

**HALIFAX REGIONAL MUNICIPALITY**

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**HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD**

**NOVEMBER 15, 2000**

**MINUTES**

PRESENT: Dr. Wayne Stobo, Chair  
Mr. David Haley  
Mr. Michael Guilcher  
Mr. Frank Hope  
Mr. Walter Regan  
Mr. Peter Shacklock  
Mr. Ross Evans  
Mr. Glen Williams  
Mr. Shalom Mandaville  
Mr. Lawrence White  
Mr. Kyle McKenzie

ALSO PRESENT: Susan Corser, Planner  
Lynne Le Boutillier, Assistant Municipal Clerk  
Ms. Heike Pfletschinger, SWCSMH (guest)

REGRETS: Mr. Manchester, Mr. Dwyer, Ms. McNeil and Mr. McMenemy

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

A brief reference was made to the prior meeting with staff regarding the Roache's Pond Pumping Station. The members not in attendance were advised that additional testing of water quality will be conducted to determine where infiltration or contamination comes from. Previous data had not been sufficient to base conclusions on.

Mr. Regan reflected that this is an example of how the Board is making a positive difference. He congratulated HRM on their fast response.

### 1.0 **APPROVAL OF AGENDA, ADDITIONS AND DELETIONS**

Mr. Williams requested that item 4.2, Chlorination Impact be added under New Business. The agenda was adopted, as amended.

### 2.0 **APPROVAL OF MINUTES**

A change was required to item 4.1, Case 00239, page 3 of the October 18, 2000 minutes. The second paragraph should read "Attending the meeting were Kent Moreash and Paul Sinclair, KVM Consultants and Robin Barrett, Barrett Enterprises Ltd., together with Lynn and Kevin Marchand".

The minutes, as amended, were adopted.

### 3.0 **BUSINESS ARISING FROM MINUTES**

#### 3.1 **BENNERY LAKE WATERSHED**

Circulated in the agenda package was a draft letter from Mr. McMenemy. The draft was approved as circulated. The Secretary will prepare it for signature by the Chair.

The Chair reminded the members that when drafting recommendations or correspondence for the Board, the words Halifax/Halifax County Watershed Advisory Board should appear in the header.

#### 3.2 **GOLF COURSE - EAST PETPESWICK**

A flow chart regarding HRM's Bylaw Enforcement Procedure was included in the agenda package for the members' information by Mr. McMenemy.

The Chair advised that he has not had an opportunity to rewrite the two draft letters reviewed at the October meeting. One draft had been prepared by Mr. McMenemy, the second by the

Chair.

The Chair has requested Ms. Corser provide him with pertinent dates associated with Stop Work Orders. Reference was made to an e-mail the Chair received from Ms. Corser. Apparently no Stop Work Orders were issued, as the violations did not qualify for a Stop Work Order. For example, Stop Work Orders can't be issued for earth work. A couple of letters were sent to the proponent under the authority of the Development Agreement and should have same weight, Ms. Corser reflected.

Concern was expressed that the proponent has completely ignored these communications with impunity.

It was noted that the proponent had not applied for a permit to construct the golf course. It was noted that in the Development Agreement an Erosion and Sediment Control Plan and Stormwater Management Plan are specified. The proponent has not provided these two plans and he would not be issued a permit until he has.

Reference was made to a ratepayers meeting last week and the fact that this golf course was an agenda item. The community of Musquodoboit, reflecting on this situation, has no faith that the proposed Development Agreement process, to be used in conjunction with the Sobeys development, will be effective.

Based on the above, Dr. Stobo will rewrite the correspondence.

A discussion followed on initiatives to adopt a new Bylaw Enforcement process, which is a priority of Mayor Kelly. Ms. Corser noted that an individual has been engaged to identify areas where the process is weak and an additional nine Bylaw Enforcement Officers have yet to be hired.

Reflecting on the above, the Chair noted that the letter will be timely.

### **3.3 PROPOSED POLICY ON LOCATION OF ONSITE DISPOSAL BEDS IN NEW SUBDIVISIONS**

Circulated in the agenda package was a memorandum to the Board from Mr. Mandaville proposing a policy re onsite sewage systems in new developments. The policy states that every effort should be made to ensure that the setback of the onsite disposal systems from lakes be a minimum of 100 meters in order to protect lakes in HRM on decadal times scales.

