

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL PUBLIC HEARING MINUTES September 18, 2002

PRESENT:

Mayor Peter Kelly
Councillors: Steve Streach
Gary Hines
Keith Colwell
Ron Cooper
Brian Warshick
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Russell Walker
Diana Whalen
Linda Mosher
Stephen Adams
Len Goucher
Reg Rankin
Gary Meade

ABSENT:

Deputy Mayor Robert P. Harvey (regrets)
Councillors: Harry McInroy (Conflict of Interest)
Sheila Fougere (regrets)
Brad Johns (regrets)

STAFF:

Mr. Wayne Anstey, Municipal Solicitor
Ms. Vi Carmichael, Municipal Clerk
Ms. Julia Horncastle, Assistant Municipal Clerk

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1. INVOCATION

The meeting was called to order at 4:00 p.m.

At a later point in the meeting, Council recognized Mr. Brooke Taylor, MLA and Mr. Robert Chisholm, MLA who were in attendance.

2. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Councillor Blumenthal, seconded by Councillor Hetherington, that the Order of Business, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. PUBLIC HEARING

3.1 Construction and Demolition Site Specific Amendments RDM Site - Harrietsfield

- A supplementary report, prepared for Mr. George McLellan, Chief Administrative Officer, dated September 16, 2002, was before Council.
- Correspondence from the following Harrietsfield residents was circulated to Council: Bernice Kidston, 863 Old Sambro Road, Stanley Nicholson, 1294 Old Sambro Road, Hector Marriott, 1311 Old Sambro Road, H.J. Eisinga, 1825 Old Sambro Road, Dave McAlden, Diane McAlden, David Nicholson, Cristina Nicholson, Gary Welsh, Jodi Lauden, Sydney Baillie, 1321 Old Sambro Road, David MacDonald, 36 Venus Drive, Mike MacDonald, Tanya Charlton, Eddie Hanna, Phyllis Druhan, 660 Old Sambro Road, Ken Binn, 1250 Old Sambro Road, Pastor Reg Lewis, Juanita Dwyer, Mike Fitch, 1316 Old Sambro Road, and Freeman Monk, 7 Hillside Drive.
- A copy of the staff presentation was provided to Council.

CONFLICT OF INTEREST

Councillor Streach declared a Conflict of Interest due to family connections and left the meeting.

At the August 28, 2002 Special Session of Halifax Regional Council, Councillor McInroy declared a Conflict of Interest for all public hearings relative to C&D Waste as his brother is legal counsel to one of the proponents.

Mr. Paul Dunphy, Director of Planning and Development, outlined the process to date and advised the purpose of the hearing was to consider a site specific amendment to the Municipal Planning Strategy to apply the CD-3, the new disposal zone, to the property and, as a consequence, permit disposal to take place.

Mr. Kurt Pyle, Planner, with the aid of a PowerPoint and overhead presentation, presented the staff report outlining the following:

- Purpose of the Public Hearing;
- Plan Amendment Process;
- Rationale for Plan Amendment Process;
- Overview of the RDM Proposal;
- Summary of Evaluation
 - MPS Policies - recently adopted by Council
 - Environmental Considerations
 - Traffic Considerations
 - Location/Layout
 - Appearance and Buffering/Screening
 - Provincial Requirements
- Policy Options;
- Policy Intent;
- Recommendation;
- Plan Amendment Option;
- Additional Approvals;
- Summary.

In response to a concern by a member of the public, Mr. Pyle identified the property under consideration.

Mayor Kelly called for those wishing to speak either in favour of or in opposition to the proposed amendments.

Mr. Alan Ruffman

Mr. Alan Ruffman, 202 Fergusons Cove Road, stated when the Planning Strategy was developed for the area this was a contentious property. There was concern with an auto salvage operation being in close proximity to a growing subdivision and to existing homes along the Harrietsfield Road. He stated the fact that someone is changing an auto salvage yard into a disposal area for construction materials, that bounds on a lake and a wilderness area, is not a reason for Council to change the MPS.

ADJOURNMENT

Council adjourned at 5:00 p.m. and reconvened at 6:15 p.m.

Mr. Jack Stone

Mr. Jack Stone, Moody Park Drive, Williamswood, advised he has lived in the area for twenty eight years and is asking Council to deny the request and revoke the approval of

the CD-1 and CD-2, for the following reasons:

- the site is unsuited for this purpose;
- the site abuts a residential subdivision;
- truck access through Harrietsfield and passes an elementary school;
- there are no sidewalks and the road surface is not of a standard for heavy truck traffic;
- the road twists with very short site lines;
- Increased truck traffic may result in a serious accident;
- the land is 350 ft. above sea level and drains into Shea's Lake. Drainage from the site would go through the community and into Pennant Cove;
- ecology of the region is threatened;
- wells may become contaminated;
- homes may depreciate in value;
- there may be long term health concerns due to chemical poisoning;
- there is a concern with regards the possibility of a fire at the site.

