



**Marine Drive Valley and  
Canal Community Council**

**TO:** Chair and Members of Marine Drive Valley and Canal Community Council

**SUBMITTED BY:** *A. Edwards*  
Ellinor Williams, Chair, Halifax Watershed Advisory Board

**DATE:** October 14, 2010

**SUBJECT:** **Case 16235: Development Agreement for Lobster World,  
10320 Highway 7, Jeddore**

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**ORIGIN**

September 15, 2010 meeting of Halifax Watershed Advisory Board

**RECOMMENDATION**

Halifax Watershed Advisory Board recommends that:

1. The effluent dispersal pipe into the harbour meets or exceeds all federal regulations.
2. The drains from the freezer and maintenance buildings be directed to a separate holding/settling tank. This should be designed by a professional engineer and the discharge should meet any applicable federal/provincial guidelines.
3. The salt water holding/settling tank be fitted with an oil sensor alarm.
4. The new septic tank and field be placed as far from the water as possible.
5. In view of the proximity of the harbour, the Board recommends that all existing and new oil tanks be double walled and dyked in case there is a leak.
6. The landscaping in the form of grass cover or shrubbery be installed as soon after construction as possible, especially between the buildings and high water mark.

### **BACKGROUND/DISCUSSION**

Staff provided a presentation at the Board's September 15, 2010 meeting regarding an application by Lobster World Inc. to amend an existing development agreement to allow expansion of an existing fisheries use. Following a discussion, with staff responding to questions, the Board passed a motion approving recommendations in regard to this proposal as noted above.

### **BUDGET IMPLICATIONS**

None associated with this report. Any associated budget implications would need to be determined by HRM staff and disclosed to the Community Council in a subsequent report.

### **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

### **COMMUNITY ENGAGEMENT**

Not applicable with this report. HWAB is an Advisory Board to Community Council and Regional Council comprised of volunteer members of the public.

### **ALTERNATIVES**

No Alternatives were provided.

### **ATTACHMENTS**

Attachment 'A': Staff Memorandum dated August 6, 2010.

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Sheilagh Edmonds, Legislative Assistant

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## MEMORANDUM

TO: Chairman and Members of the Halifax Watershed Advisory Board

FROM: Mitch Dickey, Planner, Planning Applications

DATE: August 6, 2010

SUBJECT: Case 16235, Development Agreement for Lobster World, 10320 Highway 7, Jeddore

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### **Application:**

Application by Lobster World Inc to amend an existing development agreement to allow expansion of an existing fisheries use. The additions are to accommodate increased lobster handling and storage space. The current proposed site plan as shown on Attachment A would replace one previously approved and shown in Attachment B.

### **Site Description**

The subject property is about 2 acres (8100 square metres) in size. It is located between Highway 7 and Jeddore Harbour, other than the harbour is bounded by a small vacant lot to the west. It slopes gradually from the highway to the top of a bank which drops into the harbour. The site currently contains one large building of 11,000 sq ft floor area which contains a lobster pound and a former restaurant. The building is built closer to the harbour than the highway, and is about 8' from the high water mark at its closest point. The site is mostly cleared of trees except along the eastern half where a stand of spruce exists. The site includes an unknown extent of harbour infill.

### **Land Use Policy**

Pursuant to the Municipal Planning Strategy for Eastern Shore West, the Mixed Use zone on the property permits commercial buildings up to 5000 square feet in gross floor area. Larger buildings can be considered through the development agreement process, under Policy MU-7, which is included as Attachment C. As the existing building is 11,000 square feet, any additions must go through the development agreement process.

### **Existing Development Agreement**

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An existing development agreement, most recent revised in 2002, allows an addition of about 5000 sq ft for a lobster holding facility. The addition, never constructed, would have been located on the west side of the property as shown on Attachment B. That plan superseded one approved in 2001, which allowed additions between the existing building and the harbour. The Board reviewed both of these previous

applications.

**New Proposal:**

Lobster World now intends to build a 3000 sq ft lobster holding tank, a 3000 sq ft freezer, and a 3000 sq ft equipment/storage shed, which would be joined to each other. The total addition size would be 9000 sq ft. These would be built behind the existing building as shown on Attachment A, and would be located 15' to 20' from the ocean.

