

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

6:30 p.m.
Board Room 1
2750 Dutch Village Road
November 17, 1999

PRESENT: Dr. Wayne Stobo, Chair
Mr. David Dwyer
Mr. Chris Booth
Ms. Colleen McNeil
Mr. Walter Regan
Mr. Peter Shacklock
Mr. Ross Evans
Mr. Glen Williams
Mr. David Haley
Mr. William O'Toole
Mr. Lawrence White
Mr. Michael Guilcher

ALSO PRESENT: Mr. Gary Porter, Planner
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

REGRETS: Mr. Keith Manchester, Dr. Jack Burney and Mr. Jim Holmes

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1.0 APPROVAL OF AGENDA

The following items were added to the agenda:

Under Business Arising, Item 3.13 - Bayers Lake Monitoring Study

Under New Business, Items 4.2 - Christmas Party, 4.3 - Halifax Harbour and 4.4 - Invitation from Shalom Mandaville.

The agenda as amended, was adopted on motion of Mr. Dwyer and Mr. Evans.

2.0 APPROVAL OF MINUTES

The following revisions were made to the October 20, 1999 minutes:

Reference to East Petpeswick Harbour, associated with item 3.5 on pages 2 and 10, should read Petpeswick Inlet.

Page 6, Item 4.1 - Add the following sentence - It was therefore agreed that the Board's comments would be limited to that contained in the minutes, with no separate recommendations document being prepared.

The minutes, as amended, were adopted on motion of Mr. Williams and Mr. Evans.

3.0 BUSINESS ARISING FROM MINUTES

3.1 EAST PETPESWICK GOLF COURSE

Mr. Dwyer reported on his observations during an inspection of the site of the proposed golf course on November 6 and 16.

When he visited the area on November 6th, following a heavy rain, he observed the developers were repairing damage due to stormwater flows. Discolored water was evident in the Inlet. On his visit yesterday, he noted sodding and infilling was continuing.

He reported that the area residents are upset that no Public Hearing has yet been held in relation to the proposal. It is felt that no approval has been received from either HRM or the Department of the Environment to proceed with construction. He is chairing a Ratepayers meeting next Thursday and needs to have some answers. The residents will want to know if the necessary permits have been issued. The Eastern Shore area is developing rapidly and they are concerned a precedent may be set.

Mr. Porter will determine which Planner is involved and telephone Mr. Dwyer on the status of the application.

Referring back to the minutes of the June 16th meeting, when Susan Corser brought the proposal to the Board's attention, the Board recommended that an Erosion Control Plan should be approved by HRM and NSDOE, before construction permits are issued.

Mr. Porter noted that the work described may fall into a gray area, ie. you can't stop a property owner from cutting down trees on their property and sodding. The Chair agreed, but noted that while you have a right to manipulate your own property, you are not permitted to allow sediment to enter a harbour from storm water runoff.

In addition to evidence of culverts having been plugged up, apparently a natural water course was diverted to allow the straightening out of a road. If this is the case, DFO and NSDOE should be contacted, as a very complicated process has to be followed to gain the necessary approvals to change a water course.

As an aside, Mr. Dwyer noted that the organization he represents, PIPOA is dead and they have offering to turnover their responsibilities to the Ratepayers Association.

3.2 CONCEPT PLANS - LETTER TO PETER BIGELOW

Ms. McNeil reviewed the history of this item. She recalled that the issue had been originally brought up by Mr. Regan. Essentially the Board would like to see concept plans for as-of-right developments, as information items. This would allow members to at least alert organizations they represent of future development.

A conversation was held with Mr. Bigelow, General Manager, Recreation Facilities, who suggested a letter be written. This letter was drafted by Mr. Regan and run by Ms. Corser. In the meantime, Ms. Corser had written Sharon Bond, Regional Coordinator, Subdivision/Development. Apparently the letter was never sent to Peter Bigelow.

Mr. Porter sought clarification on Mr. Bigelow's connection. Mr. Regan noted that as-of-right plans go through his department, if natural features will be impacted. Recreation may decide to send some of the plans to the Board for comment as to where the best place would be to set aside the 5% parkland dedication.