Mr. Mandaville reviewed with the members the rationale and justification for this recommendation. He noted that a similar recommendation had been made for the Western Common. He felt it would be worthwhile presenting a similar policy for the whole area. It would later be reflected that these set backs were generally associated with non residential

development, with the exception of Blueberry Lake.

Mr. Regan questioned why the policy would only apply to lakes and not watercourses and flood plains. The Chair reflected that depending on the definition of watercourses, such a policy could potentially preclude most development.

Mr. Mandaville quoted from NS Health and NSDOE regulations identifying a setback of 30.5 meters (100 feet) from watercourses and wetlands. He felt a 100 meter setback from 1:100 year flood plains would be too much to ask for.

In reply to a question from Mr. Williams as to why Mr. Mandaville proposes a minimum 100 metre setback, he explained the importance in relation to protecting the lakes for a hundred year time span from introduction of phosphorus and nitrogen.

The Chair reflected that the requirement in the Guidelines for a 15 metre setbacks should likely be increased. No setbacks from septic systems have to date been included in the Board's Guidelines. It was recognized that this is an omission.

Mr. Haley noted that the proposed policy is not consistent with what NSDOE has as a minimum of 30.5 meters. It was cautioned that if the Board wants to have a positive influence, its Guidelines should be such that people will consider them reasonable and thus follow them.

Mr. McKenzie expressed reservations about endorsing the use of onsite systems. He felt fully serviced lots would be preferable. A discussion followed on the pros and cons of encouraging large lots with on site sewage disposal systems.

It was noted that larger subdivisions have greater impact. It was proposed by the Chair that while the minimum set back should conform to the NSDOE regulation of 30.5 metres, the Board encourage greater setbacks from watercourses, where possible for larger subdivisions. Mr. Haley felt these larger setbacks could be encouraged through Development Agreements.

It was further proposed that while the Guidelines would specify a minimum 30.5 metres setback, in compliance with the NSDOE regulations, depending on site characteristics further setbacks would be recommended. Mr. Mandaville maintained the 100 metre recommendation be promoted and the Board should not get into site specifics.

A volunteer was sought to write a letter to the Mayor. When no one volunteered, the task was left with the Secretary.

Mr. Regan encouraged the inclusion of flood plains in the policy. Mr. Mandaville read the definition of wetland included with the NSDOE policy. It did not apply to flood plains. The

Chair did not feel it was realistic to include 1:100 year flood plains but maybe 1:20 year flood plains. Mr. Hope felt that it would be better not to include flood plains in this correspondence.

### 3.4 **GUIDELINES TO BE GIVEN TO PROPONENTS RE PRESENTATION TO THE BOARD**

Circulated at the meeting were draft guidelines, prepared by Ms. McNeil, of information required from proponents for review by the Board when reviewing development proposals. Copies would be provided to planners and proponents, so they are aware of what the Board desires to see in advance of presentations.

During review of the draft, the following changes were suggested:

- C Advance information should be provided at least six weeks before the preliminary assessment.
- C Site plans outlining:
  - C scale of maps (range of scale between 1 to 2000 or 1 to 5,000)
  - C nature of watercourses - on site and receiving waters
  - C flood plains - 1:20 and 1:100
  - C well locations - especially important when septic systems being considered
  - C aerial photos
  - C erosion and sedimentation control plan and construction schedule

Referring to the water quality monitoring plan, it was decided that rather than include a requirement, monthly, annually, etc., something more specific be included at a later date.

It was felt that all the items listed should be available at the time planning staff makes their initial presentation to the Board. The Planner will then identify for the proponent areas of concern and encourage them to restrict their subsequent presentation to relevant issues.

The Chair will contact Ms. McNeil about redrafting the Guidelines based on today's discussions for review at the next meeting.

### 3.5 **PRINCES LODGE/BEDFORD SOUTH MASTER PLAN**

Review of the two document on this master plan is no longer required, as a revised draft is

being prepared by Mr. Paul Morgan, HRM Planner and should be available by the end of November. When available the Secretary will mail out to the members. Reference was made to a Public Meeting being held on this subject by the NWPAC, Wednesday, December 13<sup>th</sup>.

### 3.6 **CASE 00239 - MONARCH ESTATES SUBDIVISION**

Mr. McKenzie volunteered to write the recommendations pertaining to a request to rezone to CDD and enter into a development agreement to permit an expansion to the Monarch Estates Subdivision, Beaver Bank. This item was originally reviewed by the Board at its October meeting.

