

HALIFAX REGIONAL MUNICIPALITY

DARTMOUTH LAKES ADVISORY BOARD MINUTES MAY 28, 2003

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

ABSENT: Ms. C. Hoehne (regrets)
Mr. Paul Hines
Mr. Pierre Clement (regrets)
Dr. K. Hellenbrand (regrets)

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

TABLE OF CONTENTS

1.	Call to Order	3
2.	Approval of Minutes	3
3.	Approval of Order of Business and Approval of Additions and Deletions	3
4.	Business Arising out of the Minutes	
4.1	Maynard Lake Study - Report of Results for Human and Dog Fecal Markers in Lake Samples	3
4.2	Erosion and Sedimentation Control Handbook for Constructions Sites ...	3
4.3	Water Resource Management Study Response - Update on Joint Meeting Tentatively Scheduled for June 4	3 & 4
5.	New Business	
5.1	Presentation - HH-CURA (Halifax Harbourshed - Community - University Research Alliance	4 & 5
5.2	Amendments to Development Agreement for the Commercial Component of Evergreen Village, Portland Street	5 - 8
5.3	Sullivans Pond	8 & 9
6.	Chairman's Report	
6.1	Update on Sewer Spill - Vicinity of Atlantic Superstore	9
	Letter from Councillor Smith re Water Level Little Albro Lake	9
	Correspondence from Mayor Kelly re Proposed Developments Lake Banook	9 & 10
7.	Staff Update	10
8.	Date of Next Meeting	10
9.	Adjournment	10 & 11

1. **CALL TO ORDER**

The meeting was called to order by the Chairman 5:15 p.m., Findlay Community Centre.

2. **APPROVAL OF MINUTES**

MOVED BY Councillor Cooper, seconded Dr. Millward that the minutes of the April 20, 2003 minutes be adopted, as circulated. MOTION PUT AND PASSED.

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

Item 5.3 was added under New Business at the request of Mr. Osborne. The item related to Sullivans Pond Water Level.

MOVED BY Mr. Bell, seconded by Mr. Osborne that the agenda, as amended, be adopted. MOTION PUT AND PASSED.

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

4.1 **MAYNARD LAKE STUDY - REPORT OF RESULTS FOR HUMAN AND DOG FECAL MARKERS IN LAKE SAMPLES**

C Report dated January 31, 2003 from Oregon State University (provided in agenda package)

C Maynard Lake Results from July 4, 1996 to August 26, 1996 from NSDOE&L - year beach closed (circulated at the meeting)

4.2 **EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTIONS SITES**

The Chair has not had an opportunity to draft the correspondence. Item deferred.

4.3 **WATER RESOURCE MANAGEMENT STUDY RESPONSE - UPDATE ON JOINT MEETING TENTATIVELY SCHEDULED FOR JUNE 4**

C Copy of the Board's response to Mr. Sheppard circulated in agenda package.

Ms. Manzer expressed concern that DLAB's response was not accompanied by the responses of BWAC and H/HCWAB or Mr. Bernard's report.

Referring to the joint meeting tentatively proposed for next Wednesday, while the other two boards have expressed interest in having such a meeting, she did not see any necessity for it as the process is ongoing. The Board was in full agreement with her approach.

Mr. Bernard's report will distill the essence of the responses.

5. **NEW BUSINESS**

5.1 **PRESENTATION - HH-CURA (HALIFAX HARBOURSHED-COMMUNITY-UNIVERSITY RESEARCH ALLIANCE)**

- C Copy of short description of the proposal to the CURA program (Community University Research Alliance) of SSHRC (Social Sciences and Humanities Research Council) dated April 21, 2003 was circulated in the agenda package.
- C A more up to date and expanded version was circulated to the members at the meeting entitled "Community capacity building in environmental research and monitoring to support integrated management in the Halifax Harbourshed".

