



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

**Item No. 12.1**  
**Halifax Regional Council**  
**June 24, 2025**

**TO:** Mayor Fillmore and Members of Halifax Regional Council

**FROM:** Cathie O'Toole, Chief Administrative Officer

**DATE:** May 28, 2025

**SUBJECT:** **Case 23563: Appeal of Site Plan Approval – Highway 7, Porters Lake, PID 40740276**

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#### **ORIGIN**

Appeal of the Development Officer's decision to approve an application for Site Plan Approval.

#### **EXECUTIVE SUMMARY**

On April 25, 2023, the Development Officer approved Kiann Management Limited's application for Site Plan Approval for a Construction and Demolition Processing Facility at the subject property in Porters Lake. On October 30, 2023, after hearing appeals of neighbouring property owners, Harbour East – Marine Drive Community Council overturned the decision of the Development Officer. Kiann applied for Judicial review of the Community Council decision. On October 17, 2024, Justice Jamieson of the Supreme Court of Nova Scotia determined that the Community Council's proceeding gave rise to a reasonable apprehension of bias due to comments made by two members of Community Council. The court ordered that the Site Plan Approval appeal be reheard by Regional Council, without the participation of Councillors Purdy and Hendsbee. In March 2025, staff discovered a drafting error on the original approved site plan. Assessed owners have been advised of the error through a notification that included a corrected approved Site Plan.

#### **RECOMMENDATION**

In accordance with Administrative Order One, the following motion shall be placed on the floor:

**That the appeal be allowed.**

Council approval of the appeal will result in refusal of the site plan approval. Council denial of the appeal will result in approval of the site plan approval. Staff recommend that Council deny the appeal.

## **BACKGROUND**

An application for site plan approval has been submitted for PID 40740276, Highway 7, Lake Echo, for a Construction and Demolition Processing Facility. The location of the proposed facility is shown on Map 1.

In April of 2019, a report on a proposed rezoning of the subject property was presented to [Harbour East-Marine Drive Community Council \(Case 19800\)](#)<sup>1</sup>. The proposal was to rezone a portion of the property from Rural Enterprise to the Construction and Demolition Materials Processing Facility Zone (CD-2). Harbour East-Marine Drive Community Council held a public hearing and refused the rezoning. Council's decision was appealed by the applicant to the Nova Scotia Utility and Review Board which allowed the appeal, effectively overturning the decision of Council and ordering the rezoning. The order was issued on March 23, 2020.

Prior to the permitting process, the CD-2 zone requires a site plan approval application be submitted for review. There are specific site plan approval criteria, set out in Attachment B, which must be satisfied in order for the Development Officer to approve the application. The application for Site Plan Approval was submitted and the Development Officer's approval was issued on April 25, 2023 (Attachment E). As required by the *Halifax Regional Municipality Charter*, assessed owners within 30 metres of the property were notified of the approval, and of their right to appeal the decision. Included in Attachment F are the four appeals that were received from owners within the notification area.

During the preparation of this report for hearing of the matter at Regional Council, staff discovered a drafting error on the approved site plan. The line indicating the limits of existing vegetation that was shown along the northern rear property line has been corrected to indicate the vegetation will be retained within 30 metres of the rear property line as was intended by the applicant and required by the CD-2 zone. Notification of the error and a corrected site plan was sent to assessed owners within 30 metres of the subject property. The corrected, approved site plan is included in Attachment G.

Further, the original report set out the applicable Site Plan Approval criteria within a table, with a corresponding indication of how each criterion is met. The report references a landscaping plan that was out of date and therefore misrepresented the proposed vegetation retention within required setbacks, and which was not part of the approved Site Plan. The criterion in question is as follows:

*Within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures.*

In response to the criterion, the corrected Site Plan shows a 30 metre rear yard setback, within which the natural vegetation provides adequate screening and which shall be retained. The proposed operation is located within the center of the larger site and wholly contained within the CD-2 zone. The operation will be set back approximately 235 metres from the west property line and 340 metres from the east property line where existing vegetation is being retained.

## **Site Details**

### **Zoning**

Three zones of the Planning Districts 8 and 9 Land Use By-law (LUB) apply to the property, as shown on Map 1. The easternmost portion is zoned Residential A (R-A), the middle portion of the property (approximately 1/3) is zoned C&D Materials Processing Facilities (CD-2), and the two portions flanking the CD-2 zone are zoned Rural Enterprise (RE). No development permit can be issued for any use permitted in the CD-2 zone prior to the Development Officer granting site plan approval in accordance with the criteria set out in Section 22A.5 (Attachment B) of the LUB.

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<sup>1</sup> <https://cdn.halifax.ca/sites/default/files/documents/city-hall/community-councils/190404hemdcc1311.pdf>

For the reasons detailed in the Discussion section of this report, the Development Officer approved the requested Site Plan Approval (Attachment E). Four property owners within the notification area appealed the approval (Attachment F), the matter was originally before Harbour East- Marine Drive Community Council, and in accordance with the results of the judicial review, is now before Regional Council for a decision.

### Process for Hearing an Appeal

Administrative Order Number One, the *Procedures of the Council Administrative Order* requires that Council, in hearing any appeal, must place a motion to “allow the appeal” on the floor, even if the motion is in opposition to the staff recommendation. The recommendation section of this report contains the required wording of the appeal motion as well as the staff recommendation.

For the reasons outlined in this report, staff recommend that Council deny the appeal and uphold the decision of the Development Officer to approve the request for site plan approval.

## DISCUSSION

### Development Officer’s Assessment of the Site Plan Approval Request

In hearing an appeal of Site Plan Approval, Council may make any decision that the Development Officer could have made, meaning their decision is limited to the criteria provided in the *Halifax Regional Municipality Charter*.

The *Charter* sets out the following criteria by which the Development Officer shall approve an application for Site Plan Approval:

- “247 (1) A development officer shall approve an application for site plan approval unless
- a) the matters subject to site-plan approval do not meet the criteria set out in the land-use by-law; or
  - b) the applicant fails to enter into an undertaking to carry out the terms of the site plan.”

Section 22A.5 of the Planning Districts 8 & 9 Land Use By-law details the requirements that must be met for a Development Officer to grant Site Plan Approval. These requirements have been assessed against the site plan application and the table below provides an overview of this assessment:

Driveway access to the site shall be located in such a manner to minimize land use impacts on adjacent land uses.	The driveway is located near the center of the property, approximately 330 metres away from abutting property to the west and 625 metres away from the abutting property to the east. The driveway is approximately 10.7 metres wide which is designed to accommodate large sized vehicles.
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.	The CD-2 zoned portion of the property sits in the approximate center of the larger 47.83 acre property, as shown on inset of the site plan (Attachment B). One large building for offices and equipment storage is proposed to be located near the rear of the property and a smaller scale house building is located well behind the entrance gates. There are no abutting residential or community facilities.

