

**HALIFAX/HALIFAX COUNTY
WATERSHED ADVISORY BOARD**

MINUTES

FEBRUARY 16, 2000

- THOSE 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. Frank Hope
Mr. Shalom Mandaville
Mr. Michael Guilcher
Mr. Jim Holmes
- ALSO PRESENT: Mr. Alan Brady, Manager, Wastewater Treatment
Dr. Tony Blouin, Harbour Solutions Project
Mr. Gary Porter, Planner
Ms. Sandra Shute, Assistant Municipal Clerk
- Guests: Mr. Bob MacDonald, Springfield Lake
Ms. Coleen Fisher, Springfield Lake
Mr. Bangoin Huang, St. Marys University
- Regrets: Mr. Keith Manchester
Mr. David Haley
Mr. Lawrence White
Mr. Mack McMenemy

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HALIFAX REGIONAL MUNICIPALITY
HALIFAX/HALIFAX COUNTY WATERSHED
ADVISORY BOARD

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February 16, 2000

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1. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

The meeting was called to order at 6:35 p.m. at 2750 Dutch Village Road, Halifax.

Mr. Mandaville introduced the guests as noted above.

Added Items: Limnology - Mr. Mandaville
 Stormceptors - Mr. Mandaville
 20/20 - HRM Initiative - Mr. Regan
 Maps - Mr. Regan

It was agreed to approve the Order of Business as amended.

2. **APPROVAL OF MINUTES - JANUARY 19, 2000**

Mr. Mandaville pointed out that the guests who attended the meetings in December and January were not listed in the Minutes. Joyce Tannahill attended in December and Capt. John J. Owens, Jr. attended in January.

It was also pointed out that there was a typographical error on the attendance list. It should be Ms. Lynne LeBoutillier.

MOVED by Mr. Mandaville and Mr. Regan to approve the Minutes of meeting held on January 19, 2000 as amended. MOTION PUT AND PASSED.

3. **BUSINESS ARISING FROM THE MINUTES**

3.1 **Bennery Lake Watershed**

Mr. Alan Brady, Manager, Wastewater Treatment and Dr. Tony Blouin from Harbour Solutions Project were in attendance for this item.

The following items were circulated to the Board at the meeting:

1. Copy of Report to Regional Council dated December 7, 1998 providing background on the proposal for a protected designation watershed area for Bennery Lake.
2. Information on Activities Completed and Activities yet to do regarding the designation process.

3. Nova Scotia Department of Environment Handbook - "Designation of a Protected Water Area" (normal approach taken when designating a protected watershed area).

Mr. Brady provided a history of the provision of water from Bennery Lake and services provided to AeroTech Park and Halifax International Airport. He advised that prior to amalgamation, Halifax County endeavoured to purchase some of the land around the lake. The map provided showed the portion now owned by HRM. In 1998, acknowledging the fact that development is likely to increase, it was agreed there should be a proper designated watershed area in place as it was felt that the prior watershed zoning provided under Halifax County and the MPS would not provide long term protection for Bennery Lake as a viable water supply. One of the goals is to maintain the quality of water in Bennery Lake. The Staff Report provided a breakdown of what staff was trying to achieve. As part of the process, which is fairly lengthy, staff wanted to have the input from this Advisory Board.

Dr. Tony Blouin, provided information on the land issues, the boundary, ownership and type of land formation in the area as well as related issues to the land aspects. The goal was to try to acquire Crown Land so that the parts within the watershed boundary could provide an additional degree of protection and control over the land. Getting provincial protected watershed designation was being pursued which would provide whatever level of protection the provincial Minister determines as appropriate and could include anything up to complete prohibition of any development within the watershed. Control over development could happen by zoning. There was a certain amount of recreation use on the lake and staff wanted to see some restriction on this. This was a concern because of the possibility for spills.

Dr. Blouin then provided further information on the designation of protected watersheds under the Nova Scotia Environment Act. Part of the process in getting the designation is to provide an opportunity for public input and involvement. Obviously the private landowners within the watershed would be affected by any designation as well as those who live in the area and use the lake. Staff wanted to make use of the Watershed Advisory Board as a group of experts/public representatives who have knowledge/jurisdiction over the area. Staff was in the process of designing a public participation process which would involve Open House types of venues where people would have the opportunity to come and obtain information. As well, a package would be sent out to owners of parcels within the watershed who have already been identified. Staff would like to use the Board at least as advisors in the process or through some sort of involvement directly in the process. The details have not been determined as yet but the first step was to inform the Board what has taken place to date, what they would like to see done and have the Board think about possible involvement in the process.

Mr. Brady added that the regulations staff hoped to have in place should be fairly similar to those that the Halifax Regional Water Commission has at Pockwock. At Pockwock, however,

all the lands are mostly Crown lands but Bennery Lake has a mixture. Staff decided fairly early in the process not to get into any expropriation moves. If any of the land is developed, the existing municipal By-laws and specifications should be able to control any concerns. Crown Land was the critical parcel of land, particularly along the lake. Real Estate Services will be setting up meetings with Department of Natural Resources to discuss land swaps.

