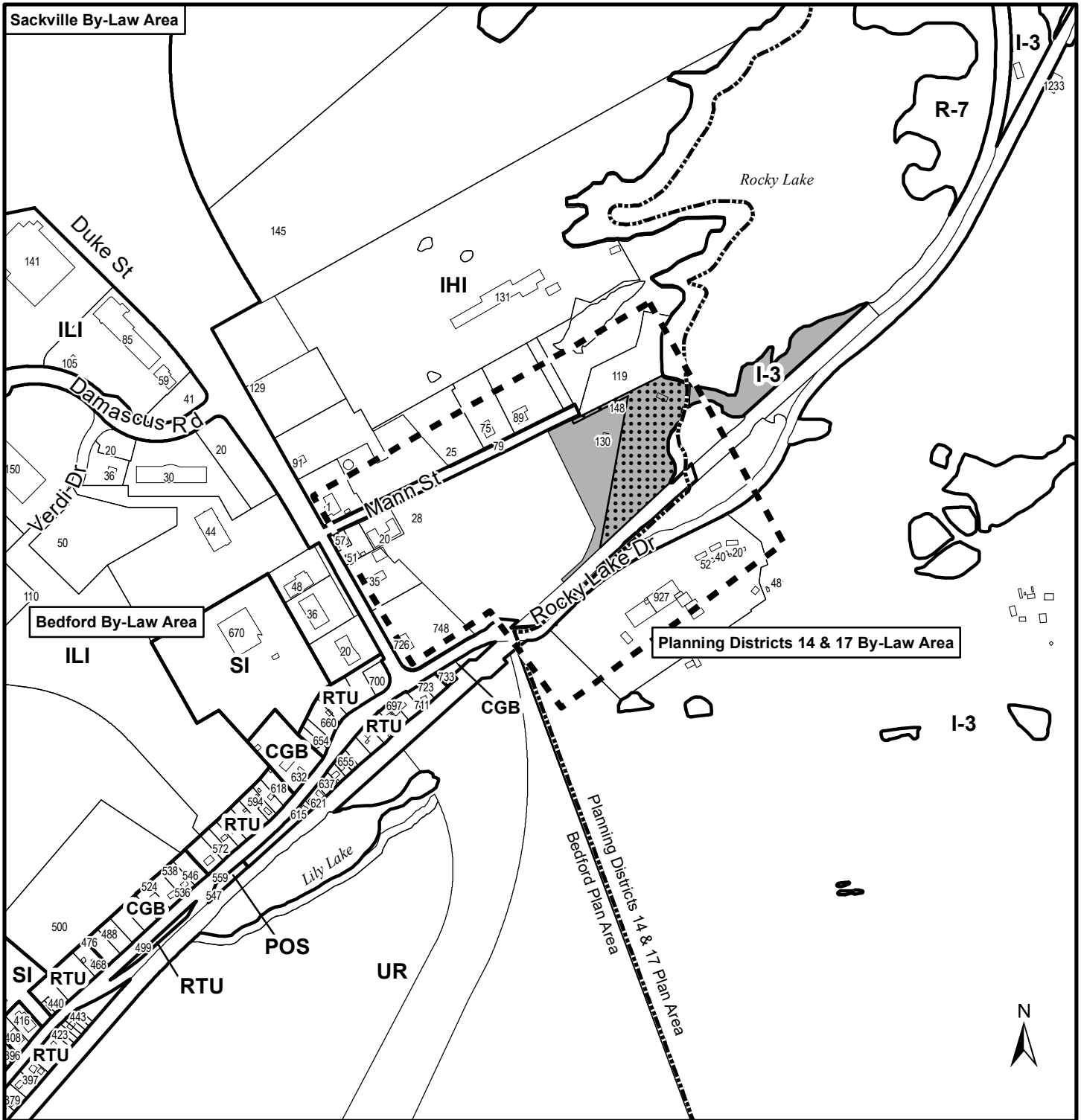
- R Residential
- RR Residential Reserve
- C Commercial
- IND Industrial
- I Institutional

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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