<p>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.</p>	<p>All off-street loading and unloading areas are located within the fenced enclosure shown on the site plan. The stockpiles are located centrally and to the rear of the site. The processing area is located behind the stockpile and container storage areas. The processing area is a minimum of 60 meters from both the front and rear property lines and from the CD-2 side zone lines. The parking facilities are located 30 meters from the street. Screening of all these components is provided in the form of the preservation of 30 meters of existing vegetation on all sides, planting of new vegetation along the front, opaque fencing along the front, and berms in the front as shown on the site plan. Stockpiling and processing areas will be delineated with jersey barriers.</p>
<p>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.</p>	<p>The site plan incorporates the landscaping plan that was prepared by Gordon Ratcliffe Landscape Architects. The objective is to maintain and improve the existing vegetation on all sides of the operation and to provide berms with new plantings of coniferous trees along portions of the front of the site to provide screening from the street.</p>
<p>Within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures.</p>	<p>The proposal shows a 30 metre rear yard setback, within which the natural vegetation provides adequate screening and shall be retained. The proposed operation is located within the center of the larger site and wholly contained within the CD-2 zone. The operation will be setback approximately 235 metres to the west property line and 340 metres to the east property line where existing vegetation is being retained.</p>
<p>All outdoor lighting shall be oriented such that it is directed away from adjacent properties.</p>	<p>All outdoor lighting shall be oriented towards the operation area and parking lot. No lighting will be directed toward the adjacent properties.</p>
<p>All solid waste storage containers shall be screened from view from adjacent properties and streets.</p>	<p>All solid waste containers are within the container storage area which will be fenced and screened by existing vegetation.</p>
<p>Impact of the location, number and size of signs.</p>	<p>One ground sign is proposed, which is shown on the site plan near the driveway. It is proposed to be set back from the front property line by 12 meters and is proposed to be 7.5 metres in height with a sign face of 1.8 metres by 2.4 metres (4.3 square metres/46 square feet).</p>
<p>Measures, including but not limited to lot grading and berms, shall be required to adequately address the management of stormwater and surface water.</p>	<p>The proposed stormwater management is shown on the site plan. Details on the construction of the stormwater pond and surface water channeling will be provided during the review of the required Grade Alteration Permit as per Bylaw G-200.</p>

Provisions are established to ensure the operation and any required site improvements are maintained to a high standard.	The operation will employ staff that will include an operations manager. The operations budget includes provision of dust control, waste disposal, maintenance of machinery, and overall site organization.
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Notification of the Development Officer's approval was circulated to property owners within 30 metres of the property as required by the *Halifax Regional Municipal Charter*. Four appeals were received, included within Attachment F.

**Appellant's Submission:**

While the criteria of the *HRM Charter* limits Council to making any decision that the Development Officer could have made, the appellants have raised certain points in their letters of appeal for Council's consideration. These points are summarized and staff's comments on each are provided in the following table:

<b>Appellant's Appeal Comments</b>	<b>Staff Response</b>
Several concerns have been raised with regards to noise, air quality and water quality.	This item is not relevant to the Site Plan Approval criteria of Section 22A.5 of the Land Use By-law. Any noise generated by the development is subject to HRM's Noise By-Law N-200. Nova Scotia Environment & Climate Change is responsible for any potential impacts to water and air quality.
The proposed lighting on the site will be seen over large distances and will be seen from adjacent properties.	In accordance with Site Plan Approval criteria, Section 22A.5 (f), all outdoor lighting shall be oriented towards the operations and parking lot. No light will be directed toward the adjacent properties.
Safety concerns have been raised with increased traffic, driveway access and durability of current highway with the increased amount of heavy truck use.	This item has been addressed through the Site Plan Approval criteria, Section 22A.5 (a). The driveway access is 330m or greater away from any adjacent properties. Nova Scotia Department of Public Works has approved the commercial driveway access as shown on the site plan.
Given the potential height of the stockpiles, the current vegetation on site will not provide visual screening.	This item has been addressed through the Site Plan Approval criteria, Section 22A.5 (d) & (e). Existing vegetation will remain along all sides of the operation to provide screening. In addition, a berm will be provided with new planting of coniferous trees along the front of the site to provide screening from the street (see Attachment G).

Physical separation does not mean that there will not be negative impacts to surrounding properties.	The Site Plan Approval criteria for separation distances are limited to abutting residential or community facility properties. The proposed facility does not abut these uses.
Property values will decrease, affecting the economic development of the community.	Impact to property value is not a consideration of Site Plan Approval.

**Conclusion:**

Staff have reviewed all the relevant information in this site plan approval proposal. As a result of that review, the site plan approval request was approved as it was determined that the proposal does not conflict with the statutory criteria provided by the *Charter* and meets the Site Plan Approval criteria of the Land Use By-law. The matter is now before Council to hear the appeal and render a decision.

**FINANCIAL IMPLICATIONS**

There are no financial implications related to this Site Plan Approval request. The HRM cost associated with processing this application can be accommodated with the approved 2024/2025 operating budget for Planning and Development

**RISK CONSIDERATION**

There are no significant risks associated with the recommendation contained within this report

**COMMUNITY ENGAGEMENT**

Community Engagement, as described by the Community Engagement Strategy, is not applicable to this process. The procedure for public notification is mandated by the *HRM Charter*. Where a Site Plan Approval is appealed, a hearing is held by Council to provide the opportunity for the applicant, appellants and anyone who can demonstrate that they are specifically affected by the matter, to speak.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications with the proposed development as it pertains to municipal approvals. The applicant must adhere to HRM's By-law L-200 respecting Licensing of Construction and Demolition Materials Recycling and Disposal Operations and the Construction and Demolition Debris Facility Guidelines through Nova Scotia Environmental & Climate Change.

## **ALTERNATIVES**

As noted throughout this report, Administrative Order One requires that Council consideration of this item must be in the context of a motion to allow the appeal. Council's options are limited to denial or approval of that motion.

