

HALIFAX REGIONAL MUNICIPALITY

**HALIFAX/HALIFAX COUNTY
WATERSHED ADVISORY BOARD**

MINUTES

MARCH 15, 2000

PRESENT: Dr. Wayne Stobo, Chair
Mr. David Dwyer
Mr. Walter Regan
Mr. Peter Shacklock
Mr. Ross Evans
Mr. Glen Williams
Mr. Shalom Mandaville
Mr. Jim Holmes
Mr. Keith Manchester
Mr. David Haley
Mr. Lawrence White
Mr. Kyle McKenzie
Mr. Bill O'Toole

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

GUESTS: Mr. Mark Denil, Soil & Water Conservation Society of Metro Halifax
Mr. Tom Mills, SWEPS

REGRETS: Mr. Frank Hope, Ms. Colleen McNeil and Mr. Mack McMenemy

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1. **APPROVAL OF AGENDA, ADDITIONS AND DELETIONS**

With the agreement of the members, items 4.1 - Princes Lodge Master Plan Area Presentation and 4.3 - Substantial Amendment to Development Agreement Fall River Plaza were moved up on the agenda.

The following items were added under 4.0 - New Business.

Item 4.6 - Musquodoboit Harbour - Development Agreement Sobeys

Item 4.7 - Golf Course - East Petpeswick

Item 4.8 - Wilsons Gas Bar - Fall River

Item 4.9 - Tidewater Quarry

4.0 **NEW BUSINESS**

4.1 **PRINCES LODGE MASTER PLAN AREA PRESENTATION - LAND NORTH OF HEMLOCK RAVINE**

Mr. Barry Zwicker and Jenifer Tsang, Wallace Macdonald and Lively, consulting firm engaged by the majority of landowners, Paul Morgan and Angus Schaffenburg, Planners, HRM were present for the above noted presentation. Two representatives of BWAC, Betty Tucker and Brian Hoyle, Larry Nicholson, a Bedford business owner and Darrell Dixon of Kimberley Lloyd, developers of Royale Hemlocks were in attendance. As approximately half the 900 acre site falls within BWAC's area of jurisdiction, it was felt that a joint review of the plan would be beneficial.

Mr. Zwicker gave a power point presentation on the revised concept plan prepared by Wallace MacDonald and Lively for the Prince's Lodge Master Plan Area. Highlighted in the presentation were:

- C the site's location
- C land ownership
- C special features (topography, water bodies, views and existing trails)
- C road networks
- C sewer lines
- C location of schools (new and existing)
- C green space
- C concept of 'smart communities'
- C forum conducted

Mr. Zwicker referred to the time line for getting the Master Plan approved. By the end of

May, early June they will be entering the formal approval process for the 900 acre site. Mr. Zwicker noted that the last time the concept was taken to Regional Council it had been received favourably.

Reference was made to development charges to offset infrastructure expenses. Whether the Municipal Government Act will allow such charges for costs associated with park development, has yet to be determined.

Referring to issues of storm water drainage, Mr. Zwicker indicated consideration is being given not only to dealing with quantity but quality issues. Buffers will be maintained adjacent to waterways. No discharge will be permitted into water bodies without some form of treatment. Details of storm water management will be required under associated development agreements and site plan approvals. A review has been conducted of the servicing specifications published by HRM a year ago. They intend to establish performance standards.

At the conclusion of the presentation, Mr. Zwicker provided copies of a draft of the Environmental Sensitivity Section of a proposed MPS Policy and copy of the concept plan for the Master Plan Area. He solicited comments from the individual members or the Board as a whole. He encouraged the members to contact them if they had any questions and stressed they are following an aggressive time line.

During the question and answer session, the following subjects were raised:

C Where sewage from the site, which will eventually have a population of 17,000, will be directed?

Mr. Zwicker noted that a portion of the sewage will be directed to the Mill Cove Treatment Plant in Bedford and the majority into Halifax Harbour untreated, until the sewage treatment plant is built. The plant in question would be the first one built. Associated pipes have been sized to handle the development and HRM is cost sharing with Kimberly Lloyd.

C Whether 'as of right' development will have to follow the Master Plan.

C Problems associated with blasting and tree cutting.

Mr. Zwicker explained that the requirement of a Blasting Engineer to oversee blasting could be incorporated at the development agreement stage, not at the concept phase.

C Natural percolation rate on the site.

Mr. Zwicker will provide Mr. Regan with information on this aspect.

C Mr. Mandaville encouraged the use of natural wetlands in conjunction with stormceptors.

At the April meeting, the Board will draft its recommendations.