Mr. Mike Fitch

Mr. Mike Fitch, 1613 Old Sambro Road, stated it is not a good location and should be moved somewhere else.

Ms. Geri Jones

Ms. Geri Jones, Harrietsfield, stated:

- residents of the area have repeatedly said no to a C&D site;
- this business is located in a residential area, very close to homes, parkland and an elementary school and public wells which are currently contaminated with uranium;
- they do not need a further possible contamination from groundwater runoff;
- there have been public meetings in the community and it was made clear that the residents do not want a disposal site at this location;
- there are other options and other sites;
- there is a concern about health, noise, odours and dust.

A resident of 90 Acres Road, Williamswood advised there is an increase in debris along the roadway as the trucks do not use tarps to hold the loads in place. He stated the site would result in pollution, devalue property and impede new development. It is too close to lakes and waterways. The business will impact the roads in the area. He noted these types of businesses were needed but not in residential areas near waterways and schools.

Ms. Darlene Stone

Ms. Darlene Stone, 53 Moody Park Drive, stated the business will cause deterioration in the quality of life. She advised the residents were told the lake water had been tested. She

questioned whether test holes had been dug on site to see what has been buried. Charges have not been laid when illegal dumping takes place. She requested Council vote no to the proposal.

Ms. Jennifer Lake

Ms. Jennifer Lake, Harrietsfield, submitted a petition containing 265 names from residents of Harrietsfield and Williamswood objecting to the disposal site. She stated this would be precedent setting and feels this is discrimination against the residents as the By-law states it should not be in a residential area. She noted there is land in the Municipality that has acceptable zoning and conditions for disposal sites that would not affect a residential community. She noted staff was not supportive of the site and requested Council to reject the amendments.

Ms. Valerie Gallant

Ms. Valerie Gallant, Williamswood, expressed the following concerns:

- that this site will go from a salvage yard to a C&D site;
- the community never requested such a facility;
- there is a clear cut and there is leachate into Shea's Lake;
- the environment is being destroyed;
- there are trucks on the road which may pose a danger to children in the area;
- the business does not belong in a residential community and asked Council not to approve the site rezoning.

Mr. Chris Oakley

Mr. Chris Oakley, Harrietsfield, stated dumps should be located away from residential areas and expressed concern that the wells may become polluted.

Ms. Brenda Nicolson

Ms. Brenda Nicolson, Harrietsfield, stated the community is zoned R-2 and requested Council stop the dumping by saying no to the disposal site. She expressed concern that the facility is never locked.

Ms. Deborah Kelly

Ms. Deborah Kelly, Whitehead Road, expressed concern with the air, water and soil quality. She further stated there is no benefit from such an operation in a residential area.

Ms. Shannon MacDonald

Ms. Shannon MacDonald, Galaxy Park, noted the site is surrounded by homes. She expressed concern with possible water contamination as the watercourse feeds into lakes and streams and flows through conservation areas. She requested that Council say no to the rezoning.

Ms. Bernice Kidston

Ms. Bernice Kidston, Old Sambro Road, expressed concern with Council approving a disposal site in Harrietsfield, noting there is runoff from the hill after a heavy rain. The ditches on the side of the road are overflowing. The lakes and wells may become contaminated.

Mr. Scott Lake

Mr. Scott Lake, Venus Drive, expressed the following concerns:

- trucks are noisy and should not be in a residential community;
- the C&D materials are transported through a school zone;
- safety of the children should be a major concern;
- there is flying debris from the loads not being held down by tarps;
- there is an odour from the materials;
- there are other areas where such a site can be located.

Ms. Cheryl Warren

Ms. Cheryl Warren, Liebling Park, requested Council support RDM going through the process. She noted that if the request is not approved there may be resulting lay-offs. She stated the people who work at the facility live in the community and would not cause harm to their own community. She stated the employees of RDM would not knowingly cause harm to the environment.

Mr. Jason Lake

Mr. Jason Lake, 1107 Old Sambro Road, noted:

- there are piles of materials;
- there is a danger to school children from all the truck traffic;
- there are no shoulders on the road;
- debris falls off trucks which do not have their loads properly tied down;
- there is an odour and there are many seagulls at the location;
- there are thirty to forty foot high piles of materials which can be seen from many areas within the community.