1. Denial of the appeal motion would result in the issuance of the Site Plan Approval. This would uphold the Development Officer's decision, and this is staff's recommendation.
2. Approval of the appeal motion would result in the refusal of the Site Plan Approval. This would overturn the decision of the Development Officer

## **LEGISLATIVE AUTHORITY**

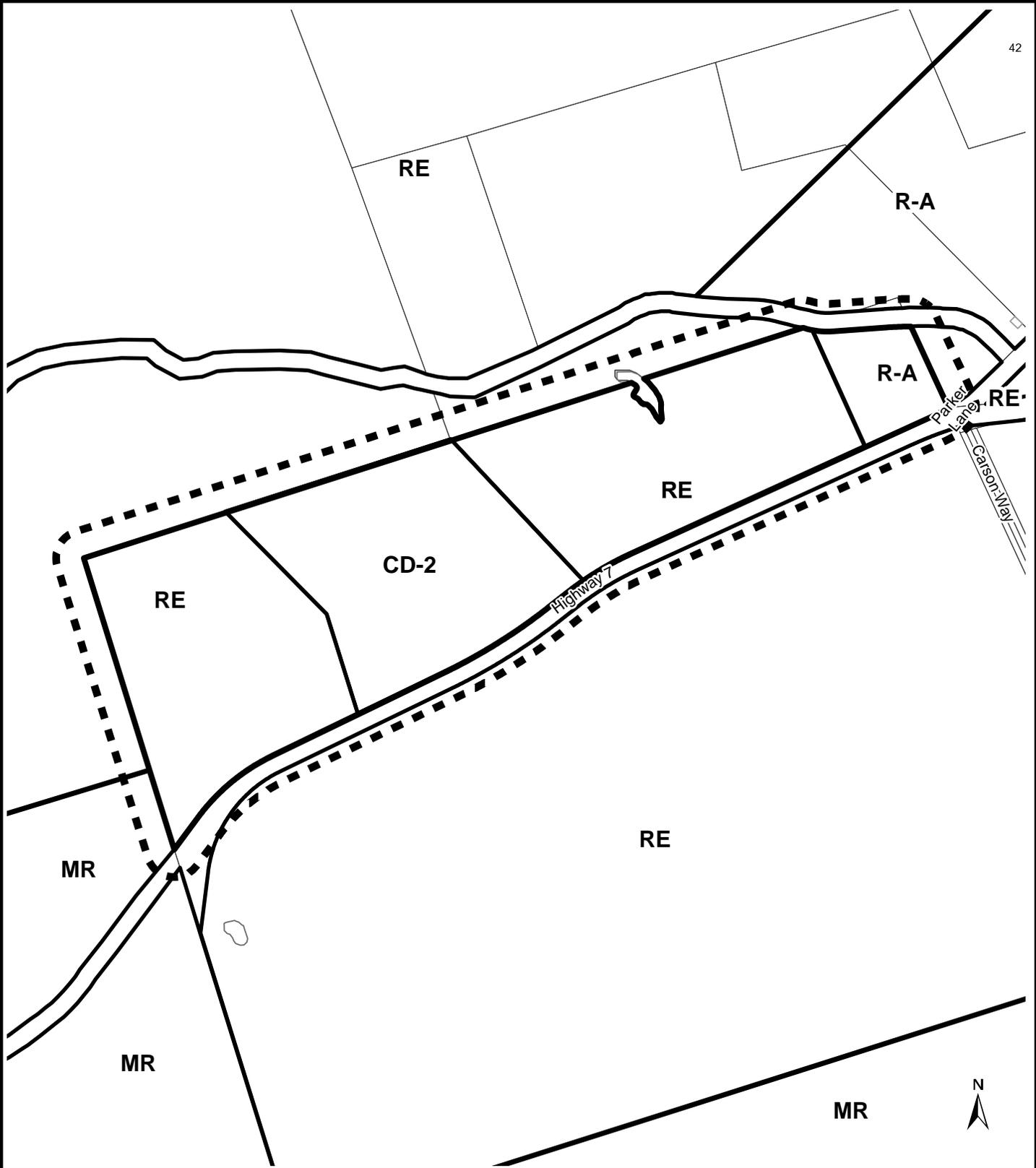
*Halifax Regional Municipality (HRM) Charter; Part VIII, Planning and Development*

- s. 247 (1) A development officer shall approve an application for site plan approval unless
- (a) the matters subject to site-plan approval do not meet the criteria set out in the land-use by-law; or
  - (b) the applicant fails to enter into an undertaking to carry out the terms of the site plan.
- (2) Where a development officer approves or refuses to approve a site plan, the process and notification procedures and the rights of appeal are the same as those that apply when a development officer grants or refuses to grant a variance.
- (3) Notwithstanding subsection (2), the Council may require a larger notification distance for site-plan approvals in its land-use by-law if the municipal planning strategy so provides.
- (4) The Council, in hearing an appeal concerning a site-plan approval, may make any decision that the development officer could have made.

## **ATTACHMENTS**

Map 1: Notification Area

Attachment A: C & D Materials Processing Facilities Zone- Planning Districts 8 & 9 Land Use By-law  
Attachment B: Site Plan Approval Criteria  
Attachment C: Approved Site Plan  
Attachment D: Site Plan Approval Criteria Review  
Attachment E: Letter of Approval to Applicant  
Attachment F: Letters of Appeal  
Attachment G: Corrected Approved Site Plan



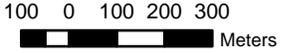
**Map 1 - Notification Area**

PID: 40740276

-  Subject Property
-  Notification Area

**Zone**

- CD-2 C&D Materials Processing Facilities
- MR Mixed Resource
- R-A Residential A
- RE Rural Enterprise



The accuracy of any representation on this plan is not guaranteed

**PART 22B: CD-2 (C&D MATERIALS PROCESSING FACILITIES) ZONE** (RC-Sep 10/02;E-Nov 9/02)

**22B.1 CD-2 USES PERMITTED**

No development permit shall be issued in any CD-2 (C&D Recycling) Zone except for the following, pursuant to the Site Plan Approval process:

**Construction and Demolition Materials Processing Facilities**

**All CD-1 Zone uses**

**Uses Accessory to permitted uses, excluding construction and demolition disposal Accessory dwelling unit which are provided for the purposes of safety, security, or maintenance**

**22B.2 CD-2 ZONE REQUIREMENTS**

In any CD-2 Zone, no development permit shall be issued except in conformity with the following:

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

**22B.3 OTHER REQUIREMENTS: C&D Materials Transfer Stations**

In any CD-2 Zone, no development permit shall be issued for any C&D Materials Transfer Stations except in conformity with the provision for such a use as contained within the CD-1 Zone.