4.3 **CASE 00211: SUBSTANTIAL AMENDMENT TO DEVELOPMENT AGREEMENT FALL RIVER PLAZA, HIGHWAY 2**

Mr. Glen Boone, Atlantic Shopping Centres/Sobeys, Mr. Kirby G. Thompson, MEC Engineering and Construction Services and Angus Schaffenburg, Planner were in attendance for this item.

Information on the expansion of the Fall River Plaza was both circulated with the agenda package and by courier, directly from the proponent.

Mr. Boone gave an overview of the project which consists of an expansion of the existing plaza which was built under a development agreement approved in 1996, copy of which was circulated with the agenda package. A substantial amendment to the development agreement is required as an expansion of 50,000 sq. ft. is being proposed. The expansion consists of an extension to the existing building and some freestanding pads. The expansions will be phased over the five year life of the agreement, based on market demand. Mr. Boone assured the Board that Sobeys intends to continue its commitment to monitor the site and if the community is not satisfied with measures, they wish to be advised.

Reference was made to discussions with Glen Williams, SWEPS representative on existing problems.

The following topics were reviewed:

C The use of stormceptors and infiltration trenches for storm water runoff.

C Additional water for the site will be required from Lake Thomas.

C A new contractor has been engaged for construction of new phases.

C A series of public meetings/information sessions planned. The first will be Monday, March 20. A more detailed presentation will be given.

C In addition to MEC Engineering and Construction Services, Earthtech Engineering has been engaged.

For the discussion of technical matters, the presentation was turned over to Mr. Thompson. He reviewed with the Board the four drawings of the site provided in the mail out.

During this review it was identified that:

- C An area of slate and fill, 30,000 cubic yards, will have to be removed or relocated.

Concern was expressed that this site requires stabilization. It was acknowledged that the hydro-seeding had not taken. A commitment has been made to re hydro-seed some areas.

- C They don't anticipate the need to excavate more acid slate. No further blasting intended. They will try to remain above the acid slate thus leaving it in its natural state.

- C The grading of the site is such that the outer edge will be tipped back, so runoff water will be directed to catch basins which will in turn direct the water through stormceptors and infiltration trenches. There will be no direct discharge to the lake. Mr. Manchester noted there is an area that drains into a 24" pipe, through a box culvert into the lake.

Reference was made to the option of using retention ponds for this purpose. While the use of stormceptors was considered state of the art technology at the time the original development agreement was drafted, retention ponds might do a better job. It was proposed that the ideal site of a retention pond would be in the location of outpad 2, where an intermittent stream exists.

Problems had been encountered last fall and the representatives were questioned on whether the stormceptors and infiltration trenches have been checked for debris. It was noted that there is only a requirement to do this every five years and because manholes were not included in the design, excavation is required to check them. It was proposed that in the new phase, manholes will be included.

- C The handling of roof water and natural flow from the woods.
- C Preliminary discussion have been held with NSDOE and they appear comfortable with the plans.
- C Water withdrawn for the project, will eventually go through the sewage treatment plant and back into the water system. Reference was made to the fact that there is

- a kilometer stretch that could be affected between the intake and discharge points. Water readings are taken on a regular basis and will be provided to Mr. Manchester. Mr. Manchester noted the negative effect reduced water levels can have.
- C Water intake downstream from storm water discharge.
- C Infiltration trenches assist in groundwater recharge.
- C Events which would lead to bypassing of the stormceptor and infiltration trench system directly into the storm drain system, but the first flush would be handled.
- C Water is treated with chlorine. Concern with the effect of chlorine entering the water system after discharge from the sewage treatment plant were discussed. It was Mr. Thompson's opinion that any chlorine would be used up when introduced to the sewage.
- C Concern was expressed that water being discharged from the south end of the site has experienced a drastic drop in PH levels from 6.5 to 4.5. The Environment regulations allow to 4.0. Mr. Thompson agreed there is a problem. Water is being discharged before it reaches a catch basin. Results of samples taken by Earthtech are to be provided to HRM. Mr. Williams will be provided with a copy of the results. A couple of reports were provided to the Chair including a geo-technical report on the soil. Mr. Regan indicated he would like to see a Nova Scotia wide study. He has discussed with Wallace Macdonald and Lively the coordination of one, with possible cost sharing through the Department of the Environment.
- C Capacity of the sewage treatment facility. Startup of the P-3 school has been taken into account.
- C Time lines. To complete the development agreement and appeal process approval might not be available until late July. Construction could then commence. The developer only anticipates the 7,200 sq. ft. plaza extension and Tim Hortons proceeding in 2000.
- C The developer is not planning to include a gas bar on site.
- C Disappointment was expressed regarding the parking lot design having no plantings. Operational costs make this impractical. Additional green areas on the site are proposed.