Mr. Evans asked if someone could build a house on the west side. In response, Mr. Brady advised that the existing lands within the boundary had potential for development for houses on 80,000 sq. ft. Dr. Blouin added, however, that there would be two mechanisms to prevent that - if HRM changes the zoning that would prohibit development but that would no doubt mean a compensation issue. As well, the Minister can prohibit housing or any other type of development within a designated watershed. The new Environment Act does absolve the Minister or the Crown from paying compensation in such a case. Prohibition of housing development in other cases has never taken place and it was not anticipated to happen with Bennery Lake.

Mr. Williams asked if there was a right of way to Grand Lake. In response, Mr. Brady said he did not see any easement on any of the maps or information.

Mr. Regan asked why the Water Commission staff was not present. In response, Mr. Brady advised AeroTech Park was never part of the previous County Water Utility. He provided a history of the start up at Aero Tech Park.

Mr. Regan said that a decision would have to be made as to whether or not forestry would be allowed. In response, Mr. Brady advised that there would be no forestry as far as HRM was concerned.

Mr. Regan said that to protect Bennery Lake, you must ideally control the whole watershed. He suggested putting a service charge on the users to purchase land as it becomes available. In response, Mr. Brady agreed that could be assessed but the problem was that AeroTech has never really developed. Water rates now were high there.

Mr. Williams asked if anything changes with the height of the water in Bennery Lake, would it make any long term difference to the Shubenacadie system. In response, Mr. Brady advised this would have to be evaluated and an impact study done if it got to that point.

Mr. Regan asked if there were plans for passive recreation walkways. In response, Mr. Brady advised it was something that would have to be considered through the process.

Mr. Brady then asked that Board members review the information provided and asked to meet with the Board again in a month's time. It was hoped at that time to have draft regulations ready for perusal and comments by the Board.

Dr. Stobo referred to staff's comment that municipal by-laws would allow control of the critical aspects of development. He pointed out that particularly in the various development proposals the Board has reviewed, municipal by-laws do not allow that. When you get down to how you want to control nutrient inflow, for instance, there were no municipal by-laws allowing for that. If you were having development along those lines, there would have to be something instituted or sufficient control of the land to develop covenants that prevent the use of fertilizers, pesticides, etc. because the Board has come up with this time and time again.

The Chair asked if staff wanted the Board to review the proposed plan and regulations and comment on them at the next meeting. In response, Mr. Brady advised that was what staff wanted. Subsequently, the Chair requested, therefore, that the information be provided prior to the meeting so that Board members could review the information in order to make comment.

The Chair thanked Mr. Brady and Dr. Blouin for attending and advised he looked forward to the next round of information forthcoming. He requested that Board members review the information provided at this meeting prior to the next meeting.

3.2 **Water Resource Management Study**

The following items were circulated to Board members prior to the meeting:

1. Memorandum dated February 3, 2000 from Tony Blouin requesting comments on draft Terms of Reference for a Water Resource Management Study from the Board.
2. Information Report to Regional Council dated January 18, 2000 re Project No. 00081 - Water Resource Management Study

The Chair indicated it was the Board's intention to review the draft Terms of Reference as a group rather than having two members of the Board provide comments.

Board members then reviewed the draft Terms of Reference, made comments, additions and changes.

Mr. Regan had a number of changes/concerns which the Board felt would be covered by the study but did not need to be included in the Terms of Reference. Mr. Regan, however, pointed

out his concern with including as much as possible so that the consultant would have to include it in the study. Mr. Regan felt that if it was not included, the consultant would not deal with it.

After the review of the draft document, the Chair advised he would prepare a letter to Tony Blouin, along with the recommendations regarding the Terms of Reference, and forward it to Dr. Blouin.

3.3 **Prince's Lodge Master Plan Area - Case 00061 - Application by Kimberly-Lloyd Developments Limited to Enter into a Stage II Development Agreement for Phase 1A and 3 of Royale Hemlocks Subdivision, located to the North of Hemlock Ravine Park**

Dr. Stobo circulated draft Recommendations relating to the above application which he had drafted after the last meeting. The Board reviewed the draft and agreed upon changes to same.

The Chair will prepare the recommendation, taking into account the comments and changes, and ensure the report is distributed.

A short break followed the conclusion of this item.

3.4 **Length of Terms and Terms of Reference Update**

Deferred. Ms. LeBoutillier will be asked to recirculate the information for the next meeting.

3.5 **Run-off Coefficient**

Deferred.

3.6 **P-3 Schools - Correspondence**

Ms. McNeil circulated a draft of a letter for consideration to be sent to the Mayor and Premier. Board members reviewed the draft.

Revisions were made to the draft, among them being that the Mayor would not receive the letter but a copy of the letter as well as a copy to the Regional Director General of Fisheries and Oceans Canada.