The Board would only expect the Development Officer to forward concept plans which would have an impact on watercourses, etc. Mr. Porter agreed that this is where Sharon Bond would enter the picture, as the manager of Development Officers who review sub-

division plans. It is recognized by the Board that the turnaround time is very tight. Reference was made to the fact that HRM was reviewing how concept plans are handled. Perhaps it will be determined that in some instances there would be merit in delaying their processing.

It was noted that some concept plans have been brought to the Board's attention in the past. This is a regular agenda item.

Mr. Porter will follow-up with staff.

3.3 STORMWATER DRAINAGE IN SHUBIE WATER SYSTEM

Mr. Williams circulated a draft letter he had prepared related to the Stormwater Management Policy.

It was noted that a letter had been written to the Mayor in November 1998 regarding the need for policies and guidelines related to stormwater treatment and control. Apparently discussions were underway between the Province and HRM on this matter and a budget item of \$50,000 to develop HRM policies was proposed for the 1999-2000 budget. The Board encouraged HRM to pursue this initiative. Acknowledgment of receipt was received, noting the correspondence had been forwarded to the CAO, Deputy CAO, George McLellan and members of Council.

In the Board's review of Mr. Williams' draft, it was suggested that the first paragraph be expanded to include the above details.

Mr. Williams sought direction from the Board on whether he should be more specific in the second paragraph, as to examples of where serious stormwater problems have occurred during construction, illustrating the need for sound stormwater practices. Mr. Williams did not want to be too site specific, but the Chair felt that this wasn't a problem. He argued that if progress is made on even one site, this was a step forward.

Mr. Williams noted that there appears to be already an Act in place which is referred to in the Vaughan Report of 1988. If there is a Policy, he would like to know if it is being enforced.

Referring to the budget submission of \$50,000, Mr. Evans noted that this item may have been included in a study being done by Maureen Ryan. Mr. Evans also made reference to a Regional Lot Grading By-law which he understood was to be step one of a process of which step two would deal with how you treat watercourses and stormwater drainage. It

was not believed that the \$50,000 was ever passed on to Engineering.

While the draft indicated it would be for Mr. Williams' signature, it was felt that the correspondence should come from the Board.

In summary, it was suggested that Mr. Williams in his draft:

- C Emphasize the need for a Stormwater Management Policy.
- C Question whether such a policy is in existence and, if so, is it enforced.
- C Emphasize the Board's support for \$50,000 to be used to develop a policy on storm water control and treatment.
- C Indicate there have been stormwater problems, citing examples and thus illustrating the need for Guidelines (Stormwater Management Policy) to deal with these issues.
- C Request it be indicated where any progress has been made in developing the above.

Mr. Porter noted that Ms. Ryan is on an educational leave of absence. He referred to the Work Plan prepared by Development Services, however with the strike, he did not know what the status of a number of the items was. Austin French, Regional Coordinator, Planning Services should be able to advise the Board on who has taken over Ms. Ryan's work.

As Dr. Stobo will be away until December 7th, the correspondence will be sent out under Ms. McNeil's signature. There was some urgency to get the correspondence out as soon as possible, as November 30th is the deadline for capital and operating budget submissions.

3.4 PRINCE'S LODGE MASTER PLAN AREA

Mr. White has not raised the subject of a joint meeting with BWAC on this subject.

Mr. Porter reported that he has been advised by Paul Morgan that the master plan for the area north of Hemlock Ravine is anticipated as early as next month. It could be ready for presentation at the December meeting.

3.5 REZONING AT MOUTH OF LITTLE RIVER - PETPESWICK INLET

Mr. Dwyer advised that the stretch of land was rezoned by Community Council to Mixed Use. Homes can't be constructed or septic tanks installed on these very small lots. The lots can be used for boat houses and sheds. No restrictions were placed on the

development with respect to environmental protection. Former Councillor Dooks indicated that he hoped the developer would put something in the property deeds with respect to protecting the environment.

Area residents were disappointed that this fragile buffer zone has been lost. While Mr. Dwyer had pointed out the 50 meter buffer zone in the Board's Guidelines, as a separate recommendations report was unavailable, he had only the Board's minutes to rely upon.

