

HALIFAX REGIONAL MUNICIPALITY

DARTMOUTH LAKES ADVISORY BOARD MINUTES MARCH 26, 2003

PRESENT: Mrs. Audrey Manzer, Chairman
Councillor Ron Cooper
Mr. Robert Bell
Ms. John Osborne
Dr. Hugh Millward
Ms. Stephanie Bird
Ms. Christina Hoehne
Mr. Pierre Clement
Ms. Catherine Lunn
Dr. Don Gordon

ABSENT: Dr. Ron Beazley
Dr. Paul Hines
Dr. K. Hellenbrand (regrets)

STAFF: Mr. Mitch Dickey, Planner
Ms. Lynne Le Boutillier, Legislative Assistant

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2. Approval of Minutes

1. CALL TO ORDER

Ms. Manzer called the meeting to order at 5:15 p.m.

2. APPROVAL OF MINUTES

Copies of the draft February 26, 2003 meeting minutes were circulated at the meeting. The Secretary noted an error on page 3, item 5.1, last sentence, 1st paragraph. This sentence related to item 4.3, Paddler's Cove Property.

MOVED by Dr. Millward and seconded by Mr. Bell that the minutes of the February 26, 2003 meeting be adopted, as amended. MOTION PUT AND PASSED.

Revised copies to be circulated at the next meeting.

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

It was proposed that item 5.1, United Gulf, Redevelopment of YMCA site, be moved up on the agenda.

It was noted that an item was missing under Business Arising out of the Minutes, i.e. Turn in of Feedback Sheet re Safety and Use of Lake Banook and Lake MicMac. Referring to the upcoming Public Meeting on this subject, the Chair proposed that members could turn in their feedback sheet to the Secretary or at the Public Meeting to be held April 2nd. Dr. Millward turned in his sheet to the Secretary, who in turn provided it to Mr. Dickey.

MOVED by Dr. Gordon and seconded by Ms. Hoehne that the agenda, as amended, be adopted. MOTION PUT AND PASSED UNANIMOUSLY.

5. NEW BUSINESS

5.1 CASE 503, UNITED GULF, REDEVELOPMENT OF YMCA SITE - DISCUSSION OF DETAILED ENVIRONMENTAL PROTECTION PLAN

C Memo dated March 19, 2003 from Mitch Dickey to the Board to which was attached a drawing entitled "Environmental Protection Plan" prepared by AMEC E&C Services Ltd., dated February 17, 2003.

In attendance for today's meeting were Kevin Riles, Vice-President, United Gulf Developments Limited and Mr. Don Mason, AMEC.

During his review, Mr. Mason noted the following:

- C Slate Measures listed on the Environmental Protection Plan
- C Recommendations made by the Board, during the course of the presentation of the concept plan at the November 2003 meeting, related to the following incorporated:
 - C stormceptor location moved
 - C silt fence
 - C removal of existing asphalt - Concern was expressed by the Chair that a lot of mud will be clinging to the asphalt when it is taken up. Consideration be given to ensuring this soil isn't washed off.

Mr. Dickey noted that a site management phase in plan is to be prepared. This will be brought to the Board in advance of work commencing. It was noted that once the company is at the Building Permit stage, a lot more detail will be available for the Board.

During review of the Erosion and Sediment Control Measures, the Chair referring to the term 'stabalized', cautioned against the use of straw. It isn't that effective, even as a temporary measure.

Other issues addressed were as follows:

- C Need for a qualified individual to be on site to ensure that the Environmental Protection Plan is followed. Mr. Mason understood someone will be on the site for this purpose full-time. He was asked to provide the Board with the name and contact number of this individual. It was felt that it should be written into the development agreement that someone should be on site at all times for this purpose. Given the sensitivity of the site Mr. Dickey felt a professional engineer should be on site during the excavation and grading phases. Mr. Riles indicated United Gulf agreed with this.
- C In terms of stabilization, particularly as it related to ground cover, sod be used, as the site is so close to the lake. The Chair requested that the term successful sodding be put in the development agreement.
- C Dr. Gordon referred to his understanding that there will be access, a public path, off Brookdale Court for hook up to the Trans Canada Trail. Mr. Dickey indicated that the developer has agreed to this. Reference was made to Regional Council including in the budget for 2003/04 funds for the bridge.
- C Dr. Gordon also made reference to an existing trail from the sidewalk along the Circumferential Highway along the retention wall, roughly in the area of the

proposed visitor parking lot. He felt that walkers will continue to take this route and it should be taken into consideration when plans are made.

