

# **HALIFAX REGIONAL MUNICIPALITY**

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## HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY COMMITTEE

MARCH 21, 2001

### MINUTES

**PRESENT:** Dr. Wayne Stobo, Chair  
Mr. Keith Manchester  
Mr. David Dwyer  
Ms. Colleen McNeil  
Mr. Walter Regan  
Mr. Peter Shacklock  
Mr. Ross Evans  
Mr. Glen Williams  
Ms. Ellinor Williams  
Mr. Frank Hope  
Mr. Shalom Mandaville  
Mr. Barry Thomas  
Mr. Peter Murray  
Mr. Jim Holmes  
Mr. Kyle McKenzie

**ALSO PRESENT:** Ms. Susan Corser, Planner  
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

**REGRETS:** Mr. Ross Evans and Mr. Mack McMenemy

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The meeting was called to order by the Chair at 6:30 p.m.

Dr. Barry Thomas, who was recently appointed by Marine Drive, Valley & Canal Community Council to represent District 1, was introduced to the Board.

**1.0 APPROVAL OF AGENDA**

The following items were added to the agenda:

- 4.3 Stop Acid Rain Petition
- 4.4 Lake Charles Discharge Flow
- 4.5 Text Book - Limnology

The agenda was re-ordered to deal with item 4.1 - Application Sobeys Land Holdings Limited and Canadian Tire Limited to enter into a Development Agreement... re Downsview Mall.

**MOVED by Mr. Regan and seconded by Mr. Holmes that the agenda be adopted as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

**4.0 NEW BUSINESS**

**4.1 APPLICATION SOBEYS LAND HOLDINGS LIMITED AND CANADIAN TIRE LIMITED TO ENTER INTO A DEVELOPMENT AGREEMENT IN ORDER TO PERMIT RENOVATIONS TO THE DOWNSVIEW MALL INCLUDING THE REMOVAL OF THE FORMER K-MART BUILDING AND THE CONSTRUCTION OF A NEW CANADIAN TIRE STORE**

Circulated to the members in their agenda package were the following:

- C Letter dated March 1, 2001 to Glen Boone, Atlantic Shopping Centre Limited from KG Thompson, MEC Engineering & Construction Services Ltd. re Proposed Redevelopment - Downsview Mall - Site Storm Drainage. Associated maps and letter dated July 7, 1989 from Porter Dillon to Mr. Thompson re Stormwater Flow Analyses for Proposed Shopping Centre along Little Sackville River.
- C Letter to Andrew Whittemore dated March 13, 2001 from Glen Boone, Real Estate Planner, Atlantic Shopping Centre Limited.

Circulated at the meeting was a memo from Andrew Whittemore, Planner to the Board

dated March 21, 2001 describing the proposal and seeking the Board's opinion as to whether the proposed stormwater management plan adequately provides for the protection of the floodplain and river. If not, what specific components would the Board recommend the HRM negotiate.

Mr. Whittemore reviewed with the Board changes being proposed for the existing Downsview Mall building and the construction of a Canadian Tire store, on the site of the former K-Mart Building, following its demolition.

Referring to the existing stormwater management system, Mr. Thompson noted that his firm had been involved with stormwater management on this site since 1989, when the infrastructure was put into the ground. The infrastructure was sized on the basis of the whole site eventually being developed. During his presentation he addressed measures taken to try to hold stormwater on site as long as possible.

Mr. Mandaville reflected on Mr. Thompson being nominated for an Environmental Award based on the excellent job done for this project.

Mr. Regan requested that if either Mr. Thompson or Mr. Whittemore have any other information or files associated with sitework, storm drainage and stormwater management at this site, he would like to have for the public record.

Mr. Regan referred to the Sackville Streetscape Plan and referred to Urban Wildlife Parks. He referred to a 48' pipe currently emptying directly into the Little Sackville River. He questioned Mr. Thompson as to whether this project could pick up the three or four storm sewer lines, direct them up to the top to drain down a series of wetlands. Mr. Thompson felt with the difference in elevation this could not be done for the 60" storm line, but possibly the 48" storm line could be accommodated.

Mr. Regan referred to the March 1st correspondence and reference to "adjacent to these ponds at the outfall of the 60" trunk storm line there is an area of approximately two acres which contain a created wetland...". If all the water from the storm lines can't be brought to the top, he questioned whether the wetland can be reconfigured to take all the stormwater. Mr. Regan noted that the Little Sackville Flood Plan boundaries have been revamped.

If the storm lines can't be handled differently, as outlined above, Mr. Regan questioned whether they could be directed through stormceptors. Mr. Thompson indicated that he felt ponds were more effective than stormceptors. It was also noted that the 60" storm line services approximately a 300 acre area above this development.

It was suggested for aesthetics the swale, presently lined with surge rock be sodded. Mr. Thompson noted that channel was engineered based on this rock. The Chair questioned whether grass would hold given the flow rate through this swale. It was recognized that vegetation would be preferable to surge rock for polishing the water.

Mr. Regan noted that the sedimentation ponds are slowly being infilled and wondered if they could be returned to their original depth.

The Board did not have an opportunity to review the item following the departure of Mr. Whittemore and Mr. Thompson. Recommendations will be drafted at the April meeting. The Chair encourage the members to consider specifically how to deal with the wetland area. He would like concise recommendations drafted.

### **SOBEYS - FALL RIVER**

Circulated to the members as an information item was a copy of a letter sent to Mayor Kelly regarding ongoing concerns the Board has with the Fall River Sobeys site.

Mr. Thompson, M.E.C. provided the Secretary with a copy of a letter dated March 21, 2001, enclosing photographs and plans which had been prepared to show conditions at the site prior to the onset of winter. The Site Plan map indicated the area was regraded and covered with additional hay mulch. The same information had been provided to the Shubenacadie Watershed Environmental Protection Society in February. The Board was assured they would be monitoring the site during the spring thaw and will advise Atlantic Shopping Centres Limited if further stabilization or remedial action is required. Mr. Williams confirmed a copy of this correspondence had been received by SWEPS in response to correspondence from Mr. Mills.

Mr. Thompson indicated that it is hoped the slate will be removed. He hoped to appear before the Board again in the near future regarding its removal and disposal.

(Susan Corser arrived)

### **0.1 ELECTION OF CHAIR AND VICE-CHAIR**

When nominations were called for Chair, Dr. Stobo was nominated by Mr. Mandaville and Mr. Regan. Nominations were called for three times, but there were no further nominations. Dr. Stobo accepted the nomination, but noted that due to his work commitments, he does not have as much time to devote to the Board. It will be necessary for members to volunteer to write recommendations. Dr. Stobo was declared Chair by

acclamation.

Nominations were called for Vice-Chair. Mr. Mandaville and Mr. Regan nominated Ms. McNeil. Nominations were called two more times, but there was only the one nomination. Ms. McNeil agreed to continue. Ms. McNeil was declared Vice-Chair by acclamation.

## 2.0 APPROVAL OF FEBRUARY 21, 2001 MINUTES

The draft minutes of the February 21, 2001 meeting were circulated at the meeting.

The following changes were made to the minutes:

Page 4 - item 3.3, Prince's Lodge/Bedford South Master Plan - 2<sup>nd</sup> paragraph - change the words "Development Officer" to "Planning Services".

Page 5 - item 3.3, recommendation 4 to read: A blasting expert or blasting controls be applied to both protect the public, rock formations, and Hemlock Ravine to minimize the impact on groundwater movement in the MPS area and Hemlock Ravine Park.

Page 7 - item 3.7, Comprehensive Water Resource Management Policy, 4<sup>th</sup> paragraph, 1<sup>st</sup> sentence to read: "Mr. Dwyer argued that he felt it would be preferable *to suggest to HRM Policy Guidelines.*"

Page 9 - item 4.6, Case 00323, 1<sup>st</sup> sentence. Mr. Pyle's name spelled incorrectly.

Page 11 - item 4.6, last bullet should read: "Mr. Dwyer wanted to be assured that any water *discharged into* Jeddore Harbour....."

Page 12 - item 4.6, 2<sup>nd</sup> paragraph - The Board will communicate its concern about water **from tanks** being discharged into the Harbour. **The question was posed if DFO and/or** NSDOE&L should ensure that water quality is not significantly degraded.

Page 12 - item 4.3, C & D Waste Management Strategy - 2<sup>nd</sup> paragraph

Page 14 - Item 4.5, Background Survey Beaver Pond, 2<sup>nd</sup> paragraph. Last sentence should read: "Mr. Mandaville was asked to *summarize* what tests should be conducted for the *March* meeting.

**MOVED by Mr. Williams and seconded by Mr. Regan that the minutes of the February 21, 2001 be adopted, as amended. MOTION PUT AND PASSED**

**UNANIMOUSLY.**

Mr. Dwyer reported that approximately 400 people attended Monday's Marine Drive, Valley and Canal Community Council. He estimated that approximately 300 were in attendance regarding the Lobster Plant application and 375 for the Sobeys item. The Lobster Plant application was approved.

Referring to the C & D Waste Management Strategy, Mr. Holmes questioned whether pressure treated wood had been included. The Chair suggested that Mr. Holmes should contact Mr. Pyle for input. He also noted a list of public consultation meetings were provided. The Chair noted from the minutes, that the Board will have an opportunity for further comment, likely in April.

**3.0 BUSINESS ARISING FROM MINUTES**

**3.1 BONDING - DRAFT LETTER TO MR. DUNPHY**

Deferred in absence of Mr. Evans.

**3.2 PRINCE'S LODGE/BEDFORD SOUTH MASTER PLAN**

Circulated at the meeting was a draft letter to Paul Morgan, Planner prepared by Ms. McNeil, which outlines the Board's recommendations related to the protection of the watershed and the natural environment in the surrounding area.

The draft was reviewed and it was felt that comments made in May 17, 2000 should be attached.

Ms. McNeil will revise the recommendations and send to Mr. Morgan, with a copy to Marcus Garnet. Ms. Corser felt it important for them to receive before the month's end.

**3.3 WEB SITE UPDATE**

Mr. Mandaville outlined to the Board links he has established from the Soil & Water Conservation Society of Metro Halifax's website to the HRM's web site. The Chair complimented Mr. Mandaville for the great job he has done on behalf of the Board. Mr. Mandaville noted that there is a lot of space on the website and he would be happy to add anything the Board wants. (Refer Information Item 9)

**3.4 MEMBERSHIP**

Mr. Mandaville remarked on the lack of attendance of some members of the Board. The Secretary was requested to review the attendance list and pass along her findings to Ms. McNeil. Ms. McNeil will contact members who are routinely absent without regrets to determine their interest in continuing on the Board. The Board's Terms of Reference specify under Section 12.1, Absenteeism that any member failing to attend 2 consecutive meetings of the Board without reasonable cause, the Chair '**shall**', not '**may**' request such member's resignation.

The Secretary advised that two individuals who applied for membership on the Board, but reside in districts already represented have been advised in writing that the Board would be considering recommending to Council appointment under the fourth category for membership, i.e. such other members as determined from time-to-time by Community or Regional Council in consultation with the Board.

The Board considered the expertise and experience of the two applicants, Mr. Mason and Mr. Leaman and based on Mr. Mason's professional experience and Mr. Leaman's volunteer contributions will recommend their appointment to the Board. Ms. Corser and the Secretary to draft the necessary report.

During the above noted discussion, the question arose whether it is appropriate for the Board members to review the applications. Staff will sort out. The Secretary quoted from a section on the Application Form which reads "Applying for any of these positions, an applicant consents to the public release of information submitted in support of their application in the event they are appointed to a board, committee or commission."

Mr. Dwyer advised the Board that he is considering resigning. The group he initially represented is no longer functioning. He explained that the individual, who represented the Musquodoboit Rivers Association, had turned her representation over to him.

Reflecting on the earlier discussion of appointments to the Board, Mr. Dwyer cautioned that the Board should not be seen as appointing its own people. It was noted that the Board is only recommending.

An updated membership was requested for the next meeting.

### **3.5 COMPREHENSIVE WATER RESOURCE MANAGEMENT POLICY**

No meeting date has yet been set for the Steering Committee. Mr. Dwyer and Mr. Mandaville had been selected by the Board to represent the WAB. Mr. McKenzie had earlier indicated his interest in being a Board representative and in light of Mr. Dwyer considering resigning



and no objection expressed by Mr. Regan, who had also earlier expressed interest, Mr. McKenzie was selected to take Mr. Dwyer's place.

Mr. Mandaville recalled that the first meeting of the Steering Group was to be held in February. Apparently the consultants have forwarded a number of recommendations to HRM, but they have not got back to them. He anticipates EDM will contact the Secretary, when a meeting is scheduled.

### **3.6 JURISDICTION - UPDATE**

The subject of changing jurisdiction based on watersheds, proposed by the Dartmouth Lakes Advisory Board was discussed at the February meeting. To accommodate watersheds, slight changes would be required from the political boundary presently used. The Board has supported the change. Ms. Corser noted that BWAC's jurisdiction would also have to be changed related to the Anderson Lake Watershed. The next step would be approval by the Community Councils.

A general discussion followed on the jurisdictions in general. Mr. Mandaville recalled that it had been suggested, when the Board's workload was being reviewed that the Board be divided in two. The Chair recalled consideration being given to suggesting to BWAC that they take over responsibility for the Prince's Lodge/Bedford South Master Plan area. They might be interested in taking over this area, as their area of responsibility is somewhat limited. It was noted that BWAC has a new Chair, Bob Kerr. It was recalled that the former Chair did not support this expansion. Ms. Corser noted that the Comprehensive Water Resource Management Policy study would be looking into the Boards, but cautioned it may be years before recommendations are concluded. Mr. Mandaville suggested consideration of recreating the Halifax Board.

### **3.7 BEAVER POND, KINSAC**

C Memo from Mr. Mandaville, dated February 28, 2001.

The Board reviewed Mr. Mandaville's findings. Particular concern was expressed that the benthic surveys were not carried out as requested in the WAB's recommendations. Secondly, monthly sampling was not done as recommended either.

A discussion followed on whether the Planning Department was responsible for watering down the Board's recommendations which eventually made it to the Development Agreement, i.e. in terms of benthic surveys and frequency of sampling. The Chair concluded that the Board's concern may not be with the proponent, but with the HRM Planning Department. He

also noted that nevertheless there were problems with the proponents reporting of total phosphorus. They did not go to the level of analysis which is meaningful.

It was decided that a letter should be drafted to the Planning Department concerning the Board's recommendations not being followed and indicating the Board feels they should be redressed. Ms. McNeil volunteered to draft, with Ms. Corser's help. Ms. Corser noted that copies of the Development Agreement were brought to the Board in 1998. Ms. McNeil will compare the Board's recommendations to what is contained in the Development Agreement. Mr. Manchester recalled that it had been explained to the developer that it would be in their best interests to conduct these baseline studies. Alternatively, could the Planning Department be requested to do the testing. It was noted that Ashburn has not started construction and there is time to redo the baseline. Perhaps, even if this requirement is not contained in the development agreement, the proponent may be agreeable to do the testing.

4.0 **NEW BUSINESS (Cont'd)**

4.2 **CASE 00282: DEVELOPMENT AGREEMENT TO ALLOW FORTY-ONE (41) RESIDENTIAL LOTS ON A PRIVATE ROAD IN MITCHELL BAY**

C Memorandum from Sue Corser, dated March 9, 2001 re the above.

Ms. Corser was seeking input from the Board with respect to the potential impact of development on watercourses, wetland and coastal areas.

Ms. Corser circulated an aerial photo of the area.

During review of the item the following points were discussed:

C Development similar to an application from Vladi Private Islands Limited, previously reviewed by the Board in relation to Sober Island.

C Whether the island will be developed is questionable. There are issues involving access. Staff will seek confirmation as to whether the developers intend to join the island to the mainland. Opinion was expressed that a causeway should not be used, but a bridge. It was noted that you can't fill in without DFO approval. The Chair felt it was debatable whether filling in would have an affect on fish habitat or on site septic systems. It was noted that there are inconsistencies between drawings. One shows a connection, the other does not. It was noted that this is a much bigger island than the one associated with the first development. Possible development of the island in the previous submission had been eliminated due to buffer requirements, it was recalled.

- C The Chair read the recommendations the Board had drafted pertaining to the Vladi development. He suggested it may be only necessary to repeat these.
- C If the above was the case, a recommendation could be added that should the island be developed, an appropriate review be conducted of any causeway or bridge construction.
- C Mr. Regan had concerns regarding public access, but it was felt that the previous recommendations covered this element.
- C Referring to the septic systems, it was noted that the Board's revised Guidelines indicate, where possible, a minimum 100 metre setback is encouraged from lakes and saltwater bodies.
- C It was noted that the development is intended for seasonal use, but there is no guarantee. Ms. Corser assured the Board that the septic design will be for full time residency.
- C The Chair felt that the Board's recommendations in this instance should state wherever possible, the setbacks associated with septic systems should exceed the minimum standards of NSCOE&L (ie. 30.5 meters). The earlier recommendations could simply be modified to reflect the above.
- C The Board discussed whether any recommendations should be made pertaining to road construction, i.e. define what the area of 'minimum exposure' should be. It was argued that if the developer has an effective Erosion and Sediment Control Plan this should be taken care of.
- C Reference was made to parkland requirements for new sub-divisions. Ms. Corser advised that dedicating 5% to HRM had not been feasible in the previous proposal, instead 5% of the market value of lots was turned over to HRM. She explained that it is not desirable to acquire land in these situations, as there is no public access. It is also a liability under those circumstances.
- C It was suggested that it might be proposed to the developer that a private park be set aside for residents, which could evolve into a public park in the future. It was noted by Dr. Thomas that this is not a trend.
- C The Chair contended that while the Board's recommendation re parkland was not followed, it did no harm to continue making such a recommendation. On some future