130 Mann Street, Bedford

-  Subject Property
-  Area to be rezoned from IHI to CD-1 (C & D Materials Transfer Stations)
-  Area of Notification
-  Plan Area Boundary

Bedford Plan Area &
Planning Districts 14 & 17

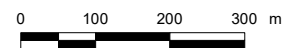
Planning Districts 14 & 17 Zones

- R-7 Rural Estate
- I-3 Light Industry

Bedford Zones

- RTU Two Dwelling Unit
- CGB General Business District
- ILI Light Industrial
- IHI Harbour Oriented Industrial
- SI Institutional
- POS Park Open Space
- UR Urban Reserve

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

Attachment A

Amendments to the Land Use By-law for Bedford

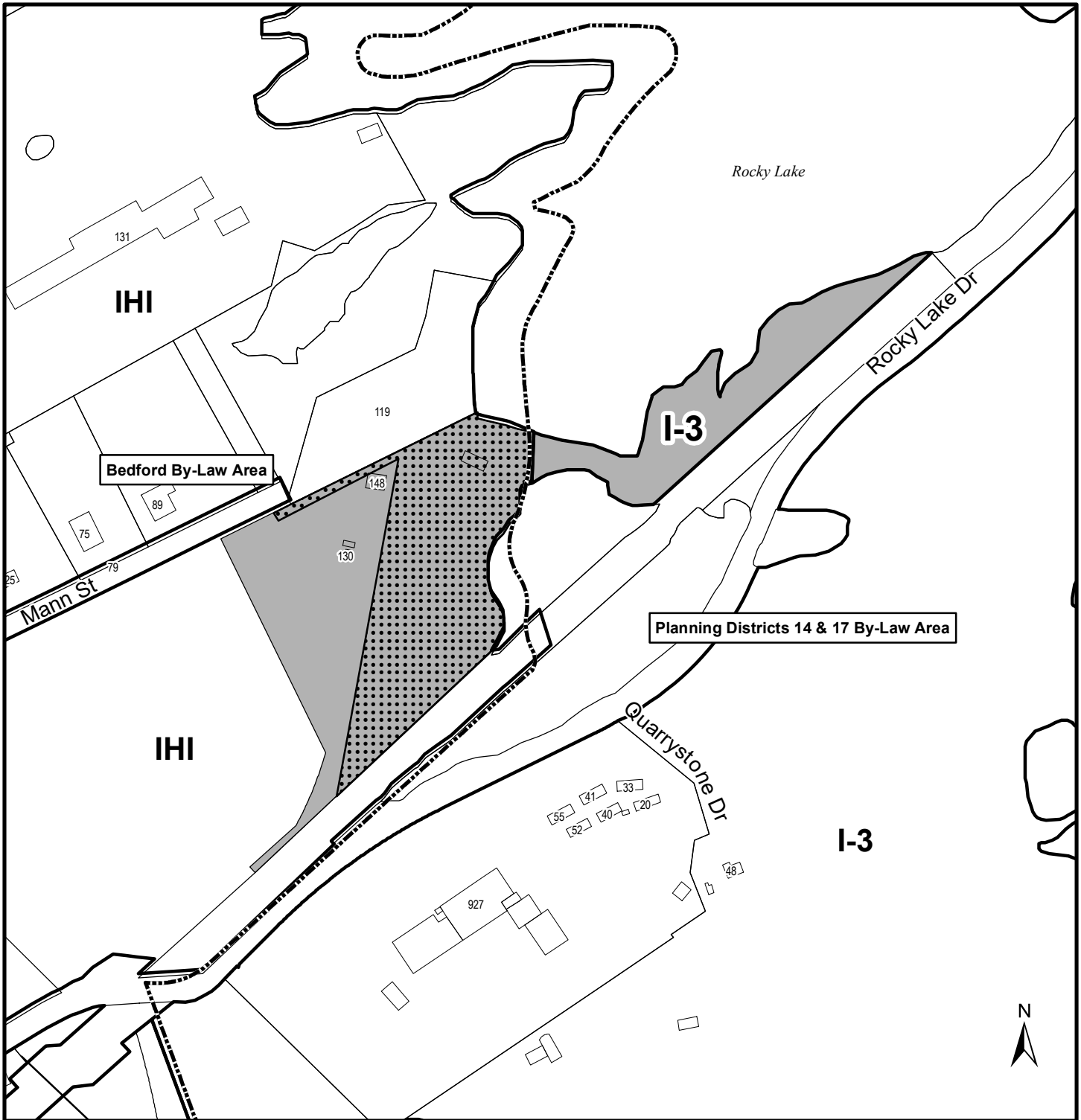
BE IT ENACTED by the North West Community Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby further amended as follows:

1. Amend Schedule A – Town of Bedford Zoning Map, of the Land Use By-law for Bedford by rezoning a portion of the property identified as PID 4079814 on Mann Street, Bedford from the IHI (Heavy Industrial) Zone to the CD-1 (C&D Materials Transfer Stations) Zone, as illustrated on Schedule A attached hereto.

I HEREBY CERTIFY that the amendments to the Bedford Land Use By-law, as set out above, were duly passed by a majority vote of the North West Community Council at a meeting held on the day of , 20__.

GIVEN under the hand of the municipal clerk under the Corporate Seal of the Halifax Regional Municipality this day of , 20__.


Municipal Clerk



Schedule A

130 Mann Street, Bedford

 Subject Property

 Area to be rezoned from IHI to CD-1 (C & D Materials Transfer Stations)

 Plan Area Boundary

Bedford Plan Area & Planning Districts 14 & 17

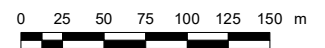
Planning Districts 14 & 17 Zones

R-7 Rural Estate
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Bedford Zones

RTU Two Dwelling Unit
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SI Institutional
POS Park Open Space
UR Urban Reserve

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

Attachment B
CD-1 Zone

PART 26 C&D MATERIALS TRANSFER STATIONS (CD-1) ZONE
(RC-Sep 10/02; E-Nov 9/02)

26.1 CD -1 USES PERMITTED

No development permit shall be issued in any CD-1 (Transfer Stations) Zone except for the following, pursuant to the Site Plan Approval process:

- Construction and Demolition Materials Transfer Stations
- Uses accessory to permitted use

26.2 CD-1 ZONE REQUIREMENTS

In any CD-1 Zone, no development permit shall be issued except in conformity with the following:

Minimum Lot Area	3,716 square metres (40,000 square feet) - central services
	11,148 square metres (120,000 square feet) - on-site services
Minimum Frontage	15 metres (49.2 feet) - central services
	30 metres (98.4 feet) - on-site service
Minimum Front Yard	25 metres (82.0 feet)
Minimum Side Yard	30 metres (98.4 feet)
Minimum Rear Yard	30 metres (98.4 feet)
Maximum Lot Coverage	50 %
Maximum Height	11 metres (36.0 feet)

26.3 OTHER REQUIREMENTS: C&D Materials Transfer Stations

No development permit shall be issued for a C&D Materials Transfer Station except in compliance with the following provisions:

a) any building or structure shall meet the following separation distances:

- i) from any property line 30 metres (98.4 feet)
- ii) from the nearest residential dwelling or institutional use 60 metres (196.9 feet)
- iii) from a watercourse 30 metres (98.4 feet)

b) notwithstanding Section 26.3(a), where a building or structure is not to be located within 250 metres of a residential or institutional use or building, the building setback from any property line may be reduced to 10 metres (32.8 feet).

c) notwithstanding Section 26.3(a), any C&D Materials Transfer Station which is to be totally enclosed within a building (no outdoor storage of material, product, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

26.4 General Requirements: C&D Materials Operations

No development permit shall be issued for a C&D Materials Operation except in compliance with the following provisions:

a) no operation shall be permitted, result in, causes or produces any of the following effects discernible outside any building or structure or affecting any adjacent property:

i) noise or sound which is obnoxious because of its volume, duration, intermittent beat, frequency, or shrillness;

ii) dissemination of smoke, fumes, gas, dust, odour, or any atmospheric pollutant;

or

iii) discharge of any waste material whatsoever into a watercourse or water resource except in accordance with the applicable government requirements.