**Requirements for Watercourse Setbacks and Buffers:**

For most uses, the land use bylaw requires a setback and natural vegetated buffer from any watercourse including the ocean of 20 m. Marine-dependant and fisheries related uses, as existing and proposed here, are exempt and can be built to the high water mark. If the 3 components of the additions were proposed individually on vacant lots they could therefore be approved for construction to the harbour edge. However because the total square footage (over the 5,000 sq ft allowed in the zone) necessitates a development agreement process, greater setbacks can be required.

**Watershed Advisory Board Review:**

As the proposal abuts a waterway, review by the Board is required. Staff feel that the proposed new site plan is appropriate and acceptable under MPS policy in terms of watercourse setbacks, as the additions exceed the land use bylaw requirements and therefore mitigate the risks which could be posed if the additions were built to the high water mark. Further, a development agreement will contain erosion and sedimentation control measures that do not apply to as of right construction. However, the Board is requested to review the proposal and provide recommendations as may be deemed appropriate on site design and watercourse protection. Following the review, staff will prepare a report reflecting the Board's comments and a development agreement for Community Council

**Attachments:**

Map 1: Location, Zoning, & Land Use

Attachment A: Proposed Site Plan

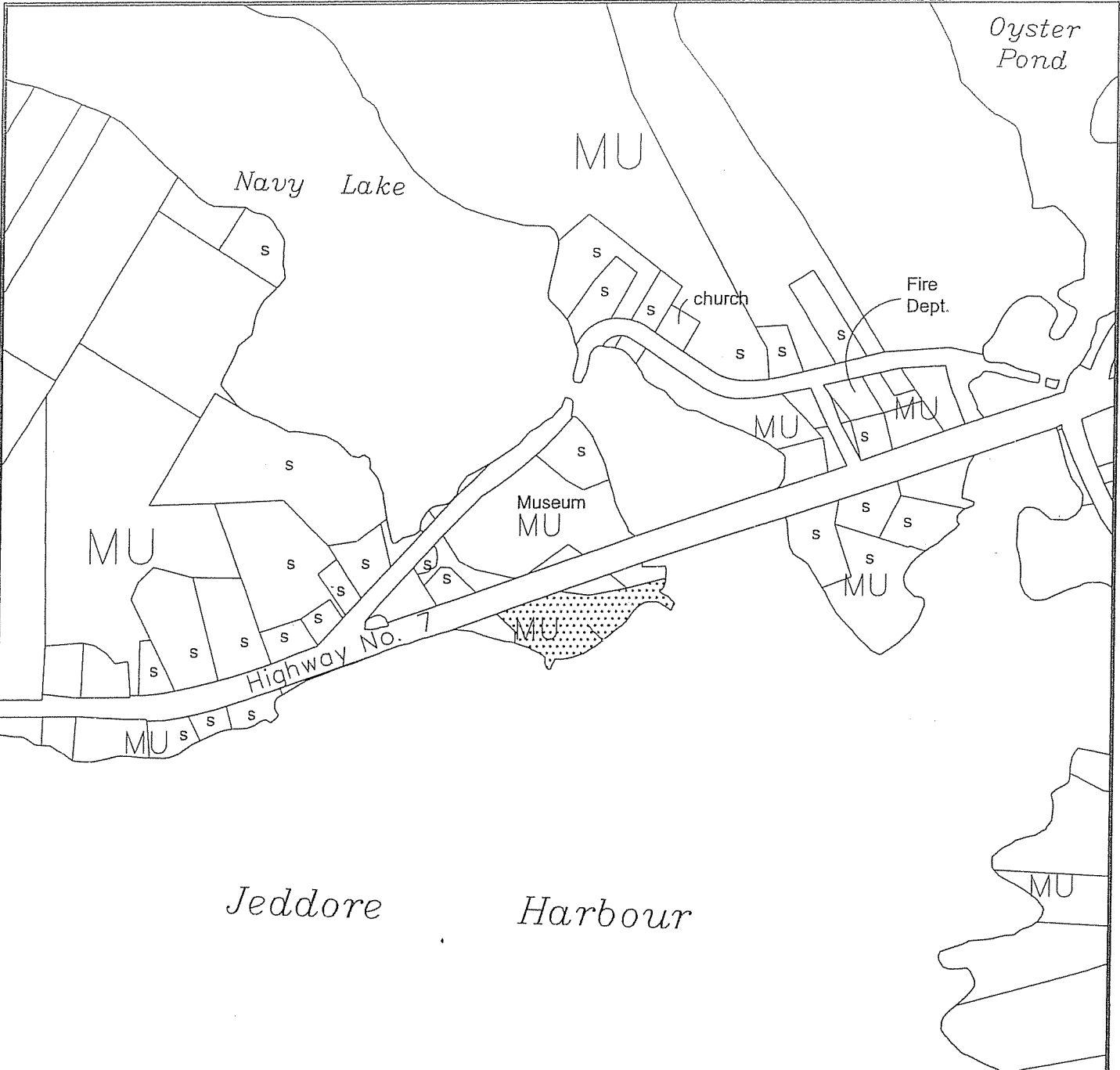
Attachment B: Aerial Photo Showing Proposed Additions

