

HALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD

JANUARY 17, 2001

MINUTES

PRESENT: Dr. Wayne Stobo, Chair
Mr. David Dwyer
Mr. Keith Manchester
Ms. Colleen McNeil
Mr. Walter Regan
Mr. Peter Shacklock
Mr. Ross Evans
Mr. Shalom Mandaville
Mr. Lawrence White
Mr. Kyle McKenzie
Mr. Peter Murray
Mr. Glen Williams

ALSO PRESENT: Ms. Susan Corser, Planner
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

REGRETS: Mr. Hope and Mr. McMenemy

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The meeting was called to order at approximately 6:30 p.m., Boardroom 1, 2750 Dutch Village Road.

Mr. Peter Murray a new member, representing District 15, Fairview/Clayton Park West was introduced to the Board.

0.1 **ELECTION OF CHAIR AND VICE-CHAIR**

Deferred.

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

Item 4.2 - Marriott Hotel - Fairfax Drive and Lacewood Drive deleted.

Item 4.1 - EDM - Comprehensive Water Resource Management Policy and item 4.3 - Case 00263: 1260 Sackville Drive (Atlantic Gardens), Middle Sackville moved up on the agenda as Margo Cantwell, EDM and Angus Schaffenburg, HRM Planner in attendance.

The agenda was adopted as amended.

2.0 **APPROVAL OF MINUTES**

The following changes were required to the minutes of the November 15, 2000 meeting:

Page 1 - delete Mr. Guilcher from regrets

Page 5 - 5th paragraph - add the words 'of 30.5 metres' at end of first sentence.

Page 7 - item 3.6 - Mr. McKenzie's name incorrectly spelled as 'MacKenzie'.

Page 10 - item 4.1 - Heading - Replace 'tropic' with 'trophic'

Page 11 - item 7.0 - 4th paragraph - substitute 'Williams' for 'Regan'.

The minutes, as amended, were adopted on motion of Mr. Williams and Mr. Regan.

4.0 **NEW BUSINESS**

4.1 **COMPREHENSIVE WATER RESOURCE MANAGEMENT POLICY**

Circulated in the agenda package was a discussion item regarding the above noted Project. Ms. Margo Cantwell, EDM (Environmental Design and Management Ltd.) was in attendance.

Ms. Cantwell noted that she has already met with the Dartmouth Lakes Advisory Board and Bedford Waters Advisory Committee to solicit what things they would like changed to protect water resources in HRM. Although the project is somewhat delayed, she needed input as soon as possible. Reference was made to a Steering Committee being formed. It was requested that two members of the Board be appointed to represent the Board on the Steering Committee, whose first meeting is scheduled for the end of February. A total of two meetings are planned.

Ms. Cantwell indicated that the project will be broken into two stages. The first phase involves Dillon Consulting and EDM and is to define policy. The second phase will involve going out to the public and will probably be coordinated by HRM staff. She anticipates EDM's work being finished by April/May. The public phase will likely take a further six to eight months.

The web address for the project is: waterres@region.halifax.ns.ca. She noted that comments can be left on HRM's website.

Mr. Williams expressed concern that some existing and identified problems associated with water management may not be addressed until this project is concluded. Ms. Cantwell agreed that there is a lot of remedial work to be done and they will be developing the framework by which decisions on prioritizing will be based. The Chair felt there may be some slowdown in rectifying problems outlined by Mr. Williams, but work won't stop. Ms. Cantwell confirmed Engineering is very concerned with the failing infrastructure and stormwater management is at the top of the list. A real commitment from Council will be required to address the problem.

She listed some issues which have already been raised and sought the Board's input. She encouraged the Board to identify three or four items which might make a significant difference.

The following list of eighteen (18) items was provided to Ms. Cantwell.

