



WEST HANTS  
NOVA SCOTIA

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS  
Public Hearing  
February 13, 2018**

**Ted Harvey Application for a Development Agreement to permit a Distillery and Distillery  
Retail Store at 329 Falmouth Dyke Road, Falmouth, West Hants (PID 45370780)**

Present:	A. Zebian	Warden
	R. Jannasch	Councillor District 1
	K. Monroe	Councillor District 2
	D. Keith	Councillor District 3
	T. Leopold	Councillor District 4
	D. Francis	Councillor District 5
	R. Hussey	Councillor District 6
	J. Daniels	Councillor District 7
	P. Morton	Deputy Warden
	R. Zwicker	Councillor District 10
	M. Laycock	Acting CAO, Director of Finance
	M. LeMay	Director of Planning and Development
	S. Shah	Municipal Planner
	B. Carrigan	Director of Public Works
	C. Lowe	Municipal Accountant
	R. Brown	Municipal Clerk
	C. Remme	Executive Assistant/Communications Coordinator

There were 32 members of the public in attendance.

Warden Zebian advised that this was a Public Hearing required by Part 8 of the *Municipal Government Act* stating the sessions, hosted by Council, provide members of the public with an opportunity to bring forward concerns and ask the applicant and planning staff questions regarding the proposed amendments. He went on to say that upon completion of the Public Hearing, the Council meeting will resume, and members of Council may then ask questions and make comments.

Warden Zebian called on Municipal Planner, Sirah Shah, to speak on the application.

The Municipal Planner reviewed the presentation (attached).

The Municipal Planner advised Council that three letters had been received against the application.

Ted Harvey, the applicant, requested to present to Council regarding public concerns brought forth at the information sessions (attached).

Ted Harvey advised that he had contacted other municipalities which had distilleries in their areas. He noted that disposal of any waste from making the product would require approval from the Department of Environment. The applicant went on to say that the vapour produced is condensed back to liquid therefore would not cause any fumes, and as the still is heated by an electric element there would be no fumes or smell that may be caused if a wood burner or propane was used.

The applicant went on to address the concerns that had been brought forward regarding noise and increased traffic in the area. He advised that the hours of operation had been decreased from the original application to two days and only one evening. He added that the distillery and retail store is not a drinking establishment as some believed adding that he did not feel as though the traffic would increase substantially noting that Falmouth Dyke Road is currently a busy street.

The applicant noted that the lot being used for the development is very private and approval had been given for the driveway from the Department of Transportation and Infrastructure Renewal. He went on to show slides of the location of the development and the proximity to the neighbours, road and driveway.

Ted Harvey demonstrated how the pot still which will be used in the distillery works noting that there would be no open flames and no pressure which addresses the public concern surrounding explosions and fire. He went on to say that as part of the agreement, the developers would be required to hire a fire protection engineer. The applicant went on to speak of many other distilleries, such as the one being proposed, are placed in very public areas such as strip malls with no barriers between the equipment and the public.

The applicant noted that there would be no chemicals used in the fermentation or distillation process. The only chemicals being used will be in the cleaning process such as food grade Phosphoric Acid or Citric Acid.

Ted Harvey closed his presentation speaking of the community benefit of the proposed development. He noted that partners planned on sourcing their products locally and will be creating new jobs in the area. He stated that small businesses help to stimulate economic growth quoting Iron Works Distillery's "What Makes a Spirit Truly Local".

Warden Zebian asked if there any questions from the public.

Joan O'Reilly questioned if the distillery would affect property value in the area. The Municipal Planner responded that decisions are based solely on planning documents adding that property value is not a consideration from a planning perspective.

Frank Green addressed Council with his concern surrounding the noise levels stating that, as the neighbour to the property, he can hear everything that is taking place on the property. He went on to speak of concerns regarding emissions of steam and gas as well as the dust from the gravel driveway that could affect his wife as she is ill.

Resident Green went on to say that he did not believe that traffic flow would not increase on the road adding that the development would take away from the residential aspect of the neighbourhood and open the door to other developments on the road.

