

**HALIFAX REGIONAL MUNICIPALITY
HALIFAX COUNTY/HALIFAX MAINLAND WATERSHED ADVISORY BOARD**

6:30 p.m.
Conference Room 1
Dutch Village Road
September 30, 1999

PRESENT: Dr. Wayne Stobo, Chairman
Mr. David Dwyer
Ms. Colleen McNeil
Mr. Walter Regan
Dr. Jack Burney
Mr. Peter Shacklock
Mr. Ross Evans
Mr. Glen Williams
Mr. Mack McMenemy
Mr. David Haley
Mr. Lawrence White
Mr. Jim Holmes
Mr. Keith Manchester

REGRETS: Mr. Michael Guilcher

ALSO PRESENT: Mr. Roger Wells, Planner, Planning Services
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

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0.1 APPROVAL OF AGENDA

The agenda as circulated was adopted on motion of Glen Williams and Walter Regan.

0.2 INTRODUCTION

Roger Wells, Planning Coordinator, was introduced to the members. Roger Wells assured the members that by the October 20th meeting, a Planner will have been identified to work with the Board in place of Susan Corser, who is on extended maternity leave.

1.0 HOME DEPOT PROJECT, LACEWOOD DRIVE, CLAYTON PARK WEST

Circulated with the agenda package was an Environmental Protection Plan Draft for the proposed Home Depot off Lacewood Drive in Clayton Park West. The draft, dated September 1999, had been prepared by EDM, Environmental Design and Management Limited.

In attendance were Michael J. Willett, Vice-President, Development and W. Dale Eastman, Project Manager, Clayton Developments Ltd. and Mark VanZeumeren, Engineer with Environmental Design and Management Limited.

In his introduction, Mr. Wells noted that the proponent's application came forward last spring. The property in question is owned by Clayton Developments Limited and if the required amendment to the Halifax Planning Strategy is approved, it will be sold to Home Depot. The present policy does not allow commercial uses on this side of the highway. Essentially an MPS amendment is being proposed and a development agreement entered into. All the property falls under the requirements of the Schedule K. No as-of-right development is permitted. A public hearing is required.

The site in question is approximately 16 acres in size of which 12.5 would be used by Home Depot, the balance for retail and office space. The original Business Campus consisted of 90 acres.

The surface drainage from the site will eventually end up in Birch Cove Lakes and Susies Lake Watersheds.

Reference was made by the proponent's representatives to a development agreement for this piece of property approved in 1992 for which they are looking for an amendment. The current proposal would result in an increase in impermeable area for the Home Depot site

to 80 - 90%. It is the intention of the developer to take measures to control both the quantity and quality of run-off from the site through the use of a stormceptor system to handle solids and greases from the parking lots.

During the review of the Environmental Protection Plan, Mr. VanZeumeren made reference to a runoff coefficient of 0.55 stipulated for the property under the current schedule K for Clayton Park West. Runoff must remain equal or lower than this value for any new development. Considerable discussion surrounded what a runoff coefficient of 0.55 really meant. Apparently the use of this requirement had been at the direction of HRM staff. Mr. Wells will contact John Sheppard to clarify.

Mr. VanZeumeren referred to additional rock sampling being done by Jacques Whitford of fill in the southwest corner of the property to determine the quantity of acid slate. If acid slate has to be disposed of, it is estimated it would be less than 500 cu. yards. Jacques Whitford would be retained by Home Depot to monitor that the regulations are followed for its disposal.

It was noted that by switching from a Business Campus development, the possible amount of sediments would be reduced, as there would be less landscaped areas. Mr. VanZeumeren noted that it has not yet been decided whether to design the stormwater systems for a Type 2 or Type 3 habitat. Type 2 habitat supports fish. It would be later noted that although the stream may not support fish, Susies Lake does.

The drainage of the site is via a highly disturbed stream, eventually to Susies Lake.

When the floor was opened for comments and questions from the members, the following subjects related to development were addressed:

- ! Whether the stormwater would be leaving the site in open ditches. Mr. Evans felt it would be desirable to put some limestone in these ditches, in the event there is an increase in acidity. This would entail perhaps 2 inches of crushed limestone, but it was suggested that the proponent contact the Department of Environment for specifications which would depend on the ditch's length and the rate of flow of the water. There has to be sufficient contact time of the water with the limestone.
- ! Proposed garden centre - Whether drainage entered the storm or sanitary sewer. Pesticides might be contained in any drainage. There was concern if the garden centre drained into the storm sewer which eventually emptied into Susies Lake. Mike Willett will check into what safeguards have been incorporated into the Garden Centre's design. The Building Code and/or Sewage By-law should be

- checked into in this respect.
- ! If the site work commences in February, it was noted there is likely to be major runoff during that month.
 - ! The Board sought assurance that once the property is turned over to Home Depot that the clauses in the Development Agreement are transferrable. Mr. Wells assured the Board they were. The Development Agreement essentially rides with the title.
 - ! Concern was expressed about how the Development Agreement clauses will be enforced. For example, if there is a clause that stormceptors be cleaned at regular intervals, it was felt that the owner/developer should provide documents to the HRM certifying that the maintenance has been done. The Chair recalled that a requirement for monitoring had been included in some golf course development agreements, but there was no one on HRM staff to review the reports. Mr. Wells concurred that enforcement and implementation are problem areas, as there isn't enough staff to ensure that the clauses in development agreements are being adhered to. It is hoped that in the next few years, HRM will be able to tightened up this area. It was felt that there could be a role for the Board in monitoring if the certifications were forwarded to the Board. Mr. Wells felt this to be an excellent suggestion.
 - ! Disappointment was expressed with the small amount of landscaping being proposed. The amount of landscaping was defended and it was felt the end product would be the best landscaped 'big box' development in the Maritimes.
 - ! Mr. Regan questioned if there is any evidence that the stormceptor system is effective in Nova Scotia's climate.
 - ! What did the runoff coefficient of 0.55 really mean. It was suggested that it is the rate of flow not quantity of water leaving the site. Dr. Burney felt this to be an extremely important factor, as the whole design is based on this figure and it will have an impact on what enters Susies Lake. Mr. Willett noted that the Municipality put in this requirement. It was generally felt that no one really understood what the calculation meant. Mr. Eastman pointed out that a .55 requirement is more stringent than, for example a .9 requirement. This requirement is generally used in conjunction with single family developments. It was determined that this calculation pertains to rate of flow not quantity of water, i.e. the water leaves the site at a prescribed rate. Mr. Wells to contact Engineering Department as to what this requirement means in layman's terms. It was recognized as a key component of the proposal.
 - ! Rock pile near highway, which may contain acid slate. Will be either encapsulated or taken away. First preference of developer would be to remove from property.
 - ! Ice and Snow Control - Salt may cause problems. While the original plans called for

50 to 60% impervious surfaces with the increase proposed to 90%, a significant increase in salt usage can be expected, which will increase the concentration of salt in the wet lands. It was argued that compared to the impact of salt put down on roads, the development would likely have a minor impact. Nevertheless, the Chair noted it is a cumulative effect.

- ! Reference was made to a Surface Water Monitoring Program for Bayers Lake. It was felt that this area should be incorporated in this monitoring program, as it is within the watershed. Mr. Wells was not aware one existed. The Board requested copies of any monitoring results from the above program.
- ! No sewage treatment facilities yet in place. Majority of HRM's sewage entering Halifax Harbour untreated.
- ! It was felt that February was the most dangerous time of year to start construction from an environmental point of view.
- ! Opposition was expressed to the practice of piping a water course. If pipe is put in, 'no net loss apply'. Even if there are no fish living in the stream, other life can be found.
- ! Referring to the reference to the Porter Dillon, Phase 2, environmental study of the Birch Cove area conducted in 1996, it was requested that the proponent provide the Board with a copy.
- ! The proponents were questioned as to whether a study has been conducted on the impact the development would have on the downstream wetland. Mr. Willett noted that an environmental assessment is only required for two acre wetlands. The development would only have a 2% impact on the wetland.
- ! Referring to the fact that stormceptor systems can be designed to treat water to a level suitable to discharge into a type 2 or 3 habitat, Mr. Regan requested a copy of the publication containing the manufacturer's specifications.

Upon completion of this question and answer session, the proponents were advised that it is the practice of the Board to draft its recommendations and pass them along to the HRM.

Following their departure, the following recommendations were drafted. Mr. Wells noted that the goal is to have a staff report prepared for the November 1st Chebucto Community Council agenda. This would require the final report prepared a week before their November meeting. The draft recommendations from the Board can be reviewed at the next regularly scheduled meeting Wednesday, October 20th.