- C Stormwater management be based on watersheds.
- C HRM hire a limnologist.
- C Stormwater charges be implemented to pay for stormwater infrastructure, both maintenance and capital.
- C Concerns related to practices in non-serviced areas which could disturb acid slate, were expressed.
- C Identification of where residents in non-serviced areas get their domestic water.
- C Standards need to be developed with regard to the allowable cumulative input of nutrients from human activity before development is stopped.

- C In addition to set backs from fresh water bodies, set backs from salt water. estuaries should be established.
- C Road salt used in ice and snow control be declared a hazardous substance.
- C Some sort of standard for developers to monitor water quality, including who will review the test results and if a problem, structure to remediate.
- C More enforcement of existing bylaws. Current processes don't allow for protection of the environment, they come into affect when damage has already been done. Current practices are more a legal process than environmental. The Board has discussed bonding and summary convictions.
- C On site sewage disposal beds be distanced 100 metres from water bodies. Ms. Cantwell was provided an e-mail regarding this subject.
- C The total daily limit of what can be discharged into a water body be controlled and enforced at the Municipal level. If limit exceeded charges are laid.
- C Provision be made to update the Comprehensive Water Resource Management Policy.
- C Provision for impact assessments.
- C Procedures needed to improve and quicken the way HRM responds to crises in the event of storm events.
- C Standards for stormwater flow management include retention aspects to permit groundwater recharge, which is particularly important for areas on wells. Current engineering practices emphasis getting rid of water, not retaining.
- C Policy needed re cutting practices. Mr. Dwyer had volunteered to write a policy for rural areas in this regard. He will complete the task this month and forward the policies to Ms. Cantwell. Essentially the policies will emphasize not cutting immature stands and cutting in such a fashion to promote natural regeneration.
- C Need for a system to measure water heights in rivers and lakes on a weekly/monthly basis.
- C Topsoil Removal Bylaw be made standard throughout the Municipality (see item 3.2)

A question was posed to Ms. Cantwell regarding whether the policies to be developed are intended to work within the existing framework of provincial and federal regulations or will areas where things are not working be pointed out and HRM given an opportunity to renegotiate and clarify jurisdictional issues. Ms. Cantwell acknowledged this to be a very difficult issue. The Chair suggested that in areas where Federal and Provincial regulations don't provide adequate protection, a recommendation be made to HRM on alternate procedures.

The Chair proposed that at the February meeting, the above eighteen points be fleshed out and it be determined if there are any critical areas missed. Also the two Board representatives for the Steering Committee will be decided upon. The Chair felt someone will be required to volunteer to compile the list and provide explanations for each point.

The members were requested to write down a short rationale for why they have a concern. Three or four sentences should suffice.

Mr. Mandaville noted that the members could also give their suggestions as individuals.

The Secretary is to provide Ms. Cantwell with a copy of the Board's terms of reference.

4.3 **CASE 00263: 1260 SACKVILLE DRIVE (ATLANTIC GARDENS), MIDDLE SACKVILLE**

Circulated in the agenda package was the following:

- C Staff Report dated January 8, 2001 regarding the request to amend the Sackville MPS and Land Use By-law to enable possible further expansion of Atlantic Gardens and allow commercial zoning on a two acre portion of the site.

Mr. Angus Schaffenburg, HRM Planner associated with the case was in attendance. It was noted that the matter had been brought to the Board at the request of Mr. Regan, as illustrated in the exchange of e-mails circulated with the staff report.

Mr. Schaffenburg reviewed a number of options, including a modified C-2 and passed out copies of a contour map.

Reference was made to a small wetland, in the vicinity of the two acre portion of the site, which the proponent would like to see zoned C-2. This area is currently designated R-6. Mr. Regan's concerns were associated with the wetland. If any future development could potentially impact the wetland, he desired monitoring wells and a buffer. The Chair noted that the Board's normal recommendation would be a 15 meter buffer.

It was observed by Mr. Williams that a C-2 zoning allows for a lot more uses than the current R-6. Mr. Schaffenburg noted that at the Public Meeting those in attendance indicated they did not want any more used car lots or display courts. Referring to the list of C-2 uses, Mr. Schaffenburg reflected that a number of the uses are not appropriate adjacent a residential area. Some modified retail, without display areas would be compatible.