**22B.4 OTHER REQUIREMENTS: C&D MATERIALS PROCESSING FACILITIES**

No development permit shall be issued for C&D materials processing facility except in compliance with the following provisions:

- (a) any building, structure or area used for processing shall meet the following separation distances:
- (i) from any property line 60 metres (196.8 feet)
  - (ii) from the nearest residential dwelling or institutional use 90 metres (295.3 feet)
  - (iii) from a watercourse 60 metres (196.8 feet)
- (b) notwithstanding Section 22B.4(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 22B.4(a), any C&D Materials Processing Facility which is to be totally enclosed within a building (no outdoor storage of material, product, processing area, or equipment) setback from any property line may be reduced to 10 metres (32.8 feet).

#### **22B.5 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) the operation complies with the general zone requirements as outlined in Section 22A.4.
- (b) notwithstanding Sections 22B.2 to 22B.4, inclusive, more than one C&D Materials operation is permitted on a site and each use shall be subject to the applicable standards unless the uses are not clearly differentiated than the more stringent requirements shall apply to the permitted uses.

#### **22B.6 GENERAL REQUIREMENTS: SITE PLAN APPROVAL**

C&D Materials Operations are subject to approval of a site plan. The Development Officer shall approve a site plan for each use which deals with those matters outlined in Section 22A.5

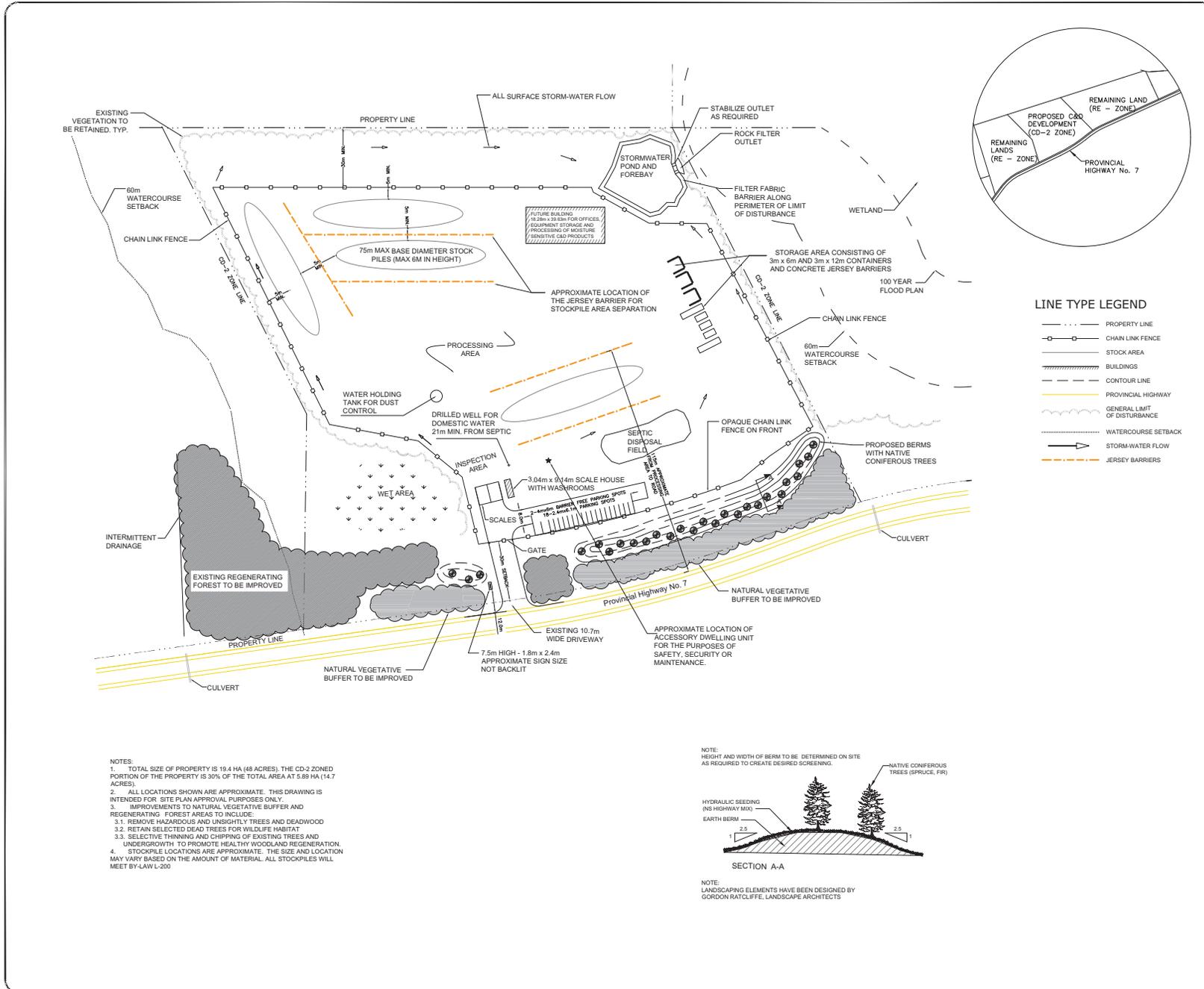
# Attachment B- Site Plan Approval Criteria

## 22A.5 GENERAL REQUIREMENTS: SITE PLAN APPROVAL

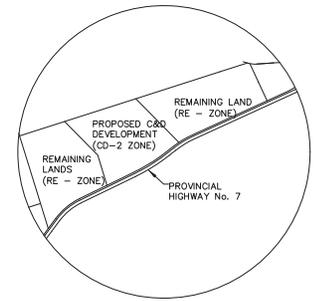
All C&D operations are subject to approval of a site plan. The Development Officer shall approve a site plan where the following matters have been addressed:

- 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- Approved Site Plan



- NOTES:**
- TOTAL SIZE OF PROPERTY IS 19.4 HA (48 ACRES). THE CD-2 ZONED PORTION OF THE PROPERTY IS 30% OF THE TOTAL AREA AT 5.89 HA (14.7 ACRES).
  - ALL LOCATIONS SHOWN ARE APPROXIMATE. THIS DRAWING IS INTENDED FOR SITE PLAN APPROVAL PURPOSES ONLY.
  - IMPROVEMENTS TO NATURAL VEGETATIVE BUFFER AND REGENERATING FOREST AREAS TO INCLUDE:
    - REMOVE HAZARDOUS AND UNSIGHTLY TREES AND DEADWOOD
    - RETAIN SELECTED DEAD TREES FOR WILDLIFE HABITAT
    - SELECTIVE THINNING AND CHIPPING OF EXISTING TREES AND UNDERGROWTH TO PROMOTE HEALTHY WOOLAND REGENERATION.
  - STOCKPILE LOCATIONS ARE APPROXIMATE. THE SIZE AND LOCATION MAY VARY BASED ON THE AMOUNT OF MATERIAL. ALL STOCKPILES WILL MEET BY-LAW L-200



