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Western Region Community Council

TO: Western Region Community Council

SUBMITTED BY: _____
Dr. Wayne Stobo, Chair, Halifax Watershed Advisory Board

DATE: June 18, 2004

SUBJECT: **Case 00640: Application by Destiny Developments to enter into a new development agreement to permit 27 townhouse units and a boat docking facility at 7990 Highway 3, being the former site of Colonial Homes Limited in Ingramport (PID 40731606)**

INFORMATION REPORT

ORIGIN

On May 19, 2004, an application for a development agreement to permit 27 townhouse units, a breakwater, and a 31 berth docking facility in Ingramport was presented to the Board by Ms. Jaime Smith, HRM Planner. The Board formulated its recommendations at its June 16, 2004 meeting. In 1991 a development agreement (DA) was signed to permit a resort/inn, restaurant and marina on the site; it was never built and that DA will have to be discharged when the new proposal is considered by Community Council.

The Watershed Advisory Board appreciates this opportunity to review the Miller's Landing Application and to make the following recommendations which are related specifically to the protection of the receiving waters of St. Margaret's Bay.

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RECOMMENDATIONS:

The Board makes the following recommendations:

1. The Planning Strategy for this area requires set-backs from watercourses/waterbodies of only 25 feet, and while the proposal is in compliance with this requirement, the Board routinely recommends set-backs adjacent to marine environments of 30 meters, and recommends that the HRM reconsider that set-back provision for this area as soon as possible.
2. The Board supports the requirement made by the Department of Fisheries and Oceans (DFO) that fish habitat be created at a ratio of 3:1 for that destroyed by the construction of the breakwater and seawall and recommends that requirement be included in the DA. The location and design of the replacement habitat can be left to the discretion of DFO.
3. The Board supports the proponents' intent to prohibit refuelling at the marina and recommends that this prohibition be included in the DA.
4. The Board recommends that the parking area be covered with an impervious surface and the runoff from the parking area(s) be directed to an oil/grit separator before being discharged into the marine environment. This is especially important given the proximity of the parking area(s) to the shoreline.
5. The Board supports the requirements stipulated by NSDE&L related to the sewage treatment plant (STP), and recommends these stipulations be included in the DA:
 - i) tertiary sewage treatment, to be achieved by the installation of a recirculating textile filter system with septic tanks to provide for suspended solids removal before the effluent enters the recirculating filter system.
 - ii) the STP to be operated by a certified wastewater treatment operator, and the septic tanks be checked and pumped annually, since multiple housing units are discharging into this system.
 - iii) the treated sewage effluent to be subjected to UV disinfection.
 - iv) an alarm system to be installed at the recirculating facility of the STP to provide constant monitoring with automatic alerting of failure to the STP operator.
 - v) discharge of the treated sewage effluent into the marine environment to be at a distance from shore sufficient to ensure the water depth at the discharge point is at least one meter below the surface of the water at low tide.
 - vi) the treated effluent from the STP to be sampled quarterly and the reports of the sampling results to be provided to the HRM and Board for review.
6. In addition, the Board recommends that the DA include a provision for remedial action by the proponent if the STP does not function adequately to maintain BOD, TSS, and faecal coliform counts in the released effluent at or below the documented NSDE&L limits of 20 mg/l (BOD and TSS) and 200 colonies per 100 ml sample (faecal coliforms).

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BACKGROUND:

This Ingramport property is a fairly narrow strip of land located between St. Margaret's Bay Road and St. Margaret's Bay. It is approximately 70 meters wide, at the widest point with about 420 meters of waterfront. The shoreline is primarily large granite boulders and the proposed building site is about 2 meters above the high water mark.

There is a single watercourse designated by NSDE&L transversing the site. This watercourse originates to the northwest of the site. The watercourse is intermittent in nature and is currently piped across the proposed development site. In addition, its original streambed was altered by the railroad line (now part of the Canada Trails system) and St. Margaret's Bay Road. Culverts allow the watercourse to pass through each of these barriers. The terrain to the northwest of the road and rail line the gradient is quite steep. The proponents wish to replace the piping on the site and re-route the watercourse slightly to achieve this objective. It was the opinion of the Board that this watercourse would not be deemed suitable for fish habitat and no recommendations were warranted related to fish passage.

The proposal is to build five 5-unit townhouses and one 2-unit townhouse adjacent to the shoreline with parking between the townhouses and St. Margaret's Bay Road. The Planning District 1&3 Land Use Bylaw set-back from watercourse provision is only 25 feet, and the proposal adheres to that set-back provision.

The sewage from the townhouse units will be piped to a single sewage treatment plant (STP). The plant system will have a set-back from the high water mark of about 8-12 meters. The STP proposed consists of septic tanks for particulate removal, a recirculating textile packed-bed filter, and UV disinfection. The design features are such that the system is capable of handling 32 units with peak load surges of double the design flow with no reduction of exiting effluent quality. The sewage effluent will be recirculated through the textile filter, on average 5 times. The system is rated as providing tertiary treatment levels. The proposal includes a round-the-clock monitoring system with automatic alerts to monitoring personnel in case of failure. The proponent indicates that NSDE&L has stipulated that a certified wastewater treatment operator oversee the operation, and quarterly sampling of BOD (Biological Oxygen Demand, TSS (Total Suspended Solids) and Faecal coliform counts.

There will be a breakwater constructed of large boulders which will extend roughly 80 meters out into St. Margaret's Bay. The treated sewage effluent will be piped via this breakwater into St. Margaret's Bay. The effluent will be discharged within the breakwater, at a point at which the discharge pipe will be in at least 1 meter below seawater surface level at low tide. The Department of Fisheries and Oceans (DFO) have deemed that the breakwater will destroy fish habitat. In addition, a seawall will be constructed along the shore, but below the high water

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mark; thus it will destroy fish habitat as well. The DFO have stipulated that the proponent must create fish habitat in the nearby area equivalent to three times that destroyed.

The Marina is intended for the use of the residents only and will consist of floating dock units. The proponent indicated that refuelling will not be permitted; as well there will be no provisions for boats to pump-out on-board septic tanks.

Additional copies of this report, and information on its status, can be obtained by contacting Sheilagh Edmonds, Legislative Assistant, the Office of the Municipal Clerk at 490-6520.