b) notwithstanding any other provisions of this by-law, C&D Materials Operation may occur either inside or outside of a building;

c) there shall be a landscaped area of at least 4.5 metres (14.8 feet) in depth that runs the length of and directly abuts the front lot line, excluding driveway openings, and such land within this required landscaped area shall be grassed (or other appropriate vegetation ground cover) and trees and shrubs shall be planted (trees shall be a minimum of 1.8 metres (6 feet) in height) or existing trees and shrubs shall be maintained at a minimum rate of one (1) plant per each 2 metres (6.6 feet) of frontage;

d) notwithstanding Section 26.4(c), if the front yard area is treed, the landscaped area is not required but all vegetation within 10 metres of the front lot line shall be retained and maintained;

e) no portion of the operation shall be located within any side, rear, or front yard setback;

f) no operation shall have direct access to either a local or subdivision road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not occur through lands zoned for residential (RSU, RTU, RMU, RCDD, and RR) or community use (SI, SU, P, POS, and FW); and

g) no portion of the operation shall be located within a 1:100 year floodplain.

26.5 General Requirements: Site Plan Approval

All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

a) driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses;

b) separation distances shall be provided from any structure on the site and abutting residential or community facility properties to ensure the development does not negatively impact upon surrounding properties;

c) all off-street loading and unloading areas, stockpiles, processing areas, and parking facilities shall be located on the site such that no aspect impacts upon adjacent uses or streets and screening can be in the form of fencing, berms, vegetation, or a combination of elements;

- d) a landscaping plan shall be prepared that protects and minimize land use impacts on adjoining lands and the plan shall indicate the type, size, and location of all landscaping elements including the landscaping along the front of the property, to achieve the objective of the plan;
- e) within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;
- f) all outdoor lighting shall be oriented such that it is directed away from adjacent properties;
- g) all solid waste storage containers shall be screened from view from adjacent properties and streets;
- h) impact of the location, number and size of signs;
- i) measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and
- j) provisions are established to ensure the operation and any required site improvements are maintained to a high standard.

**Attachment C:
Summary of the Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY
Public Information Meeting
Case 20634**

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

**Thursday, November 23, 2017
7:00 p.m.**

Bedford Education Centre (Cafeteria) - 426 Rocky Lake Dr., Bedford, NS

STAFF IN

ATTENDANCE: Jennifer Chapman, Planner, HRM Planning
Holly Kent, Planning Technician, HRM Planning
Tara Couvrette, Planning Controller, HRM Planning
Dean MacDougall, Planner, HRM Planning
Laurie Lewis, Program Manager, Solid Waste
Alonzo MacDonald, Diversion Compliance Officer

ALSO IN

ATTENDANCE: Councillor, Tim Outhit, District 16; Councillor Steve Craig, District 15
Cesar Saleh, WM Fares
Sean Chiasson, Ben Chiasson, Dan Chiasson, O.F.W Development

PUBLIC IN

ATTENDANCE: Approximately 9

The meeting commenced at approximately 7:00 p.m.

Call to order, purpose of meeting – Ms. Chapman

Ms. Chapman introduced herself as the Planner and Facilitators for the application. She also introduced; Tim Outhit - Councillor (District 16); Tara Couvrette – Planning Controller, Holly Kent - Planning Technician, Dean MacDougal – Planner; Laurie Lewis, Solid Waste; Alonzo MacDonald – Diversion Compliance Officer; Cesar Saleh – WM Fares - applicant, and Sean, Ben & Dan Chiasson - owners.

Case 20634 - Application by WM Fares to rezone a portion of 130/148 Mann Street, Bedford (PID 40749814) from Heavy Industrial to the C&D Materials Processing Facilities (CD-2) Zone.

