

DARTMOUTH LAKES ADVISORY BOARD
MINUTES

January 4, 2012

PRESENT:

Pierre Clement, Chair
Peter Connor, Vice Chair
Mark Trevorrow
Christina Hoehne
Johanna Campbell
Klaus Hellenbrand
Mark McLean

ABSENT:

Peter Crowther
Councillor Jackie Barkhouse

STAFF:

Cameron Deacoff, Environmental Performance Officer
Mitch Dickey, Planner
Kim Cahill, Legislative Support

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1. CALL TO ORDER

Ms. Kim Cahill, Legislative Support called the meeting to order at 5:21 p.m. in Room 101, Findlay Centre, Dartmouth.

2. ELECTION OF CHAIR AND VICE CHAIR

Ms. Cahill called for nominations for the position of Chair for 2012.

MOVED by Mr. Peter Connor, seconded by Dr. Mark Trevorrow that the Dartmouth Lakes Advisory Board nominate Pierre Clement for the position of Chair. MOTION PUT AND PASSED.

There being no further nominations; Pierre Clement was declared Chair.

Ms. Cahill called for nominations for the position of Vice Chair for 2012.

MOVED by Ms. Christina Hoenhe, seconded by Mr. Mark McLean that the Dartmouth Lakes Advisory Board nominate Peter Connor for the position of Vice Chair. MOTION PUT AND PASSED.

There being no further nominations; Peter Connor was declared Vice Chair.

Pierre Clement assumed the Chair at 5:25 p.m.

**3. APPROVAL OF MINUTES – October 5, 2011 (*Minutes*)
– November 2, 2011 (*Notes*)**

The following corrections to the October 5, 2011 minutes were noted:

Page 5, item 6.3.1, second line of first paragraph, replace the word “*meter*” with “*litre*”.

Page 5, item 6.3.1, fourth line of first paragraph, strike the word “*increased*”.

Page 5, item 6.3.1, second line of third paragraph, replace the word “*receding*” with “*receiving*”.

Page 5, item 5.2, second paragraph, strike the following sentences:

“Mr. Clement indicated that there is a plan underway to deal with the new development past Montebello. He explained that the Board was going to get feedback because a water management study was going to happen. HRM staff would return to the Board with more information.”

Page 6, second line of second paragraph, replace the word “*Royal*” with “*Wallace*”.

MOVED by Mr. Peter Connor, seconded by Ms. Christina Hoenhe that the minutes of October 5, 2011, as amended, be approved. MOTION PUT AND PASSED.

The Board asked whether the meetings mentioned during the Policy Development Update were held. Mr. Clement indicated that the November 14th public information meeting has been deferred and the November 23rd meeting relative to the Save our Lakes Policy Project was rescheduled to January 19th, for which the Board will be provided the agenda for their information.

The following corrections to the November 2, 2011 notes were noted:

Page 6, first line of last paragraph, replace the words "*Save our Lakes*" with "*Dartmouth Area Watershed Network*".

Page 6, fourth line of fourth paragraph, replace the words "*better water reserve management*" with "*better managed water resources*".

MOVED by Ms. Christina Hoenhe, seconded by Ms. Johanna Campbell, that the notes of November 2, 2011, as amended, be approved. MOTION PUT AND PASSED.

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

MOVED by Dr. Klaus Hellenbrand, seconded by Mr. Mark McLean that the agenda, as presented, be approved. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE
6. CONSIDERATION OF DEFERRED BUSINESS - NONE

7. CORRESPONDENCE, PETITIONS & DELEGATIONS

7.1 Correspondence – None

7.2 Petitions – None

7.3 Delegations – None

8. REPORTS

8.1 Case 17394: Colby South Phase II Rezoning, Cole Harbour

A staff memorandum dated December 15, 2011 was before the Board for review.

Proposed pre and post development Stormwater Management Plans were circulated to the Board.

Mr. Mitch Dickey, Planner, Planning Applications, introduced himself and Mr. Kevin Neatt, Associate Developer for Clayton Developments Limited, indicating that Mr.