The Chair felt uses which might result in large areas of impervious surfaces and the release of petroleum products would not be appropriate for this area. Mr. Regan was not against the land being developed but provision be made for stormwater retention and measures taken to treat the wastewater.

The Board's recommendations are as follows:

- C Wetland be protected by a 15 metre buffer.
- C Any commercial property on the site not contain a use that would have a negative impact on the wetland through release of hydro-carbons, i.e. car wash, service stations, welding shops, etc.
- C a development agreement be associated with the two acre site, so that potential uses can be reviewed from an environmental impact standpoint.

Ms. McNeil volunteered to draft the report from the Board on the Case.

3.0 **BUSINESS ARISING FROM MINUTES**

3.1 **COASTAL COMMUNITIES ECONOMIC DEVELOPMENT COOPERATIVE**

A letter dated December 4, 2000 from Mr. Holland, General Manager in response to questions outlined in the Board's letter of September 5th, 2000 was circulated in the agenda package. Information provided from Fisheries and Oceans Canada/Coast Guard re Environmental Response can be obtained from the Secretary.

It was recalled that at the time the Board reviewed the proposal, there were concerns related to their stormwater management plan and location of the septic field. Ms. McNeil read from the September 5th letter the four points the Board had raised.

Ms. McNeil volunteered to draft the letter in response. Included in the response will be the following:

- C The Board wants to see the actual Stormwater Management Plan. The Board agrees that oil separating catchbasins to filter parking lot water should be included, plus the maintenance program outlined.
- C Sediment and Erosion Control Plan would have to be approved by HRM before the development proceeded.
- C The Board prefers Option 1 for the Percolation Field, as it appears the furthest distance from final receiving waters. Reference be made to the NSDOE guidelines specifying 30.5 metres from a watercourse.
- C An emergency response procedure needs to be in place in the event of oil spills associated with the Marina.

The preamble to the letter will indicate the Board essentially agrees with what they are proposing with the above noted qualifiers.

3.2 **GOLF COURSE - EAST PETPESWICK**

The following items were circulated in the agenda package:

- C Letter to Mayor Kelly dated November 29, 2000 regarding HRM's ability to ensure compliance to Development Agreements
- C Letter to Mayor Kelly dated November 30, 2000 regarding HRM's ability to stop work on projects throughout the Municipality.

Copies of Mayor Kelly's responses dated December 19, 2000 and January 8, 2001 were circulated by the Secretary. The latter letter included a staff report dated January 5, 2001 regarding compliance with development agreements. The staff report had been written by Ms. Corser. She reviewed it with the Board. Essentially, Ms. Corser felt that the developer of the golf course may not understand what he had agreed to under the development agreement. Staff is trying to work with the individual to explain what is needed and why. She advised that HRM will make every effort to bring about compliance rather than prosecute.

The Chairman felt penalties are needed if the environment is damaged. A discussion followed on the pros and cons of bonding. Bonding has not been in the Board's recommendations previously. The Chairman questioned whether the Board thought it would be appropriate to write another letter to Mayor Kelly recommending HRM institute bonding in relation to all development agreements or just adopt inclusion of this recommendation for bonding in all the Board's recommendations. He felt the response did not address the fact that in the case of the East Petpeswick Golf Course, the environment was damaged, perhaps irrevocably. Reference was made to the Top Soil Removal By-law, which applied to some areas of the Municipality, not this area. It was felt it should be included in the list of suggestions to Ms. Cantwell that the By-law be applied across the Municipality consistently (see item 4.1). Ms. Corser noted that similar requirements can be made through a Development Agreement. It was decided to defer the decision to the February meeting to allow members to review the Mayor's response in more detail.

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

Circulated in the agenda were the following:

- C a draft letter to the Mayor
- C a draft addition to the Board's Guidelines related to Setbacks from On-site Sewage Disposal Systems prepared by Ms. Corser.