It was noted that this matter has been raised with Parks and Planning and staff is helping direct the developer on how to handle traditional paths. Standards are also be provided for the proposed walkways.

- C Mr. Clement questioned whether the timing of work to be done with respect to the relocation of the sewer trunk has been determined. Mr. Mason assured the Board that while a detailed schedule has yet to be developed, it will be considered when the site management plan and associated phasing are developed.
- C Mr. Riles referred to the proposed management team being assembled to coordinate the project, consisting of a Senior Project Manager and construction, environmental and amenities managers.
- C A list of recommended Water Quality Testing Parameters for Lake Banook to determine the current status of Lake Banook adjacent the YMCA site and Paddler's Cove sites was provided to the Board members. It is intended that the results of the baseline water quality testing, accompanied by an analysis of findings could be provided to the Board.

Mr. Dickey referring to the lack of water quality data on file noted that the Environmental Services group felt this would be a good time to undertake this study. It would give a snapshot of the lake water condition. As the proposed developments proceed the information could be used to evaluate if there is any negative impact from this development and the one proposed for Paddler's Cove. The Chair stressed that it is for the developers own protection to have this baseline sampling done. She noted that there is a lot of misunderstanding about the lake's water quality, thus this would be a useful tool.

Dr. Millward expressed his reservations about the effectiveness of this type of testing, on this size body of water, given the water circulation. He felt it would be more desirable to analysis outfall areas entering the lake.

Mr. Dickey noted that the Environmental Engineering staff feel this is good starting point. He felt the data would be helpful. Any suggestions of locations for testing and additional parameters were welcome. Mr. Mason noted that meetings are held with staff to determine the best place to do testing and how it should be done. They have skilled people at AMEC who conduct such tests.

It was noted by Mr. Osborne that sodium will vary by season. He felt

sulphate(sulphur) should be included on the list of parameters, given the potential runoff from slate.

Dr. Gordon shared Dr. Millward's concern that given the many entry points of contaminants into the lake, it will be difficult to pinpoint which development is responsible, however he noted that a fair amount of information has been gathered over the last (30) thirty years for most of the items listed in the parameters through the Metro Area Lake Survey. He felt it would be valuable to do this analysis at this point in time to determine if any change in Lake Banook is detected during the course of the two developments proceeding. He felt it would also be worthwhile to do a sechi disk measurement for comparison purposes. It was emphasized that the baseline testing should commence after ice breakup. It was proposed there be four or five test sites, with some being close to the developments and the balance in the middle of the lake.

There was agreement with the concept, but more thought should be given to the design.

Mr. Riles indicated United Gulf Developments would be pleased to work on this initiative. He felt it important to have the baseline water quality testing done. He noted that they typically do four testings during the year, of a minimum of four sites to a maximum of ten sites.

With the Board's agreement, Mr. Dickey indicated he would fine tune the list of parameters in consultation with Ms. Robarge and Mr. Sheppard and bring a revised list to the next Board meeting.

4. BUSINESS ARISING OUT OF THE MINUTES

4.1 WATER RESOURCE MANAGEMENT POLICY

The Chair proposed setting aside a special meeting to deal with this item. While the initial intention was to canvass the members as to a good time, later in the meeting the Secretary noted that next month has five Wednesday. It was tentatively agreed that a special meeting be held the fourth Wednesday of April, the 23rd, preferably in the Findlay Community Centre Board Room.