REVISIONS			
NO.	DATE	REVISION	BY
1	13/02/23	ISSUE FOR APPROVAL	B.KILEY

REFERENCE DWGS.		
DWG. NO.	DWG. TITLE	BY

C&D FACILITY  
PID-40740276  
PORTERS LAKE, NS

DWG. TITLE		SITE PLAN	
DRN. BY	DATE	24-JAN-2023	
CHK. BY	PROJ. NO.	22.473	
SHT. SIZE	SCALE	AS INDICATED	
DWG. NO.	C100	REV	1
SHT. NO.	1	OF	1

# Attachment D- Site Plan Approval Criteria

## Site Plan Approval Application (#23563) – PID 40740276

The application is seeking Site Plan Approval for a Construction and Demolition Processing Facility & Construction and Demolition Transfer Station at the above noted property.

The Land Use Bylaw Site Plan Approval criteria is quoted below in italics with the response following each:

*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;*

The driveway is located near the center of the larger property, approximately 330 metres away from abutting property to the West and 625 metres away from the abutting property to the East. The driveway is approximately 10.7 metres wide which is designed to accommodate large sized vehicles.

- (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;*

The CD-2 zone portion of the property sits in the approximate center of the larger 47.83 acre property as shown on inset of the site plan. One large building for offices and equipment storage is proposed and located near the rear of the property and a smaller scale house building is located well behind the entrance gates.

- (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;*

All off-street loading and unloading areas are located within the fenced enclosure shown on the site plan. The stockpiles are located inside of the loading and unloading internal driveway. The processing area is located inside of the stockpile and container storage areas. The processing area is a minimum of 60 meters from both the front and rear property lines and from the CD-2 side zone lines. The parking facilities are located 30 meters from the street. Screening of all these components is provided in the form of the preservation of 30 meters of existing vegetation on all sides, planting of new vegetation along the front, opaque fencing along the front, and berms in the front as shown on the site plan. There will be a delineation between the stockpiling area and processing area with jersey barriers.

- (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;*

The site plan incorporates the landscaping plan that was prepared by Gordon Ratcliffe Landscape Architects. The objective is to maintain and improve the existing vegetation on all sides of the

operation and to provide berms with new plantings of coniferous trees along portions of the front of the site to provide screening from the street.

- (e) *Within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures;*

The proposal shows a 30 metre rear yard setback within which the natural vegetation provides adequate screening and shall be retained. Although the proposed operation is located within the center of the larger site, the proposal shows 30 metre side yard setbacks from the CD-2 zone line, therefore if the CD-2 zoned portion of the site is subdivided from the larger site in the future the setbacks requirements can be met. The existing vegetation within the 30 metre side yards of the CD-2 zone provides adequate screening and shall be retained.

- (f) *All outdoor lighting shall be oriented such that it is directed away from adjacent properties;*

All outdoor lighting shall be oriented towards the operation area and parking lot. No lighting will be directed toward the adjacent properties.

- (g) *All solid waste storage containers shall be screened from view from adjacent properties and streets;*

All solid waste containers are within the container storage area which will be fenced and screened by existing vegetation.

- (h) *Impact of the location, number and size of signs;*

One ground sign is proposed, which is shown on the site plan near the driveway. Currently it is proposed to be set back from the front property line by 12 meters and is proposed to be 7.5 metres in height with a sign face of 1.8 metres by 2.4 metres (4.3 square metres/46 square feet).

- (i) *measures, including but not limited to lot grading, berms, shall be required to adequately address the management of stormwater and surface water; and*

The proposed stormwater management is shown on the site plan. Details on the construction of the stormwater pond and surface water channeling will be provided during the review of the required Grade Alteration Permit as per Bylaw G-200.

- (j) *Provision are established to ensure the operation and any required site improvements are maintained to a high standard.*

The operation will employ staff that will include an operations manager. The operations budget includes provision of dust control, waste disposal, maintenance of machinery, and overall site organization.

# Attachment E- Letter of Approval to Applicant

April 25, 2023

Kiann Management Ltd.

**Re: Site Plan Approval Application (#23563) - PID 40740276**

As the Development Officer for Halifax Regional Municipality, I have approved your request for site plan approval under Part 22A and 22B of the Planning District 8 & 9 (Lake Echo/Porters Lake) as follows:

**Location: PID 40740276, Highway 7, Porters Lake**  
**Project Proposal: Construction and Demolition Materials Process Facility & Transfer Station.**

Pursuant to Section 247 of the Halifax Regional Municipal Charter, assessed property owners within 30 meters of the property have been notified of this application. Those property owners have the right to appeal and must file their notice, in writing, to the Clerk's Officer on or before May 11, 2023.

**PERMITS WILL NOT BE ISSUED UNTIL THE APPEAL PERIOD HAS EXPIRED AND ANY APPEAL HAS BEEN DISPOSED.**

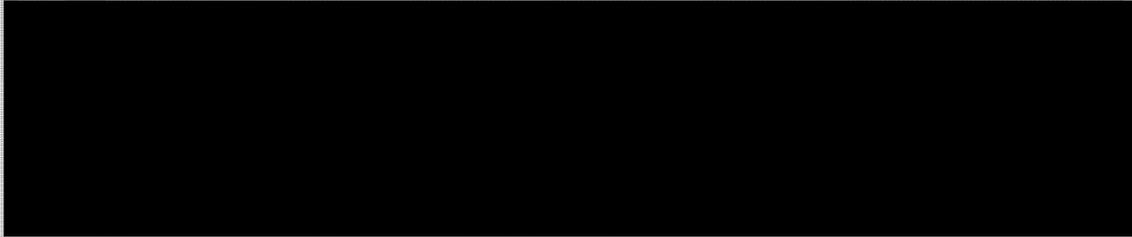
You will be notified once the appeal period has expired as to whether any appeals have been filed. Should no appeals be filed, a development permit shall be issued.

If you have any questions or require clarification of any of the above, please call me at 902.719.9392.

