

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

6:30 p.m.
Board Room
2750 Dutch Village Road
December 15, 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. Michael Guilcher
Mr. Jim Holmes
Mr. Frank Hope
Mr. Tom Willdey

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

REGRETS: Mr. Jim MacLean

ITEMS:

1.0	Approval of Agenda, Additions and Deletions	3
2.0	Approval of Minutes	3
3.0	Business Arising from Minutes	
3.1	Subdivision/Concept Plans	3 & 4
3.2	East Petpeswick Golf Course	9
3.3	Stormwater Drainage in Shubie Water System	9 & 10
3.4	Princes Lodge Master Plan Area - Case 00061 - Application by Kimberly-Lloyd Developments Ltd. to enter into a Stage II Development Agreement for Phase 1A and 2 of Royale Hemlocks Subdivision, Located to the North of Hemlock Ravine Park	5- 8
3.5	Bypassing of MPS, Hammonds Plains Area	10
3.6	Municipality of East Hants	10
3.7	Length of Terms and Terms of Reference	10
3.8	Home Depot Proposal - Lacewood Drive, Clayton Park West	10 & 11
3.9	Run-off Coefficient	11
3.10	P-3 Schools	11
3.11	Protocol - District 2	11
3.12	Parkdale Development Proposals	11
3.13	Water Line Twinning	11
3.14	Midyat Investments - Mainland South	11 & 12
3.15	Glen Arbour Water Quality	12
3.16	Prohibition of Motorized Craft on Small Lakes	12
3.17	Webb Site Update	12
3.18	Bennery Lake Update	12
4.0	New Business	
4.1	Election of Chair and Vice-Chair	13
4.2	Sandy Lake, Hammonds Plains - Sackville River Watershed	8 & 9
4.3	Sobeys Fall River	13
4.4	Permission to Release Information	13
5.0	Concept Plans	14
6.0	Subcommittee	14
6.1	Parameters for Water Quality Testing	14
7.0	BWAC Approved Minutes	14
8.0	Status Sheet	14
9.0	Meeting Schedule - Hearing & Planning Advisory Committee	14
10.0	Freshwater Benthic Ecology	14
11.0	Date of Next Meeting	14

12.0 Adjournment 14

1.0 APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

Two items were added under New Business:

Item 4.3 - Sobeys Fall River

Item 4.4 - Permission to Release Information Form

The Chair suggested the order of the agenda been changed. Following item 3.1, Subdivision/Concept Plans, item 3.4 - Royale Hemlocks (Development Agreement) would be dealt with, followed by item 4.2 - Shalom Mandaville's presentation on Sandy Lake, Hammonds Plains.

The agenda, as amended, was adopted on motion of Mr. Regan and Mr. Haley.

2.0 APPROVAL OF MINUTES

The minutes of the November 17, 1999 meeting were adopted, as circulated, on motion of Mr. Dwyer and Mr. Regan.

3.0 BUSINESS ARISING FROM MINUTES

3.1 SUBDIVISION/CONCEPT PLANS

Sharon Bond, Regional Coordinator, Subdivision/Development was introduced by the Chair. She noted that staff is in the process of drafting a HRM Subdivision By-law. At present there are four subdivision by-laws in effect. Input from the development community will be solicited.

The Chair explained to Ms. Bond that the Board has been trying to come up with a method to give input to developers and HRM on as-of-right development and thought the concept plan process might be an avenue.

Ms. Bond noted that concept plans are only required in the County in as-of-right situations.

While a procedure had been set up to have concept plans run by the Board, the Chair noted that none have been received for sometime. It was suggested that the concept plans be sent to the Secretary, Lynne LeBoutillier, Municipal Clerks Office.

The second aspect Ms. Bond dealt with was timing. She noted that staff has a time frame

to respond to concept plans received. A response is required in 15 days to the developer. Since the Board meets only once a month, this presents a problem. A general discussion followed on different approaches which might be considered. With an understanding of the issues but no solution, Ms. Bond proposed to met with Paul Morgan, Planner to discuss further. The subject of timing will also be raised with the development community as input is solicited on the draft Subdivision By-law. Copies of portions of this draft related to Concept Plans and General Procedures for Subdivision Review were provided to the Board. It is hoped that this document will go to Regional Council in April or May.