Attachment C: Existing Approved Site Plan

Attachment D: MPS Policy

Attachment E: Environmental Implementation Plan

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Map 1  
Zoning & Land Use

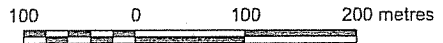
10320 Hwy. No. 7

 Proposed Development Agreement



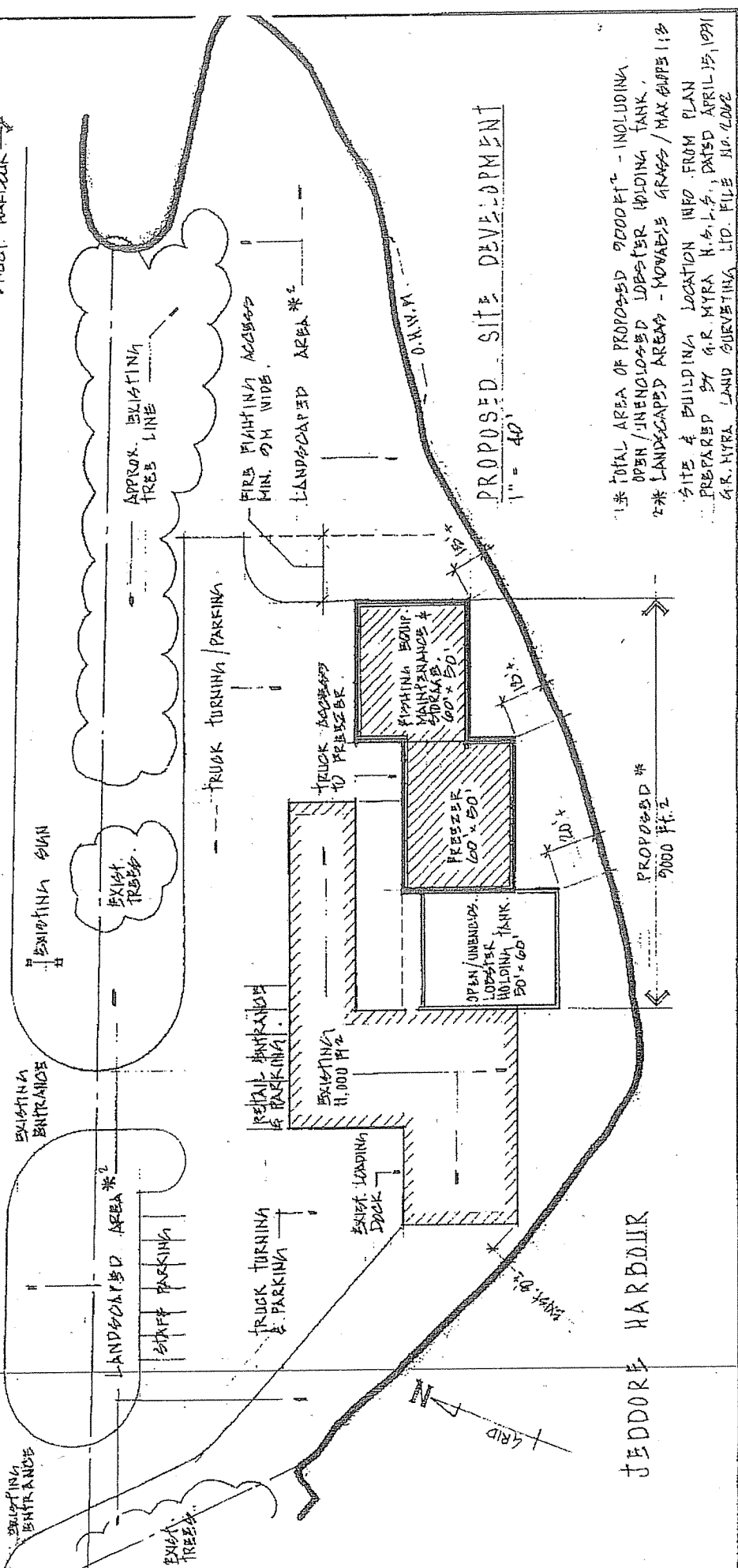
ZONING  
MU Mixed Use Zone

LAND USE  
s Single Family Dwelling



PROVINCIAL HIGHWAY No 7

BARTMOUTH

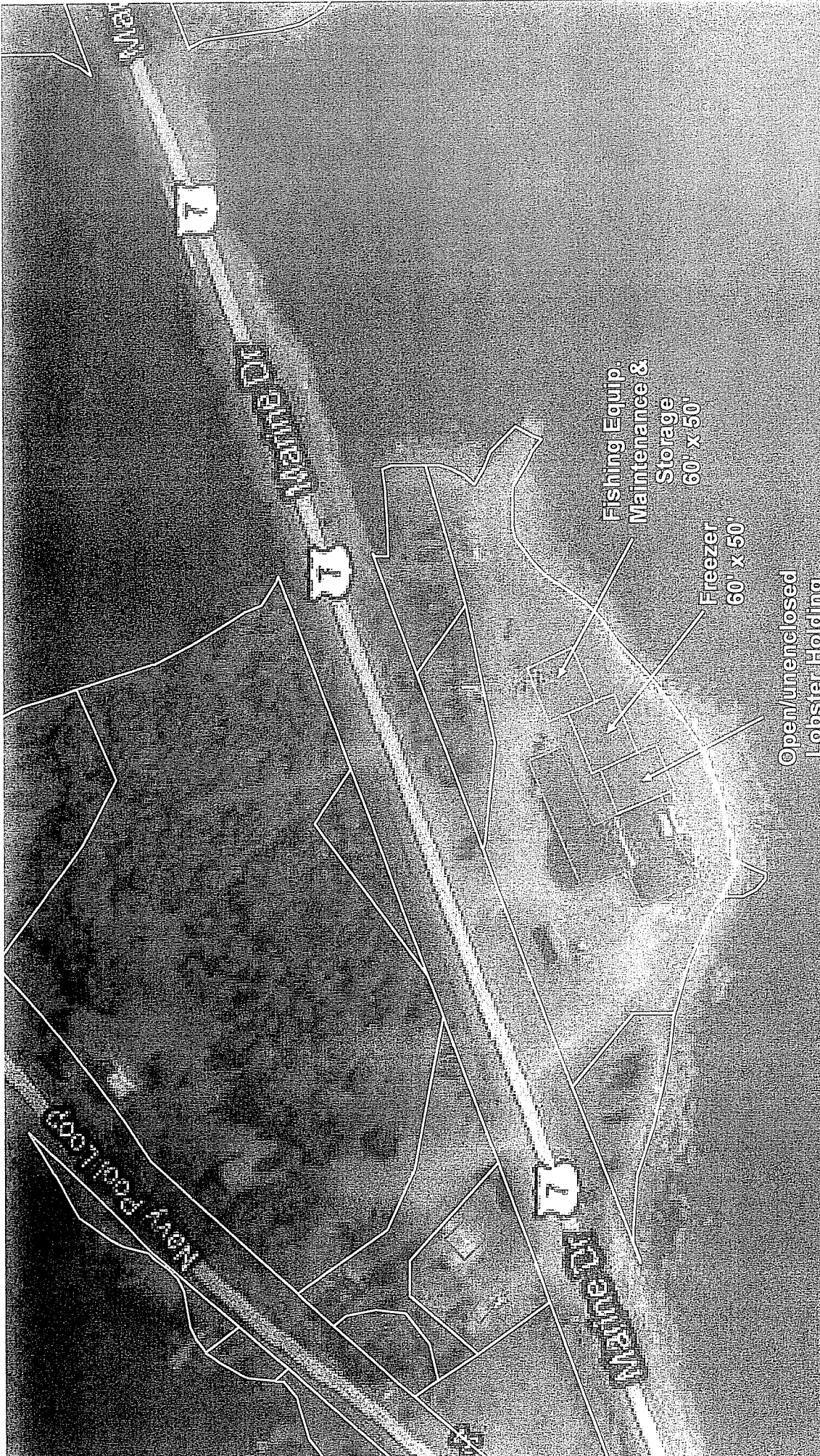