Darrell Joudrey, Planner was unable to attend tonight's meeting. Mr. Dickey gave a presentation on Case 17394, application by Clayton Developments Limited to rezone 57 acres of land in Cole Harbour from R-7 (Rural Estate) to R-1 (Single Unit Residential), to allow an 80 lot subdivision.

Mr. Dickey reported that the development site involves 57 acres with 28 acres needing to be rezoned. He noted that in the mid 1990's, Halifax County approved a site specific policy that would allow the land to be rezoned to permit small lot developments, should Clayton satisfy the conditions listed in the policy. There are currently 80 lots on the proposal, along with a P2 park parcel to be conveyed to HRM for playground use and considerable conservation land due to the presence of wetlands which are to be left in their current state.

Mr. Dickey explained that in terms of the proposed conditions in the plan policy, there have always been concerns about the Eastern Passage waste water treatment plant and its ability to handle waste generated in Cole Harbour. He indicate that information had to be provided to document sewer flows from Phase 1 below a certain level, showing that there is capacity in the system.

Mr. Dickey reported that an evaluation of impacts from Phase 1, surrounding the water quality of Bissett Lake, had to be provided. He stated that Clayton hired Stantec to do an evaluation providing opinion on the protective measures conducted in the mid 1990's and to undertake a water quality analysis of the lake. He clarified that should the rezoning be approved by Harbour East Community Council, the development could proceed as of right as there is no development agreement in place to propose more stringent measures.

Mr. Clement commented that Stantec's report seems to be missing discussion on the stream bottom around the storm sewer outfalls from Phase 1. He questioned the use of discrete sampling to suggest there is no evidence of negative effects to water quality. He wondered whether it would be also worth determining whether there was evidence of effects, such as sediment build up around outflows, resulting in flow restrictions, channeling and more plant growth than in other areas of the lake.

Mr. McLean suggested that since this type of lake is a fairly shallow in that area, somewhat transient type of wetland system, standard rocky shores or sandy bottoms would not be found. Mr. Matt Steeves, representative of Stantec clarified that the lake is roughly 10 metres deep.

Mr. Dickey advised that when the Phase 1 Development occurred minimum requirements were in place. He explained that during the time Clayton developed Colby South, there were already problems with the lake due to substantial sedimentation from the Maplewood subdivision development. During Phase 1 there was no requirement by the former Halifax County for anything more than a 25 foot building setback from the lake. He further explained that since the Regional Plan came into effect in 2006, the

next phase would require a minimum 20 meter setback, including full retention of trees and non-disturbance of grades; a condition of subdivision approval.

Mr. Neatt confirmed that the 20 metre buffer requirement would be met and with higher degree slopes, the buffer would increase. He noted that upon reaching the detailed design stage, Clayton would only disturb what is absolutely necessary and from there a buffer would be imposed.

Mr. Scott MacCallum, Division Engineer for Clayton Developments Limited indicated that the stormwater management plans were provided to HRM staff and that from a post development standpoint, there is an existing outfall in Phase 1 with a pump station. He explained that Clayton is not looking to outflow any of the stormwater into the lake. There is a retention pond planned and the lake environment will stay the same.

Mr. Connor advised that Case 17394 contains a planned subdivision that is no longer valid. Mr. Dickey clarified that the subdivision was part of the Stantec submission as in the 1990's it was anticipated that there would be roughly 140 lots but, due to the wetlands and HRM's new buffer requirements, that has been decreased to 80 lots.

Mr. Clement questioned the protection of the wetlands by the Nova Scotia Department of the Environment. Mr. MacCallum explained that the Department would look to balance pre and post stormwater to ensure that any existing wetlands being impacted would not be further impacted long term. Clayton has an alteration proposal to the Nova Scotia Department of Environment for Parkway Road and another small road in the core of the development that is not tied to any water courses. The overall water quality will be improved based on the stormwater management facility they are proposing.