Sincerely,

Ashlee Bevis, Principal Planner / Development Officer  
Halifax Regional Municipality

cc. Office of the Municipal Clerk- [clerks@halifax.ca](mailto:clerks@halifax.ca)  
Councillor David Hendsbee



Sent from my iPad



Sent from my iPad



Attention Municipal Clerk  
Halifax Regional Municipality

Yesterday, May 4, 2023 I received a letter from your office regarding the site approval application (#23563) - PID 40740276, Hwy 7, Porters Lake, NS.

I will do not approve this kind of development on this site. I have many concerns:

\* Pollution \* Water While setbacks, filters and a pond are planned, there will inevitably be negative effects on the water drainage pattern from the site, which terminate eventually in local lakes.

\* Air Crushing and processing waste is a very dirty process. The resulting airborne dust cannot be totally controlled. Dumping from the trucks adds more pollution to the air. Anything downwind of this activity will be

exposed to wind borne dust and pollution.

\*Noise: There are homes within hearing distance of this site. I am sure families who built in this rural environment were not planning on living in such a noisy, stressful and unpleasant location. The value of their properties will decrease greatly if this plan is approved.

\* Roads and Traffic: Hwy7 is rural in nature, twisting and narrow in places and with numerous access roads and driveways. Homes are relatively close to the roads and vulnerable to the noise and dirt coming from the numerous trucks that will be bring demolition material to the station. Has a survey been done to predict the effect these heavy vehicles will have on the durability and life expectancy of the highway? Is there concern for the safety of merging and traveling on a road shared with this kind of traffic?

This is the wrong location for this type of industry. It's pollution, of all kinds, negatively affects the natural environment near it and the families who have built homes in this rural setting.

Please consider what will be lost to the people and the natural environment if you allow this application to be approved. Protecting these vulnerable assets should be our first concern.



Sincerely, Pat Bonn

Appeal for Site Plan Approval Application (#23563 – PID 40740276)

I Cody White, my Wife Natasha Warnell are writing these points in an appeal to the Nova Scotia planning committee for the proposed Construction and Demolition Materials Processing Facility & Transfer Station at PID 40740276.

- a) The driveway as it is presented has multiple ways of causing an accident, with the speed limit at 80km/h and the twists and turns it creates large blind spots. There have already been multiple accidents on this stretch of the highway and adding large construction vehicles to the mix here is setting it up for a disaster.
- b) Regarding distances from residence, there should never be a construction site, and/or demolition zone in a residential area. I have seen nothing regarding regulations for this site. Nothing about testing the air quality, the water quality. [REDACTED] and [REDACTED] Not to mention there is an elementary school in the area.
- c) In regarded to having items fenced off to cover exposer, this in no way stops items from getting though a fence, it won't keep animals out and it is not a safe environment for children, for the people who walk and jog on that road, let alone the commuters who will have to worry about the debris damaging our own vehicles, or our roads from the heavy increase in traffic.
- d) A landscape engineer unless who is also an environmental scientist has no authority on what safe and proper use of the land is, the rare trees, the wetlands, the air pollution or the wildlife, The landscaper is there to make things not look like an eye sore and help the builder budget, and how to fit this all in at the most affordable way. Planting some trees is in no way going to restore the property, make it not look like a dump and or make it a safer environment for families and the wildlife.
- e) Who is determining if the vegetation in areas is not needed? Again, this hurts the air quality, land quality, water quality and the wildlife. You are already adding noise pollution, air pollution and adding God knows what to our water supply, so cutting down any vegetation is just adding to this already irresponsible decision to even let this process get to where it is today.
- f) Outdoor lighting can be directed away all it wants the bright lights will be seen from all directions at nighttime, effecting other quality of life and being able to enjoy their own property without getting distracted or forced to look at a lit up dumping ground. Not to mention this is already a vulnerable spot that the fires have torn though the community and put many lives at risk.
- g) A tree lined fence is not going to stop anyone from seeing the demolition dump, it wont stop possible children being curious and getting hurt or keeping animals safe. Its dangerous to every and anyone and should not be allowed in a residential community.
- h) Does this dump even need a sign? I am sure the eye sore will be easily spotted by all and any that are going that way. A great way to decrease the value of our properties make it unsafe for drivers, children, animals or really anyone going down a highway that as little to no straight aways to see large vehicles coming and going.
- i) Storm water and surface water? You mean wetlands and ponds for wildlife and how our water naturally filters? This again is going to completely disrupt the ecosystem that has risen after the

fires to create a healthy happy home for wildlife and help with the air quality to all the families and students that reside, play, and learn in this area.

- j) No matter how many “provisions” are in place you can not stop dust and dirt from contaminating the air or the amount of noise this will create in a residential area. There is no way for them to test how residents air quality or water quality is affected by this not to mention children pets and wildlife.

In closing this is so disheartening that the families that have dreamt of raising a family, having grandchildren play, raising animals working on their own dreams of their landscape can be essentially stolen from them for a price that city officials are willing to let slide. In the times we are in and being a newer mom its so hard to maintain all that my husband and I have sacrificed. We worked incredibly hard to build our home and provide for our family as well as having a safe and quite space for our families to have to escape away to when needed. And now because some over controlling millionaire and useless city official who has their own agenda this is what it comes down to? [REDACTED]

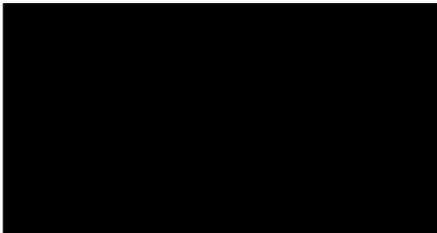
[REDACTED] My son’s lungs matter, all the children in our neighbourhood air and water quality matters. The deer, rabbits, porcupines, and birds we have in our neighborhood matters. We deserve to feel heard and protected in our own space and this is stripping that away from us.

We are greatly disheartened to hear all this continues to be put into play after already being put to a vote and overturned in years past...

Please listen to your residence,

WE STRONGLY DISSAPPROVE,

Cody White,  
Natasha Warnell and our young Son



May 9, 2023

To Whom It May Concern,

As required in the letter we received dated April 25, 2023, we are appealing development permit approval for the Construction and Demolition Materials Processing Facility and Transfer Station potentially located on Highway 7, Porters Lake, NS. Property ID 40740276.

Firstly, we would like to state that though the letter was dated April 25, it was not received until May 3. With written appeals due by May 11, this is an inadequate period to compose a response. Secondly, the fact that letters were only received by property owners within 30m of the proposed facility is unacceptable, as so many more would be greatly impacted should the approval go ahead.

We would like to address each of the matters which were mentioned in the letter.