The following items are to be included in the recommendations:

- C Due to the topography of the land, CDS units or comparable means, i.e. engineered wetland which is self maintaining, be utilized to reduce water flow and maintain water quality at discharge points, at the following three locations:
  - C outflow Road F
  - C Galloway Drive into Boxmill Brook
  - C along boundary line off Joan Drive into Duck Lake Brook

There was considerable discussion regarding maintenance of the CDS units, i.e. who will maintain over their lifespan. Mr. Mandaville noted that in the agreement for Morris Lake, HRM asked for the developer, Clayton Developments, to maintain for five years. He felt the Water Resource Management Policy may address such maintenance issues.

He expressed the opinion that it may not be realistic to specify the purchase, installation and maintenance of a couple of CDS units in a development of this size. While cost should not be a concern of the Board, he cautioned that it is important to maintain the Board's credibility. Referring to maintenance aspects, Mr. White referred to long-term bonding often required by HRM to guarantee maintenance. It is both difficult and expensive to obtain.

In the event CDS units are utilized, it would have to be highlighted that annual maintenance of the units would have to be borne by the HRM or the proponent. Like catch basins, they are only effective if maintained. This requirement could be included in the development agreement, if another approach is not taken.

Mr. Regan had approximately twenty-five items he wished considered for inclusion in the recommendations. They were individually reviewed and the following selected for inclusion:

- C Public access to water courses. Mr. Regan noted that the 50' buffers are privately owned, not publicly owned. He wished to see them deeded to HRM. It was debated

as to whether public access was a watershed issue. Mr. Mandaville felt access to water was a watershed management issue.

It was agreed to recommend public access to waterways.

C Bonding a requirement.

C Recommend to HRM that the designated Conservation Area be built into the Development Agreement. (Be identified in the Development Agreement as area of non-disturbance.)

Ms. Corser noted there may be some reluctance by HRM to take over such an area. The Engineering Department looks at on a case by case basis.

C Water quality monitoring be conducted at Boxmill Brook where it exits site, pre and post construction. Report to be submitted to HRM and the Board.

C Maintenance of ditches as part of the sedimentation control plan.

C Culverts for road crossings be designed to facilitate fish passage.

C No structure be built in the 1:20 year flood plain.

C No disturbance within 200 feet of Duck Lake Brook. (Steep gradients in this area)

### 3.7 **GLEN ARBOUR - DRAFT LETTER TO MAYOR ON HIRING OF LIMNOLOGIST**

There was some question as to who would write this correspondence. The Chair will contact Ms. McNeil about this matter and in the interim Mr. Mandaville will provide her with a copy of his draft by e-mail.

### 3.8 **ASHBURN GOLF COURSE MONITORING DATA**

Ms. Corser confirmed that the above noted information will be provided by Development Services, Sackville. She has discussed the matter with the Development Officer for the Western Region, Kevin Warner. While the data was to be provided on a monthly basis, she did not know if it has been. Mr. Mandaville desired the information for inclusion on his Web site and Mr. Regan requested copies for SRA.

A discussion followed on whether such information, when received by the HRM, is public. Ms. Corser indicated that the solicitors have not been asked for their opinion. Copies of such data have been requested by the Board, and given its meetings are open to the public, it becomes part of the public record.



### 3.9 **UPDATE ON REALIGNMENT OF JURISDICTIONS**

Ms. Corser assured the Board that any changes to the Terms of Reference to reflect the decision of HECC can be covered off in a footnote. Mr. Guilcher noted that under the

circumstances, the District he represents no longer falls under the Board's jurisdiction.

The Secretary referred to a motion adopted by Regional Council last evening that the terms of Board members be extended to January 2001 and the application deadline be extended to December 15, 2000.

### 3.10 **ONGOING DISCUSSIONS ON THE BOARD'S WORKLOAD**

Circulated in the agenda package was a memorandum from Mr. Mandaville dated November 5, 2000 pertaining to discussions on how to reduce the workload. He reviewed his memorandum encouraging the Board to be positive. He felt that removal of the Cole Harbour area, etc. from the Board's terms of reference to be a good thing. He did not think any further changes in the mandate would be a good thing, given neither BWAC or the DLAB have made recommendations for post development control.

In the event that the Board still wishes to reduce its workload, the following were proposed:

- C A limit on questions.
- C If there are more questions than this limit, they be submitted in writing through the Secretary.