- C It was proposed that a fresh water biologist be engaged and any lab analysis be done in a Standard Council of Canada accredited facility.
- C Lots of capacity in the sewage treatment plant. Holding tank used at the P-3 School to modulate flow. The benefits of constructing storage initially to avoid the potential for overflow was emphasized.
- C Concern expressed if the site contained a lumber yard and/or garden centre due to the potential problems associated with treated lumber and pesticide spills. If there was a garden centre, gardening materials would be packaged. Staff noted that the current zoning, C-2, would not permit a lumber yard. If there is a change with regard to the lumber yard, since the Board had already expressed reservations, it would be brought to the Board's attention.
- C A dam was observed in the lake last fall. Assurance was sought that this would not be required again, particularly with the expansion of the site. It was explained the problem resulted from excavation of the lake bottom for the water intake pipe. It will not happen again.
- C Tom Mills questioned whether they had considered the use of a cistern roof system.

In closing, Mr. Boone indicated he would like to receive concerns in written form as soon as possible. The recommendations related to this application will be drafted at the April meeting. Mr. Regan felt that a reference should be contained in these recommendations regarding the use of salt on the parking lot and snow removal.

2.0 **APPROVAL OF MINUTES**

Mr. Mandaville noted that under Item 2.0 of the February 16 minutes, Joyce Tannahill had been incorrectly referred to as 'Danahill'. Referring to a handout at the meeting, Mr. Mandaville noted that under item 3.1, Bennery Lake Watershed, what he had stated with regard to power boats on shallow lakes was missing, i.e. power boats are an environmental concern, especially with respect to shallow lakes, whether the prime use of the lake is for supplying 'drinking water' or for other forms of 'recreation'. The minutes, as amended, were adopted on motion of Mr. Mandaville and Mr. Holmes.

3.0 **BUSINESS ARISING FROM MINUTES**

3.1 **BENNERY LAKE WATERSHED**

The follow-up meeting with Dr. Blouin and Mr. Brady has been deferred until April.

3.2 WATER RESOURCE MANAGEMENT STUDY

A copy of the Chair's response to Dr. Blouin was attached to the agenda package for the members' information. The Chair encouraged members to respond individually if they wish.

3.3 ROYALE HEMLOCK SUBDIVISION - APPLICATION TO ENTER INTO A STAGE II DEVELOPMENT AGREEMENT

A copy of a letter from Dr. Stobo to Mr. Wallace, Wallace Macdonald & Lively containing eleven (11) recommendations by the Board related to the above noted development proposal was circulated with the agenda package for the members' information.

The staff report to Chebucto Community Council meeting of March 6, 2000 was provided.

The Chair went through the development agreement to identify which recommendations made by the Board had been included. The Board's recommendations had been attached as Schedule I of the document. The Chair referred the members to clause 3.8, pertaining to the storm water system; 3.13, page 6, related to a security deposit associated with environmental protection measures of Attachment IV and 4.7, page 8, regarding landscaping. It was noted that there is no reference in the document to the engagement of an independent geo-technical engineer to monitor blasting.

One item identified to be disturbing was under Part 7, Enforcement and Rights and Remedies on Default, Section 7.2, page 10. An amount of only \$100.00 a day is levied if the developer fails to observe or perform any covenant or condition of the Agreement. It was felt that this fine was not large enough to be a deterrent. It was suggested that this might be the maximum the Municipal Government Act allows for. Gary Porter will check into the legislation and report back to the Board. If it is determined to be within the Municipality's jurisdiction to change this amount, the Chair proposed that a letter be written to HRM to reconsider the fine level. Alternatively, the Board considered approaching the Province about modifying the Municipal Government Act in this regard. Mr. Haley advised that to his knowledge three municipal groups and/or agencies have already formally brought this to the attention of the Minister of Municipal Affairs.

Mr. White reflected that a \$2 million liability insurance is specified in the Construction Agreement and he wondered why a similar statement is not included in the Development Agreement.

The Board will decide at the next meeting how to proceed.

Mr. Mandaville had been contacted by Scott Yetman via e-mail regarding Chebucto Community Council's decision of March 5th regarding whether the clauses are enforceable. The Chair concluded that whether clauses are enforced depends a lot on the goodwill of the developer and the Development Officer's monitoring.

3.4 **TERMS OF REFERENCE**

A copy of the Information Report dated January 24, 2000 which went to the various community councils was re-circulated with the agenda package for the members' information.