4.2 CASE 526 - J & J DEVELOPMENTS, PADDLERS COVE REDEVELOPMENT- DISCUSSION OF EROSION AND SEDIMENTATION CONTROL AND STORMWATER MANAGEMENT PLANS

(balance of minutes transcribed March 27 saved on home computer.)

In response to a query by Dr. Millward, Mr. Bell noted that water from the roof will go directly into a stormceptor.

Dr. Gordon questioned how long the monitoring will go on for. While he understood it would be done during the construction phase he noted that value to monitoring the water quality leaving the site for several years. He felt there might be an argument to be made of planting more vegetation in the engineered wetland.

Mr. Dickey noted that long term monitoring had not been addressed in the development agreement. Mr. Bell assured the Board that he understood both Home Depot and Honda are interested in preventative measures and are willing to comply with initiatives felt beneficial.

Mr. Dickey indicated that upon completion of the project, arrangements could be made for test results pre construction and during construction to come back to the Board. He proposed the Board may wish to consider how they will handle revisiting such test results over time as with frequent staff changes, such matters may be lost track of.

Referring to copies of recent information on stormceptors and maintenance schedules, he (Mitch Dickey) will put something in writing. Copies will be provided to all the members of the Stresscom material.

Dr. Gordon indicated he would like to see some data on the effectiveness of stormceptor.

6. **CHAIRMAN'S REPORT**

Lakes By-Law Committee Meeting

The Chair encouraged the members to fill out the Feedback Sheet re Safety and Use of Lakes Banook and MicMac and either turn into the Secretary, who will in turn provide to Mr. Dickey or if they are attending the April 2nd Public Meeting, turn it in at that time.

Mr. Dickey explained the format of the Public Meeting to the Board. Essentially it is to be a workshop session. Participants will be split into groups to discuss what is working or not and to provide feedback as to what should go into the Lakes By-law. It is anticipated by late May or early June the draft by-law will be available for posting around the lakes.

Meeting with Portland Estates Residents Association's Environmental Group

The Chair advised that she and Dr. Gordon had attended a meeting last evening with members of the Portland Estates Residents Association's Environmental Group. During this session she and Dr. Gordon explained the role of the Board, i.e. as an advisory

committee to community council and the Board's history. She noted that this group is basically an advocacy group as opposed to the Board being an advisory group. The two groups have agreed to exchange information on an informal basis. Any concerns the group has will be directed to the Board through Dr. Millward.

Erosion and Sedimentation Control Handbook for Construction Sites

The Chair had in her possession a copy of the above noted handbook prepared by the Province's Department of Environment in 1988. This handbook is still in effect and has not been modified or updated since its publication. She noted the references made to it in Erosion and Sediment Control Plan notes. She felt it would be worthwhile for a letter to be written to the Department of Environment and suggest this manual be updated in light of advances in technologies and best practices.

Dr. Gordon felt any correspondence should reflect on the document being of value and noting it is still being reference fifteen (15) years later. Mr. Dickey and the Chair will work on the correspondence.

Councillor Cooper, referring to recent papers on groundwater management in the Province, suggested they be encouraged to take these into account when redrafting the handbook.

7. STAFF UPDATE

7.1 MACPHEE PONTIAC - STATUS OF CONSTRUCTION

Mr. Dickey reported that not much progress has been made on this site. Kenda MacKenzie and Glen Warner of the N.S. DOE & L is involved. There is concern regarding the large stockpiles of earth, with insufficient cover on the site. Correspondence has been sent to them in this regard, but there has been no response to date.

It was recalled that the developer had agreed to installing a stormceptor on the site, even though it did not involve a development agreement.

If staff needed a letter from the Board, she offered to provide one.

7.2 EVERGREEN VILLAGE - PORTLAND STREET - PROBLEMS WITH EROSION AND SEDIMENTATION CONTROL MEASURES

Mr. Dickery related to the Board continuing problems associated with this development. One of them related to a huge change in grade, another soil is being tracked onto the

street, the catch basins are filling up, and dirty water entering Russell Lake. While the Development Agreement included very good requirements in relation to erosion and sedimentation control, including the posting of a bond by the developer, measures have either not been put in place or those in place can't deal with the amount of erosion and resultant sediment coming off the site.