- C Salt - It was recognized that to date water flowing from Clayton Developments flowed to the Harbour. This is perhaps the first time the developer has had to contend with runoff to a fresh water system before it enters the Harbour.

- C Need to clear up the runoff coefficient .55 value. It was felt that HRM and the developer don't consider groundwater recharge.
1. **The stormceptor design should treat water to a level suitable for discharge into a Type 2 habitat** (i.e. water contains feeding areas, particularly for adult fish, and unspecialized spawning areas, such as that used by minnows), because of the nature of the receiving waters. It was recognized that perhaps the ditch isn't a type 2 habitat, but there is a type 2 habitat at the ditch's end.
 2. **The stormceptors should be monitored quarterly for the first two years and reviewed. The monitoring frequency reassessed at that time.** Dave Haley felt the proponent should be requested to submit their maintenance schedule. Frequent monitoring is required to determine what frequency of monitoring is needed. An appropriate maintenance plan can then be established. In their report under Item 8.0 - Maintenance Program, it states "Inspection and maintenance of Stormceptor systems will be performed per manufacturers recommendations and as site conditions warrant".
 3. **Monitoring reports should be submitted to HRM and the Halifax County/Halifax Mainland Watershed Advisory Board for review.**
 4. Referring to concerns regarding the piping of the watercourse, while the Board as a general principle was against such piping, after considerable discussion it was decided not to make a recommendation, but **the policy of "No Net Loss" should be included in the recommendations.** The Board recognized that since the proponent is planning to pipe an existing watercourse, HRM and DOE will be overseeing it.
 5. **Minimize any disturbance of sulfide bearing materials.**
 6. **Garden centre drains should enter the sanitary sewers.** The proponent had suggested they would be directed to the storm sewers, but if this portion of Home Depot is under glass, it was felt the drains would be required to enter the sanitary sewers according to the Building Code.
 7. The Board felt that the proponent should strive to maximize vegetation on the site and minimize pavement. Mr. Wells noted that the project meets the parking requirements of the by-law. He noted that minimum parking spaces are specified under the by-law not maximum! **The Board recommends that areas not**

essential to parking and walking be landscaped.

8. The Board felt the minimal use of salt was desirable. **It was recommended that a Snow Removal or Ice Management Plan be developed, designed with the intent to minimize the amount of contaminants, of which salt is one, entering the watershed.**
- ! Concern was expressed that other than the Home Depot part of the proposal there is some question as to the use of the balance of the property, so it is difficult to draft recommendations. Mr. Wells assured the members that in the development agreement staff will put in some perimeters around the range of uses permitted. It was felt doubtful that there would be any potentially worse development than a gas bar and as earlier discussed, there are very stringent guidelines in effect for such uses.
- ! Referring to the deposition of acid rock at the corner of the site and along the sides of the highways, it was felt that the Board should consider making a recommendation that this rock be cleaned up. As this was not a recommendation for the proponents, it was decided to table the matter for a later discussion of sending a letter to the Province about DOT rectifying the situation.
9. **Referring to the acid shale on the site, it was recommended it be extracted and disposed of in accordance with NSDOE standards.**
10. **It is recommended that an appropriate Erosion Control Plan be developed to minimize runoff.**

Comments on the rate of storm water discharge will be drafted once clarification is received on the co-efficient .55.

2.0 LAKE VIEW MOBILE HOME RECOMMENDATIONS

The version of the **Lake View Mobile Home recommendations were approved, as circulated, on motion of Mr. Haley and Mr. Evans.**

Reference was made to the preamble to the recommendations which stated "The WAB has reviewed the information provided by the proponent relating to the proposed development. Based on this information, the Board provides the following recommendations. It is important to note that these recommendations relate specifically to

the protection of the watershed and natural environment”.

This preamble will be included automatically before any recommendations in the future.

Copies of the recommendations to be provided to the planner, proponent and community council members. In the event it is determined that processing of the application has been finalized, a copy will only be sent to the Planner. There had been some delay in submitting the Board's recommendations.

4.0 CORRESPONDENCE RE APPLICATION TO REZONE (CASE #00041): LAND OF NEIL AND MARGARET WILLIAMS, 1 ROBLEA DRIVE, PORTERS LAKE

The Board was in receipt of correspondence dated August 9th, 1999 from Mr. Keith Cattle regarding concerns he has regarding the above noted application.

Mr. Wells noted that the zoning permits a garage 750 sq. ft. in size but the Williams had constructed a larger structure. In addition to constructing a structure larger than allowed in the Land Use By-law, it was done without a permit. A fine of \$700 has been levied by the courts.

They may also be required to remove the illegal structure, but the HRM legal advisers have instructed staff that the Williams are to be given due process, which involves allowing them to apply for a rezoning. Should Council reject their application for a rezoning, due process would be deemed to have been followed and they could be directed to either reduce the size of the structure or remove it. A Public Meeting has been held; staff report prepared and presented to Marine Drive, Valley and Canal PAC last month. It is now proposed that the matter be directed to HRM Council, as for the time being there is no Community Council, until the election of two councillors October 30th. Mr. Wells noted that the staff recommendation is to reject the application for rezoning.

The Board discussed how they should handle this matter. For example, should they consider the application as if the building were not constructed, rather than commenting on whether it should be there. Mr. Wells thought this would be reasonable, noting that legally a building could be constructed there as-of-right, but it is oversized. The matter would never have been raised with the Board if it had been constructed according to the regulations of the by-law.

Mr. McMenemy questioned why the Board is involved at all. Mr. Wells noted that the matter had been brought the Board's attention as the correspondence had been addressed to the

Board, care of Ms. Corser.

Mr. Dwyer commented that this situation appears similar to a matter he brought to the Board recently, wherein it was decided inappropriate for the Board to comment, as the Board only comments on matters dealing with water courses, not zoning. These are strictly a political matter.

It was felt that a letter should be written to Mr. Cantle acknowledging receipt of the correspondence, but noting that the Board feels this is a matter which should be dealt with in another forum. It is not an application from the property owner and the Board should not be dealing with it. **It was moved by Ms. McNeil and seconded by Mr. White that the Chair write a response to this effect. Motion carried unanimously.** The correspondence to be copied to Mr. Wells and the Community Council.

The Chair agreed with the motion, reiterating that an application had not been provided to the Board and the Board has no details upon which to offer an opinion. He will write Mr. Cantle noting this is not a matter that the Board can deal with. It is an issue that will have to be resolved politically.

3.0 PETPESWICK GOLF COURSE RECOMMENDATIONS

The Chair circulated recommendations he had drafted regarding a 18 hole golf course proposal brought to the Board at its June 16, 1999 meeting.

While Mr. Dwyer felt review of the recommendations should be postponed to the next meeting, Mr. Wells noted there is some urgency to deal with the application. If the application does not proceed to the Public Hearing stage shortly, next year's golf season would be lost. The application is time sensitive, as construction is weather dependent.

Dr. Burney expressed concern about construction taking place during the winter months. It had been the stated intent of the developer to do construction during the winter so that golf course could be opened in the spring.

Mr. Dwyer argued that the Board's priorities should be to the environment, in particular the watercourse and inlet, rather than the developer.

It was agreed to proceed with the review of the recommendations this evening, as long as the aspect of winter construction is addressed. The recommendations will be forwarded to Mr. Wells as soon as possible.

During review of the recommendations, Recommendation 4 was expanded to make reference to not only an Erosion Control Plan, but Stormwater Control Plan.

Ms. McNeil questioned whether the Board had utilized the recently adopted Golf Course checklist when reviewing this proposal. The Board had not and decided to run through the list to ensure every aspect had been covered.

Mr. Haley questioned the meaning of the original Recommendation 2. It was decided that Recommendation 2 should read "maintain existing drainage and flow conditions especially in the area of the club house road and parking area".

Recommendation 5 was modified to read "A plan for *Turf Management* should be developed.....

The following recommendations were added:

Develop a Stormwater Management Plan to be approved by DOE and HRM.

Any exposed ground would be sodded according to the proposal.

Due to concerns about sediment runoff after freeze up, an erosion control plan required which adequately addresses that possibility.

Storage facilities which effectively contain any spills.

15 meter buffer zone around wetland. Some reference be made to the Board's guidelines.

The Chair will draft the additional recommendations and forward to staff. This was agreed to by consensus. Mr. Dwyer requested a copy as soon as possible.

Meeting adjourned at 10:45 p.m.

Dr. Wayne Stobo
Chairman

Lynne Le Boutillier
Assistant Municipal Clerk

(Oct.20/99)