

HALIFAX WATERSHED ADVISORY BOARD
MINUTES

January 20, 2010

PRESENT: Ms. Ellinor Williams, Chair
Mr. Derrill Hynick
Mr. Scott Herron
Mr. Walter Regan
Mr. Ross Evans
Mr. David Ripley
Councillor Peter Lund

REGRETS: Mr. Barry Thomas
Councillor David Hendsbee

STAFF: Mr. Andrew Bone, Senior Planner
Mr. Richard Harvey, Senior Planner
Ms. Sheilagh Edmonds, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	3
2.	APPROVAL OF THE MINUTES	3
3.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS	4
4.	ITEMS TO BE ADDED TO NEXT AGENDA	4
5.	BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET ITEMS:	4
5.1	Business Arising:	4
5.2	Status Sheet:	4
5.2.1	Staff Report on MPS Policies that Relate to Water Quality Monitoring throughout HRM	4
6.	DEFERRED ITEMS:	4
7.	NEW BUSINESS:	4
7.1	Case 01284 Application by J. V. Sibbins to discharge the existing development agreement for a contracting yard at 5 Sawlor Road, Waverley and enter in to a new development agreement to enable a multi-use building and site	4
7.2	Informal Discussion on the Role of the Board from the Planners' Perspective 7.2 (b) Review of HWAB's Work To Date (in preparation for the WABs workshop)	6
8.	CORRESPONDENCE:	7
9.	ADDED ITEMS:	7
10.	DATE OF NEXT MEETING:	7
11.	ADJOURNMENT	7

1. CALL TO ORDER

The Chair called the meeting to order at 6:34 p.m. in the Media Room, City Hall.

Councillor Lund advised that he would have to leave early as he had another meeting to attend.

2. APPROVAL OF THE MINUTES

MOVED by Mr. Ripley, seconded by Mr. Regan that the minutes of November 25, 2009 be approved. MOTION PUT AND PASSED.

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

There were no additions or deletions to the agenda, and the agenda was accepted as presented.

4. ITEMS TO BE ADDED TO NEXT AGENDA

The Chair advised that Mr. Thomas could not attend this evening's meeting, however he had asked that the item, *Gold Mining on the Eastern Shore*, be placed on the agenda of the next meeting.

5. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET ITEMS:

5.1 Business Arising:

The Chair noted that, following up from November's meeting, she forwarded letters to Mr. Keith Manchester in regard to the Bennery Lake Watershed Advisory Committee and to Ms. Kelly Denty in regard to the Committee's recommendations that are most frequently raised.

5.2 Status Sheet:

5.2.1 Staff Report on MPS Policies that Relate to Water Quality Monitoring throughout HRM

Mr. Richard Harvey, Senior Planner circulated copies of a document entitled Summary of Water Quality Monitoring Policies in HRM Plan Areas.

Mr. Harvey advised that upon further review of this matter, staff felt that rather than provide an overall staff report, it would be more appropriate to provide the Board with a list of the relevant policies within each of the Municipal Planning Strategies pertaining to water quality monitoring, and the Board would then have this as a resource. He added that as the Board members review the policies, and if clarification is required, then they could be brought forward and discussed with staff at a Board meeting.

The Chair thanked Mr. Harvey for the information advising that it was a great resource.

6. **DEFERRED ITEMS:** None

7. **NEW BUSINESS:**

7.1 **Case 01284 Application by J. V. Sibbins to discharge the existing development agreement for a contracting yard at 5 Sawlor Road, Waverley and enter in to a new development agreement to enable a multi-use building and site**

- A memorandum dated January 6, 2010 was submitted by Mr. Andrew Bone, Senior Planner.

Mr. Bone addressed the Board and advised that there is an existing development agreement on two properties, which had been a construction yard that went bankrupt. The properties were then sold and now there are separate owners. Mr. Bone explained that the existing development agreement does not work because the properties are operated separately and with different uses. Therefore, staff are suggesting that the current agreement be discharged and the owner of the property under consideration this evening enter into a new development agreement. Mr. Bone provided detailed information of the site in question, as outlined in the submitted memo.

Mr. Bone advised that the property owner is not in the contracting business and would like to use the building on the site for other purposes as a commercial/light industrial property. He added that the property owner does not intend to operate a business himself, but rather he intends to lease out the space.

Mr. Bone reviewed the existing uses permitted in the C-2 zone and the proposed uses staff have put forward for consideration in the new development agreement. He pointed out that staff are suggesting that 'Construction Maintenance Yard' be removed as a permitted use based on feedback and the concerns of the residents of the area. Mr. Bone also noted that in the previous development agreement, a small berm was supposed to have been constructed, however, due to the bankruptcy, this did not happen.