Some modifications were made to the draft section of the Guidelines, i.e. reference would be made to lakes and saltwater bodies.

In reviewing the draft letter to the Mayor, it was suggested that the term 'decadal times scales be replaced with reference to a 30 to 40 year time period. Mr. Shacklock offered to redraft the correspondence. To avoid confusion, it was suggested that the letter be expanded upon to include that greater distances are being recommended since scientific studies have shown that over lesser distances, phosphorus and nitrogen will permeate into adjacent watercourses within a 30 to 40 year time frame.

In addition to writing a preamble, reference is to be made to 'lakes and saltwater bodies' rather than 'watercourse or waterbody' or simply 'lakes'.

Notes on this subject to be provided to Ms. Corser and Mr. Shacklock.

3.4 **GUIDELINES TO BE GIVEN TO PROPONENTS RE PRESENTATIONS TO THE BOARD**

A draft of the checklist for review of Development Agreements, dated November 2000, was provided in the agenda package. Circulated at the meeting was a revised list.

The following revisions were made to the list under item 1:

- C The first point should also refer to "and soil and bedrock geology".
- C Fifth point - expand to include reference to "new and existing wells on adjacent properties which may be impacted".
- C Seventh point - Move the reference to "roads" and add reference to "drinking water"...
- C New point to read "Roads and Utility Corridors".

Once revised, Ms. Corser will arrange for the Guidelines to be distributed to Planning Offices to be provided to developers.

3.5 **PRINCE'S LODGE/BEDFORD SOUTH MASTER PLAN**

Four documents related to the above had been provided to the members at an earlier mail out in December. It was noted that three information meetings are being held this month in Bedford. Ms. Corser did not feel it was likely that a Public Hearing would be held within the month.

Mr. Mandaville reflected that almost everything the Board recommended last May has been included in staff's revision.

How to deal with this item was discussed. One suggestion was the establishment of a sub-committee to identify problem areas. Mr. Regan noted he had 50 to 60 items of concern. Mr. Mandaville would have preferred to see the Board's three page recommendation attached to the report as an appendix. He noted that Dr. Blouin had supported the Board's recommendations.

It was decided to defer this item to the February agenda. In the interim, recommendations can be sent to the Secretary for inclusion in the agenda package. She will also provide copies of the original recommendations made by the Board in May. In the interim, Ms. Corser will determine the next steps in the process and target dates. At February's meeting, the Chair proposed identifying whether Mr. Regan's recommendations fit within the Board's mandate and if they conflict with the earlier recommendations of the Board.

3.6 CASE 00239: REZONING OF CDD (COMPREHENSIVE DEVELOPMENT AGREEMENT) AND ENTER INTO A DEVELOPMENT AGREEMENT TO PERMIT AN EXPANSION TO THE MONARCH ESTATES SUB-DIVISION, BEAVER BANK

A report drafted by Mr. McKenzie was circulated in the agenda package. Some modifications were made to the draft, i.e.:

- C 'engineered' not 'engineering' wetland
- C It was felt that in the event a CDS type unit was employed, a maintenance plan has to be incorporated in the development agreement and responsibility for the maintenance has to be added, either the developer or HRM. For example, must be maintained and responsible party must be identified. Wording from the recommendations pertaining to 91 Cobequid Road might suffice.
- C References to 'must' and 'may' should be replaced with 'should'.
- C Point 3 should be changed to read "The developer be required to provide monetary security such as bond, line of credit, certified cheque, etc. of sufficient magnitude to encourage compliance or fund mitigation in case of violation of the terms of the CDD.
- C Point 6 - add the words 'mitigation of' before 'sedimentation...'
- C Point 9 - replace '200 feet' with '65 metres'
- C Background - last sentence, second paragraph - refer to the proponent is proposing '50 foot buffer....
- C Last paragraph change 'road crossings' to 'roads crossing the brook'.

When revised, Mr. McKenzie will provide the Secretary with a copy, which she in turn will have the Chair sign.