Later in the meeting the subject was revisited and Walter Regan explained how it had come to the Board's attention. He felt that concerns about time lines were irrelevant. Mr. Porter noted that the concept plan process was rather informal. He did not feel the 15 day time frame for a response was inflexible. If a response was needed from a body such as the Board, this could be identified and the time frame would commence once their response was received. The Chair questioned whether in fact the Board can make any reasonable recommendations, since the concept plans contain so little detail. If the information provided was vague, Mr. Dwyer proposed bringing in topographical maps and aerial photographs. Whether this would be practical was questioned.

Mr. Porter offered to contact Peter Bigelow, since the correspondence originally drafted for him was never finalized. Ms. McNeil will contact Gary Porter to discuss the contents of this draft.

The Board reviewed the draft and comments will be forwarded to Ms. Bond by Colleen McNeil. Some of the items discussed for inclusion were:

- C a time frame which would permit watershed advisory boards an opportunity to comment and provide advice.
- C inclusion of reference to wet lands, both fresh and salt water
- C concept plans be sent to watershed advisory boards.
- C addition of reference to watercourse water quality impact in the list under 10.4
- C a note be made that the Board uses the same definition of watercourse as the Province.

3.4 **PRINCE'S LODGE MASTER PLAN AREA**
CASE 00061 - APPLICATION BY KIMBERLY-LLOYD DEVELOPMENTS LTD.
ENTER INTO A STAGE II DEVELOPMENT AGREEMENT FOR PHASE 1A
AND 2 OF ROYALE HEMLOCKS SUBDIVISION, LOCATED TO THE NORTH
OF HEMLOCK RAVINE PARK

Attending this evenings meeting were Barry Zwicker and Glen Woodford, Wallace Macdonald & Lively. Mr. Paul Morgan, HRM Planner was present to introduce the subject and Mr. Naipal Tomar, Environmental Engineer, Regional Operations to answer any questions. Mr. Richard Gagne and Mr. Scott Yetman, were in attendance on behalf of Friends of Hemlock Ravine.

In introducing the subject, Mr. Morgan noted that staff cannot comment on the application, as it was only recently received. He outlined to the Board the process to date which lead to the application for a Stage II Development Agreement. He noted that Chebucto Community Council has approved Stage I. Reference was made to the fact that the original application was under the Armoyan name, while this one is Kimberley-Lloyd's but they are essentially the same company.

Mr. Zwicker explained to the members how Royale Hemlocks Stage II, Phase 1 & 2 concept plans fits into the development of the whole area, particularly as it relates to the area which is subject to the Prince's Lodge Master Plan, in relation to stormwater drainage. He noted that his firm is also responsible for the development of the Master Plan which should be completed by the January meeting.

Mr. Zwicker reviewed changes made to the original Stage I proposal, which will be the subject of an amendment process, ie. area originally intended for townhouses, now apartments. Reference was also made to the location of a school site, not originally planned.

He reviewed the storm drainage systems proposed for the area. He explained measures taken to allow for recharge of stormwater into the ground water, as they recognize the potential negative impact on Hemlock Ravine if the water table is lowered. When developing the plans, they took into account recommendations contained in an earlier presentation by Mr. Gagne. To accomplish this aim they are proposing:

- C to direct stormwater flows in the direction they would have normally followed.
- C the use of stormceptors to not only improve water quality but reduce velocity
- C water will be discharged in natural water bodies where ever possible

- C design has taken into account 1:100 year storm events
- C control mechanism proposed for the end of one pond to retain water as long as possible.

It was noted that they have to comply to the servicing specifications included in the Subdivision By-law. While there is no overall policy for HRM in relation to stormwater management, Mr. Zwicker noted that the City of Halifax and County had one.

Following a short question and answer session, the Chair invited Mr. Gagne to present his report entitled "A review of the geology and hydrology at Hemlock Ravine". Copies of this report were provided to the members and a structural map of Nova Scotia circulated.

In his presentation Mr. Gagne emphasized the impact of development on the watershed of Hemlock Ravine. If the ground water level is reduced, the hemlocks in Hemlock Ravine will die, as their root systems are very shallow. The developments being proposed will cover 40% of the whole watershed. He is concerned about the net effect of removing 40% of the groundwater budget. He felt it was commendable that the Wallace, Macdonald & Lively plans have tried to maintain the natural surface water flows. Mr. Gagne explained the importance of the sub surface water flows. He pointed out the major fault lines in the area.

Mr. Gagne recommended that consideration be given to the use of infiltration galleries to which drainage from roofs, foundation water, etc. could be directed. This would both slow down surface water flows and improve ground water infiltration. It would likely take one gallery per 12 homes. Such an approach was used at the Kent Building Centre in Dartmouth.