\* TOTAL AREA OF PROPOSED 9000 FT<sup>2</sup> - INCLUDING OPEN / UNENCLOSED LOBSTER HOLDING TANK,  
 \* LANDSCAPED AREAS - MOVABLES GRASS / MAX GRASS 1:3  
 \* SITE & BUILDING LOCATION INFO FROM PLAN PREPARED BY G.R. MYRA N.S.L.S., DATED APRIL 15, 1991  
 G.R. MYRA LAND SURVEYING LTD. FILE NO. 62062




# LOBSTER WORLD

## PROPOSED BUILDING AND TANK

CIVIC # 10320 - HWY # 7 OYSTER POND / F.I.D. # 40515512

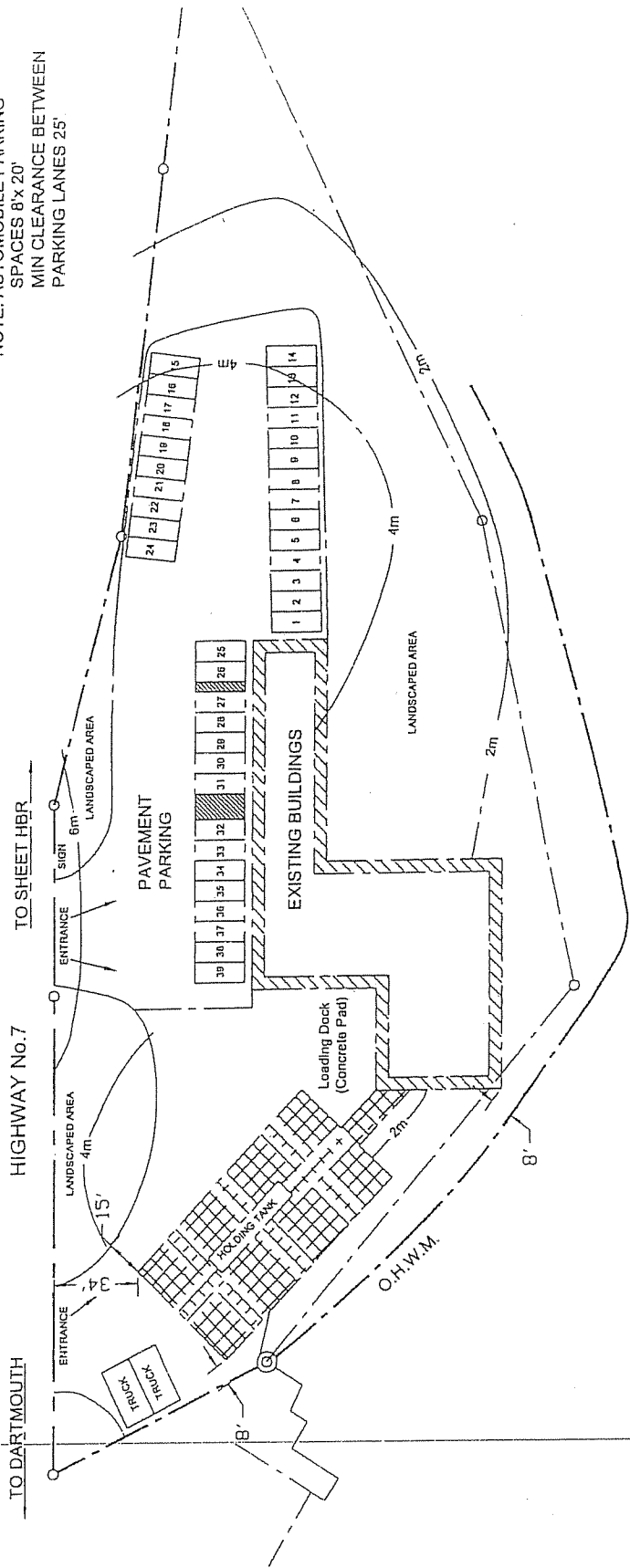


Map Symbols

-  Existing Building
-  Proposed Addition
-  Property Boundary

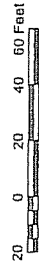
Source: Google Map Imagery, EarthMetrics, Map data 2010

NOTE: AUTOMOBILE PARKING  
 SPACES 8'x 20'  
 MIN CLEARANCE BETWEEN  
 PARKING LANES 25'



NOTE:  
 BUILDING LINK 9'x 20' (AREA= 242 sf)  
 TANK SUPERSTRUCTURE 50'x 95' (AREA= 4750 sf)  
 TOTAL AREA 4,992sf  
 LOCATION PLAN BASED ON G.R. MYRA  
 LAND SURVEYING LTD. SURVEY, FILE #2062  
 DATED APRIL 15, 1991.

**Attachment C: Existing Approved Site Plan**



HRM does not guarantee the accuracy of any base map information on this map.



**Attachment D**  
**MPS Policy Regarding Larger Commercial Developments**

Commercial Development

The Mixed Use Designation supports a wide range of commercial uses designed to meet the needs of local residents and the travelling public. The scale of commercial uses will be limited to a building footprint no greater than five thousand (5,000) square feet. Other performance standards will provide controls on outdoor storage and display, parking areas, buffering and landscaping.

It is recognized, however, that larger scale commercial uses may be appropriate in certain situations where adequate protection is provided to adjacent residential properties and concerns related to environmental matters, traffic generation, architectural design, outdoor storage and display and hours of operation are addressed. Larger scale commercial uses may therefore be considered by development agreement.

- MU-7            Notwithstanding Policy MU-2, it shall be the intention of Council to consider permitting commercial uses with a building footprint greater than five thousand (5,000) square feet in accordance with the development agreement provisions of the Planning Act. In considering such an agreement, Council shall have regard to the following:
- (a) that the architectural design and scale of any building is compatible with nearby uses;
  - (b) the impact of the proposed use on traffic volume and the local road network, as well as traffic circulation in general, sighting distances, and the entrance to and exit from the site;
  - (c) the means by which solid and liquid wastes are treated;
  - (d) the overall layout and design of the site, including all buildings, parking areas, landscaped areas, refuse collection areas and signage; and
  - (e) the provisions of Policy IM-10.
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Attachment E

ENVIRONMENTAL IMPLEMENTATION PLAN

FOR PROPOSED ADDITION TO LOBSTER WORLD INC. POND

CIVIC NO. 10320 HIGHWAY NO. 7 OYSTER POND  
P.I.D. NO. 40515512

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PREPARED BY MANAGEMENT / OWNERS OF LOBSTER WORLD INC.

August 9, 2010

## ENVIRONMENTAL IMPLEMENTATION PLAN

### 1.0 Introduction:

This Environmental Implementation Plan was originally proposed for planned expansion 2001 – this expansion was never carried out. The following is an amended plan applicable to the current planned expansion for 2010 – 2011.

Lobster World Inc. is proposing to construct additional facilities at it's present location civic No. 10320 Highway No. 7, Oyster Pond / P.I.D. No 40515512 this location is on the north / east shoreline of Jeddore Harbour.

The Proposal is to include:

1. Lobster holding tank ..... 3,000 square feet.
2. Building for bait freezer and fishing equipment maintenance / storage.....6,000 square feet.

Attached to this report are preliminary plans of the proposal.

### 2.0 General Statement Of The Project:

The proposed lobster tank will be located as shown on the proposed site development plan. The lobster tank foundation necessitates excavation to an elevation approximately 4 feet 6 inches above the O.H.W.M. The foundation will have a close point approximately 20 feet from the existing shoreline.

This location was chosen for easy access to the existing plant, and present loading platform to have a reasonable setback from the existing shoreline, and to have footing excavations above the  
O.H.W.M.

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The proposed pumps and refrigeration equipment will be located inside the existing building.

The lobster tank foundation will consist of a nominal footing and a 5 foot 6 inches plus or minus high reinforced concrete wall. The building for bait freezer and fishing equipment maintenance / storage will be provided with a regular frost wall to 4 feet below finished exterior grade with a reinforced concrete slab on grade. The connecting access ( unenclosed ) will be an on grade slab, designed to accommodate the wheel loads of a loaded forklift truck.

The lobster business is seasonal and is dependent on facilities being available when the product arrives. The lobster tank is planned for completion by May 1, 2011. All concrete walls and the excavation are scheduled to be backfilled and stabilized by April 1 2011. The building for bait freezer and fishing equipment maintenance / storage is planned for completion by 15 June 2011.