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

1. Presentation of Proposal – Jennifer Chapman

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

Applicants Presentation – Sean Chiasson

Mr. Chiasson explained what they were looking to do on this site, the history of the site, and what is in the surrounding area. They also explained why they were looking to rezone to allow for a C&D site was because

the closest sites currently are in Goodwood and Ross Rd. There is a huge cost to truck materials to either of these two sites.

2. Questions and Comments

Walter Regan – Sackville Rivers Association – stated they are not against this proposal but has the following concerns/questions:

1. As part of the agreement will there be maintenance of the berms?
2. Will the stormwater runoff be tested on a regular basis?
3. The monitoring wells, will that information be available to the Water Advisory Board for comment, as well as HRM Environment staff?
4. Will there be water quality testing before and after of the narrow water bodies? Will that information also be made available to HRM Environment?
5. The holding cells, will they be lined? Where would that water go?
6. What about wind and dust?
7. Will there be any oil tanks on site? Any septic fields on site? Will there be any contaminate materials on site, for example; tires, oil pans.
8. They are really impressed with the 100-foot setback, they think that is very good.
9. They believe this proposal should go to the Regional Waters Advisory Board for comment.
10. They believe it is extremely important that all storm water be directed through an oil grid separator for collection and separation.
11. The berms will be long and ideal for some tree planting
12. Has the municipality of East Hants been contacted? They use the Shubenacadie system for drinking water and should be informed of this.
13. Have you talked to Environment Canada and BFO since there are several endangered species in the Shubenacadie water system, Atlantic Salmon, Stripped Bass?
14. Will HRM staff be carrying out an onsite inspection on a regular basis, 1-year out, 2-years out etc. that the berm etc. is maintained?
15. Will the discharge go into a retention pond and set a direct discharge to the water courses?
16. Everything is designed for the 1 inch storm, what if you have a 2 or 3 inch storm?

Sean Chiasson – O.F.W Development – They stated that there will be no oil tanks or tires, no contaminated fluids or liquids. The site is not a liquid site so there will be no liquids being brought there. The berms will be tested on a regular basis for integrity. Strum Environmental in in charge of all that. Strum has come up with an Environmental Management Plan to protect the lake. They will be testing prior to and then doing testing on a yearly basis.

Laurie Lewis – Solid Waste – They said if the rezoning application is approved their role would be to review the application for submission to license and operate. They would be looking at the proposal including their environmental management plan, there operations plan and they also conduct monitoring and inspections of the facility to ensure that they are operating in compliance with the provisions of the operations management plan, fire plan and all the requirements under the licensing regime.

Jennifer Chapman – Planner- stated that the practice now is that only policy amendments go to the Watershed Board and site specific proposals no longer go but offered to follow up with Carl and Maggie to verify that.

Kim MacNeil – Kentville – Eso East Consulting – They stated that in the proposed plan there was an area for sorted material and there is storage of that sorted material which is located within 60 metres of the buffer that is required for the C&D materials processing tacitly. When you look at the definition of processing facility, it means; lands and or buildings that are used to sort C&D materials. Because there is sorted material on that land where it is being held it wouldn't meet the setback distances for the C&D materials processing facility. **Jennifer Chapman** – stated that the setbacks for processing facilities is 60 metres but for the transfer station and the transferring components the setback is 30 metres. An interpretation was made that the sorting is part of the transfer side of the operation so that would be acceptable within that area. **Kim MacNeil** disagrees with that because the transfer station area is the transfer station area and

the sorted material exists because of that processing facility and should become part of that processing facility. If the intent and definition of the by-law are applied, then the site as it exists now is too small. According to the submission the surface water will drain to designated collection points and then it would be discharged to one of the water courses. In a May drawing the surface water directed to a temporary holding area. The holding area was located within 30 metres of the buffer but because of the size of the site there was really no other place to put it. It didn't fit on the site so it came out of the schematic and the new one was done dated October. The drawing in October has no drainage holding area at all, there is just a drainage ditch. The ditch will ultimately discharge into a water course. There is no room for treatment on that site. They suggest that if there isn't room for treatment that there is potential there for violations of the Municipal Planning Strategy policy SW4 and policy Z35 part 4. The water that doesn't meet the guidelines will be transported and disposed of offsite. The cost of that for any size volume if going to be outrageous. There is not enough room on this site for what the applicant is looking to do.