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

Circulated to members at the meeting was a draft letter prepared by Ms. McNeil on the importance of access to Limnology/Biology expertise in HRM.

Except for the removal of the words 'by leading scientists', the draft was adopted as circulated. She will revise and send to the Secretary for processing.

3.8 **FALL RIVER PLAZA**

Mr. Williams provided a copy of a draft letter to the Mayor regarding Sobey's Fall River. He advised that he had already taken the draft to SWEPS. It was suggested by Ms. Corser that it be indicated in the letter that the development proceeded by way of development agreement.

During the review of the letter several changes were suggested.

Mr. Williams will e-mail a revised version to the Secretary.

3.9 **WEB SITE UPDATE**

Deferred.

3.10 **HRM'S SNOW AND ICE CONTROL PRACTICES**

Deferred.

4.0 **NEW BUSINESS (cont'd)**

4.2 **MARRIOTT HOTEL - FAIRFAX DRIVE AND LACEWOOD DRIVE**

Taken off agenda.

4.4 **CASE 00284: DEVELOPMENT AGREEMENT APPLICATION TO PERMIT 6 TOURIST CABINS AT 10376 HIGHWAY 3, HUBBARDS**

Copies of a memorandum from Maya Ray, Planner dated January 4, 2001 on this item had been previously circulated. In the absence of Ms. Ray, Ms. Corser reviewed the report with the members.

Mr. Manchester volunteered to write the recommendations.

During her review, Ms. Corser noted that the development is before the Board as it is adjacent a saltwater body, thus falling under the Board's terms of reference. There are no water courses on the property.

The Board made the following recommendations:

- C The proponent needs to indicate that they have a septic system disposal maintenance plan or have engaged a certified operator.
- C If any waterfront development is proposed, a plan needs to be developed and approved.

4.5 **SALE OF 2750 DUTCH VILLAGE ROAD**

An information item regarding the sale of the above noted building was circulated with the agenda.

5.0 **CONCEPT PLANS**

None.

6.0 **BWAC AND DLAB APPROVED MINUTES**

Circulated in the agenda package were approved minutes for September 13, 2000 and November 8, 2000 and notes of October 11, 2000 of BWAC. At the meeting, the December 13, 2000 approved minutes of BWAC were circulated.

The October 25, 2000 approved minutes of DLAB were included in the agenda package.

7.0 **STATUS SHEET**

Status Sheet for January circulated in agenda package. Due to time constraints could not be reviewed.

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

Circulated with agenda package, for information, was the meeting schedule dated January 5, 2001.

9.0 **INFORMATION ITEMS**

9.1 **CALIFORNIA DEVELOPERS FINED FOR STORMWATER VIOLATIONS**

An e-mail related to this topic, originating from Mr. Regan, was circulated.

9.2 **MORE INFORMATION ABOUT CDS (CONTINUOUS DEFLECTIVE SEPARATION) IN-SITU STORMWATER TREATMENT UNIT**

Included in the agenda package was a copy of an e-mail from Walt Stein, CDS Technologies regarding CDS applications for the members' information.

9.3 **SCOPE NEWSLETTER - ECOLOGICAL WATER QUALITY POLISHING AND REUSE**

An article from a "Scope" newsletter regarding a major project for reuse of reclaimed municipal wastewater in the Costa Brava area of Spain was provided.

9.4 **91 COBEQUID ROAD**

A copy of the letter to Mr. Walsh, dated November 17, 2000 re 91 Cobequid Road, Lower Sackville and the Board's recommendations, were circulated for information.

VORTECHNICS

At the conclusion of the meeting Mr. Mandaville circulated copies of a brochure entitled "Engineered Products for Stormwater Treatment" from Vortechincs.

10.0 **DATE OF NEXT MEETING**

The next meeting is scheduled for Wednesday, February 21, 2001.

11.0 **ADJOURNMENT**

The meeting adjourned at approximately 10:45 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk