


Atlantic Shell Corporation rezoning request not proceeding

Details

 Published: 05 May 2025

The landowner associated with the application by Atlantic Shell Corporation to rezone a portion of PID 25066473 on the Smith Road in Upper Nappan to accommodate a crustacean shell drying operation has withdrawn his permission for the application to proceed. The application was to rezone the parcel from Agriculture (AG) to Rural Industrial (RI).

Pursuant to the Municipal Government Act, in order to come into effect, a bylaw to amend the Land Use Bylaw is required to have two readings with a requirement for a public hearing prior to second and final reading. The application to rezone a portion of the property had received first reading at the April meeting of the Cumberland Municipal Council, held on April 23, 2025.

"With the withdrawal of permission by the landowner, the process for this application is at an end and there will be no public hearing nor any council consideration of second reading. Any new applications for alternative parcels for this operation would have to start over again," CAO Greg Herrett said.

"It isn't our normal practice to issue media releases regarding development application status, but there's been a higher than usual level of interest in this application and we want to make sure that the public is aware that the process has ended," he added.



**COUNCIL MEETING
FIRST READING
Date: April 23, 2025**

TO: Mayor and Council
FROM: Glen Boone, Director of Development and Planning
DATE: April 16, 2025
SUBJECT: **First Reading – By-law to Amend the Land Use By-Law 25-05 to rezone a portion of PID 25066473 on Smith Road, Upper Nappan from Agriculture (AG) Zone to Rural Industrial (IRur) Zone.**

ORIGIN: On April 1st, 2025, staff received a rezoning application from Atlantic Shell, with authorization from the current landowner, to rezone PID 25066473 on Smith Rd. from Agriculture (AG) to Rural Industrial (IRur).

PID	Location	Current Zone	Proposed Zone	Proposed Use
25066473	Upper Nappan	Vacant / corn field crops (periodically)	Rural Industrial (IRur) Zone	Crustacean Shell Drying Operation

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

- (a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;*
- (b) If the proposed change is not prohibited by any other policy in this Plan;*
- (c) The purposed of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and*
- (d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.*

RECOMMENDATION: THAT Council approve First Reading of the By-Law to Amend the Land Use By-Law 25-05 to rezone a portion of PID 25066473 on Smith Road, Upper Nappan from Agriculture (AG) to Rural Industrial (IRur), AND schedule a Public Hearing.



COUNCIL MEETING

FIRST READING

Date: April 23, 2025

BACKGROUND: The Subject Property consists of three parcels, all parcels being assigned PID 25066473, divided by an unmaintained portion of Blair Lake Rd, and a small parcel of land owned by Compass Minerals. The Subject Property consists of a total of approximately 35.17 acres; however the proponent is only looking to rezone the parcel of land being utilized for the proposed development use (See Attachment A). The parcel of land the rezoning has been requested for is approximately 5.9 acres of AG zone land, leaving the remaining 29.27 acres as Agriculture (AG) zoned land.

A portion of the Subject Property contains lands that are a part of the Nappan River Dam Marsh. While some of the Subject Property is protected under the Agricultural Marshland Conservation Act, there is a large portion of the parcel remaining that can support development and is not a part of the protected Marshland. For this reason, the portion of land that is part of the Nappan River Dam Marsh will not be included in the portion of land to be rezoned.

Currently the subject property is currently vacant (cleared) land and occasionally use for growing corn crops. The subject properties were zone AG in the initial zoning assignment of 2018 based on a multitude of factors, largely soil profiles and adjacent land uses. While the general area has historically supported both agricultural and industrial activities, the subject property was not used as agricultural land and is not a part of the current, actively used farmland network for the area.

DISCUSSION: The proposed project for a Crustacean Shell Drying Operation would require a rezoning, as it does not fit the intent of the Agriculture zone, nor is it currently a permitted land use within the Agriculture Zone (See Attachment E). As a resource-based industrial processing operation, the proposed development would align with the intent of the Rural Industrial (IRur) Zone. Since both the Agriculture and Rural Industrial Zone are both under the Resource designation, an MPS amendment would not be required to carry out the proposed rezoning.

Since the Nappan River Dam Marsh Resource lands are protected lands under the Agricultural Marshland Conservation Act, development of these lands would require, at a minimum, a variance issued by the Marshland Administrator. For this reason, the siting of the processing plant intentionally avoids portions of the parcel that are within this designation and makes up the Nappan River Dam and therefore does not require a variance from the Marshland Administrator.