3. Closing Comments

Ms. Chapman thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 7:33 p.m.

Attachment D:

Review of Relevant MPS Policies

Bedford MPS

Policy SW-6:

A CD-1 (C&D Transfer Stations) Zone shall be established in the land use by-law. The zone shall permit only C&D transfer stations and shall establish controls on setbacks from adjacent uses, buffering and screening, landscaping, access, and outdoor storage in order to minimize impacts on adjacent uses. Amendments to the schedules of the land use by-law to permit new C&D operations will only be considered where such operations are within the Industrial Designation and pursuant to the following criteria:

SW-6 Policy Criteria	Staff Comment
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;	Revised proposal shows new lotting with access directly from a street
b) no operation shall have direct access to a local road, as determined by the Municipality's Traffic and Transportation Services Division and any access road for such operations shall not be provided through lands zoned for residential or community use;	Street is a local industrial road and does not pass through any residential or community uses. Though the street is a local industrial road, the intent of the policy is that the road is not used for residential or community purposes. This road is used for heavy industrial processes and is suitable for the proposed use.
c) sites shall allow for the reasonable separation of the proposed operation from surrounding residential development;	Nearest residential is approximately 447m away from the site which would appear to be a reasonable separation distance.
d) consideration shall be given to the extent and location of open storage with respect to abutting properties;	The tipping areas and transfer station areas are located next to a rail spur. These areas are sited to limit proximity to any neighbour. The adjacent property is a concrete facility and is unlikely to be negatively impacted by this proposal.
e) scale and appearance of the proposed operation will not detract from or adversely affect surrounding developments;	Property has only 2 abutters and they are in an industrial park with heavy industrial users. There will be limited impacts for surrounding development. The nearest residential property is 447 m away.
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;	A landscaping plan will be required at permit stage. Site layout is appropriate for the location and use and is in compliance with the proposed CD-1 zone.
adequate buffering and screening measures, including the use of berms, opaque fencing, and vegetation, shall be provided as a means	The property does not have any residential neighbours

to reduce any visual and/or noise intrusion to surrounding residential development;	
f) applicant shall provide a report that addresses the effectiveness of environmental measures used to protect the natural environment (i.e. watercourse, groundwater, etc.);	Report provided
g) no portion of the operation shall be located within a floodplain (1:100 year event);	Environmental Management Plan addendum attests that this shall be adhered to.
h) consideration shall be given to the adequacy of onsite or central services; and	Halifax Water has confirmed that services are ok. Will need to extend main and may need to upgrade manholes.
i) provisions of Policy Z-3.	See below

Policy Z-3:

It shall be the policy of Town Council when considering zoning amendments and development agreements [excluding the WFCDD area with the advice of the Planning Department, to have regard for all other relevant criteria as set out in various policies of this plan as well as the following matters:

Z-3 Policy Criteria	Staff Comment
1. That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town By-laws and regulations, and where applicable, Policy R-16 is specifically met;	In compliance with Bylaw L-200.
2. That the proposal is compatible with adjacent uses and the existing development form in the neighbourhood in terms of the use, bulk, and scale of the proposal;	Surrounding context is heavy industrial uses. This use is consistent with these uses.
3. That provisions are made for buffers and/or separations to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;	Buffers are included in the zone
4. That provisions are made for safe access to the project with minimal impact on the adjacent street network;	This has been assessed as safe.
5. That a written analysis of the proposal is provided by staff which addresses whether the proposal is premature or inappropriate by reason of:	
i) the financial capability of the Town to absorb any capital or operating costs relating to the development;	Municipal costs related to this development are negligible.
ii) the adequacy of sewer services within the proposed development and the surrounding area, or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;	Halifax Water does not have concerns

iii) the adequacy of water services for domestic services and fire flows at Insurers Advisory Organization (I.A.O.) levels; the impact on water services of development on adjacent lands is to be considered;	Halifax Water does not have concerns
iv) precipitating or contributing to a pollution problem in the area relating to emissions to the air or discharge to the ground or water bodies of chemical pollutants;	Environmental Management Plan provides information on how the site will mitigate potential impacts on the surrounding environment. Proposal includes berm and a drainage ditch which will be designed to direct run off into designated collection points.
v) the adequacy of the storm water system with regard to erosion and sedimentation on adjacent and downstream areas (including parklands) and on watercourses;	Proposed operation features water diversion berm with drainage control channel and temporary drainage holding area.
vi) the adequacy of school facilities within the Town of Bedford including, but not limited to, classrooms, gymnasiums, libraries, music rooms, etc.;	NA
vii) the adequacy of recreational land and/ or facilities;	NA
viii) the adequacy of street networks in, adjacent to, or leading toward the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;	Street network can support proposed use
ix) impact on public access to rivers, lakes, and Bedford Bay shorelines;	Not impacting public's access to Rocky Lake
x) the presence of significant natural features or historical buildings and sites;	NA
xi) creating a scattered development pattern which requires extensions to trunk facilities and public services beyond the Primary Development Boundary;	NA
xii) impact on environmentally sensitive areas identified on the Environmentally Sensitive Areas Map; and,	Bedford environmental map
xiii) suitability of the proposed development's siting plan with regard to the physical characteristics of the site.	Site is suitable
6. Where this plan provides for development agreements to ensure compatibility or reduce potential conflicts with adjacent land uses, such agreements may relate to, but are not limited to, the following:	NA
i) type of use, density, and phasing;	A Development Agreement is not proposed
ii) traffic generation, access to and egress from the site, and parking;	A Development Agreement is not proposed

iii) open storage and landscaping;	A Development Agreement is not proposed
iv) provisions for pedestrian movement and safety;	A Development Agreement is not proposed
v) provision and development of open space, parks, and walkways;	A Development Agreement is not proposed
vi) drainage, both natural and subsurface;	A Development Agreement is not proposed
vii) the compatibility of the structure(s) in terms of external design and external appearance with adjacent uses; and,	A Development Agreement is not proposed
viii) the implementation of measures during construction to minimize and mitigate adverse impacts on watercourses.	A Development Agreement is not proposed
7. Any other matter enabled by Sections 73 and 74 of the Planning Act.	N/A
8. In addition to the foregoing, all zoning amendments and development agreements shall be prepared in sufficient details to:	
i) provide Council with a clear indication of the nature of the proposed development; and	Intent of rezoning is for CD-1 use
ii) permit staff to assess and determine the impact such development would have on the proposed site and the surrounding community.	Impact is similar to impact of existing zone
9. To assist in the evaluation of applications to enter into development agreements, Council shall encourage proponents to provide the following information:	N/A
a) a plan to a scale of 1":100' or 1":40' showing such items as:	A Development Agreement is not proposed
i) an overall concept plan showing the location of all proposed land uses;	A Development Agreement is not proposed
ii) each residential area indicating the number of dwelling units of each type and an indication of the number of bedrooms;	A Development Agreement is not proposed
iii) description, area, and location of all proposed commercial, cultural, mixed-use projects proposed;	A Development Agreement is not proposed
iv) location, area, shape, landscaping and surface treatment of all public and private open spaces and/or park areas;	A Development Agreement is not proposed
v) plan(s) showing all proposed streets, walkways, sidewalks, bus bays and bike routes;	A Development Agreement is not proposed
vi) a description of any protected viewplanes; and,	A Development Agreement is not proposed
vii) an indication of how the phasing and scheduling is to proceed.	A Development Agreement is not proposed

<p>b) For individual phases of a development more detailed concept plans are to be provided indicating such items as maximum building heights, location and configuration of parking lots, landscaping plans, and any additional information required to be able to assess the proposal in terms of the provisions of the Municipal Planning Strategy.</p>	
<p>c) Plans to the scale of 1":100' showing schematics of the proposed sanitary and storm sewer systems and, water distribution system.</p>	
<p>10. 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. (RC-Jul 2/02;E-Aug 17/02)</p>	<p>Not applicable</p>