Mr. Connor requested clarification regarding the surrounding ownership of the wetlands around the subdivisions. Mr. Dickey explained that the 80 lots represent the end of development opportunity in the area because of sewer and water constraints in terms of serviceability, wetlands and accessibility. HRM is currently in discussions with Clayton about ownership of the conservation lands.

Mr. Neatt clarified that a conservation area is allocated for guaranteed public access along the riverbed. He explained that it guarantees it for the parkland planner who wanted to graphically denote the difference between high and dry usable parkland and conservation land; those two pieces will go to HRM. The other piece of land, adjacent to Parkway Road will be deemed as conservation land, to be listed as a "C" zone.

Mr. Dickey clarified that this is an unusual situation that was conducted in the mid 1990's to ensure Clayton had the ability to develop their initial concept, long term. Mr. Clement asked if anyone else has comments on the data contained in the Stantec report. Mr. McLean expressed his concern with the results given the location of the samples taken relative to the development.

The Board acknowledged that by looking at the effect of Phase 1 on the lake and being aware that understanding and practices have changed, the quality of protection is elevated compared to the past.

Mr. Dickey stated that Harbour East Community Council is looking for a recommendation from the Board to either support the rezoning application or raise any objections.

Mr. Connor questioned the long term plans for Parkway Road. Mr. Dickey noted that in the mid 1990's, it was anticipated for traffic circulation purposes that a second access point be prepared. The design was less sensitive to environmental matters at the time and written into policy, so Clayton had to build the street connection as a condition of acquiring the development.

Mr. Connor questioned if the land surrounding the road extension would be developed. Mr. Dickey reiterated that due to the cost of the road and grade issues surrounding lot servicing, it was deemed expedient to build the road and not plan for lots at this stage.

Mr. McLean asked how issues arising from going through a wetland and a brook will be managed considering it will be feeding into the wetland that was set aside for conservation. Mr. Dickey advised that Clayton must obtain a wetlands alteration permit from the Province and that the Province would impose any terms it sees fit.

Mr. MacCallum acknowledged that the wetland/brook is a non-fish bearing water course for which Clayton has had an assessment done and has currently applied to the Nova Scotia Department of the Environment for a culvert application watercourse alteration.

MOVED by Mr. McLean, seconded by Dr. Trevorrow that the Dartmouth Lakes Advisory Board recommend to Harbour East Community Council that, with the intent of the proposed development plan as presented at the January 4, 2011 meeting, the Board does not anticipate that there will be any direct impact to Bissett Lake by stormwater input and thus the Board has no reservations regarding the proposed rezoning of the 57 acres of land in Cole Harbour from R-7 (Rural Estate) to R-1 (Single Unit Residential), to allow an 80 lot subdivision. MOTION PUT AND PASSED.

8.2 Chairman's Report – *Mr. Peter Connor (Verbal Update)*

Mr. Connor led the Board in a discussion about a recent news article on the various lakes open for winter fishing including Russell Lake and Morris Lake. The Board discussed whether or not the presence of pickerel in the lakes was a cause for concern. Mr. McLean stated that from the perspective of certain fish species, it is a concern but noted that other fish present would be perch and bass which can compete. The Board discussed beaver sightings around Russell Lake and the instances of beaver deaths near Red Bridge Pond. Mr. Clement requested that a discussion about beavers and lakes be added to a future meeting.

8.3 Synoptic Survey Monthly Update – *Mr. Pierre Clement (Verbal Update)*

Mr. Clement advised that he had met with individuals from Nova Scotia Community College and others interested in the results but had not yet sent off the report. He requested that this item be removed from the agenda until he could provide copies of the report to the Board.

8.4 Penhorn/Woodlawn Community Vision Action Team Monthly Update – *Mr. Pierre Clement (Verbal Update)*

Mr. Clement advised that a Public Information Meeting lead by the Planning department was held on December 17th; 75 to 100 people attended. He explained that one of the main issues raised was that when the mall was demolished, a large surface area was opened up to rain events that were previously managed through storm sewer piping on the property. He noted that water now flows down into Bow Street, where 2 to 3 houses were flooded. Mr. Clement indicated that the developers of Sobeys and HRM staff are currently investigating the compromised water management.