The crustacean shell drying operation processes crustacean shells into various industrial products such as crop fertilizers. The operation utilizes proprietary technology, which works to eliminate excessive odors and emissions generated as a result of the operation of the facility.

The processing facility is proposed to be located on a portion of the land with a higher elevation, avoiding wetlands. The location of the parcel is ideal for wind directions to carry any generated odors away from existing residential areas.

FINANCIAL IMPLICATIONS: The development of a crustacean shell drying operation is anticipated to create 20-25 jobs within the County. Over time there is the potential for increased employment numbers. Atlantic Shell would become a significant industrial taxpayer.



COUNCIL MEETING

FIRST READING

Date: April 23, 2025

ENVIRONMENTAL IMPLICATIONS: The subject property partially contains protected Marshlands, part of the NS109 Nappan River Dam Marsh. The applicant has been working closely with the Nova Scotia Department of Agriculture to ensure all activities on the subject property aligned with the regulations set out by the Agricultural Marshland Conservation Act. The proposed development would not be situated within an area of the parcel that is protected, which would enable the development to occur without the requirement for a variance to be issued from the Marshland Administrator. The applicant has confirmed with Nova Scotia Department of Environment and Climate Change (NSECC) that an environmental assessment is not required for the development of the subject property.

The proposed development would be required to adhere to the Nova Scotia Clean Air Act. Structure siting and plan design considers environmental impacts of the operation and work to mitigate the impacts of resulting odors and emissions, in alignment with the requirements and regulations set out by the Nova Scotia Clean Air Act.

Due to the requirement for Staff restroom facilities at the plant, OSS approval from NSECC shall be required. At the permitting stage, a location certificate verifying the siting of all proposed structures will be required.

COMMUNITY ENGAGEMENT: If Council approves First Reading, a Public Hearing could be held on the above matter at a later date. In accordance with MGA Section 206, notices will be placed on the Municipal Website two weeks prior to the scheduled date. Furthermore, a notice will be placed in a locally circulated newspaper at least one week prior to the public hearing and a Planning Notice Sign will be placed on the property.

At the Public Hearing, the proponent will present to Council the technical details of proposed development and will explain how their technology works to reduce impacts of the operation of the facility on the surrounding environment.

The proponent is actively engaging with residents in vicinity of the Subject Property to discuss the nature of the impacts the proposed plant may have on adjacent properties and to address concerns presented by residents.

ALTERNATIVES:

- Council may defer the issue to a later date,
- request further information or
- reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

Attachment A: Zoning Map Change Sheet

Attachment B: Aerial and Street Images

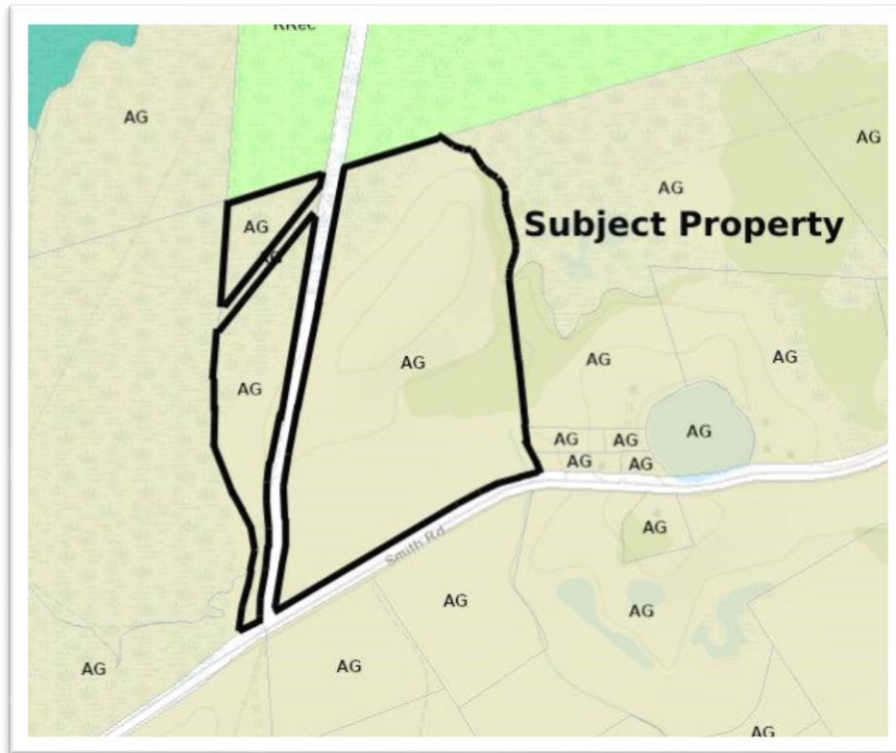
Attachment C: Agricultural Land Context Map

Attachment D: NS109 Nappan River Dam Marsh (with Staff annotations)

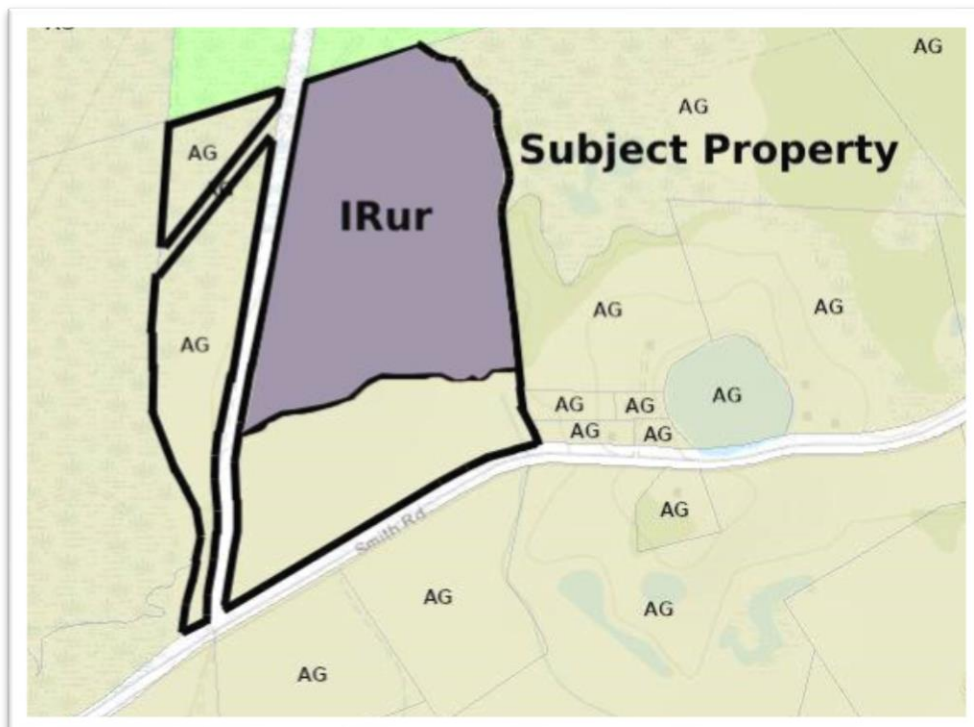
Attachment E: Policy Review

Attachment F: Bylaw to Amend the Land Use Bylaw 25-05

