



**HARBOUR EAST-MARINE DRIVE COMMUNITY COUNCIL  
MINUTES  
April 3, 2014**

**PRESENT:** Councillor David Hendsbee, Chair  
Councillor Bill Karsten  
Councillor Lorelei Nicoll  
Deputy Mayor Darren Fisher

**REGRETS:** Councillor Gloria McCluskey, Vice Chair

**STAFF:** Ms. E. Roxanne MacLaurin, Senior Solicitor  
Ms. Jennifer Weagle, Legislative Assistant

*The following does not represent a verbatim record of the proceedings of this meeting.*

*The agenda, supporting documents, and information items circulated to Community Council are available online: <http://www.halifax.ca/Commcoun/east/index.html>*

**Harbour East-Marine Drive Community Council Minutes  
April 3, 2014**

*The meeting was called to order at 7:00 p.m., and Community Council adjourned at 8:10 p.m.*

**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m. in the Multi-Purpose Room of the Lake & Shore Community Recreation Centre, 40 Inspiration Drive, Porters Lake. The Invocation was led by Deputy Mayor Fisher.

Councillor Karsten advised that Councillor McCluskey sends regrets for this meeting as she is attending the opening the SEDMHA hockey tournament on behalf of the Mayor.

**2. APPROVAL OF MINUTES – February 13 & March 6, 2014**

**MOVED by Deputy Mayor Fisher, seconded by Councillor Nicoll, that the minutes of February 13 & March 6, 2014, be approved as circulated. MOTION PUT AND PASSED.**

**3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

Addition:

- 13.1 Case 19011: Substantive Amendments to Seven Lakes Open Space Design Development Agreement, Porters Lake (*Notice of Motion and Schedule Public Hearing*)

**MOVED by Councillor Nicoll, seconded by Deputy Mayor Fisher, that the agenda be approved as amended. MOTION PUT AND PASSED.**

**4. BUSINESS ARISING OUT OF THE MINUTES**

**5. MOTIONS OF RECONSIDERATION – NONE**

**6. MOTIONS OF RESCISSION – NONE**

**7. CONSIDERATION OF DEFERRED BUSINESS – NONE**

**8. HEARINGS**

**8.1 PUBLIC HEARINGS - NONE**

**8.2 VARIANCE APPEAL HEARINGS - NONE**

**9. CORRESPONDENCE, PETITIONS & DELEGATIONS**

**9.1 Correspondence - None**

**9.2 Petitions - None**

**9.3 Presentation - None**

**10. REPORTS**

**10.1 Staff Reports**

**10.1.1 Case 18329: Development Agreement for Multiple Unit Dwellings on an extension of Richmond Street, Dartmouth**

The following was before Community Council:

- A staff recommendation report dated March 12, 2014.

**MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council give Notice of Motion to consider the proposed development agreement for two multiple unit dwellings on an extension of Richmond Street in Dartmouth as contained in Attachment A of the March 12, 2014 staff report, and schedule a public hearing. MOTION PUT AND PASSED.**

The Public Hearing will be scheduled for Thursday, May 1, 2014 at 6:00 p.m. at the Dartmouth Council Chamber, 90 Alderney Drive, Dartmouth.

**10.2 Board & Committee Reports**

**10.2.1 Porters Lake Watershed Servicing Study Report**

The following was before Community Council:

- A recommendation report from the Regional Watersheds Advisory Board dated March 24, 2014 with attached staff recommendation report dated October 21, 2013.
- Mr. Gordon Smith's presentation is on file.

Ms. Maureen Ryan, HRM Senior Planner, Planning & Infrastructure, introduced the origins of the study, noting that the study was commissioned to carry out a watershed study as background for future community planning for the Porters Lake Rural Growth Centre and to determine the assimilative capacity of the receiving waters prior to developing a community municipal planning strategy.