Nick Fry addressed Council stating that, as a neighbour, he was in favour of the development particularly in from a rural economic development point of view. He spoke of the increase in craft distillery sales across the Province. He went on to say that the developers had addressed many of the concerns that had been voiced during the public consultation process.

Warden Zebian called for any oral or written submissions in favour of the amendment. There were none.

Warden Zebian called for any oral or written submissions in against the amendment. There were three letters received against the agreement.

Warden Zebian declared the Public Hearing adjourned at 7:31 p.m.

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Abraham Zebian, Warden

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Rhonda Brown, Municipal Clerk



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Development Agreement: 329 Falmouth Dyke Road  
Public Hearing  
February 13, 2018

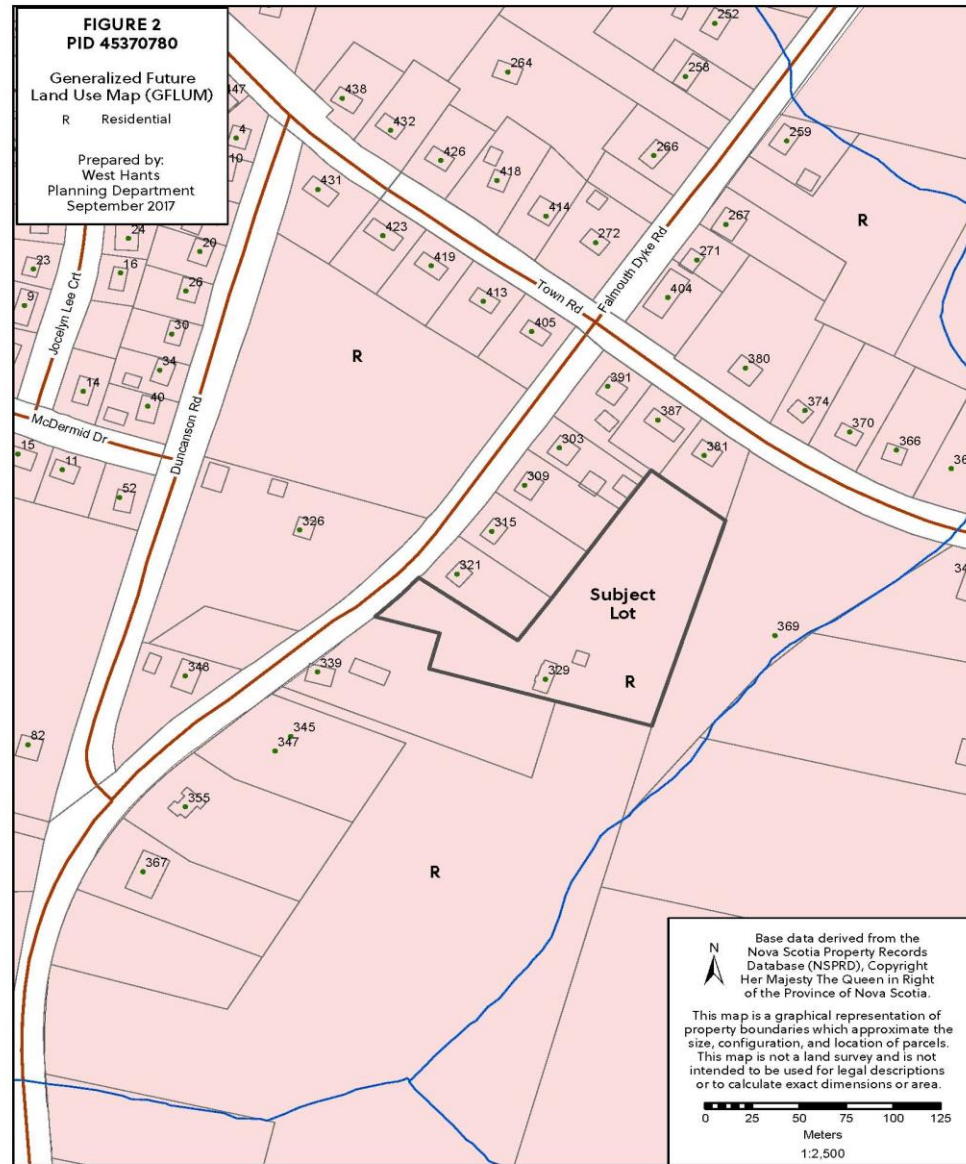
# Background

- ▶ An application has been received from Ted Harvey for a development agreement to permit a distillery at 329 Falmouth Dyke Road, Falmouth, West Hants.
- ▶ The property is owned by Kenneth and Annette Ledson, who have provided their authorization for the application. Mr. Ledson will be a partner in the enterprise.