ATTACHMENT A: ZONING MAP CHANGE SHEET



Changes to



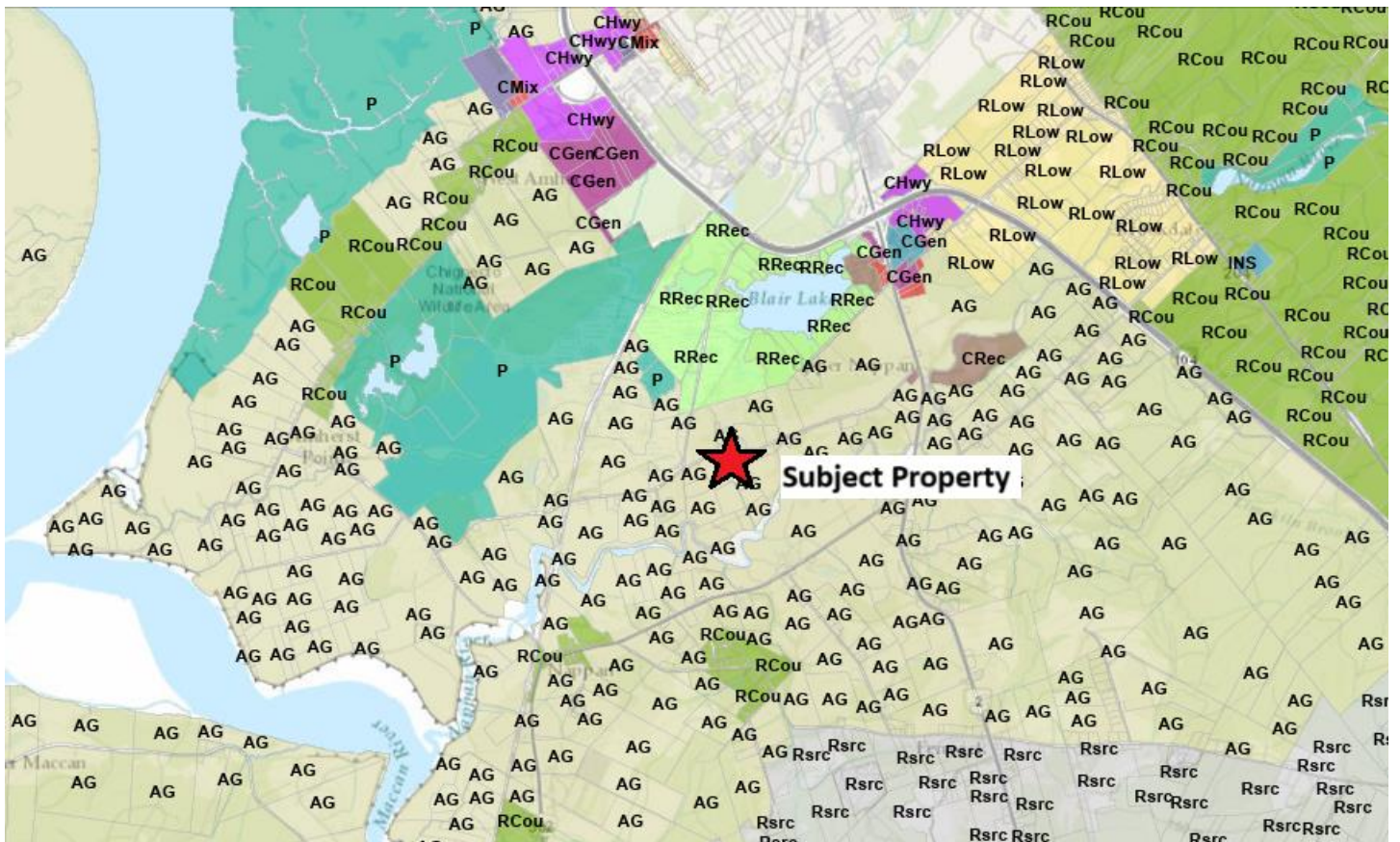


**COUNCIL MEETING
FIRST READING
Date: April 23, 2025**