Ms. Dawn Lawrence

Ms. Dawn Lawrence, 105 Ketch Harbour Road, spoke in favour of the proposal noting:

- there will be no harm to the environment;
- water problems were in the community prior to the site being developed;
- bottled water has been supplied to the community for many years;
- materials on the site will not change;
- there will be no stockpiles;
- RDM has made an improvement to the property.

RECESS

At this time Council took a five minute break and reconvened at 7:20 p.m.

Mr. Greg Zwicker

Mr. Greg Zwicker, Wallace MacDonald Lively, with the aid of PowerPoint, showed pictures of the site, noting:

- there was a two month clean up period during which 6,300 wrecked cars were removed,
- storm water ponds were installed,
- a fire pond was been installed,
- a fire truck purchased,
- locking gates installed at the main front gate,
- baseline water samples were taken,
- ground water monitoring wells have been installed,
- twenty four hour security personnel are on site,
- materials are being sorted and recycled with non recyclables being ground up and prepared for disposal.

Following his presentation, Mr. Zwicker submitted a petition containing 95 names in support of the proposal.

Mr. Barry Zwicker

Mr. Barry Zwicker, Wallace MacDonald Lively, advised the application meets all the technical criteria noting, ten monitoring wells have been dug and baseline samples have been taken on Shea's Lake. He advised the Department of Environment has not identified any technical reasons not to issue a license for disposal. Mr. Zwicker encouraged Council to adopt the amendment.

Mr. Rene Gallant

Mr. Rene Gallant, Williamswood, advised the residents do not want what is proposed.

Mr. John Nicolson

Mr. John Nicolson, Harrietsfield, stated it is a very quiet residential community. He stated that the CD-3 zoning would have a detrimental effect on the community.

Ms. Anna Nicholson

Ms. Anna Nicolson, Harrietsfield, stated if approval is given to RDM, property values may go down, there may be detrimental health effects, an increase in truck traffic and adverse effects on the water supply. She requested Council not approve the proposed amendments.

Mr. Jeff Frank

Mr. Jeff Frank, Mercury Drive, stated:

- the community was not asked if it wanted this site;
- the school is close to the site;
- trucks pass through a residential area;
- a truck cannot stop quickly;
- some of the materials contain poisons that will affect groundwater;
- the situation has to be addressed and fixed to the satisfaction of everyone;
- Council should not approve the proposed amendment.

Ms. Nancy Nicolson

Ms. Nancy Nicolson, Galaxy Park, advised debris falls from trucks noting, she has followed them to RDM but, because license plates are not visible on a lot of the trucks, it is difficult to report incidents. She stated there is no contact person to deal with issues that arise during off hours. She advised debris is within site of the surrounding properties and recommended Council say no to this C&D site.

Mr. Blair MacDonald

Mr. Blair MacDonald, Harrietsfield, spoke against the proposal expressing concern that there is truck traffic in a residential area that contains a school. He expressed concern with potential contamination of the community water supply. He noted it used to be a quiet community. He advised a complaint has been filed with the Ombudsman. He requested Council not approved the amendments.

Mr. Robert Chisholm

Mr. Robert Chisholm, MLA, 130 Cove Road, Porter's Lake, spoke against the amendment. He stated he understands that the technical requirements have been met but

it is a residential community with a school. He stated just because there was an industrial use there at one point in time is no reason for it to continue to be an industrial use. He stated people do not want to see an environmental disaster happen in their community.

Mr. Leonard Preyra

Mr. Leonard Preyra, 105 Moody Park Drive, expressed concern that the Planning Strategy can be amended. He noted there are a lot of issues with regards to what is happening within the site stating it is bad public policy to have a dump in a residential site. There is only a thirty metre setback from a stockpile which, in his opinion, was bad planning. It is also bad planning to approve a site and state that there will be monitoring later on.

Ms. Amy Lawrence

Ms. Amy Lawrence, 59 Birchill Drive, advised the water and roads have always been bad and these are not new issues. She noted the residents have never been interested in forming a monitoring committee.

Mr. Steven MacDonald

Mr. Steven MacDonald, 27 Stephen Murphy Drive, stated someone needs to take responsibility for the safety of the children, to ensure that the roads do not deteriorate further, to ensure the water does not become contaminated and property values do not go down.

Mayor Kelly called three times for any additional speakers. Hearing none, the following motion was placed.

MOVED by Councillor Hetherington, seconded by Councillor Warshick, that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.

Mayor Kelly advised this would now go forward at a future Council meeting for further deliberations and discussions.

4. ADJOURNMENT

There being no other business, the meeting was adjourned at 8:20 p.m.

Vi Carmichael
Municipal Clerk