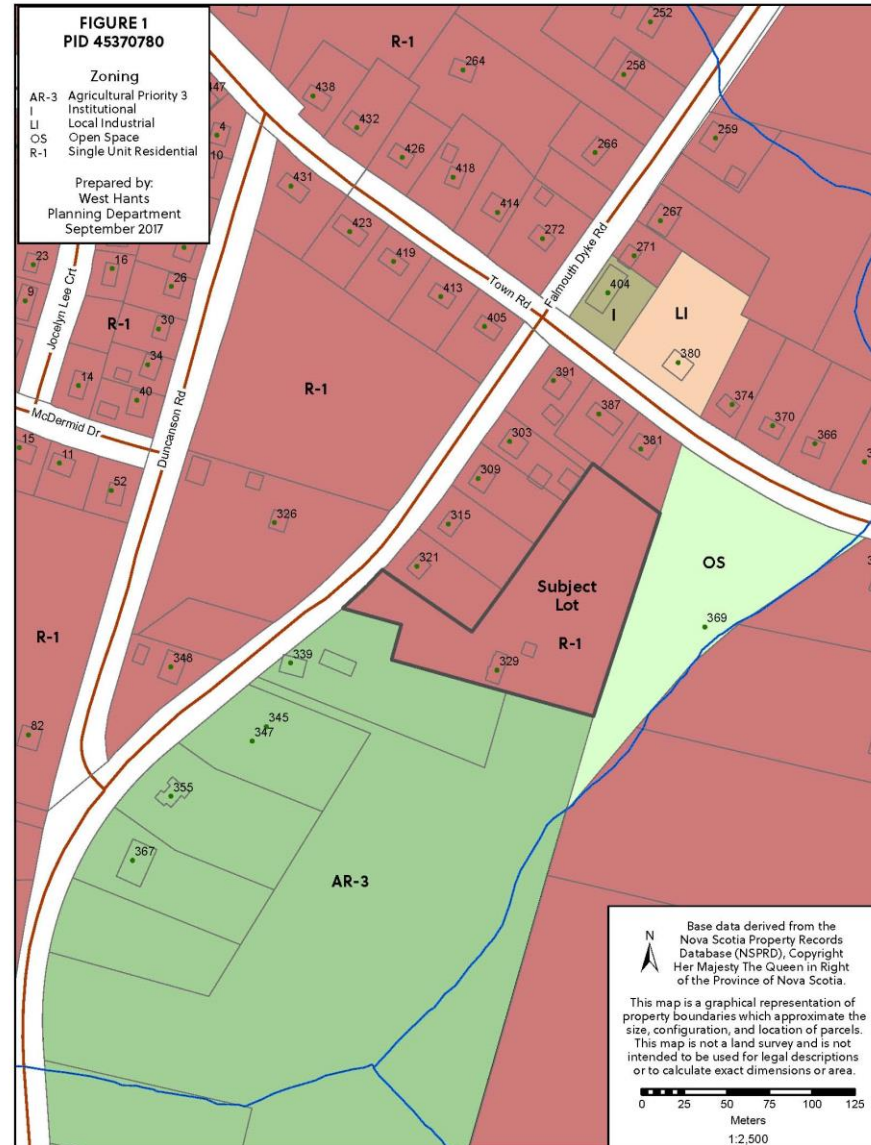
# Background

- ▶ On October 12, 2017, the applicant notified staff that retail operations will need to be included as part of the development agreement, as per the Nova Scotia Liquor Corporation Policy, to allow the applicant to sell products on the site and at festivals and events.
- ▶ The retail space will be contained within the existing garage and hours are will be restricted to two days a week between Monday and Friday.