The Chair made reference to blasting in the area which may further fracture rocks and affect the groundwater, perhaps in a positive way.

Mr. Zwicker noted that there would have to be changes in regulations to permit such infiltration galleries in a residential subdivision. He had strong reservations about applying such an approach in a residential area where there are basements. He also argued that just because the development would take up 40% of the watershed, there would not be a loss of 40% of impervious surfaces. There are large tracts of undeveloped land and all areas associated with individual lots will not be made into hard surfaces. He felt that blasting will increase the number of rock fractures and be beneficial from a recharge point of view. He felt they have done about all they can in practical terms.

Mr. Morgan agreed that he felt the Engineering Department would be hesitant about

approving infiltration galleries. An issue of liability would be involved. Mr. Gagne argued there is an issue of liability if the ground water is adversely affected and Hemlock Ravine Park suffers. Reference was made to DFO, Natural Resources and NSDOE monitoring the situation. In addition to ground water levels, concern was expressed that water quality in the area will suffer.

Mr. Regan requested that Wallace MacDonald & Lively provide data on stormceptor studies.

During the course of discussion, the following suggestions were made by the members:

- C use of clay plugs
- C creative landscaping
- C pre water quality and flow testing
(Mr. Gagne indicated that consideration is being given to gauging the Hemlock Ravine Brook, which would produce a data base.)

During review of the Tree Retention Plan, it was questioned what measures can be taken to ensure its effectiveness. Examples were given of how the former Town of Bedford achieved success in this area. Mr. Zwicker recalled that in Bedford it had been administered through the Development Permit process.

The need for a green belt around Cabin Lake was identified. It was felt that the Board's Guidelines, which require a 15 meter buffer zone around any waterbody, should apply here.

In closing, Mr. Gagne referred to the fact that City of Halifax Ordinance 165 had originally called for the hiring of a geologist. He is presently involved in a process to review the by-law and it is being suggested that mapping be included in the new by-law.

The Chairman indicated that the Board will prepare a recommendation which will be forwarded to the proponents and HRM in due course.

It was not felt practical to draft recommendations this evening. The members were asked to review this rather large package again and be prepared to formulate recommendations at the next meeting. The members were asked to bring copies of the materials reviewed today to the next meeting.

Mr. Haley questioned whether HRM could even consider a recommendation to construct infiltration galleries as being proposed by Mr. Gagne. The Chair felt the Board should not

be constrained in the recommendations it makes. Perhaps HRM should be reviewing its policy in this regard. This would be an opportune time, given it is developing a Stormwater Management Plan. Mr. Porter noted that you can allow for different engineering standards in a development agreement.

4.0 NEW BUSINESS

4.2 SANDY LAKE, HAMMONDS PLAINS - SACKVILLE RIVER WATERSHED

Circulated with the agenda package was a copy of an e-mail from Mr. Mandaville to the Chair regarding test results associated with the Glen Arbour Project and the effect on Sandy Lake.

He noted that a lot of data appears to be missing for the period between September 1996 and May 1998; six samples in total.

He reviewed with the Board members the test results and reasons for concern. He felt that the changes have been drastic and the Lake has more or less been degraded. He requested that the Chairman pursue obtaining the missing pieces of data.

It was suggested that the reason for the problem in locating this data is that the Board did not specify, in its recommendations, where the repository of information should be. It was recalled that the Board was going to approach the engineer for Annapolis Basin, directly for the information.

Mr. Guilcher noted that he contacted Tony Blouin as directed. He asked Dr. Blouin to identify who is receiving the test results and whether they are being evaluated. Dr. Blouin seemed unclear on what was happening and was to contact Gary Porter. To date, he has not done so.

It was felt that HRM should take on responsibility for acquiring the missing data, not the Board. Peter Shacklock or Mr. Mandaville have the particulars on what information is missing. The Chair will contact Mr. Blouin with this information and ask him to contact Annapolis Basin for copies of the missing reports. Once received, it will be forwarded to Mr. Mandaville for addition to his Web site.

Referring to the second issue, analysis of data, Mr. Haley felt that it is important that the Board bring forth a recommendation or communique on HRM's capacity to do analyses. Whether this would be within the Board's mandate was debated. It was felt appropriate

that the Board should write HRM identifying that there has been no apparent review of the data and a process needs to be developed to conduct such reviews.