3.5 **RUN-OFF COEFFICIENT**

Mr. White provided the Chair an extract from one of his engineering text books re run-off coefficients. This item will be copied and circulated with the next agenda package.

The Chair has yet to contact Dr. Burney regarding this subject.

3.6 **P-3 SCHOOLS - CORRESPONDENCE RE EXEMPTIONS FROM MUNICIPAL BY-LAWS AND REGULATIONS FROM PROVINCIAL GOVERNMENT SPONSORED PROJECTS**

A copy of the draft correspondence prepared by Colleen McNeil and signed by the Chair today on this subject was included in the agenda package.

3.7 **HRM SNOW REMOVAL AND DISPOSAL POLICY**

Mr. Haley reported that he contacted John Sheppard who confirmed there is a HRM policy with respect to snow removal and disposal from HRM properties. The policy should be available for the next meeting.

Mr. White noted a concern regarding the disposal of snow from the Bedford Place Mall into the Sackville River was raised at the last BWAC meeting. Photos of the effect this was having on the river bank were viewed by the BWAC members. It was recognized that this was a private sector matter, but in the event the Board decided to correspond with HRM on their policy, such an example could be alluded to.

3.8 **TREE CUTTING**

Information pertaining to this item was circulated:

- C report entitled "Clearing of Land Adjacent to Hemlock Ravine Park/Protection of Trees on Private Property"
- C report from Bernard Moe

While David Dwyer indicated he supported the initiative, Mr. Regan expressed disappointment that for a sum of \$400,000, HRM was not prepared to enter into a by-law which would protect the forest and trees. The Chair noted that Legal staff indicates that the Municipality has no legal authority in this regard. Mr. Regan proposed that the Province could be contacted to make an exemption under the Municipal Government Act.

Mr. Dwyer noted that the majority of HRM contains commercial forest operations. Permission to cut trees on private lands falls under the provincial jurisdiction.

It was moved by Walter Regan and seconded by Glen Williams that a letter be written to HRM expressing the Board's disappointment with the decision to endorse an educational program to promote the protection of trees rather than going to the Provincial Government requesting an amendment to the Municipal Government Act, so the HRM could create a tree protection by-law. Motion carried with Mr. Dwyer and Mr. White voting against.

Mr. Regan volunteered to draft the correspondence and provide to the Clerk in time for circulation with the agenda package.

3.9 HRM 20/20 INITIATIVE

Copies of the workbook, etc. associated with the initiative were provided in the agenda package. The deadline for submission is March 31st. The Board considered whether a submission from the Board should be compiled or if it would suffice for individual members to respond or the organizations they represent.

Mr. Haley noted the this is a proactive initiative. The Committee wants to hear visions for the future and how they might be achieved versus identification of what is wrong. He noted that the Board's mandate is to look forward.

It was concluded that the time frame does not allow for a response from the Board. If each group represented on the Board made a submission, it was felt there would be a greater impact. Individual members were also encouraged to respond. At the next meeting the members, who sent in a response, will summarize concerns they raised.

3.10 USE OF ALUM IN TREATMENT PLANTS

At the February meeting, Mr. Mandaville raised concerns about the use of alum in HRM treatment plants. He was asked to draft a letter for review by the Board. Instead he circulated with the agenda information on the subject. Mr. Mandaville felt the use of alum instead of lime to remove phosphorous was a major problem.

Mr. Holmes volunteered to contact Carl Yates of the Halifax Water Commission and Mr. Brady regarding the use of alum in their operations and if they have considered using alternatives, such as lime.

He will report back to the next Board meeting and a decision on whether to write HRM expressing concern about the use of alum, will be made.

3.11 STORMCEPTORS

Mr. Mandaville circulated to the members copies of the Technical Manual of Stormceptor Canada. Two copies of the Study Manual were provided for the files. They were borrowed by David Haley and Keith Manchester. A copy of the Technical Manual will be sent to Colleen McNeil, with associated materials.

4.0 NEW BUSINESS (cont'd)

4.2 THE MODEL FOREST PROGRAM

Information on this topic was circulated with the agenda package. The Model Forest Program is meant to develop methods to clear cut which will not affect streams. The effect of minimum buffers of 30 meters and 60 meters under various circumstances were analyzed. Mr. Mandaville understood there is a 30 meter buffer zone in the Master Plan for both Morris and Russell Lakes in Dartmouth.

The Chair reflected that in an urban setting, a buffer along water courses would probably not be feasible, but in rural areas it was a possibility. He noted that the Board's policy, which reflects a buffer zone of 15 meters, has been quite successful.