Dr. Annamaria Hatcher, Community Research Co-ordinator, Saint Mary's University was in attendance to make a presentation on this subject. Dr. Cathy Conrad could not attend as she was out-of-town. During Dr. Hatcher's overhead presentation, the following aspects were highlighted:

- C Original proposal was made by HH-CURA in November 2002.
- C Application accepted and \$20,000 funding provided to proceed to the next phase.
- C Comprehensive proposal submission due date June 30, 2003.
- C If proposal accepted, the program could provide funding up to \$2 million over five years.
- C Environment Canada has an Environmental Changes Fund, money acquired through fines paid.
- C Five objectives reviewed
- C A detailed list of participants was reviewed.

Dr. Hatcher concluded her presentation noting that she was in attendance to update DLAB of what is going on and to invite individuals to contribute ideas, provide direction and join the initiative. It would also be helpful for the Board to write a letter of support to Dr. Cathy Conrad, Saint Mary's University.

While having no problem lending the Board's support, the Chairman expressed concern that this is the first time the Board had heard of the initiative, although both Dr. Millward and Dr. Gordon are listed as Board members who are involved. Dr. Hatcher noted that the

emphasis has been in involving citizen action groups rather than advisory groups and the process has moved along very quickly.

The Chair will draft a letter of support and forward to Dr. Conrad.

5.2 AMENDMENTS TO DEVELOPMENT AGREEMENT FOR THE COMMERCIAL COMPONENT OF EVERGREEN VILLAGE, PORTLAND STREET

- C Memo dated May 23, 2003 from Maria Jacobs, Planner, which listed the five proposed amendments to the development agreement.
- C Drawing dated May 23, 2003 entitled "Commercial Site Plan". This drawing was subsequently replaced with a drawing dated May 27, 2003, as the original lacked elevations.
- C Letter from Greg Zwicker, Terrain Group, dated May 23 re Winter Maintenance Program.

In attendance for this item were the following:

- C Maria Jacobs, HRM Planner, Eastern Region
- C Kenda MacKenzie, HRM Development Engineer
- C Mr. Barry Zwicker, Terrain Group
- C Mr. Ricky Wolfe, Pinnacle's Site Supervisor

Ms. Jacobs identified to the Board work which has been done on the site to date and what is left to be done. She reviewed the proposed amendments detailed in her May 23rd memorandum.

Given the problems runoff from the site has caused, it was noted by Mr. Dickey that the process of making changes to the development agreement allows for tightening up of environmental protection measures.

Mr. Zwicker reviewed work done to date on the site, i.e. construction of Green Village Lane, which is now owned and maintained by HRM. He acknowledged systems in place failed, related to erosion and sedimentation controls due to lack of maintenance and respect on the part of contractors. As a result HRM, Terrain and NSDOE&L have been involved. Mr. Dickey felt that of the four or five sites which caused problems this winter, problems associated with Evergreen Village may have been the worst.

Mr. Zwicker indicated there was a gap in time when Terrain wasn't engaged in being on the site following the road construction and commencement of housing construction. He confirmed they had been involved at the original development agreement stage and associated engineering aspects pertaining to the street and connections to stormceptors.

He noted that the same contractor was used for road construction as the one who worked on infrastructure for Morris Lake Estates. They know how to work with clay and their work was fine. Terrain are once again involved and trying to solve the problems of siltation entering the lake. They have been working with Mr. Wolfe. Mr. Zwicker felt problems resulted from builders on site not being trained properly.

Mr. Zwicker referred to water sampling tests which were conducted. Ms. MacKenzie requested copies of the results.

Mr. Zwicker described problems associated with the commercial site resulting in it being left in an unstable condition.

Concern and observations were expressed by the Chairman regarding the following:

- C While the actual square feet of the two commercial buildings proposed is less than contained in the one building, the footprint of the combined building will be larger.
- C Stabilization landscaping for the terraces has not been adequately addressed.

Mr. Dickey queried Mr. Zwicker on the following:

- C The need for a three meter reduction in grade, when it is recognized there is clay soil in the area, in close proximity to a lake. Mr. Zwicker indicated that the revised Grading Plan had been submitted to HRM. Mr. Dickey reflected that this situation could have been avoided with a clause in the development agreement not permitting grade alterations, an addition which would be beneficial when the development agreement is amended.