Ms. McNeil will make the necessary changes.

3.7 **Glen Arbour Water Quality**

Mr. Porter advised that Glen Arbour has agreed to provide the information but it has not been received as yet. He pointed out that the water testing was only to be done for a year after the golf course opened; therefore, there would only be one more report done.

3.8 **HRM Snow Removal and Disposal Policy**

Deferred.

3.9 **Subdivision Concept Plans**

Mr. Porter advised that he spoke to Paul Morgan, Planner who advised that a report would be forthcoming at a later date. With regard to concept plans being provided to the Board, he was told that there were not that many received and that was a reason why the Board was not seeing many of them. Of those, there were not that many that concerned this Board. The Board was not being by-passed.

4. **NEW BUSINESS**

4.1 **HRM By-Law for Tree Cutting**

Mr. Regan advised that HRM did a study on cutting down trees in HRM. The staff report indicated that setting up a system to monitor, identify and protect significant trees in HRM would be too costly and, therefore, it was decided not to go ahead with a By-law.

Mr. Porter advised that the first problem with a Tree By-law was that HRM was not enabled to have such a By-law under the Municipal Government Act. Instead, Council endorsed an education program.

Mr. Porter agreed to bring copies of the pertinent information for the next meeting.

4.2 **The Stormceptor**

To be covered under 4.4.

4.3 **Urban Stormwater Treatment**

Information was circulated to Board members from Mr. Mandaville prior to the meeting.

4.4 Stormceptor

Information was circulated to Board members from Mr. Mandaville prior to the meeting. There was also additional information available to Board members if they wished to receive same from the Clerk.

Mr. Mandaville then indicated a technical and study manual was available from Strescon in Bedford and quoted from same. As well, he referred to a study carried out in Washington re priority pollutants.

He then distributed the following items which the Clerk will place in the Corporate Library but Board members can request a copy from the Clerk:

1. Synoptic Water Quality Survey of Halifax/Dartmouth Metro Area Lakes on April 16, 1991.
2. District Municipality of Muskoka re Water Quality Program
3. List of Certified Labs from Canadian Association for Environmental Analytical Laboratories
4. Total Phosphorus - Excerpt from John Underwood's Ph.D. Thesis
5. A National Aquatic Ecosystem Health Program for Canada
6. The Influence of Euthophication on Deep Lake Benthic Invertebrate Communities
7. Environmental Geology of Urban Areas - Geological Association
8. Home Page of the Experimental Lakes Area, or ELA, Canada
9. The Use of Wetlands for Controlling Stormwater Pollution

The Chair noted that over the last few years, there has been progress in trying to get HRM to look at environmental mitigation differently than they had before. The next step is to try to get HRM to look at being more stringent in various areas such as the use of stormceptors at the initial point of entry. The Board might wish to start building into its recommendations the addition of these things. He asked that the Board give this some thought in order to bring it to bear for future recommendations.

4.5 20/20 HRM Initiative

Mr. Regan circulated workbooks being circulated by HRM and suggested the Board might wish to become involved. He requested that the Clerk include copies in the mailout for the next meeting as they were also meant for groups. Individual groups the Board members represent might be interested in making submissions and, as well, the Board might have a vision for 20 years. The time frame for return was March 31 so that would enable the Board to make

comments at the next meeting. Board members could make their own comments on the workbook prior to the meeting.

4.6 **Maps of Sackville**

Mr. Regan circulated maps of Sackville provided by the Second Lake Regional Park Association.

4.7 **Alum in Treatment Plants**

Mr. Mandaville asked why treatment plants used Alum and explained his concerns. The Chair requested that Mr. Mandaville prepare a draft letter for consideration by the Board at the next meeting.

5. **CONCEPT PLANS**

None

6. **SUB-COMMITTEES**

6.1 **Sub-Committee on Parameters for Water Quality Testing**

Dr. Stobo advised he hoped to have letters written in the next week or so.

7. **BWAC APPROVED MINUTES - JANUARY 12, 2000**

Circulated for information.

8. **STATUS SHEET**

Not provided.

Glen Williams advised that with regard to Sobeys in Fall River, a meeting will be held with them in the near future to discuss acid slate and continued sedimentation going into Lake Fletcher as well as the possibility of another 50,000 sq. ft. of development.

Because of the concerns raised by the Board, Mr. Porter agreed to contact Angus Schaffenburg, Planner and let him know that the Board was interested in making comments/recommendations on any future application by Sobeys.

With regard to protocol for small lots, Mr. Williams advised he expected that a meeting would be held in the next two weeks.

9. **MEETING SCHEDULE - HEARINGS AND PLANNING ADVISORY COMMITTEE**

Circulated for information purposes.

10. **DATE OF NEXT MEETING** - Wednesday, March 15, 2000.

11. **ADJOURNMENT**

Meeting adjourned at 10:15 p.m.

Sandra M. Shute
Assistant Municipal Clerk

(march17/00)