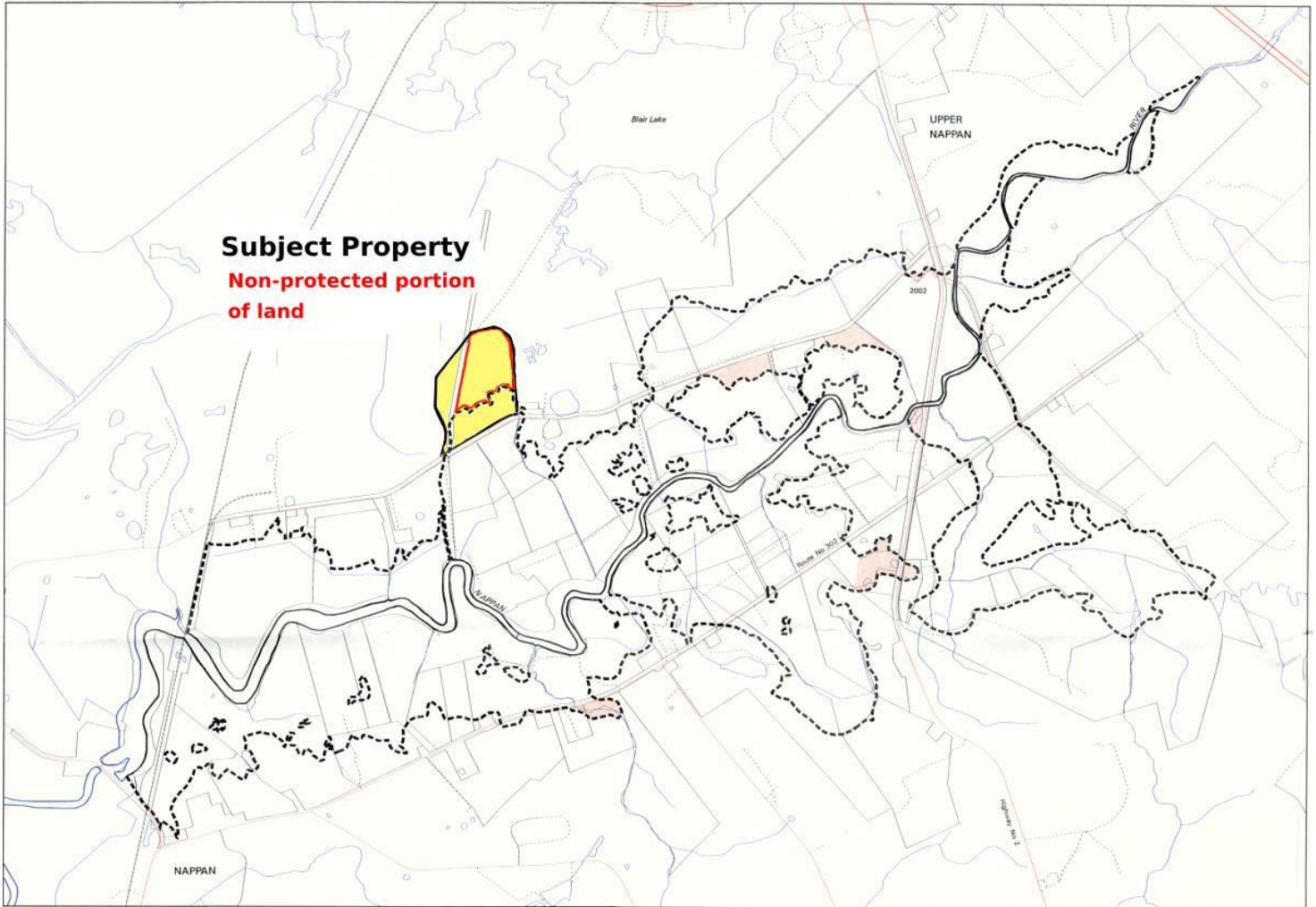
Attachment B: Aerial and Street Images



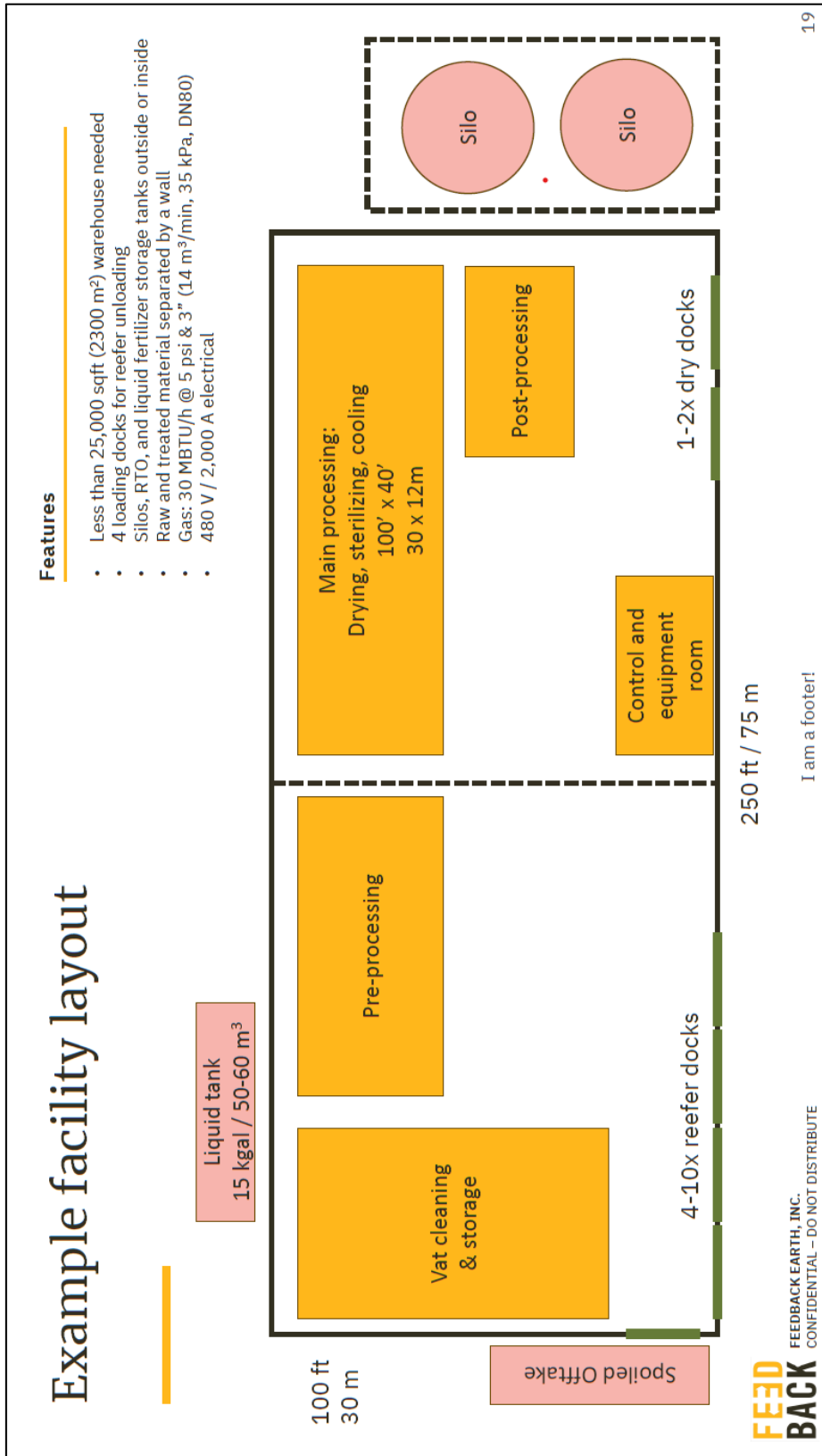
Attachment C Agricultural Land Context Map