Mr. Dwyer referred to the Forest Act of 1965 and it never having been implemented. In 1985 it was repealed. He referred to new Forestry legislation passed last fall.

4.4 A CORRECTION OF CROWN LAND TRANSFER INFO

Copies of an e-mail Mr. Mandaville sent Ms. Moir, NSDOE on the transfer of crown lands to land developers was circulated in the package. The negative impact of the practice on area lakes was highlighted.

Mr. White noted that there has been some discussions of selling crown land to a developer on Kearney Lake. Whether or not to send a letter to HRM on this subject, when they have no jurisdiction in this area was discussed. The Chair felt the members should alert the various associations they represent of this trend. They may wish to write to the Minister of Natural Resources or Minister of Environment about concerns associated with the practice.

4.5 **EXTRACTS FROM PEER REVIEWED PUBLISHED LITERATURE ON "WATER QUALITY"**

The above material was provided to the Board for their information. Mr. Mandaville highlighted a couple of areas.

4.6 **MUSQUODOBOIT HARBOUR - DEVELOPMENT AGREEMENT - SOBEYS**

Mr. Boone advised that he will be delivering the application to Roger Wells, HRM Planner tomorrow morning. Public meetings will be subsequently held in the community.

4.7 **GOLF COURSE - EAST PETPESWICK**

Mr. Dwyer reported on his observations regarding progress being made on the golf course and associated structures. He still has a concern about a culvert at the entrance road to the golf course development. It has been plugged for sometime and if there is a heavy rainfall, there will undoubtedly be a flood with the water crossing the highway and into the Inlet. Whether or not the culvert was HRMS or DOTs was debated. No matter whose responsibility it was, he recalled that a proper Storm water and Erosion Control Plan was required. If the culvert is being clogged downstream of the project, it would appear these measures have not been effective. He felt that the conditions of the development agreement are not being monitored.

It was decided to alert the Development Officer, Cathy Spencer, who is responsible for administering the agreement of this problem. Mr. Porter will contact Ms. Spencer and report back to the Board on her response at the next meeting.

4.8 **WILSONS GAS BAR - FALL RIVER**

Mr. Williams reported on plans to remove the service station which has been in this area for 50 years. The property backs on the River. Problems with hydrocarbons are associated with the site and the excavated material will have to be disposed of properly. At SWEPS meeting last evening, attended by Kevin Warner, a couple of issues were raised. Mr. Williams will be providing Mr. Warner with some information on behalf of SWEPS. For instance, there will be a need to take measures to ensure there is no leakage off the site into the river during the process.

It was noted that there has been an on site septic system at this location and although the sewage line from Sobeys goes by the property, there are complications associated with connecting to it.

Mr. Williams will keep the Board updated.

4.9 TIDEWATER QUARRY

The Chair noted that Tidewater Quarry, Rocky Lake Drive, Waverley had been limited by their development agreement to removing 90,000 tons of rock a year. A proposal has been made to NSDOE for these restrictions to be removed. The Chair wrote the Mayor and the Mayor in turn the Minister expressing strong opposition to this amendment unless a full environmental assessment is conducted.

Tidewater wants the restrictions removed without an environmental assessment. The item was for information purposes only. Should one of the organizations the members represent bring up the subject, the Board could pursue it.

5.0 CONCEPT PLANS

None.

6.0 SUBCOMMITTEE

6.1 PARAMETERS FOR WATER QUALITY TESTING

The Chair advised that DLAB and BWAC have been contacted. To date no response has been received.

7.0 BWAC APPROVED MINUTES

Circulated at the meeting were BWAC's approved minutes of March 9, 2000.

8.0 **STATUS SHEET**

Mr. Mandaville questioned why it has taken so long to get data re **Glen Arbour**. Mr. Porter advised he had a tabulation of the data from September 11, 1996 to May 14, 1998. The rest of the data should be available by the next meeting.

Mr. Williams has been so frustrated trying to arrange a meeting re **Protocol District 2** with staff that he reported that he contacted Mr. Meech today. Mr. Meech assured Mr. Williams that a meeting will be arranged.

9.0 **MEETING SCHEDULE**

A more current meeting schedule was circulated at the meeting.

10.0 **DATE OF NEXT MEETING**

The next meeting is scheduled for Wednesday, April 19, 2000.

11.0 **ADJOURNMENT**

Meeting adjourned at 10:30 p.m. on motion of Mr. Mandaville.

Dr. Wayne Stobo
Chair

Lynne Le Boutillier
Assistant Municipal Clerk

(April7/00)