Mr. Zwicker noted that it was realized that it was a mistake to stockpile the fill which resulted from this grade alteration and measures were taken to reduce the amount of fill on site.

- C Why the developer would start site work on the commercial site, when agreement had not been arrived at with any tenant? It was noted that the original plans clearly demonstrated a connection to Green Village Lane, not Portland Street. This change in orientation and resultant desire to increase the site's visibility has resulted in grade reductions and trees clear-cut.
- C Mr. Dickey, referring to negotiations with HRM and DOT, which did not come to a successful conclusion, noted that lands owned by HRM and DOT which were completely stable at the commencement of the project, have been denuded of vegetation. He proposed that when the development agreement is reopened, it be required that these areas be remediated and landscaped, i.e. replanted with trees.

The Chairman indicated that the Board would like something in writing that the project is back on track with respect to environmental controls, so that there will not be a need for HRM and NSDOE&L to be involved almost daily in addressing problems.

Ms. Manzer noted that the Board does not have a copy of their Erosion and Sedimentation Control plan. She questioned what measures are being taken in addition to the ones contained on it. The members were referred to the memo from Mr. Greg Zwicker dated May 23, 2003. The Chairman questioned whether they had contingency plans. Mr. Zwicker confirmed they did but they were not implemented.

Mr. Dickey suggested the following additional requirements for the development agreement:

- C Limit to the amount of area exposed at any one time.
- C Tighter bond requirements for the developer and contractor on site.
- C Name of person responsible for implementation be provided. It was recognized that Mr. Wolfe is now performing this function for Pinnacle.

Mr. Dickey, referring to the site plan provided this evening, noted there appears to be more dropping of grades proposed. He questioned the wisdom of doing this. He wondered if the Board was comfortable with further grade drops to accommodate a perceived visibility problem. He noted that he can't determine what the existing grades are versus the proposed grades from the map(s) provided. Ms. Lunn suggested the Board visit the site.

During further discussion, reference was made to the stormceptors and catch basin installations. Referring to a series of catch basins associated with HRM property and DOT, Dr. Millward questioned if they would be taken out after construction is completed. Ms. MacKenzie noted that would be up to the Province to decide.

In response to a question from the Chairman on timing, Mr. Wolfe indicated that it is proposed that the remaining work be completed this summer before the heavy rains in the fall.

In conclusion, it was decided to have a site visit. Mr. Dickey indicated it would be preferable to have a map with existing, as well as proposed grades. After the site visit the Board will develop its recommendations.

In conclusion, Mr. Zwicker explained to the Board why he felt there is a better system for the area in place now, although he noted there have been some down sides during the construction phase.

Before the discussion concluded, Councillor Cooper expressed concern regarding HRM's Real Estate involvement. He wondered if they had consulted with Public Works and environmental staff. He questioned who allowed the developer to make amendments, as Real Estate does not have that authority. Mr. Dickey will look into. It was noted that if the developer has systems on HRM's property, maintenance should be addressed in the development agreement. Ms. MacKenzie noted that the developer has responsibility for such maintenance. Nevertheless, it was felt that such a requirement should be written into the development agreement. Councillor Cooper noted that ultimately it is the developer who signs the development agreement, not their consultants, therefore the need to take a very strong stand on such matters as maintenance, protection of HRM property and runoff protocols.

In response to a question from the Chairman, Ms. MacKenzie noted that HRM has a security bond of \$35,000, which expires next month. It has to be replaced. Given the development agreement is open, Mr. Dickey proposes to include a significant increase in the security bond. He also noted that it can be required that a professional engineer be on site at all times. It was noted that the history of this site doesn't allow for confidence.

A site visit will be held 6:30 p.m., Monday, June 2. Members to meet towards the end of Green Village Lane in the vicinity of the first house. An e-mail will be sent out to all the members. The Chairman will advise Mr. Zwicker of the Board's plans.

In addition to tightening up bonding, Mr. Dickey felt the Board would likely not support a three meter grade drop. He would also like to see a clause in the development agreement re maintenance of trees on the site's periphery. It was noted that landscaping on the site isn't adequate. Remediation/rehabilitation arrangements of the DOT areas were also referred to. The Chair confirmed that it would be the Board's recommendation to the Planning Department that consideration be given in the revamped development agreement that there not only be stabilization and landscaping, but tree planting and rehabilitation be undertaken in light of the extensive tree cutting and excavating which has taken place on the site.

5.3 **SULLIVANS POND**

Before leaving the meeting, Mr. Osborne expressed concern about the low water level in Sullivans Pond. Mr. Dickey confirmed that the water level in Lake Banook has been reduced and very little water is entering Sullivans Pond. The problem may be compounded by a leak in the lock system. He assured the members that Charles Lloyd and John Sheppard are aware of the situation. He anticipates levels will fluctuate over the summer months. The entire flood control structure is in need for repair. Work is planned on the infrastructure in the fall.

6. **CHAIRMAN'S REPORT**

6.1 **UPDATE ON SEWER SPILL - VICINITY OF ATLANTIC SUPERSTORE**

As a follow-up to this item which was raised at the April meeting, an email was received from Craig Campbell giving an update. The Chairman read the email to the Board. The emails notes that water samples were taken from Ellenvale Run and as no E.Coli bacteria were found, it was concluded no sewage had entered the Run and no further action is required.

LETTER FROM COUNCILLOR SMITH RE WATER LEVEL LITTLE ALBRO LAKE

The Chair read a letter from Councillor Smith about concerns expressed to him about the high level of Little Albro Lake. Concern was expressed by residents that the natural level of the lake might have been changed. It was noted that it has been observed that there are a lot of plants growing at the outfall of the lake, which may be preventing water from leaving the lake. He would like the vegetation removed. He explained in the letter that neither HRM or the Provincial Government feel the problem is within their jurisdiction.

Dr. Gordon reflected that he did not feel the vegetation would be impeding the waters flow. He noted that there had been a lot of precipitation last fall and this spring which may have contributed to the high water levels and perhaps water was entering the lake faster than it could drain out. However, it was noted that it appears that Councillor Smith had been contacted re the problem late last summer.

It was concluded that an enquiry should be made of the Councillor regarding what the current situation is. It was noted during a lake tour within the last two years, no problems were observed. Dr. Gordon offered to do a site visit and report to the Board before the correspondence is written.

CORRESPONDENCE FROM MAYOR KELLY RE PROPOSED DEVELOPMENTS LAKE BANOOK

The Chair referred to a letter dated April 14, 2003 from Tim Olive, Dartmouth South MLA to the Chair, which was previously circulated to the Board, re concerns he had with respect to the impact which development on the former Y property and Paddlers Cove would have on Lake Banook. She has since received a copy of the Mayor's response to Mr. Olive which was copied to her.

7. **STAFF UPDATE**

Mr. Dickey in his update noted:

- C The awarding of a wind study contract related to the Y property and Paddlers Cove will be made next week. Results should be available in July. Modeling will be done for pre and post development.

Both development consultants will commence base line water testing shortly. Results may be available for the Board's June meeting.

- C Improvements to Highway 111 are still proceeding. Plans will be brought to the Board by CBCL in June.

- C Plans for development in Burnside in the area of Spectacle and Juniper Lake are anticipated. It has been suggested that fill be disposed of in area wetlands, approximately ten acres in size. This may be an item on June's agenda.

Referring to the Board taking a break in the summer months, the Chair felt that if anything comes up, such as the impact of these wetlands, a special meeting could be called.

- C An update was given regarding the process of the HRM Lakes By-law Committee re Water Craft Usage on Lake MicMac and Lake Banook. A copy of a fax related to this subject from Jim Eisener, was circulated with the agenda package.

Mr. Dickey noted that staff is drafting recommendations following the public information meetings. It is being suggested that the speed limits associated with Lake Banook be maintained, upgrades of boat ramp and signage required. Budget issues have to be addressed so the hours of operation of the Lakes Patrol can be expanded.

8. **DATE OF NEXT MEETING**

The next meeting will be held Wednesday, June 25, 2003.

9. **ADJOURNMENT**

Meeting adjourned at 7:30 p.m.

Lynne Le Boutillier
Legislative Assistant