3.0 BUSINESS ARISING FROM MINUTES (Cont'd)

3.2 EAST PETPESWICK GOLF COURSE

In his update, Mr. Porter noted that the Golf Course received approval at last Monday's Community Council meeting. Mr. Dwyer related his experience at this meeting in which he attempted to convey to Council the concerns of the Ratepayer Association's members, particularly as it related to Mr. Baker being allowed to proceed without the Development Agreement approved.

Mr. Dwyer referred to a recommendation by the Board about sediment transportation during the fall and winter. He did not believe this had been addressed in the Development Agreement. He wondered if the Board should pursue. It was later determined that 5.2 of the Development Agreement deals with an erosion control plan, to control any sediment entering the Harbour.

It was suggested that if the residents feel the clauses of the Development Agreement are not being adhered to, a phone call to the Engineering Department to register their concern would be appropriate. It was noted by Mr. Porter that this application is still in the appeal phase.

No further action by the Board was felt necessary.

3.3 STORMWATER DRAINAGE IN SHUBIE WATER SYSTEM

A copy of the correspondence sent to the Mayor by Glen Williams on the above topic was circulated in the agenda package. Mr. Williams reported that he has determined that a Stormwater Management Policy is being developed and a budget is in place for this purpose. It appears that Dr. Blouin may need help in its drafting. Mr. Williams suggested to Dr. Blouin that there is a wealth of expertise on the Board which might be of assistance. The members debated whether Dr. Blouin should be invited to discuss the subject or give a presentation at the January meeting or whether he should be invited to send materials to the Board for comment. Mr. Williams will contact him.

3.5 BYPASSING OF MPS, HAMMONDS PLAINS AREA

Mr. Evans was concerned the way lands formerly owned by Armoyan were acquired by the Province for school construction, without any consideration of the MPS, etc. The Chair noted that he had been forwarded a draft letter a couple of months ago on this subject. Before the next meeting, he will get together with Mr. Regan to refine the letter to the Mayor, Ministers of Environment and Education. (Refers to item 3.10)

3.6 MUNICIPALITY OF EAST HANTS

Mr. Williams noted that he reviewed the materials Mr. Regan had and returned them. He would like to have them back for the next SWEPS meeting in January. This item will be taken off the agenda, until Mr. Williams requests an update be included on the agenda.

3.7 LENGTH OF TERMS AND TERMS OF REFERENCE

The Secretary advised that Dr. Blouin is planning to run the revised Terms of Reference by Legal Services. Information reports to Community Councils are expected in January. The issue of terms lengths has been tied into this process.

3.8 HOME DEPOT PROPOSAL - LACEWOOD DRIVE, CLAYTON PARK WEST

Mr. Porter explained that the planning amendments require the approval of Regional Council, while the two stage development agreement required Chebucto Community Council agreement. Regional Council gave its approval of the planning amendments December 7th and the Stage 1 agreement went to Chebucto Community Council Monday night. They also gave their approval. The Minister of Municipal Affairs has to ratify Regional Council's approval before the amendments take effect.

Referring to comments attributed to Roger Wells regarding this matter coming back to the Board, Mr. Porter felt he meant the Stage II part will go to Community Council, January 10th. The Board's recommendations should have been included in the reports.

3.9 RUN-OFF COEFFICIENT

Deferred.

3.10 P-3 SCHOOLS

See item 3.5.

3.11 PROTOCOL - DISTRICT 2

Mr. Williams reported that he had spoken with the Development Officer and will bring forward any information.

3.12 PARKDALE DEVELOPMENT PROPOSALS

The Chair noted that he inadvertently forgot to circulate recommendations he had drafted on the Parkdale Development at the November meeting. Reference was made to an e-mail received from Paul Morgan indicating that there will be a future opportunity for input. For the time being, the Chair suggested that the draft simply be seen as an information item. He noted that when the Board initially was introduced to the development, no recommendations had been drafted. He suggested that the Board wait until it sees the final design before responding.

3.13 WATER LINE TWINNING

A map illustrating the route of the Pockwock Transmission line was circulated with the agenda package. Reference was made to the huge disruptions required for excavation for this pipe line. There had been no environmental review. The Chair noted that the Board's terms of reference now include a provision for it to review Halifax Water Commission Plans.

3.14 MIDYAT INVESTMENTS - MAINLAND SOUTH

In addition to copies of correspondence between the NSDOE and HRM regarding Midyat's application which were circulated to the members with the agenda package, Mr. Porter distributed copies of the pertinent section of the Environment Act related to the release of substances. Clause 67 (1) reads "No person shall knowingly release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations".