Attachment D: NS109 Nappan River Dam Marsh (with Staff annotations)



Attachment E: Concept Facility Layout





**COUNCIL MEETING
FIRST READING
Date: April 23, 2025**

Attachment F: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in zones within the Resource designation.</p> <p>(a) Agriculture Zone (i) Rural Industrial</p>
<p>Comment: Both the current zone and the proposed zone are permitted within the Resource Designation.</p>

<p>LUB 11.3.1 The Rural Industrial (IRur) zone is intended to accommodate processing and other industries related to resource based industries and to accommodate intensive uses that require large separation distances from dwellings and other less-intensive uses.</p>
<p>Comment The proposed use of a Crustacean Shell Drying Operation would align with the intent of the Rural Industrial zone, being a resource-based processing facility.</p>

<p>MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.</p>	
Requirement	Comment
(a) <i>if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i>	Not applicable
(b) <i>The proposed change is not prohibited by any other policy in this plan.</i>	Not prohibited
(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	Is consistent with location and land characteristics based on limited rural development and predominantly agr and rural industrial uses.
(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	Property is not identified to be a part of a wildlife corridor. No geohazards present.
(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See below

<p>MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;</p>	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	Consistent
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	Does not conflict, the applicant has been actively engaging with Provincial Staff to ensure compliance.



COUNCIL MEETING

FIRST READING

Date: April 23, 2025

(c)	<i>Is not premature or inappropriate due to:</i>	
(i)	<i>The ability of the Municipality to absorb the public costs related to the project.</i>	No public costs related to project
(ii)	<i>Impacts on existing drinking water supplies, both private and public.</i>	No identified impacts on water supplies. The proponent is working with the Town of Amherst to secure connection to the Amherst Municipal water.
(iii)	<i>the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	Site meets the basic requirements to support OSS. OSS approval is issued by NS Dept of Environment
(iv)	<i>The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No excessive traffic hazards or congestion anticipated
(v)	<i>The adequacy of fire protective services and equipment;</i>	Adequate services available
(vi)	<i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(vii)	<i>The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	None identified. Stormwater is intended to be addressing through site plans and plant facility designs.
(viii)	<i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	Water drainage and retention on the site is addressed in design plans
(ix)	<i>Impacts on sensitive environments, as identified on Schedule B</i>	No sensitive environments to be impacted
(ixA)	<i>Impacts on wildlife corridors</i>	No impacts
(x)	<i>Impacts on known habitat for species at risk</i>	No impacts
(xA)	<i>risks presented by geohazards</i>	No impacts
(xi)	<i>the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	The site is partially impacted by protected wetlands; however the proposed structures would not be located on the protected portion of land. A Location certificate will be required at the permitting phase.
(xii)	<i>negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	No negative impacts identified.



COUNCIL MEETING

FIRST READING

Date: April 23, 2025

Attachment F: Bylaw to Amend the Land Use By-Law 25-05

Attached Separately