Glen Warner has also become involved with this development.

If the developer is seriously in contravention of the development agreement, Councillor Cooper felt the matter should be sent to Legal Services. Ms. Lunn felt there must be a way to pursue an injunction to stop work, if cash bond has been cashed and warnings are being ignored.

Mr. Dickey noted that HRM has indicated to the contractor that no building inspections will be conducted until they comply with the provisions of the development agreement, thus closing dates will be missed.

It was felt that more work needs to be done on the wording of the development agreements to obtain better compliance.

Mr. Dickery noted that Pinnacle Homes may be coming in for amendments to the development agreement in relation to their commercial development, but they won't be entertained unless they make improvements. If amendments are considered, HRM will revisit all environmental protection measures.

Referring to the earlier reference to the grade change, Mr. Dickey noted that there was nothing in the development agreement to deal with such a situation. It was felt that this is something which should be addressed in future development agreements, i.e. state degree of excavation and grade alterations permissible.

Mr. Bell noted that it appears too many sites were opened at the same time. No phasing was done.

Mr. Dickey noted that HRM can make the developer pay for the clean up of stormwater pipes.

7.3 CELTIC DRIVE TOWNHOUSES - PROBLEMS WITH EROSION AND SEDIMENTATION CONTROL

When the rezoning of this property was being considered, it was brought to the Board's attention. It was noted that the site had since been sold and construction is underway of townhouses.

It was recalled that the site is very steep and consists of a lot of clay. A lot of run off containing silt is flowing towards Prince Albert Road and Lake Banook. No silt fences or straw bails are apparent. Given the development was as-of-right, no development agreement is in place. Given it is an as-of-right development, stop work orders are not an option.

It was reported that there is very little space left in the concrete box culvert. Glen Warner is also involved with this development.

It was suggested by Councillor Cooper that measure need to be put into the Land Use By-law that all contractors must have an erosion and sedimentation control plan and must implement it. As an advisory board to Harbour East Community Council he felt the Board could write Harbour East Community Council directly on the need for these amendments. Mr. Dickey will do a draft and bring it to the next meeting. Mr. Clement suggested that draft include a reference to examples of projects of projects which are currently causing problems. While an MPS change is not required, some public consultation will be through Public Meetings. He encouraged the Board to participate actively with staff at these meetings.

Councillor Cooper noted that by-law amendments can be made by Community Council. They don't have to go to Regional Council. Reference was made to some changes made in Sackville's Land Use By-law, which should also work well for the Dartmouth, Cole Harbour and Eastern Passage area.

MAYNARDS LAKE

Renee Robarge would like to discuss with the Board problems with Maynard's Lake water quality. It was suggested that she attend the April Board meeting.

It was recalled that concern had been expressed about a drop in the Maynard's Lake water level. It has been determined this was caused by a stuck valve.

BURNSIDE INCIDENT

Mr. Clement reported to the Board that he has observed a construction site in the vicinity of the Ramada Hotel, where excavation is involved and no measures are apparent to prevent sediment entering the storm sewers. There is mud all over the road, which is a short distance from Spectacle Lake.

Mr. Dickey advised the Board that this is his last week working with Planning. He has been transferred to Real Property and Asset Management. However, given Mr. Pyle can't act in the role of staff support until September or October he plans to continue with the Board for

the intervening months.

NEXT MEETING

The Board's next regular scheduled meeting is Wednesday, April . Given there are five Wednesday's in April, it was suggested and agreed to hold the Special Meeting to deal with the HRM Watershed Study, the fourth Wednesday of the month, April..... Dr. Millward gave his regrets, as there is a Regional Planning meeting taking place that day.

ADJOURNMENT

The meeting adjourned on motion of Dr. Gordon at 7:30 p.m.

Lynne Le Boutillier
Legislative Assistant