Reflecting on the above, Mr. Evans requested that an agenda item be added to next month's agenda respecting the **MPS being bypassed in Hammonds Plains Area.**

3.6 MUNICIPALITY OF EAST HANTS DOCUMENTS

The above noted documents were made available to Mr. Williams by Mr. Regan. It was noted that the Municipality of East Hants is in the process of rewriting their bylaws and are soliciting public comments. To date the Sackville Rivers Association has commented and Glen Williams may comment on behalf of the Shubenacadie Watershed Environmental Society, as the area is downstream. Any correspondence will be copied to the Board.

3.7 LENGTH OF TERMS

The members were provided with a list of those whose terms will end November 2001 or November 2002. Mr. Dwyer and Mr. O'Toole were not in attendance at the last meeting when the members were polled on whether they desired to continue on the Board. Mr. Dwyer and Mr. O'Toole indicated they wished to continue as members.

The Clerk noted that as a result of the advertisement run this fall for applications for membership on HRM Boards, Committees and Commissions, one application was received for the Board. At the time of receipt, the individual lived outside the Board's jurisdiction, but with the recent decision to expand the Board's mandate, this individual is now eligible to become a member by virtue that he resides in District 12. He has been advised that his application will proceed to the Membership Selection Committee for a decision on a recommendation to Regional Council.

Once the anticipated appointment is made to the Board, it was requested that a revised membership list be provided. When a term is considered, it was suggested that the length be chosen to balance the list.

3.8 HOME DEPOT PROPOSAL - LACEWOOD DRIVE, CLAYTON PARK WEST

At the Chebucto Community Council meeting of November 1st, a Public Hearing date of December 7th was set, Mr. Porter advised. A joint meeting is required with Regional Council as Planning Amendments require approval of Regional Council, while Development Agreements need Community Council approval. Chebucto Community Council's next meeting has been moved forward to December 12, after the Regional Council meeting. Approval by the Minister of Municipal Affairs is required of the MPS amendment.

Mr. Regan asked Mr. Porter if the Home Depot application will come before the Board again. Mr. Porter did not feel it would. It was noted that Roger Wells had indicated it would return to the Board. Upon further consideration, Mr. Porter felt that this might be the case as it falls under Schedule K, which involves a stage 1 and stage 2 type of approval process. Approval may only be granted for Stage 1, which would require the application to come back. If this were to be the case, the Chair noted that the Board would express similar concerns.

3.9 WESTERN COMMON STUDY

The Clerk was in possession of five copies of the report entitled "Planning for the Western Common" prepared by EDM (Environmental Design and Management) for the Western Region Needs Assessment Committee. It was noted that while the cover is dated February 1999, the contents of the report are dated February 1998. One copy of the report was retained by the Clerk for the Library.

The Clerk was in possession of a copy of an e-mail from Mr. Morgan indicating he was preparing a report to Council on the Study and he will forward a copy when complete.

Referring to the dates, Mr. Porter understood from a recent conversation with Mr. Morgan that it had just been received by HRM. Once staff has evaluated, a request for comment will be made.

3.10 RUN-OFF COEFFICIENT

This item was added to the agenda at the request of Mr. Regan. In the absence of Dr. Burney, the item was deferred. It was noted that this subject is tied into the Stormwater Management issue. It was suggested that this may be an issue that a subcommittee could study and bring back a recommendation to the Board.

3.11 P-3 SCHOOLS - CORRESPONDENCE TO THE MAYOR, MINISTERS OF ENVIRONMENT AND EDUCATION RE CONCERNS

The Chair noted that Mr. Regan prepared a draft for his and Mr. Williams review, but he has not had time to refine it.

Mr. Williams updated the members on the situation at the location of the P3 School on Lockview Road, Fall River and the impact on Lake Fletcher.

The Chair will have the correspondence completed for the December meeting.