Mr. Mandaville provided a list of phone numbers for NSDOE&L and DFO, where questions can be directed to reduce discussions at the Board level.

Mr. Williams expressed confident that the streamlining, through provision of guidelines to staff and proponents will speed things up.

The Chair agreed, suggesting the following:

- C Recommendations be drafted reflecting the Board's mandate.
- C Developers stick to addressing watershed management matters.
- C Individual members refrain from asking sidebar questions and concentrate on the issues at hand. There is a need to be more focused.
- C Members need to come prepared.

He noted:

- C The process has returned to the original three month turnaround.
- C additional suggestions to reduce workload may result from the consultant's study

#### 4.0 **NEW BUSINESS**

##### 4.1 **LAKE CARRYING CAPACITIES - WATER QUALITY: TROPHIC STATUS**

Circulated in the agenda package was a memo dated October 31, 2000 from Mr. Mandaville regarding the above and providing examples from the long time leader, the District Municipality of Muskoka.

He reviewed his submission in detail, noting that the practices had more or less been followed for the Western Common. The information illustrated that other jurisdictions in Canada have already taken measures the HRM is now doing.

Referring to the Lake Specific Policy examples, Mr. Mandaville noted that measurements for water quality are taken during the summer and once objectives for chlorophyll-a have been exceeded, further development is prohibited. Requesting a 100 metres setback of septic systems from watercourses is reasonable compared to these measures, he noted.

The Chair referred to the attitude in Nova Scotia that you can't prevent development, but reference was made to Kings County imposing a stop to development once pre development rates are exceeded by 50%.

It was noted that the Lake Specific Policy examples provided try to control density and thus the number of disposal beds around the lakes.

##### 4.2 **CHLORINATION IMPACT**

Reflecting on comments made at the earlier meeting, Mr. Williams noted that there are some systems using chlorine in HRM. Reference was made to two proposals which have come to the Board involving dechlorination units. If developers can use this technology, why not HRM in relation to Roaches Pond. The Chair questioned whether these units could handle the flow rate. He also noted that water would have to be retained for a certain length of time for the chlorine to work or increase the amount of chlorine used.

#### 5.0 **CONCEPT PLAN**

At the request of Mr. Regan, a concept plan related to Baxter Court was circulated in the agenda package. This is an as-of-right development.

6.0 **BWAC APPROVED MINUTES**

Not available. To be included in the next mail out.

7.0 **STATUS SHEET**

Ms. Corser will check into the status of the development agreement associated with Midyat Investments Mainland South.

The Western Common item can now be deleted as dealt with under item 3.3.

Sempra Gas item to be removed with the concurrence of Mr. Regan.

Mr. Williams will be drafting a letter for the next meeting regarding the situation at the Fall River Plaza.

Re the parameters for water quality testing, the Chair reported he received a call from Ms. Manzer which he has yet to return.

8.0 **MEETING SCHEDULE - HEARINGS & PLANNING ADVISORY COMMITTEE**

A meeting schedule dated November 7, 2000 was included in the agenda package. The Chair brought to the members' attention the following:

C November 16, Public Information Meeting re a request to consider amendments to the Halifax MPS and LUB concerning by-right development of non-conforming uses.

C December 13, North West PAC Public Meeting re Prince's Lodge/Bedford South Master Plan.

9.0 **INFORMATION ITEMS**

9.1 **91 COBEQUID ROAD - FINAL RECOMMENDATIONS**

Not included in the agenda package as indicated. Signed this evening and will be provided in the next mail out.

9.2 **MEAGHERS GRANT - ENVIRONMENTAL AND HEALTH ISSUE**

Just for information purposes as there is nothing the Board can do to resolve the matter.

**COMPREHENSIVE WATER RESOURCE MANAGEMENT POLICY**

Mr. Mandaville referred to an advertisement requesting public input. Deadline for submissions to John Sheppard's office is November 22<sup>nd</sup>.

10.0 **DATE OF NEXT MEETING**

The Chair indicated he would not be available for the regularly scheduled December 20<sup>th</sup> meeting. A discussion followed on whether there was a need to hold a meeting in December. It was decided not to hold a meeting in December. The next regularly scheduled meeting is Wednesday, January 17, 2001.

11.0 **ADJOURNMENT**

The meeting adjourned at 10:00 p.m.

Dr. Wayne Stobo  
Chair

Lynne Le Boutillier  
Assistant Municipal Clerk