Mr. McLean indicated that he spoke with individuals who have lived in the area for more than 20 years that are now facing flooding for the first time. Mr. Connor noted that with new development, stormwater management plans are required but for demolition, requirements are not in place.

Mr. Clement explained that Penhorn onsite stormwater was previously directed towards Penhorn Lake, with storm sewer catch basins on both sides of the property. He noted that the basins on the West side of the property, North of the demolition site were blocked off to limit the sediment discharge into the system. It has been suggested that this may have been responsible for problems with flooding on Bow Street, but that regardless there was noticeable sediment discharge into the lake.

Mr. Clement reported that the Vision Action Team's proposal is to set up a trails committee around Penhorn Lake and make a connection with the other side of the highway.

The Board discussed how they could play a role in the development agreement should part of the land be developed. Mr. Mitch Dickey, Planner indicated that at this stage, it is a Municipal Planning Strategy (MPS) policy change and staff is looking to implement some new policies and zoning for the site. He noted that there will be one or two more public information meetings as the process moves forward. Mr. Connor suggested that the Board could provide comment on the wording of the MPS policies as they relate to protecting the lake.

The Board indicated that they would like to be kept informed of any changes or impacts on Penhorn Lake and whether or not the developer is effecting better stormwater management practices based on the events they have witnessed to date. Mr. Clement noted that he sent a proposal to staff to have the Vision Action Team plan how to

manage stormwater off of the property and help enhance the water quality of the lake. Mr. Clement explained that the Board needs to know what is being done to minimize the affects of demolition and sediment discharge into the lake.

Mr. Connor explained that the Board is interested in the existing conditions, MPS policies and what protection could be written into the policy to safeguard and the developments.

The Board requested an update from David Lane, Senior Planner, Community and Recreation Services.

9. ADDED ITEMS

9.1 Information Item 1 - Information Report dated December 8, 2011 re: High Fish Mortality at Lakes Banook & Micmac

Item added later in the meeting, see below.

10. DATE OF NEXT MEETING – February 1, 2012

10.1 Proposed 2012 Meeting Schedule

A copy of the proposed 2012 meeting schedule was before the Board for consideration.

Following a brief discussion, it was **MOVED by Mr. Connor, seconded by Dr. Trevorrow that the Dartmouth Lakes Advisory Board approve the 2012 Meeting Schedule as presented. MOTION PUT AND PASSED.**

The Board agreed to add Information Item 1 – Information Report dated December 8, 2011 re: High Fish Mortality at Lakes Banook & Micmac for discussion at this time.

9.1 Information Item 1 - Information Report dated December 8, 2011 re: High Fish Mortality at Lakes Banook & Micmac

A staff information report dated December 8, 2011 was before the Board.

Mr. Connor and Mr. Deacoff advised that they looked further into the issue of dead fish found in Lake Micmac and sections of Lake Banook, highlighting points contained in the December 8th information report. Mr. Deacoff noted that there were more dead fish than expected from normal practice in fishing tournaments which suggested the possibility that fish handling and the temperature of the water, if higher than usual, could have contributed to higher fish stress and death.

The Board discussed the size and species of dead fish found at the time; bass, ranging from 6 to 8 inches in length. Mr. Deacoff noted that the 30 dead fish reported by Mr. Connor equalled roughly three times the normal expected as a result of a fishing derby.

The Board determined that the recently released news article is not an accurate representation of the December 8th information report. The Board requested to have the report forwarded to Councillor McCluskey.

11. ADJOURNMENT

The meeting was adjourned at 6:40 p.m.

Kim Cahill
Legislative Support

INFORMATION ITEMS

1. Information Report dated December 8, 2011 re: High Fish Mortality at Lakes Banook & Micmac