Ms. Ryan advised that CBCL Limited. was awarded the contract to undertake the study and introduced Mr. Gordon Smith, CBCL Limited. Mr. Smith presented an overview of the study, including the following:

- Purpose of the Study
- Assessment of Assimilative Capacity of Porters Lake
- What Should be Done for Existing Issues
- Growth Scenarios
- Objectives for Future Development

- Servicing for Future Development

Mr. Smith's presentation is available on file and online.

Responding to questions from Deputy Mayor Fisher, Mr. Smith confirmed that there is a typo on page 19 of the presentation, which should read "Chezzetcook Inlet **does not** appear to have assimilative capacity due to E. Coli loads."

Mr. Smith clarified at the request of Deputy Mayor Fisher, that they did not have much success undertaking dye testing as this requires access to private homes and the permission of homeowners. Ms. Ryan further clarified that under the HRM Charter, the municipality does not have authority to regulate on-site septic systems, which authority lies with the Nova Scotia Department of Environment under on-site disposal regulations. Ms. Ryan further indicated that under the HRM Charter, the municipality can adopt by-laws, and Council could adopt a by-law to regulate pumping of on-site septic systems. She indicated that the legalities of enforcement of such a by-law would need to be reviewed. Ms. Ryan further suggested that a wastewater management district could be implemented, which would give HRM the authority to inspect, operate, and charge for maintenance and regulation of systems. She clarified that HRM can require the retention of wetlands, and regulate for stormwater impacts.

**MOVED by Councillor Karsten, seconded by Councillor Nicoll, that Harbour East-Marine Drive Community Council:**

- 1. Accept the Porters Lake Watershed Servicing Study Report as background for future community planning, respecting all aspects of the CBCL report.**
- 2. Recommend that the Environment & Sustainability Standing Committee request a staff report to consider the following further recommendations, including identifying any policy changes that would be required, financial implications associated, or jurisdictional issues that may arise through the implementation of these recommendations:**
  - a) HRM adhere to the best management practices specified in the report regarding wastewater and stormwater management, in order to ensure that there is minimal impact on receiving surface waters during and post development.**
  - b) Discharges from all constructed wastewater treatment plants and stormwater management systems be routinely sampled and tested to ensure no net impact to receiving waters.**
  - c) The Porters Lake development district be considered as a Wastewater Management District(s) as per Policy CU-20 in the Regional Plan (2006).**
  - d) Develop controls ensuring a plan for regular maintenance of on-site septic systems, to include a schedule for mandatory septic tank pump-outs.**

- e) **HRM re-instate the Surface Water Monitoring Program, to include vertical profile sampling/testing of lakes, stream gauging and contaminant loading calculations.**
- f) **Consider conducting floodplain mapping in areas of high risk in light of Climate Change.**

Councillor Karsten inquired whether any of the recommendations would be considered in the Regional Plan review. Ms. Ryan indicated that at this time the Regional Plan review is before Council and only Council could make such direction.

Ms. Ryan confirmed at the request of Councillor Karsten that the Surface Water Monitoring program recommended for re-instatement in 2(e) is the same program as the former Water Quality Monitoring program discontinued by Council. Councillor Karsten noted that he has a problem with this recommendation as Council discontinued the program just two years ago for valid reasons.

Councillor Karsten spoke in support of recommendation 2(f) to conduct floodplain mapping in areas of high risk. Ms. Ryan indicated that HRM does have floodplain mapping in some areas that are considered high risk. She also advised that North West Community Council recently asked that floodplain mapping be updated for the Little Sackville River and the Sackville River.

Councillor Nicoll noted that it is unfortunate when watershed studies are undertaken and there is no continuing data after the study is complete. She noted she would like to discuss the possibility of creating a by-law to regulate pumping of on-site septic systems when this matter comes to the Environment & Sustainability Standing Committee.

Councillor Hendsbee thanked staff and the consultant for the study. He noted a mis-spelling of “Chezzetcook” in several places throughout the document. Councillor Hendsbee indicated that the water sample location PL5 is brackish because of ocean inflow into the lake. He inquired how much the ocean inflow has affected the data in this location. Mr. Smith confirmed that there are some flows back and forth and flushing in the area, and cautioned that the sampling was a one-off sampling, and that is why the consultants also referred to historical data for the watershed. Councillor Hendsbee spoke in support of the floodplain mapping, noting that there are several points in the watershed where water can back up.