The project is small, construction materials are readily available and construction can be completed within the time allotted. Construction delays will only be affected by severe weather conditions and the time required for properly curing the reinforced concrete.

Immediately after excavation to grade, the footings shall be formed and poured. Immediately after the footing forms are removed, the walls shall be formed, rebar installed and the concrete poured. Depending on the weather conditions, this construction will be completed in 21 days.

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Comments about the existing soils will appear later in this report. The excavations for the lobster tank are in a naturally low area, thus reducing the extent of excavation required. Excavated material from the lobster tank if unusable as backfill or site grading material shall be removed from the site and deposited at an approved location.

The excavated material for the lobster tank and the bait freezer and fishing equipment maintenance / storage may need to remain exposed during storm conditions. For erosion and sediment control and to prevent any fine and colloidal material from entering the marine environment, silt fences shall be erected to protect the excavation berm. All excavated or stockpiled materials shall be covered with approved plastic sheets, properly staked to the ground or weighted to prevent wind from lifting the sheets.

The parking area shall be swept clean to prevent the truck tires from collecting soil and to prevent soil falling from the truck tires collecting on the parking lot and eventually silting the environment.

The work area is flat and dry. It is estimated the excavations will be dry. If surface water does enter the excavation it is assumed the gravel nature of the soil will filter the water and will not cause siltation of the marine environment. Any unwanted surface water accumulating in the excavation shall be removed by mechanical pumping to a properly constructed settling pond located on the east side of the property. The settling pond shall be designed and approved to prevent the direct flow of silted water from entering the environment. Water collected in the pond shall be pumped out only after the water has properly settled and cleared. Soil conditions may require the settling pond to be lined with plastic or an above-ground impoundment constructed.

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The Contractor shall construct a small flow control berm to direct any surface water away from the excavation. The berm shall be protected with approved plastic to prevent the erosion and transport of fine materials into the marine environment.

The front of the existing structure is approximately 140 feet down slope from the edge of highway No. 7. The existing driveway is paved with slopes directing any storm flows away from and around the buildings. The area to the right (west) of the fish plant is the truck unloading area, which is surfaced with class "A" gravel material and asphalt paving. This area is the lowest in elevation: therefore, it is estimated most of the surface flows are directed towards this area. There are little or no storm flows from the highway being directed over the paved parking lot.

### **3.0 Topographic Features:**

The project is located on the property of Lobster World Inc. The project consists of the construction of a lobster holding tank and a building for bait freezer and fishing equipment maintenance / storage. The property abuts highway No. 7 at Oyster Pond, Halifax County with the boundaries consisting of the shoreline. The shoreline is stabilized with large riprap / armor stone.

The highest point on the property is the edge of the highway which slopes down to and levels in front of the existing structures. The remaining lot area immediately around the existing building including a grassy area sloped toward the shoreline. The area adjacent the present receiving area has been lowered to accommodate the height of truck boxes at the loading / unloading dock.

There are no critical environmental areas being effected by the proposed excavation and construction. There are no natural streams located on the property.

There is no vegetation other than maintained grass in the areas of the proposed construction.

The remaining property area is paved, graveled and / or covered with natural scrub vegetation and trees. All vegetation in the way of the construction shall be removed from the site.

#### **4.0 Soils Information:**

No test pits or boreholes were made on the construction site; however, the receiving area parking lot was observed to be compacted class "A" granular material and asphalt paving.

Previous excavation has indicated that the soil is granular, which could mean the soil is devoid of fine and colloidal materials. The lobster tank is close to the shoreline ( 20 feet plus or minus ), however, since the elevation at bottom of the footings is anticipated to be approximately 6 feet above the O.H.W.M. the intrusion of tidal water into the excavation is not anticipated.

#### **5.0 Stormwater Management:**

The construction of the proposed lobster tank and building for bait freezer and fishing equipment maintenance / storage will not alter the runoff characteristics of the property. No volume of stormwater reaches the property from the upper watershed.

The stormwater runoff coefficients will increase as a result of constructing the roof areas: however, it is so close to the shoreline which would suggest the runoff will flow directly into the marine environment before any siltation can be picked up by any stormwater run-off.

#### **Note:**

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This amended environmental implementation plan (2001) has been prepared by management and owners of Lobster World Inc.