

HALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD

JUNE 21, 2000

MINUTES

PRESENT: Dr. Wayne Stobo, Chair
Mr. David Dwyer
Ms. Colleen McNeil
Mr. Walter Regan
Mr. Mack McMenemy
Mr. Peter Shacklock
Mr. Ross Evans
Mr. William O'Toole
Mr. Frank Hope
Mr. Shalom Mandaville
Mr. Jim Holmes
Mr. Michael Guilcher
Mr. Keith Manchester

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

REGRETS: Mr. Chris Booth, Mr. Glen Williams and Mr. Kyle McKenzie

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Meeting was convened by the Chair at 6:30 p.m., Board Room 1, 2750 Dutch Village Road.

1.0 APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

The following item was moved up on the agenda:

C Item 3.17 - Musquodoboit Harbour Sobeys

Added to the agenda:

C Item 4.6 - Development Plan for Hemlock Ravine Park

2.0 APPROVAL OF MINUTES

The minutes of the May 17, 2000 meeting were adopted, as circulated, on motion of Mr. Dwyer and Mr. Regan.

3.0 BUSINESS ARISING FROM MINUTES

3.17 MUSQUODOBOIT HARBOUR SOBEYS

In attendance for this item were Colleen Mercer Clarke, Rick Giffin and Willard D'Eon, CBCL. Ms. Mercer Clarke is an ecologist and landscape architect.

Ms. Mercer Clarke referred to the forest in the area proposed for the disposal field. A picture of the existing trees was circulated. In order to maintain this stand of trees, the plans have been revised to locate the contour field in an already disturbed area. The Board felt this to be a good improvement.

A draft of the recommendations prepared by Mr. Dwyer and the Chair were circulated at the meeting for review.

Some changes were made to the draft.

Third paragraph:

- C The description of the proposal was corrected to identify an *attached* 15,000 sq. ft. retail center. Reference to fast-food outlet deleted.
- C The stormwater would be directed to the northwest corner of the site and into a *pipe* not ditch.
- C Runoff would be processed through, not one or more stormceptors, but *two*.

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Fourth paragraph:

- C Wastewater to be processed using a *combination* of processing *procedures*.
- C The advanced disposal field would be approximately *200 to 300* feet in length.
- C A last sentence added related to the possibility of providing wastewater treatment for existing commercial enterprises. *The proponents indicate no agreement could be reached.*

Fifth paragraph:

- C ..hydrological analysis would be conducted on the *downstream watershed.....*

During discussion of this statement, it was noted that a computer model will be used to estimate flow post development to determine the impact downstream. In addition to this development, it was noted by Mr. Giffin that clear-cutting is taking place in the watershed which may affect the flows. Ms. Mercer Clarke noted that the run-off coefficient will increase. The consultants will make recommendations on mitigation if increased flows are predicted from the site, but they are not expecting an increase.

Recommendations:

1. This recommendation will be expanded to refer to *measures should be taken to mitigate any change in flow rates (mitigate increased flows)*.
2. ...the results be provided to *the Development Officer for the area and this Board...*
3. The Board recommends that the *water quality* analysis...
4. Remove the words '*at least*' and add after a tertiary level *and disinfected*.

It was noted that dechlorination is not required if there is no potential impact on fish. Since the plan has yet to be developed, chlorine may not be used for disinfection.

Mr. Holmes posed a question regarding whether silt fences installed will be maintained. It was noted that the Erosion and Sediment Control plan has yet to be done. Mr. Giffin indicated that monitoring and maintaining the silt fences in good repair would be included in any specifications. Ms. Mercer Clarke noted that she has observed the site contains granular material, not fine silt or clay.

An additional recommendation will be added:

That an Erosion and Sediment Control Plan be developed and approved by HRM for the construction and post construction phase until groundcover is stabilized. Silt fences be kept in good repair until the groundcover is established.

It was suggested that the result be provided to HRM, but reference was made to the problem of tracking down reports. Glen Arbour was used as an example. Mr. Porter suggested the Developer Officer receive the reports.