**MOTION PUT AND PASSED.**

Councillor Karsten commented that further debate on recommendations (a) to (f) will take place at the Environment & Sustainability Standing Committee.

- 11. MOTIONS - NONE**
- 12. IN CAMERA - NONE**
- 13. ADDED ITEMS**

**13.1 Case 19011: Substantive Amendments to Seven Lakes Open Space Design Development Agreement, Porters Lake**

The following was before Community Council:

- A staff recommendation report dated March 25, 2014.

**MOVED by Councillor Nicoll, seconded by Deputy Mayor Fisher, that Harbour East-Marine Drive Community Council give Notice of Motion to consider the proposed amending development agreement as contained in Attachment A of the March 25, 2014 staff report and schedule a public hearing. MOTION PUT AND PASSED.**

The Public Hearing will be scheduled for Thursday, May 1, 2014 at 6:00 p.m. at the Dartmouth Council Chamber, 90 Alderney Drive, Dartmouth.

**14. NOTICES OF MOTION - NONE**

**15. PUBLIC PARTICIPATION**

**Mr. Dan Regan, Lake Echo**, commented that there is a statement in the study, under the detailed scope of work, “to undertake a survey to determine the recommended desired water quality objectives for key receiving water bodies by the affected communities”. He further noted that the report states, under water quality objectives, that “the minimum water use objectives for this study are based on the objectives described in the HRM Regional Municipal Planning Strategy indicating a desire to achieve public health standards for body contact recreation and to maintain the existing trophic status of our lakes.” Mr. Regan commented that the results of the survey were very similar to the results of the Lake Echo survey where a lot of respondents wanted the water quality at one level but the report states that the water quality will be set at another level because that is what is in the MPS.

Ms. Ryan indicated that the online survey had 197 responses. She noted the costs associated with achieving pristine water quality, the balance that must be weighed in that regard. Ms. Ryan indicated that this is ultimately a decision for Regional Council.

Mr. Regan commented that people need to be made aware that they should not be eating the fish from Porters Lake. Councillor Hendsbee suggested that the Canadian Food Inspection Agency would make such a determination.

**Ms. Caroline Bond, Porters Lake**, commented that the study referenced the cost of central service for water and sewer, and sewer only, but not water only, noting that they have good water. Mr. Smith clarified that a central sewage system has to have enough flow within the system, and people with wells generally use less water than those on central water. He noted that it was not in the terms of reference for the study to look at a sewer only scenario.

Ms. Bond inquired if the area gets central water and sewer services, will they be billed, to which Councillor Hendsbee responded yes. Councillor Hendsbee responded further to questions from Ms. Bond, that local improvement charges can be pro-rated over a number of years.

**Harbour East-Marine Drive Community Council Minutes**  
**April 3, 2014**

**Mr. Dan Brennan, West Porters Lake**, noted that the study referenced undersized lots on the west side of the lake, with older septic systems. He inquired if there is a program or policy for monitoring those systems to ensure they are not leaking. Mr. Brennan suggested that ongoing monitoring take place.

Ms. Ryan advised that HRM currently has no regulations to monitor on-site septic systems. She further advised that the Nova Scotia Department of Environment does not have a monitoring program, and they need to have just cause to enter a property to inspect a system.

Mr. Brennan suggested that if the study were updated every five years there would be evidence to forward to the Nova Scotia Department of Environment.

**16. DATE OF NEXT MEETING** – Thursday, **May 1, 2014**, 6:00 p.m., Dartmouth Chamber, 90 Alderney Drive, Dartmouth

**17. ADJOURNMENT**

The meeting was adjourned at 8:10 p.m.

Jennifer Weagle  
Legislative Assistant

---

**INFORMATION ITEMS** - None