3.12 PROTOCOL DISTRICT 2

Mr. Williams outlined to the Board his total frustration with progress to date. Meetings arranged with Kevin Warner and Angus Schaffenburg never materialized. More and more small lots are being developed during the delays. The draft document has been available since March. Mr. Williams explained why he felt he should change his tact and give Mr. Meech a call. It was suggested that the delay may be the result of the backlog due to the strike.

3.13 BAYER'S LAKE MONITORING STUDY

Mr. Haley had a copy of the above noted document which he shared with Mr. Regan. A copy also resides in Tom Rath's office. While portions can be copied, it can't be removed.

Mr. Haley noted that he was involved in the preparation of this document, which is now somewhat dated. He noted that not very much has been done with the data. The Chair remarked that it appears to be another document containing data which is not generally available.

4.0 NEW BUSINESS

4.1 CHANGE OF BOARD'S NAME - TERMS OF REFERENCE

Circulated with the agenda package was a copy of a report which went to Regional Council's meeting of October 26, 1999. The recommendations contained in the report that the geographic area of jurisdiction of the Board be expanded to include Halifax Peninsular and the mandate of the Board be expanded to include review of major project proposals of the HRWC, were adopted. Referring to page 2 of the report, the Chair noted that the HRWC would be responsible to determine when a project proposal required referral to the Board. Based on previous experience with the HRWC, it was not felt this would be a problem.

In light of the expanded mandate, the Board considered a change of the Board's name. It was decided that since the Board's mandate, includes all the former City of Halifax, i.e. the Mainland and Peninsula, the name should be changed to Halifax and Halifax County Watershed Advisory Board.

The Clerk advised that she understood that Dr. Blouin will be amending the terms of reference to reflect Council's decision and an information report will be sent to Community Councils, Regional Council and the Board.

It was observed that there are several places in the Terms of Reference which refer to Community Council and the Community Planning Advisory Committees. These references will have to be expanded to include Regional Council. The Clerk will alert Dr. Blouin. It may also be suggested that the terms of reference be reviewed by Legal Services.

4.2 CHRISTMAS PARTY

Mr. Regan extended an invitation, on behalf of the SRA, to the members to attend a Christmas Party to be held December 4th, 7:00 p.m. at the Leisure Centre in Bedford.

4.3 HALIFAX HARBOUR

Mr. Regan indicated that he had a friend who is doing a study of infilling of Halifax Harbour. He is trying to find information on old water courses and technical reports on harbour infilling. Ms. McNeil will contact Mr. Spencer, DOE for information.

Reference was made to infilling which has also taken place and is taking place in the Northwest Arm and developments proposed, such as a one mile container pier at Fairview Cove. Mr. Regan suggested it was time to make a policy.

Referring to BWAC minutes, it was noted that the infilling of Bedford Basin with acid slate, possibly contaminated has been a concern. It was suggested that Mr. Regan may wish to contact Dr. Silver.

4.4 INVITATION FROM SHALOM MANDAVILLE

Copies of an e-mail from Shalom Mandaville were circulated to the members.

4.5 GOVERNOR LAKE DEVELOPMENT

Shortly after the meeting adjourned, the Chair noted that he had intended to circulate draft

recommendations pertaining to the Parkdale Estates' development proposal, adjacent to Governor Lake.

The Clerk was in receipt of an e-mail from Mr. Morgan dated November 8, 1999 indicating that staff is expecting the proponents to submit a report in the near future. If the Board had not provided any formal recommendations on the preliminary design, he suggested it await the final design. The recommendations will be sent out in the next agenda package.

5.0 CONCEPT PLANS

None.

6.0 SUBCOMMITTEE

6.1 SUBCOMMITTEE ON PARAMETERS FOR WATER QUALITY TESTING

The correspondence to the DLAB and BWAC has been drafted by the Chair, but he wished Dr. Burney to review it before mailing. This item could be deferred or he will e-mail the draft to Dr. Burney. The letter will essentially provide them with a copy of the report entitled "Recommendations for Monitoring Freshwater Quality to Assess Impact of Development in the HRM", dated October 25, 1999. If the groups are in agreement with the recommendations, it will be suggested that the three bodies make a joint recommendation to Regional Council.