The Board entered a discussion with Mr. Bone responding to questions. The following recommendations were put forward in regard to this proposal:

1. The exiting septic tank be pumped out and inspected by a qualified person to ensure that it is in good working order.
2. In addition to the planned grassing over of the septic field, a perimeter fence be installed to prevent heavy equipment from driving across it.
3. Soil and groundwater testing be undertaken to determine if there is any existing contamination and to identify any remediation that is required.
4. If the lot is paved, then an oil/grit separator be installed and maintained.

5. A small, vegetated surface water retention pond be created on the low corner of the lot to control and treat storm water runoff, prior to discharge into the into the adjacent wetland.
6. The landscaping planned for the north side of the property be extended to include a vegetative buffer around the perimeter of the property; in particular the western side, in order to re-direct and absorb storm water runoff.
7. No construction activities, equipment maintenance or auto detailing work be permitted on this site.
8. Any work undertaken on this site will take place inside the existing building.
9. No storage of soils, gravel, salt or any deleterious substances be permitted on this site.

At 7:00 p.m. Councillor Lund retired from the meeting.

The Chair advised that the recommendations would be circulated to the Board members by e-mail for any final comment, and then submitted to the Legislative Assistant to follow up with Mr. Bone.

7.2 Informal Discussion on the Role of the Board from the Planners' Perspective

7.2 (b) Review of HWAB's Work To Date (in preparation for the WABs workshop)

The Chair advised that she put these two items on the agenda as she felt they could be discussed in conjunction with each other. She added that she would like to hear the Planners' views on the recommendations the Board provides on proposals, and how the Planners use those recommendations. The Chair indicated that this would be helpful in regard to discussion about the Workshop.

A discussion ensued and the following comments concerning the topic of discussion at the Workshop were put forward:

- The Board sees only a small amount of the total developments that are proposed and, of those, a minuscule amount of the Board's recommendations are considered. It is unfortunate the Board did not realize that so much (re: their recommendations) were outside municipal jurisdiction. Suggested that the new board could work on developing a mechanism so that things could be sent on to other jurisdictions.
- There should be a two-tiered system -- should be a second tier (like HWAB) to look at Development Agreements -- and when we see something wrong we write to the first-tier committee and they would take

our recommendations and run with it. Concerned that if the first-tier committee's focus is 'sustainable development', then little attention will be focused on water issues. Have HWAB remain as is, but with the first tier committee, there would then be someone that would start listening to us.

- Think that staff can take care of the As-of-Right developments and Development Agreements and we could spend our time much better by making recommendations on policies.
- Think that we would be more effective in advocating new policies in the documents. However, some concern that if the Board stops looking at Development Agreements, it will no longer be able to determine what the issues are. The Board has accumulated a body of knowledge, knows what the issues are, and knows what policies are needed because of the development agreements it has reviewed over the past many years.
- It is important to ensure that these issues are addressed by the scientific community.
- Agree with the suggestion of a two-tiered committee approach. Do not think that the committee would have enough time (e.g. a meeting once a month for 3 hours) to carry out all the work that is required in creating policy.
- Concern was expressed that, with a two-tiered approach, it would be asking the Board to take on another role. In addition to making individual development recommendations, it would also be charged with making recommendations to the super advisory board for policy changes.
- What sort of staff resourcing is being considered for the new board – the volunteers are the experts who know what the issues are, but what resources will be provided to enable those issues to be researched and come back to the Board in a form in which the Board can then make a recommendation to Regional Council.
- Board members should ask themselves, 'is this new Board the opportunity to address these long standing policy issues that the Board has talked about.'
- A suggested statement to bring forward to the Workshop was presented as follows: "We would like HRM to devise a governance structure in which a citizen board with staff resources can address significant water quality issues while continuing to address ongoing water quality issues presented by individual proposals."

In closing, the Chair noted that the invitation to the Workshop included three questions for consideration, and she asked that everyone review these questions in advance of the workshop and keep in mind the points that were raised in this evening's discussion.

- 8. **CORRESPONDENCE:** None
- 9. **ADDED ITEMS:** None
- 10. **DATE OF NEXT MEETING:** February 17, 2010

The Chair advised that the next meeting agenda will include an item for discussion on the outcome of the Workshop.

11. ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Sheilagh Edmonds
Legislative Assistant

The following information items were submitted:

1. Information Report dated November 12, 2009 on Water Soft Path Workshop
2. HWAB Report to Chebucto Community Council RE: Case 01280 Development Agreement of Herring Cove Village, Herring Cove
3. Memo from Legislative Assistant RE: 2010 Meeting Dates