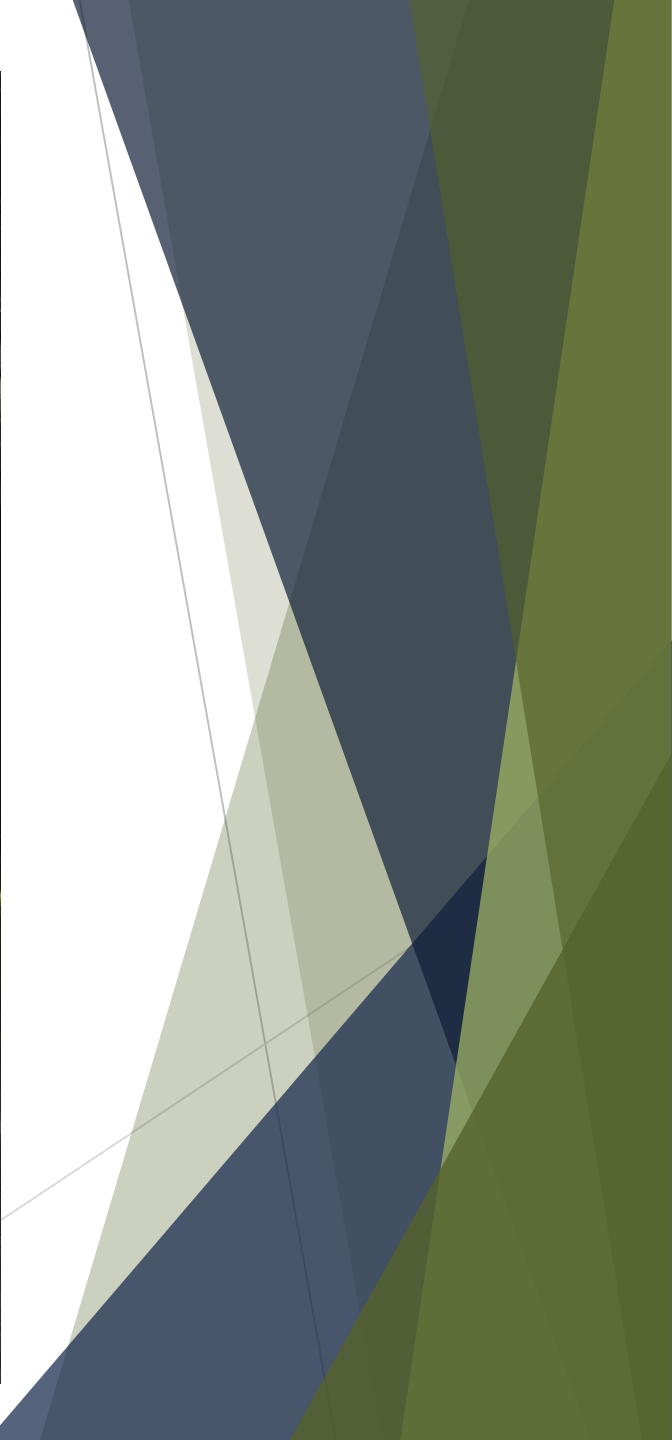
# General Future Land Use- Residential



# Zoned Single Unit Residential (R-1)











# Document Review

- ▶ Section 6.1 (i) of the Land Use By-law (LUB), *Development Agreements*, states that
  - ▶ *"The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy: ...*
  - ▶ *(i) Resource Industrial (M-1) uses in the Growth Centres in accordance with Policy 5.7.2 of the Municipal Planning Strategy";*

# Document Review

- ▶ Policy 5.7.2 of the Municipal Planning Strategy (MPS) states that *"it shall be the policy of Council to consider new resource-related industrial uses in the Growth Centres by development agreement"*. A distillery and the retail use are considered to be a resource-related industrial use.

# Specific Criteria

- ▶ Policy 5.7.2 of the MPS allows consideration of new resource-related industrial uses in the Growth Centres by development agreement.
- ▶ In summary, the criteria are met since:
  - ✓ the proposed use is permitted in the Resource Industrial (M-1) Zone;
  - ✓ the development will not adversely affect adjacent land uses;
  - ✓ Department of Transportation and Infrastructure Renewal has advised that there is safe and efficient roadway access to an arterial road;

# Specific Criteria Cont.

- ▶ In summary, the criteria are met since:
  - ✓ the property has sufficient space for parking and loading areas;
  - ✓ the use will take place in an existing building which means additional buffering need not be addressed; and
  - ✓ open storage has been addressed within the draft development agreement; and
  - ✓ the distillery use is not considered a home-based business.

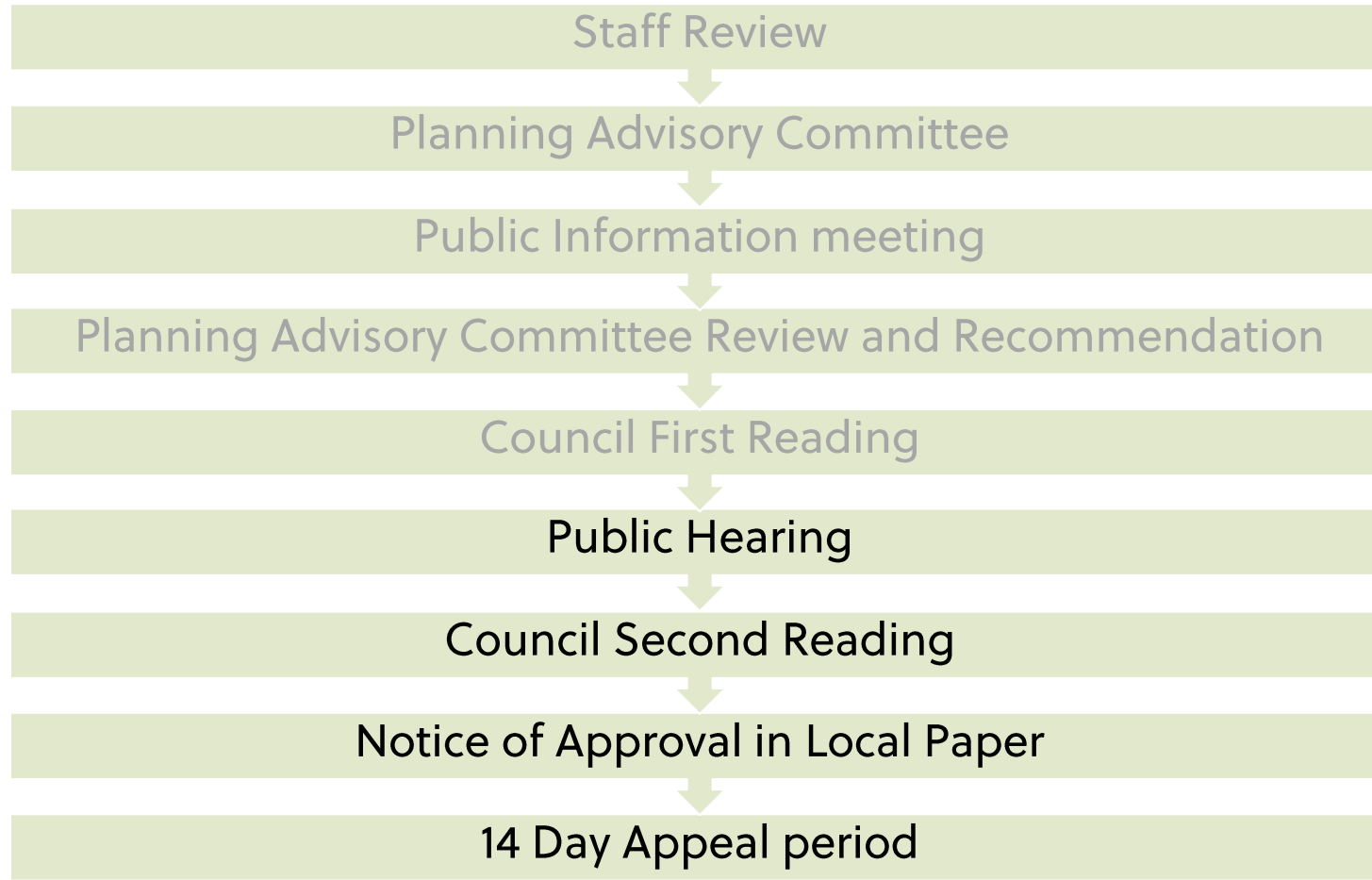
# Specific Criteria Cont.

- ▶ Effluent waste concerns have been addressed in the draft development agreement.
  - ▶ A sample of effluent waste was provided by Ironworks Distillery to determine the expected effluent waste.
  - ▶ The Biological Oxygen Demand of the sample exceeds the Falmouth sewer system 300mg/L limit .
  - ▶ Disposal through the Falmouth Sewer System must be approved by the Municipal Engineer.

# General Criteria

- ▶ Policy 16.3.1 of the MPS states general criteria for any development agreement considered in West Hants.
- ▶ In summary:
  - ✓ the proposal is not premature or inappropriate for the area; and
  - ✓ the Municipal Building Official has no concerns and the applicant is required to hire a Fire Protection Engineer.

# Process





**WEST HANTS**  
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Ted Harvey:  
Applicant Presentation  
February 13, 2018

# Public Concerns

- Smell/Fumes
- Noise/Traffic
- Fire/Explosions
- Chemicals
- No Benefit to the Community

# Smell and Fumes

- Contact with other municipalities regarding complaints about distilleries in their area.
- Micro-Distillery tours
- Department of Environment Approval
- Development Agreement/Municipal Gov. Act sect.264
- Vapour produced is condensed back to liquid
- Still heated by electric element-not wood burner or propane.

# Noise and Traffic

- Reduced hours of retail, 2 days and 1 evening a week as per development agreement
- Other businesses in the area/throughway
- Not a drinking establishment
- Large secluded lot/plenty of property barrier
- Commercial driveway approval (D.I.R)