A) Driveway Access

This is in an area which has no sidewalk and very little road shoulder. Trucks would be lining up on the road impeding foot and vehicle traffic, including school buses and public buses. Personal vehicles would be traveling behind the trucks destined for the facility, potentially being damaged from debris. Children walk to and from school bus stops all along the routes that the trucks will be traveling. This in itself represents a significant risk of life and limb.

B) Separation distances from surrounding properties so that they are not negatively impacted

Physical separation does not mean that there will not be negative impacts to the surrounding properties and indeed there are many.

The six day a week constant noise of the jake brakes on the trucks going to and from the site, the backup beeping of the vehicles, the constant sounds of crushing and grinding of concrete, brick, wood and metals all contribute to significant noise pollution of the community. The mental health of those hearing this continually, will suffer. The dust created by these materials will most certainly drift into our yards, cars, homes and bodies causing significant health concerns.

The lighting which will not be directed at nearby homes will still significantly light up the local area. The lights at the Porters Lake Superstore and the Lake Echo Ball Field, can be seen from many kilometers away and would shed significant light in the areas of many homes, particularly those in close proximity.

Our property, as well as all others in the communities of Lake Echo and Porters Lake will have property values significantly impacted. No one would want to purchase a home or property near the C&D facility. Those who have mortgages on their existing homes would find that the property value of their homes would be well below market value. This would also create a huge problem should area residents wish to sell their homes or property. Indeed property values would plummet resulting in many unhappy HRM ratepayers.

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.

While the site plan submitted shows a waterway near the property, it is not accurate. Having grown up roaming, playing and hunting in the area, there are boggy/wetland areas throughout the property which are not reflected in the plan. These waters filter into treed areas as well. Case in point... when the wildfire spread through the property, trees did not burn due to the waterflow in that area. This area is not shown as a waterway on the map. These waters flow through a number of waterways eventually ending in Porters Lake. Contamination of same from C&D runoff would negatively impact well water, wildlife and vegetation. Due diligence is necessary to ensure this does not happen. An outside company should delineate the waterway areas to ensure that what is shown on the NS Wetland Map is indeed accurate at this present time at and near the proposed site.

D) A landscaping plan shall be prepared that protects and minimizes land use impacts on adjoining land.

The plan indicates that it will maintain and improve existing vegetation, plant coniferous trees and provide berms to provide screening. First of all, the existing vegetation is non-existent beyond brush and very small trees due to the wildfire that raced through the property. The land rises upward from road level. Given the height of the proposed stockpiles, no berm, coniferous trees (of a non-stated height) nor fence will prohibit the view of the mess of the C&D facility from surrounding properties or the road.

E) Within any designated side and rear yards, existing vegetation shall be retained unless it does not provide for adequate screening measures.

Given that there is very little existing vegetation due to the forest fire there is no screening. The 30m setbacks from the boundaries will also have no impact as there is no adequate vegetation to provide screening. Will the natural vegetation be removed from the area? No plans have been proposed to address these issues.

F) All outdoor lighting shall be oriented such that it is directed away from adjacent properties.

Since there are properties all around the proposed site, it cannot be directed away from all of the adjacent properties. The lighting which will not be directed at nearby homes will still significantly light up the local area, especially those in closest proximity. The lights at the Porters Lake Superstore and the Lake Echo Ball Field, can be seen from many kilometers away.

G) All solid waste storage containers shall be screened from view from adjacent properties and streets.

The plan states that these containers will be fenced and screened by existing vegetation. Again, due to wildfire, vegetation to screen is non-existent. Also, the plan does not detail specifically what "screened" means.

H) Impact of the location, number and size of signs.

Certainly, large and unattractive along the highway.

I) Measures including but not limited to lot grading, berms shall be required to adequately address the management of stormwater and surface water.

While proposed stormwater management is addressed in a minor way in the proposed plan, any alteration to the present property is going to affect the wetland areas. We believe that any alteration is going to move the potentially contaminated site, storm and surface water even further within the wetlands on our family property thereby further affecting the quality and value of our property. There is nothing reassuring in the plan to address the potential of contaminated storm and surface water. A full environmental study should be undertaken prior to any approval.

J) Provisions are established to ensure the operation and any required site improvements are maintained to a high standard.

We are in no way confident that the staff of the facility will maintain nor address issues in a way that will protect the surrounding lands, homes and communities. This lack of accountability has already been proven by Mr. Bellefontaine in his burying construction debris on the potential site despite not having any approval to do so and being required to remove it.

In closing, for the many reasons discussed above, we are appealing the decision to approve the development permit to accommodate the C&D Facility proposed by Mr. Bellefontaine. There are other locations within the municipality which are already zoned for businesses such as this. Quite simply, this is not the place for a C&D facility. Not approving the development permit will allow for our property, which is a part of our family heritage, to become a part of our family legacy for years to come.

Signed,

Jean Stoddard and Family

A solid black rectangular redaction box covering the signature area.

Dear Ashlee Bevis,

I am writing to appeal the project proposal on PID 40740276 on Highway 7 Porters Lake, NS.