occasion HRM may try to accomplish.

- C It was concluded that except for the causeway issue and a change to #5 (septic adjustments) of the previous recommendations, the subject was covered.

The Chair sought a volunteer to draft the recommendations. Mr. Manchester volunteered.

- C Mr. Mandaville felt the Top Soil Bylaw should apply. Ms. Corser noted it usually does not apply in District 1, but could be applied. Ms. Corser will provide the right name for this Bylaw to the Secretary.

- C Mr. Regan had a number of concerns he wished to raise. These were reviewed to determine whether they are addressed in the recommendations for Sober Island.

- C Referring to wetlands not being altered, the recommendation to be expanded to include road construction.

- C Also added to the recommendations was the following:  
All culverts be of adequate size for fish passage.

- C Added to the recommendations would be the development agreement should include security deposit of significant magnitude to encourage compliance.

Mr. Manchester will draft the recommendations and forward to the Chair. It was suggested he may wish to make some reference to the work the proponents had previously done.

#### **4.3 STOP ACID RAIN PETITION**

Mr. Regan noted that the Sackville Rivers Association is affiliated with the Nova Scotia Salmon Association and shares their concern that fourteen (14) salmon rivers have been lost in Nova Scotia due to acid rain. Postcards are being sent to the Prime Minister which illustrate the areas of the province affected. A publicity event is planned in association with the petition.

#### **4.4 LAKE CHARLES DISCHARGE FLOW**

Mr. Mandaville provided information to the Chair regarding the water flow from Lake Charles. He noted there is some misconceptions regarding this, but a Jacques-Whitford Study revealed that 60 - 80% of the flow goes into Lake Williams.

**4.5 TEXT BOOK - LIMNOLOGY**

Mr. Mandaville displayed to the members a new text book entitled "Applied Aquatic Ecosystem Concepts" on the subject of limnology. He noted that this is the first one written by a Canadian. He encouraged the members to considering buying a copy.

**5.0 CONCEPT PLANS**

Ms. Corser displayed two concept plans for the members' information. One was associated with the Silversides development, the second Fall River Village.

While the Board is only provided with information pertaining to concept plans in their area of jurisdiction so they are knowledgeable about developments, the Chair noted that staff has been instructed to provided developers with copies of the Board's Guidelines. It was noted that this approach was taken, given the lack of detail in concept plans and the short time frame to process.

**6.0 STATUS SHEET**

During review of the status sheet, Ms. Corser noted there is no signed development agreement associated with the Midyat Investments Mainland South item, as it has not been approved. In his update, Gary Porter advised Susan Corser that this proposal has not progressed. A call was placed March 16<sup>th</sup> to Barry Zwicker. This item to be left on the status sheet.

Subdivision Concept Plans - Ms. Corser confirmed that under the Subdivision By-law some changes have been made re concept plans. The Board had been told staff were reviewing a by-law associated with Concept Plans. Ms. Corser will check into.

Tree Cutting item to be removed from Status Sheet.

Subcommittee on Parameters for Water Quality Testing - No response to date.

East Petpeswick Golf Course - can be removed from the Status Sheet.

Limnology/Biology Expertise - Awaiting outcome of staff's review.

Location of on site disposal beds in new subdivision - Confirmation of receipt of letter from HRM has yet to be received.

Glen Arbour to be added to the status sheet. Ms. Corser reported there had been a group meeting of staff involved to develop a position when going back to the developer to address problems. The item mainly deals with water quality, i.e. reports indicate Sandy Lake has been degraded.

**7.0 DATE OF NEXT MEETING**

The next meeting is scheduled for Wednesday, April 18, 2001.

**8.0 ADJOURNMENT**

The meeting adjourned at 11:05 p.m.

Lynne Le Boutillier  
Assistant Municipal Clerk