

## **HALIFAX REGIONAL MUNICIPALITY**

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### HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY COMMITTEE

April 18, 2001

#### MINUTES

**PRESENT:** Dr. Wayne Stobo, Chair  
Ms. Colleen McNeil  
Mr. Walter Regan  
Mr. Ross Evans  
Ms. Ellinor Williams  
Mr. Shalom Mandaville  
Dr. Barry Thomas  
Mr. Jim Holmes  
Mr. Kyle McKenzie  
Mr. Lawrence White  
Mr. Keith Manchester

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

**REGRETS:** Mr. David Dwyer, Mr. Keith Manchester, Mr. Frank Hope, Mr. Peter Shacklock and Mr. Mack McMenemy

**TABLE OF CONTENTS**

1.0	Approval of Agenda .....	3
2.0	Approval of March 21, 2001 Minutes .....	3
3.0	Business Arising from Minutes	
3.1	Application Sobey's Land Holdings Limited and Canadian Tire Limited to enter into a Development Agreement in Order to Permit Renovations to the Downsview Mall including the Removal of the former K-Mart Building and the Construction of a new Canadian Tire Store .....	
3.2	Case 99282: Development Agreement to Allow Forty-one (41) Residential Lots on a Private Road in Mitchell Bay .....	9
3.3	Bonding .....	9 & 10
4.0	New Business	
4.1	Comprehensive Water Resource Management Policy .....	10
4.2	HRM Web site .....	10
4.3	On Site Sewage Disposal System Thesis .....	11
4.4	Major Five Year Paleolimnological Study to be Done on Lakes throughout Nova Scotia .....	11
4.5	Construction Demolition Landfill Sites .....	11
5.0	Concept Plans .....	12
6.0	Status Sheet .....	12
	Information Items	
	• Princes Lodge/Wentworth Estates .....	12
	• Minutes DLAB and BWAC .....	13
	• Revised .....	13
	• Managing Urban Stormwater Using Construction Wetlands .....	13
7.0	Date of Next Meeting .....	14
8.0	Adjournment .....	14

The meeting was called to order by the Chair at 6:45 p.m.

**1.0 APPROVAL OF AGENDA**

The following items were added to the agenda:

Item 3.3 - Bonding (Ross Evans)

Item 4.0 - New Business: Miscellaneous Items (Mr. Mandaville and Ross Evans)

**2.0 APPROVAL OF MARCH 21, 2001 MINUTES**

The following changes are required to the minutes:

#s per David Dwyer's email Page 7.

Page 7, Item 3.2, 3<sup>rd</sup> paragraph - change Ms. Corser's name to Ms. McNeil.

Mr. Mandaville referred to the importance of only the final version of minutes being put on the web.

Page 12, Item 4.2 - 2<sup>nd</sup> bullet - replace words 'for private development' with 'in District 1'.  
(see Manchester's proposal)

Page 13, Item 6.0, 3<sup>rd</sup> from last line - add HRM after the word 'from'.

**MOVED by Walter Regan and seconded by Jim Holmes that the minutes of the March 21, 2001 be adopted, as amended. MOTION PUT AND PASSED UNANIMOUSLY.**

**3.0 BUSINESS ARISING FROM MINUTES**

**3.1 APPLICATION SOBEYS LAND HOLDINGS LIMITED AND CANADIAN TIRE LIMITED TO ENTER INTO A DEVELOPMENT AGREEMENT IN ORDER TO PERMIT RENOVATIONS TO THE DOWNSVIEW MALL INCLUDING THE REMOVAL OF THE FORMER K-MART BUILDING AND THE CONSTRUCTION OF A NEW CANADIAN TIRE STORE**

Circulated at the meeting was a copy of a letter from Walter Regan on behalf of the Sackville Rivers Association to Andrew Whittemore, HRM Development Services.

The Chair recalled that the application is associated with the moving of the Canadian Tire Store to the previous site of the K-Mart. The major issues discussed at the March meeting related to stormwater flow, the Chair recalled. Reference was made to the large storm drain buried behind the mall and Wal-Mart, essentially a surge rock swale which carries runoff from the subdivision across the highway down to the Little Sackville River. Another large storm drain runs along Sackville Drive that releases close to where the River comes out at that road and a couple of small storm drains, directed to two sedimentation ponds. He noted that the ponds are located on the former race track and their bottoms are asphalt. These ponds are at various stages of being filled in. While a lot of water enters these ponds, a large volume enters directly into the River. A lot of discussion at the previous meeting had been on stormwater and what can be done to protect the River.