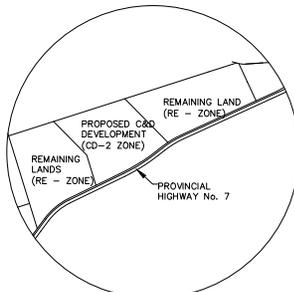
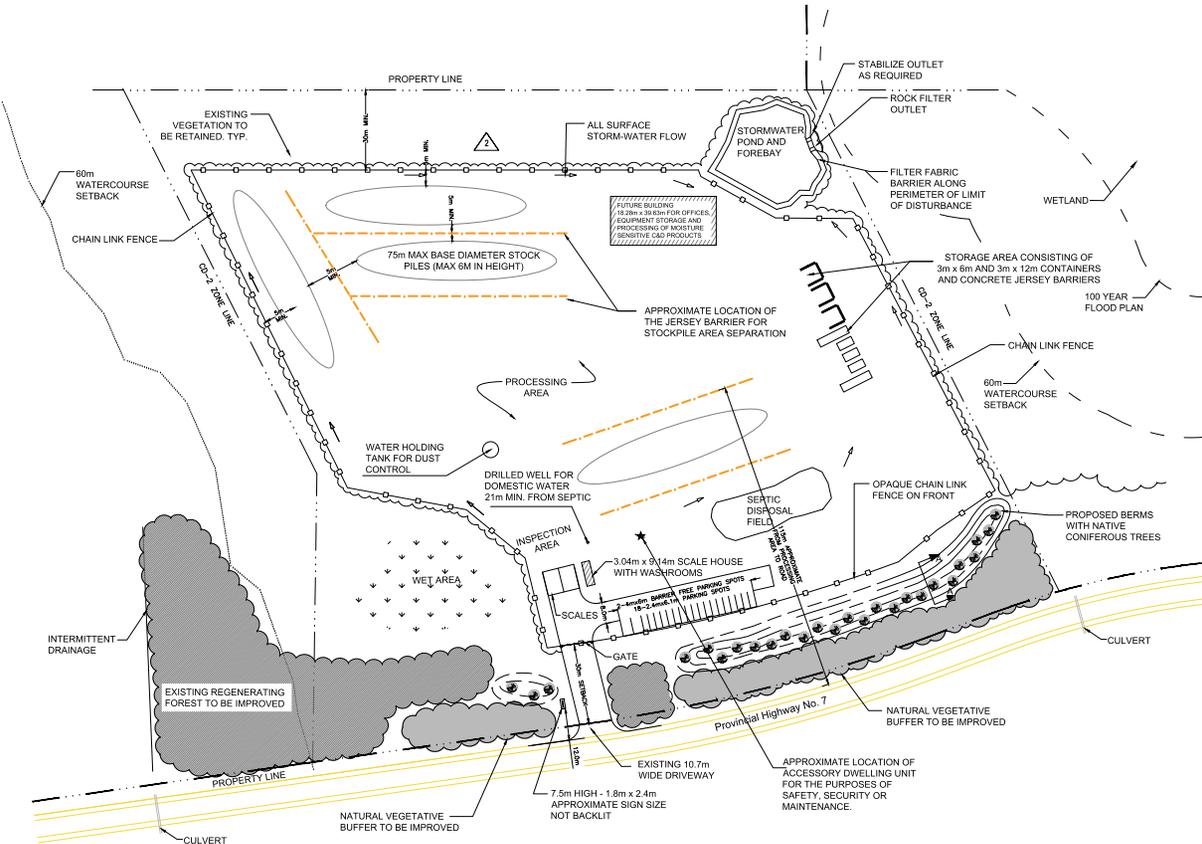
I am writing as a concerned property owner [REDACTED]

[REDACTED]. I strongly believe this project would have many negative effects on the health and well-being of the residents of the community. There would be many impacts to my property, including but not limited to

1. Visual impact- the proposed site is [REDACTED] and would be visible beyond the proposed fenced and planting of coniferous areas (note: there are currently no trees present and would need many years to grow in order to create a substantial visible barrier). Even with barriers put in place the debris, stock piles and dust would still appear beyond the barriers.
2. Property value decreases- this would cause property values to decrease and make it more difficult to find potential buyers, making it undesirable to investors and thereby affecting the economic development of the community.
3. Noise- The noise levels from the increased traffic and heavy machinery would increase making this undesirable for residents as well as any kind of residential development.
4. Light pollution from the plant would also be very negative for surrounding residents and potential buyers.
5. Risk of fire would increase. The surrounding fire department operates on a volunteer basis only. The closest full time fire department is approximately 9kms away.
6. Potential contamination risks- This proposal site is linked via 2 water sources under the highway to my property, should there ever be a fuel leak or toxic substance spill my property would be directly negatively affected.

Therefore I strongly urge you to reject the proposal of the Construction and Demolition Materials Processing Facility and Transfer Station. I implore you to consider the health, safety and well-being of the residents and to promote sustainable and environmentally friendly development of the community.

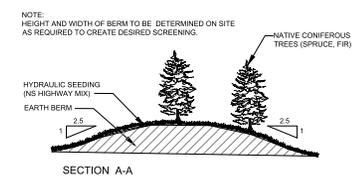
Yours truly,  
Shu Wei Chen



**LINE TYPE LEGEND**

---	PROPERTY LINE
- - - - -	CHAIN LINK FENCE
=====	STOCK AREA
▬▬▬▬▬	BUILDINGS
----	CONTOUR LINE
---	PROVINCIAL HIGHWAY
~~~~~	GENERAL LIMIT OF DISTURBANCE
-----	WATERCOURSE SETBACK
→	STORM-WATER FLOW
- - - - -	JERSEY BARRIERS

- NOTES:**
- TOTAL SIZE OF PROPERTY IS 19.4 HA (48 ACRES). THE CD-2 ZONED PORTION OF THE PROPERTY IS 30% OF THE TOTAL AREA AT 5.89 HA (14.7 ACRES).
  - ALL LOCATIONS SHOWN ARE APPROXIMATE. THIS DRAWING IS INTENDED FOR SITE PLAN APPROVAL PURPOSES ONLY.
  - IMPROVEMENTS TO NATURAL VEGETATIVE BUFFER AND REGENERATING FOREST AREAS TO INCLUDE:
    - REMOVE HAZARDOUS AND UNSIGHTLY TREES AND DEADWOOD
    - RETAIN SELECTED DEAD TREES FOR WILDLIFE HABITAT
    - SELECTIVE THINNING AND CHIPPING OF EXISTING TREES AND UNDERGROWTH TO PROMOTE HEALTHY WOODLAND REGENERATION.
  - STOCKPILE LOCATIONS ARE APPROXIMATE. THE SIZE AND LOCATION MAY VARY BASED ON THE AMOUNT OF MATERIAL. ALL STOCKPILES WILL MEET BY-LAW L-200



**REVISIONS**

NO.	DATE	REVISION	BY
△			
△			
△			
△			
△			
△			
△	4/04/25	ISSUED FOR CLARIFICATION	B.KILEY
△	13/02/23	ISSUE FOR APPROVAL	B.KILEY

**REFERENCE DWGS.**

DWG. NO.	DWG. TITLE	BY

- FOR APPROVAL ONLY
- PRELIMINARY - NOT FOR CONSTRUCTION
- APPROVED FOR CONSTRUCTION
- SUPERSEDES ALL PREVIOUS ISSUES

C&D FACILITY  
PID-40740276  
PORTERS LAKE, NS

**Cogswell Engineering Ltd.**  
Dartmouth, Nova Scotia, Canada  
B3B 1N6  
Phone: (902) 469-8141 Email: contact@cogswellengineering.ca

**DWG. TITLE** SITE PLAN

DRN. BY	BG	DATE	24-JAN-2023
CHK. BY	BK	PROJ. NO.	22.473
SHT. SIZE	24x36	SCALE	AS INDICATED
DWG. NO.	C100	REV	2
SHT. NO.	1	OF	1