# View from Falmouth Dyke Rd.



# Side view of lot



# View from building



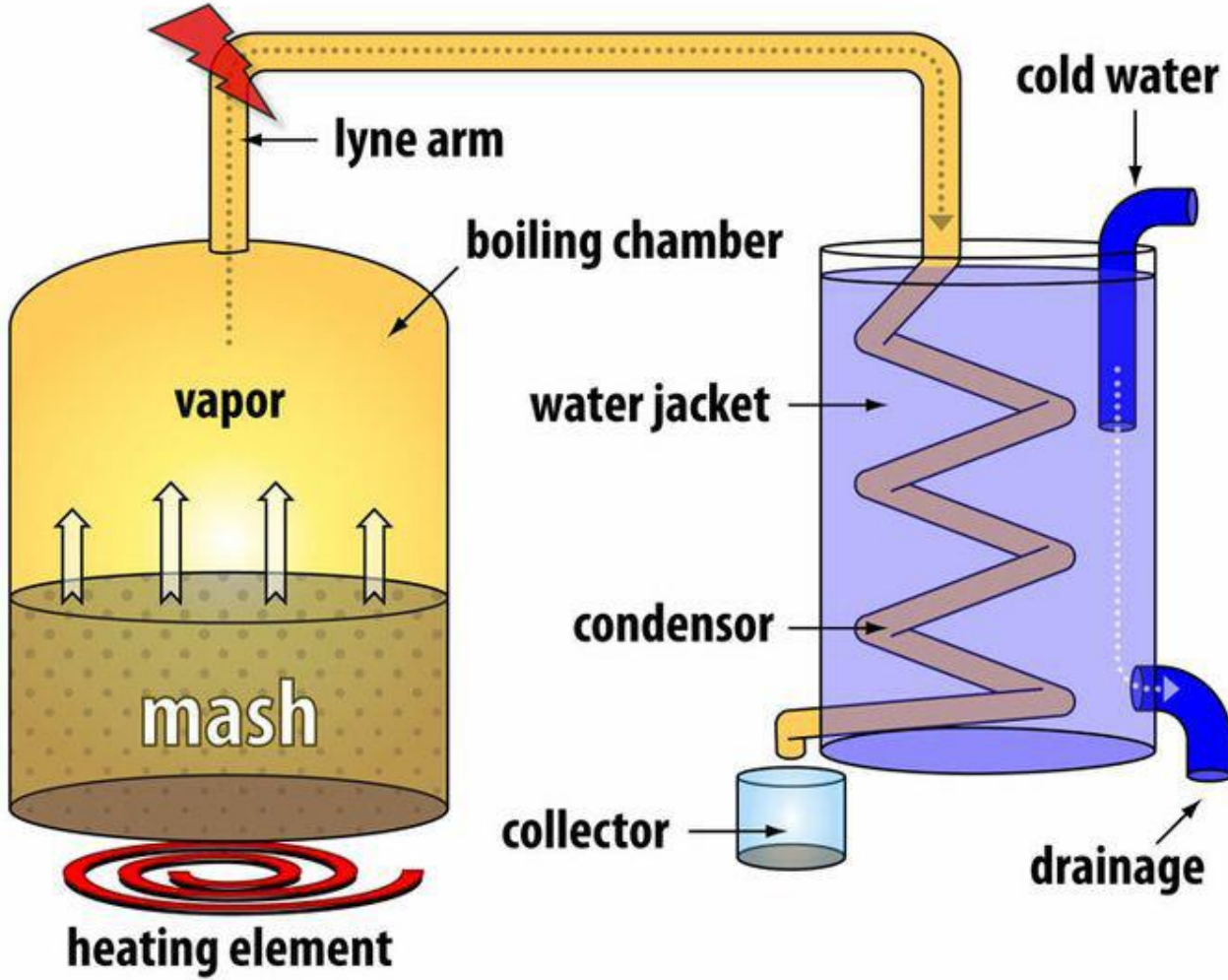
# View from Falmouth Dyke Rd.



# Fire and Explosions

- Small batch artisan distilleries vs commercial distilleries, same National Fire Protection Association requirements.
- No grain milling
- Agreement to hire a Fire Protection Engineer
- Spirit/Pot still is an atmospheric vessel
- Electric internal heating elements- same as a domestic hot water heater.
- Distilleries located in strip malls/near residential homes. No barriers between customers and stills.

# #1 - Pot Still





# Chemicals

- Fermentation tanks- food-grade phosphoric acid or citric acid diluted to 10%(biodegradable)
- Pot still- sterilized by pasteurization, 161 F for 15 min/periodically steam cleaned after fruit based washes
- Once a year still is steamed with citric acid
- diluted to 10% to remove accumulation of naturally occurring sulphates
- No chlorine or chlorine based cleaners EVER

# Community benefit

- Local farms to use waste as organic feed and/or fertilizer (community supported agriculture)
- Buy local agriculture products
- Vendors at farm markets
- Job creation
- Support small business
- Local development agreement success story-204 Falmouth Dyke Rd.

# **What makes a spirit truly local?**

**17,000 lbs of apples**

**5,000 lbs of pears**

**20,000 lbs of berries**

**All grown in Nova Scotia.**

**Total investment in  
the local farming community  
of more than \$105,000.**

**And that's just a start...**



**Along the way you welcome  
more than 30,000 guests every year  
at the shop in old town Lunenburg,  
employ 10 people full time  
and another 17 part-time,  
attend more than  
15 farmers' markets, over 6 seasons,  
and spread the products as far as  
BC, Alberta, Ontario & Newfoundland.**

**We are Ironworks Distillery  
& we make truly local spirits.**



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# Recommendation

Should Council wish to proceed following the Public Hearing, the following motion would be in order:

**that Council gives Second Reading to and approves entering into a development agreement to allow a distillery and retail operations at 329 Falmouth Dyke Road, (PID45370780) which is substantively the same as the draft set out in Appendix A of the report dated February 13, 2018.**