In addition to concerns regarding increase flow, **water quality** was also a concern. Mr. D'Eon noted that a certified operator will be engaged to monitor the sewage treatment facility. He will conduct samples of what comes out of the sand filter and dispersal beds. NSDOE will direct where testing will take place, so it was felt that reference to such **testing** should simply refer to '**as per NSDOE requirements**' or '**as normally required by NSDOE**'. Mr. Dwyer noted that it would relieve a lot of anxieties, if residents knew monitoring was taking place.

Mr. Regan emphasized that he did not like to see stormwater directly discharged into a watercourse. The Chair referred to the fact that the stormwater will be directed through stormceptors, etc. Mr. Regan indicated he was worried about peak flows eroding the banks of the intermittent watercourse. It was noted that stormceptors don't function as holding areas and it is not practical to put a constructed wetland on the site. It was suggested that it be recommended that flows from the Northwest corner of the site have some sort of regulation on them. The consultants were questioned about the use of a perforated pipe rather than a solid pipe. It was noted that some erosion might result around the pipe and installation would be subject to the DOT's approval. The consultants will look into the possibility of constructing swales. It was felt that the provision of stilling at the pipe outlet to the watercourse could be provided in a number of ways.

Reference was made to a larger capacity OGS (oil, grit separator) than the ones proposed manufactured by Stormceptor. CDS Technology, oil and grit separators are available through Shaw. Mr. Mandaville felt the use of these larger units could help in slowing flows. **Reference to stormceptors in the document will be changed to simply identify stormwater treatment chamber systems, eg. Stormceptors.**

Referring to the minutes of the May meeting, the Chair noted that reference to how to deal with **grease created at food outlets** had been omitted in the recommendations. Mr. Regan desired a recommendation in this regard included, **as per NSDOE standards.**

Before departing, the consultants provided copies of a brochure on recirculating sand filters

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entitled "The Ideal Solution for Advanced Wastewater Treatment" for the members' information.

The Chair will endeavour to revise the recommendations. It was agreed by consensus that once revised, copies could be provided to the proponent and Planner. David Dwyer will be provided with a copy of the revised recommendations as soon as possible.

The Board was advised that Mitch Dickey has taken over this case from Shelley Dickey.

3.1 CASE 00222 - DEVELOPMENT AGREEMENT TO PERMIT A COMMERCIAL GARAGE COW BAY

A copy of the report sent to the proponent Leo. J. Beazley was included in the agenda package for the members' information.

3.2 WESTERN COMMON

Draft recommendations prepared by Mr. Shacklock pertaining to the Western Common Land Use Plan were reviewed by the Board.

During the review, the following amendments were agreed to:

- C 4th paragraph , last line - replace the word 'conceptual' with 'approved'.
- C 6th paragraph, first sentence ...special protection *to* the lakes *and watercourses* included...
- C 7th paragraph - replace "Accordingly the Board would like to put forward the following recommendations" with the standard introduction "Based on the information provided by the proponent, the Board provides the following recommendations. It is important to note that these recommendations relate specifically to the protection of the watershed and the natural environment.

Recommendations (should be numbered):

- 2. Reword - HRM should make provision for the construction of fish-ways to allow for fish passage *around obstructions, e.g. dams.*
- 3. Wilderness Park: 300 metres *from lakes and 150 metres from both sides of major connecting streams and 30 metres adjacent any other water course.*

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Passive Parks: 100 metres around lakes

Active Recreation Areas: 50 metres from lakes *and* 30 metres around adjacent watercourses (for others). Change references to 'buffer zone' to 'setbacks' in three instances.

HRM should enforce 100 metre minimum setbacks *in any and all areas.....*

Last recommendation: the words 'gas powered' be added.

For the sake of consistency reference should be made throughout the document to 'approved land use plan' versus 'conceptual'.

The Chair will redraft the recommendations. It was noted that this item is on Regional Council's July 4th agenda.

3.3 PERFORMANCE BOND REQUIREMENT DEVELOPMENT AGREEMENTS

Deferred.

3.4 FLOW CHARTS - DEVELOPMENT AGREEMENTS

Copies of the HRM Development Agreement Process were circulated for the members' information in the agenda package. Mr. Porter had an updated version in his possession. The only change related to the length of the process. The newer version specifies 6 to 8 months versus the earlier version's reference to 4 to 6 months. Mr. Porter felt this new time estimate, although more realistic than 4 to 6 months, was still somewhat optimistic and probably not achievable in all but the most straight forward cases. It was noted that the Waters Advisory Committee is identified in step 4.

3.5 HOME DEPOT PROPOSAL - SIGNED AGREEMENT - ISSUES

Mr. Porter had circulated to the members copies of the agreement associated with the Home Depot project. Any issues the members wished to discuss had been solicited. No issues were brought forward.

3.6 POLLUTION PREVENTION PROGRAM

Copies of an Information Report, prepared by Mr. Dhillon, Director, Engineering and Transportation on the status of the Pollution Prevention Program, had been circulated in the May agenda package. It is noted in the report that Phase 1 of the implementation has now

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been completed.

The Chair requested that Mr. Porter check into where staff is in the process.

The Chair felt the initiative is a good one and noted that the pollution being addressed related to toxins being dumped into the sewer system. An annual commitment of approximately \$300,000 is required to continue this initiative. He noted that a draft by-law W-100, respecting the discharge of sewage into public sewers, is appended to the report and substantial penalties are proposed for contravening the by-law.

Referring to the Table 1, Concentration Limits, accompanying the draft By-law, Mr. Mandaville felt that 30 milligrams per litre for total Phosphorus to be high. He wondered why staff chose this amount.

It was felt that Mr. Dhillon or Mr. Sheppard should be queried on where this value came from.

3.7 HRM SNOW REMOVAL POLICY

Mr. Manchester advised that he feels he does not have enough information to formulate a recommendation to Council. He has spoken with Roger Albright, Environment Canada to determine what is being done elsewhere in the country. This item will be moved to the status sheet.

3.8 TREE CUTTING

As requested, Mr. Regan drafted a letter regarding Tree Cutting. The Chair recalled that the Board had expressed concerns with respect to a staff report on the subject. Mr. Porter noted that the initiative had resulted from the cutting of trees adjacent Hemlock Ravine Park. Staff researched the matter and concluded the best approach would be via an education process. The Chair recalled that the Board had decided to write a letter to HRM expressing their point of view.

A discussion followed on the need to have two separate sets of regulations, ie. for the urban core and rural areas. It was felt that whatever is proposed to HRM from the Board must be something practical that HRM staff can work with.

Mr. Dwyer made reference to legislation drafted in 1965 and proclaimed in 1975 pertaining to tree cutting. The legislation referred to no cutting of trees within 50 metres of watercourses and the requirement for a permit. The legislation was felt to be unenforceable. The Chair noted that this was 15 years ago and attitudes have changed.

For the next redraft the following comments were to be incorporated in the redraft:

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- C Urban area could be defined by Districts.
- C A statement included related to cutting adjacent watercourses.
- C no by-law has been adopted by HRM on this subject
- C regulations used in Toronto in this regard should be researched.

Mr. Dwyer volunteered to draft a portion of the letter as it pertains to rural areas, leaving Mr. Regan to concentrate on recommendations for the urban areas. Walter Regan encouraged the members to fax him any additional ideas.

3.9 CASE 00208 - CONVERSION OF FORMER FISHERIES PROPERTY

Mr. Porter has nothing new to report. Maya Ray, the Planner associated with the case has been off sick and no one has taken over this case. She is aware that the Board is interested in this item.

It was recalled this is a property located in Terrance Bay which was once used as a fish plant. It was redeveloped for a use not permitted in the zone, without the necessary permit

3.10 ALUM IN TREATMENT PLANTS

As requested, Jim Holmes provided the members with an overview of the use of alum in drinking water and sewage treatment plants. The information was provided in the May agenda package.

In his presentation, Mr. Holmes noted Mr. Brady (HRM Wastewater Treatment) offered to have samples analyzed if a request is received from the Board.

It was recalled that this item arose out of concerns expressed by Mr. Mandaville through materials he circulated to the Board in March. He proposed HRM should consider switching from the use of Alum to the use of Lime in its sewage treatment plants. The alum contained in sludge coming out of sewage treatment plants is more biologically available. He expressed particular concern with Lake Fletcher and the effect of aluminum in the form of alum sludge on the Benthic Macro invertebrates. He was not concerned with water treatment. Mr. Mandaville did not believe the Board would be able to convince HRM of the need to make this switch. Mr. Mandaville referred to a major study which Health Canada has undertaken of the effect of alum on human health.

Mr. Mandaville will bring back to the Board in due course.

3.11 PRINCES LODGE MASTER PLAN AREA - LAND NORTH OF HEMLOCK RAVINE - DEVELOPMENT OF RECOMMENDATIONS

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Circulated in the agenda package were recommendations made by the Board on the Master Plan. The Clerk distributed to the members a memorandum from Mr. Morgan noting that a Public Information Meeting is scheduled for Wednesday, June 28th at the LeBrun Centre. At this meeting Wallace MacDonald & Lively Ltd. will present the final study report and a draft MPS and Land Use By-law for the study area.

Those who can attend the Public Information Meeting were asked to report to the next meeting.

3.12 SUBSTANTIAL AMENDMENT TO DEVELOPMENT AGREEMENT FALL RIVER PLAZA, HIGHWAY 2

Recommendations pertaining to the Fall River Sobeys were circulated with the agenda package for the members' information.

It was noted that when Mr. Williams gave his regrets, he reported that the promised hydroseeding where there was an erosion problem on the south side of the property, has yet to be done. He planned to contact Kirby Thompson regarding this matter.

Mr. Manchester reflected on his observations of the cleaning out of the stormceptors. He reported very little sediment was evident. Two feet of sediment was observed in one stormceptor, less in the other. No hydrocarbons were detectable and he felt the stormceptors were working well. Mr. Mandaville would like the results of the analysis of the material removed from the stormceptors.

3.13 GLEN ARBOUR - DATA

It was recalled that at the April meeting some data was provided. Mr. Souri was to provide the balance for the May meeting. Mr. Porter reported that he has not done so. Apparently, Mr. Souri has a problem providing data which will be put on the Internet by Mr. Mandaville. He fears the data will be misinterpreted. It was noted that under the Development Agreement he is required to provide this data. Mr. Porter will contact Mr. Warner and ask him to contact Mr. Souri for the balance of the data.

Mr. Porter commented that it only points out that if someone is required to provide information and they don't, further permits should be withheld until they comply with the terms of development agreements.

The Chair asked Mr. Porter to raise the subject with Paul Dunphy, who is in charge of Development Services. If need be, the Board will correspond with Mr. Dunphy asking him to suggest some remedial measures.

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Mr. Regan reported on his attendance at a Public Information Meeting on Glen Arbour's expansion. They are proposing a new phase which would involve construction of 60 townhouses using wells and septic systems. He made it know at the meeting, that there was no public access to water courses, the river was suffering from low flows and he wanted to see large buffers to water courses. Mr. Regan referred to a second meeting where it was decided to proceed by Development Agreement. He has been assured his comments will be taken into consideration.

Andrew Whittemore is the Planner associated with this case and has questioned whether the Board intended to meet in July.

Mr. Regan remarked that since this is a private property, not intended to be sub-divided, HRM can't ask for 5% green space.

Referring to the septic system, Mr. Evans indicated it would be his preference that they used a sand filter system, rather than a contour system. While the initial installation is more expensive, it is easier to fix.

3.14 MCINTOSH RUN WATER QUALITY

Circulated at the previous meeting was a report entitled "Roach's Pond Sewage Pumping Station Overflow Studies - 1999.

Mr. Shacklock explained to the Board why he felt the data contained in both reports could not be relied upon. He felt that McIntosh Run is a sewer. He felt the reports to be a waste of time and money. It was noted that the SCN Lavalin Report was paid for by HRM and the other by Kimberley Lloyd. They have been submitted to the NSDOE, who have not raised the concerns expressed today, Mr. Porter noted.

Reference was made to Wallace MacDonald & Lively's proposal that additional screening be installed and a UV filter at the end of the pipe. Apparently this is acceptable to the NSDOE. It is in the development agreement that before they get approval for any lots, this has to be done. The agreement does not commit HRM or Wallace MacDonald & Lively to do. It was noted that Wallace MacDonald & Lively contend they don't have to solve all the problems of Mainland South. Possible ways of paying for a solution were outlined by Mr. Porter.

The Chair agreed that the \$100,000 expenditure is simply a stopgap measure and will not be effective.

It was noted that the source of infiltration, from higher up in the system, has yet to be determined.

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Referring to the table of results, Mr. Mandaville maintained that this was not the way to report results. Mr. Porter assured him that this has already been brought to Wallace MacDonald and Lively's attention.

In conclusion, Mr. Shacklock offered to draft a letter to Mr. Dhillor, Director of Engineering and Transportation alerting him to the fact that no conclusions can be drawn from the data. The only conclusion, which can be drawn is that there is a serious pollution problem. Fecal coliforms are a major problem both above and below Roach's Pond, in the McIntosh Run. Copies will be sent to Councillors Adams and Read. Mr. Shacklock will highlight where the data came from and the Board having difficulty with the conclusions. Mr. Regan felt HRM should be requested to test up river to find out where the pollution is coming from. There are potential health hazards associated with the e-coli bacteria.

Mr. Guilcher expressed frustration that HRM allows development to continue on Mainland South when the systems are overloaded. He noted that large developers continue to be allowed to construct big housing developments. The Chair noted that the Board already advised HRM that it could not endorse any development which would discharge raw sewage.

3.15 CASE 00209 SHAD BAY DEVELOPMENT AGREEMENT TO PERMIT TOURIST COTTAGES

The Board's final recommendations were circulated in the agenda package for the members' information.

3.16 UPDATE ON SANDY LAKE, HAMMONDS PLAINS

Mr. Mandaville provided the Board with an update on Sandy Lake (Sackville River Watershed), Hammonds Plains. In his summary of the third report of a series, he drew the members' attention to the last page, which illustrated how pristine the lake was at the start of development in 1996 and the degradation demonstrated in 1998. He suspected the use of fertilizers and pesticides have contributed to this decline. He had never seen a lake go down this fast. The lake has essentially been devastated. He has shown the results to Dr. Blouin and Mr. Sheppard. They expressed concern and disgust.

The Chair questioned how the Board should proceed. It was noted that data for 1999 is still missing. It was decided to defer writing HRM on how Sandy Lake has been degraded until the last data has been received.

3.18 MEETING PROCEDURES

As a result of last month's discussions on how to reduce the length of the Board's agenda and thus the length of the meetings, Mr. Mandaville submitted suggestions which were distributed

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with the agenda package.

He summarized that he is proposing that the jurisdiction of the Board be broken into two parts, ie. east part of the Harbour and west part of the Harbour. He doubted whether BWAC or the DLAB would like to change, so only the areas the Board currently covers would be taken into consideration.

The Chair noted that Roger Wells suggested that staff would review the situation pertaining to the length of the Board meetings and agenda. He recalled that Mr. Wells felt that the method used by the Board initially, involving three meetings, took too long. Since no response is forthcoming from Mr. Wells, the Chair asked Mr. Porter to check to see if any progress has been made. If a response isn't received, the Board will have to contact the Mayor regarding its plight. If the Board's jurisdiction isn't broken into two, the Board's response time will slow down.

3.19 RESPONSE OF PREMIER TO CORRESPONDENCE ON EXEMPTIONS FROM MUNICIPAL BY-LAWS AND REGULATIONS FOR PROVINCIAL GOVERNMENT SPONSORED PROJECTS

Copies of the Premier's response were circulated in the agenda package. It was decided not to pursue the issue further. It was felt the Board had made its point.

4.0 NEW BUSINESS

4.1 GOLF COURSE - EAST PETPESWICK

Mr. Dwyer noted that the developer has commenced work and he wondered why. Mr. Porter advised that he contacted Cathy Spencer, Development Officer and alerted her, as this person still does not have permit. He anticipates she will send out a by-law officer to shut down work until the necessary Building Permit(s) are issued. The Chair questioned how many times an individual can be shutdown before legal action commences. Mr. Porter confirmed that a lot of these cases are directed to Legal Services.

4.2 INFORMATION ITEM - BWAC

Circulated with the May agenda package was an information item, Mr. Kerr had referred to at the previous meeting. It was an item BWAC arranged to have distributed to all Bedford

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residents through Councillor Kelly's mail out.

4.3 SUPERB SAMPLING OF 29 MARITIME LAKES

Mr. Mandaville pointed out the DFO don't often get involved in freshwater matters, but they do if the river may bring pollution into the ocean. It was noted that the Sackville River was not included in the above noted sampling. Mr. Dwyer was given a copy of the report to share with the Musquodoboit Rivers Association. Funding for the report was part of the Green Plan.

4.4 SALUTATIONS TO MARINE SCIENTIST, DR. PETER M. STRAIN

Mr. Mandaville passed out a copy of a report entitled "The Relationship between Chemical Measures and Potential Predictors of the Eutrophication Status of Inlets" by Peter Strain and Philip Yeats. He summarized the reports contents, highlighting various sections. He noted that this is the first time such a study was conducted in the world which identified the significance of sills as good predictors of eutrophication.

4.5 REPORT ON DFO MEETING

Mr. Dwyer reported on the oil testing being conducted in a large salt marsh on the western shore of Petpeswick Harbour. The study being conducted by Dr. Lee is very controlled. Mr. Dwyer noted that 3 meter squares of marsh are being used to determine the reaction of salt marsh vegetation to oil spillage. They apply fertilizer to encourage plant growth and enable it to deal with oil contamination better.

4.6 DEVELOPMENT PLAN FOR HEMLOCK RAVINE PARK

It was reported that a citizens group is putting together a development plan for Hemlock Ravine Park. Surprise was expressed that the Board had not been asked to participate. Mr. Porter will speak to Peter Bigelow about the Board seeing the plan.

5.0 CONCEPT PLANS

Nil.

6.0 SUBCOMMITTEE

6.1 PARAMETERS FOR WATER QUALITY TESTING

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The Chair reported that Dr. Burney has asked if any response has been received from BWAC or the DLAB. The Chair sought direction on whether he should write a follow-up letter or the Board wishes to take the paper forward on its own.

Mr. Mandaville made reference to a change being required in the document since it will be required that only laboratories credited by the Standards Council of Canada, are qualified to do the work. He noted that CRWS are not accredited.

7.0 BWAC APPROVED MINUTES

The May 10, 2000 minutes were not available for circulation.

8.0 STATUS SHEET

A status sheet for June was circulated with the agenda package. Time restraints did not allow for its review.

9.0 MEETING SCHEDULE

A meeting schedule for Hearings and Planning Advisory Committees dated June 5, 2000 had been circulated in the agenda package.

A more recent version dated June 21st was referred to.

10.0 DATE OF NEXT MEETING

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

11.0 ADJOURNMENT

Meeting adjourned at 10:25 p.m.

Dr. Wayne Stobo
Chair

Lynne Le Boutillier
Assistant Municipal Clerk

(july12/00)

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TO Do:

- C remind Chair to introduce MacKenzie next meeting
- C letter to accompany Sobey's Musquodoboit recommendations - Mitch Dickey is the Planner not Shelley. David Dwyer would like a copy asap.
- C Suggest that we have an agenda item "for information" for copies of reports sent out