7.0 BWAC MINUTES

BWAC's approved minutes of September 8, 1999 were circulated with the agenda package.

It was noted that in item 3.12, that BWAC has requested that staff keep them informed of twinning of the water line referred to in the June 16th minutes of the Board.

The Clerk noted that at last week's BWAC meeting, Angus Schaffenburg provided the members with a copy of the map illustrating the route of the pipeline. Copies of this map will be provided with the next agenda package.

8.0 STATUS SHEET

The Board reviewed the status sheet of November 1999.

Referring to the Midyat Investments **Mainland South** item, Mr. Porter noted that Mr. Peter Pelham and others are concerned with what is happening to MacIntosh Run. While the pumping station has sufficient capacity, the outflow pipe doesn't thus a lot of sewage bypasses the pumping station and enters a stream and eventually into MacIntosh Run.

The Department of Environment has been monitoring water quality pre and post storms to determine how long it takes the watercourse to return to normal. If a developer wishes to build in the area, they will have to provide a plan which will have zero impact on MacIntosh Run. While a developer believes this plan should be provided at the subdivision stage, staff feel it would be best to obtain the plan before any rezoning or development agreement is approved.

During this discussion, Mr. Porter had made reference to a provincial decision by the Department of Environment, regarding any development of Mainland South, other than as-of-right, being in violation of the Environment Act. Mr. Haley felt it to be really precedent setting and would like to see the context. He asked that a copy be provided with the next agenda package. Mr. Porter will also provide the section of Provincial Act referred to.

Mr. Regan suggested that the Board write to HRM remarking on what a progressive step this is. This can be done at a later date.

Regarding the **Maritime and Northeast Pipelines** item, Mr. Williams displayed a map identifying areas of acid slate in the vicinity of the airport. The installation of the pipeline may have to jog further around the Airport.

He discussed with the Board the continuing problems of containing glycol which is used at the Airport to de-ice planes. It can't all be contained and enters Bennery Brook which eventually leads into the Shubie System. He concluded it is next to impossible to stop this infiltration.

Referring to the **Glen Arbour Water Quality** item, Mr. Guilcher recalled that Susan Corser was going to determine from Dr. Blouin who was receiving the data and put this individual in touch with Mr. Guilcher. It was suggested that Mr. Guilcher contact Dr. Blouin directly.

The Chair asked Mr. Booth, if the **Williams Lake Conservation** Company has written confirming that he will be a representative for the organization. This letter will be received in due course.

Bennery Lake, Ad Hoc Committee - No one has contacted Mr. Regan regarding his interest in participating on the Committee. Whether or not they have met isn't known. Mr.

Porter will look into the matter and get back to Mr. Regan. If it isn't possible for Mr. Regan to sit in on their meetings, an update was requested. It was noted that Dr. Blouin had been involved in this initiative.

Prohibition of Motorized Craft on Small Lakes - Mr. Williams has yet to check with Ms. Manzer on the status of this item. Mr. Haley noted that individuals involved with Second Lake Provincial Park are also interested in this topic. He will get together with Mr. Williams on this item.

The Chair recalled that it would appear that the Coast Guard is the only body who could make such regulations and it would appear the Dartmouth By-laws were illegal.

Mr. Haley recalled someone was going to investigate having a place on the **HRM Web site** designated for the Board. Terms of reference, the membership list and reports could be made available through this site. Ms. McNeil noted that she had been in contact with the Web Master, but at the time the site was undergoing a major overhaul and it was not practical to make this addition. She will pursue this further and the item will be added to the Status Sheet.

9.0 MEETING SCHEDULE - HEARINGS & PLANNING ADVISORY COMMITTEE

A meeting schedule dated November 4th was circulated with the agenda package.

10.0 DATE OF NEXT MEETING

The next meeting will be held Wednesday, December 15, 1999. Election of Chair and Vice-Chair to be included on the agenda, if the updated list of members is available at that time.

11.0 ADJOURNMENT

The meeting adjourned at approximately 8:40 p.m.

Dr. Wayne Stobo
Chair

Lynne Le Boutillier
Assistant Municipal Clerk

(Dec.7/99)