Mr. Porter made reference to some sampling of the waters of MacIntosh Run having just been completed. The report is about finished. It will be up to the developer to provide a plan of action that will have zero impact on MacIntosh Run. Mr. Regan requested the Board be provided with a copy of the testing results. It was noted that a Friends of MacIntosh Run (or MacIntosh River Association) has recently been formed. A lot of people are concerned about this watercourse, which is not only the main stormwater

channel for all Mainland South but occasionally has to accept sanitary sewage overflows. Mr. Regan offered to provide a contact name to Mr. Porter.

3.15 GLEN ARBOUR WATER QUALITY

See item 4.2 - Sandy Lake.

3.16 PROHIBITION OF MOTORIZED CRAFT ON SMALL LAKES

Circulated with the agenda package was a copy of correspondence to the Mayor from the Coast Guard regarding Municipal By-laws and Boating Restriction Regulations.

In essence, it was interpreted that the Municipal By-laws are not valid unless approved by the Coast Guard's Office of Boating Safety.

Mr. Williams reported on a conversation he had with Ms. Manzer, Chair, Dartmouth Lakes Advisory Board on this subject.

3.17 WEB SITE UPDATE

Ms. McNeil reported on her conversation with the HRM Web Master, Kelly Marney. Ms. Marney advised she is no longer with the Municipal Clerk's Office and she did not know who would coordinate input that the Secretary forwarded. The site has been redesigned. Ms. McNeil hopes to have a further update for the next meeting as to who the contact person will be.

3.18 BENNERY LAKE UPDATE

Mr. Porter has ascertained that the Committee set up to deal with Bennery Lake being designated a watershed has just about wrapped up its work. Mr. Regan had previously indicated a desire to become involved. The report they are preparing will be submitted to the Board for review. The Chair noted that this is the first time a municipal watershed will be reviewed by a WAB group.

4.0 NEW BUSINESS (cont'd)

4.1 ELECTION OF CHAIR AND VICE-CHAIR

Mr. Dwyer and Mr. Regan nominated Dr. Stobo as Chair. There being no further nominations, Dr. Stobo was declared Chair for a further term.

Dr. Stobo called for nominations for Vice-chair. Mr. Regan and Mr. Dwyer nominated Colleen McNeil for Vice-Chair. There being no further nominations, Ms. McNeil was declared Vice-Chair.

4.3 SOBEYS FALL RIVER

Mr. Williams circulated photographs of conditions associated with runoff from the Sobeys Fall River site. It was noted that a water intake pipe is located 200' from the site. He felt this was an illustration of why the HRM needs to adopt a Stormwater Management Policy. This development, as a number of others, had apparently proceeded without the necessary permits, due to the summer strike at HRM. He plans to raise the matter with Kevin Warner tomorrow.

It was suggested by the Chair that if a favourable response is not received from HRM, SWEPS should contact NSDOE and make a complaint regarding the acid shale. A call to Fisheries and Oceans was also suggested.

4.4 PERMISSION TO RELEASE INFORMATION

Mr. Shacklock had asked this item to be added to the agenda, as he had missed the deadline on the correspondence. The Secretary assured him that the deadline is somewhat flexible. Mr. Holmes could not recall having received a copy.

5.0 CONCEPT PLANS

None.

6.0 SUBCOMMITTEE

6.1 PARAMETERS FOR WATER QUALITY TESTING

The Chair has not had an opportunity to get together with Dr. Burney to draft the correspondence to BWAC and DLAB.

7.0 BWAC APPROVED MINUTES

Circulated with the agenda package were the October 13, 1999 BWAC minutes. The Chair had observed that BWAC has apparently not received copies of the August and September approved minutes of the Board. The Secretary will look into.

8.0 STATUS SHEET

Status sheet for December circulated with agenda package.

9.0 MEETING SCHEDULE - HEARING & PLANNING ADVISORY COMMITTEE

The meeting schedule dated November 30th was circulated with the agenda package.

10.0 FRESHWATER BENTHIC ECOLOGY

A synopsis provided by Mr. Mandaville was circulated with the agenda for information purposes.

11.0 DATE OF NEXT MEETING

Wednesday, January 19, 2000, 6:30 p.m.

12.0 ADJOURNMENT

The meeting adjourned at approximately 10:55 p.m.

Dr. Wayne Stobo
Chair

Lynne Le Boutillier
Assistant Municipal Clerk

(jan10,2000)