Mr. Manchester observed that with this proposal, the proponent is not changing the runoff in the whole system. They are simply taking one building down and replacing it with a building of similar size. Essentially, it is a modification of buildings, not a change in runoff. He foresaw the proponents arguing why should they be obliged to make major changes when the stormwater runoff is not likely to be affected. He did not object to the Board making recommendations, but cautioned about Sobeys' reaction.

Reflecting on the above, the Chair pondered whether HRM would be able to force the issue of building the recommendations on sedimentation ponds into the development agreement, given existing flow patterns are not likely to be changed. Mr. McKenzie referred to the last paragraph of the memorandum from Andrew Whittemore to the Board in which he asked for the Board's opinion as to whether the stormwater management plan adequately provides for the protection of the flood plain and the river and if not, what specific components would the Board recommend be negotiated. It was decided to proceed in drafting the recommendations on this basis.

The Board commenced to form its recommendations. Ms. Williams volunteered to draft the recommendations.

Walter Regan reviewed the correspondence dated April 11, 2001 earlier referred to. He noted that the majority of the letter is preamble explaining why the Sackville Rivers Association feel various measures should be taken. As background, Mr. Regan noted that about 10 years ago, Sobeys bought the old Downsview Racetrack and converted the area into a mall. They built the ponds on the site. Some silt escaped the site and Sobeys addressed most of the complaints. Since that time, there has been no upgrades of the existing stormwater system. He noted the Little Sackville River's problem with water retention. Mr. Regan noted that almost 50% of its entire watershed is hard surfaced. The Association sees the proposal as a major development and a chance for the a good

community developer to improve his site to help improve the River. Reference was also made to the Sackville Streetscape plan HRM has started which is meant to improve traffic and improve the atmosphere of Sackville. Sobeys' Downsview Mall is a part of this plan. An engineering consultant was hired for the Streetscape plan and part of his report included upgrading the ponds for silt and water retention and to build habitat. His comments were included in the preamble. He concluded it seems to be a very appropriate time to upgrade the retention facilities to protect the River. He reviewed the Association's thirteen (13) recommendations. He noted that this submission has already been made to HRM.

The Board discussed how much of the preamble from the correspondence they wished to include with their recommendations. It was decided to conform to the Board's format. The first portion of the recommendations to contain a half page to full page of a description of the project as contained in Andrew Whitemore's memorandum. This section to be followed by a short section to highlight the Streetscape Plan. Ms. Williams suggested including reference to the background of this area as explained by Mr. Regan and the fact that things have changed and there is room for upgrading now. She will include as part of the preamble.

Ms. Williams noted that the original Porter Dillon Stormwater Study was for a five year return period storm. She thought 20 years was the standard. She felt this is another reason for the stormwater drainage to be reviewed. Mr. Regan stressed that the longer the water can be retained the better it is for the River, which can be achieved by larger ponds. Because of the flooding problems associated with building on the flow plain of the Little Sackville River, part of the agreement was that water be retained on site. He did not have the details of the original plan to verify if it related to a one in five year event.

The Chair felt that no matter what the time frame is, the Board should focus on what kind of restoration or recovery they wish the proponent to build in. A review of the Sackville Rivers Association recommendations to provide a starting point for the Board's commenced.

Recommendation 1 - The present retention ponds be redesigned to follow the intent of the *environmental aspects of the Sackville Streetscape Plan as they pertain to the River.*

It was felt that a two to three sentence summary of the intent of the Streetscape Plan should be drafted, i.e. this is an important area to the restoration and protection of the River. There is an opportunity in this area to create wetlands which would remove pollutants or polish stormwater. There is an opportunity to create a retention area for water to maintain water flow in the river by controlled release. The Board felt these principles, in terms of the Streetscape Plan, should be the primary focus in terms of the development agreement.

Ms. Corser noted that Andrew Whitemore is also the lead Planner on the Streetscape Design Study.

As Walter Regan had a copy of the Streetscape Design Plan, he was asked to provide a summary of the environmental components of this Plan and e-mail to Ms. Williams. Three or four sentences were proposed which will give the prime purpose and value of developing the area as outlined in the Streetscape Design Plan. This section to be included in the preamble. Some changes to the recommendation as identified in italics were agreed to.

Ms. McNeil noted that at the March meeting the Board had some really good ideas on how they wanted the various features designed and felt these should be included.

It was felt the recommendation should also include that the Board wants the two sedimentation ponds redesigned so it combines the sedimentation capability and a wetland. The Board encouraged the use of plants which tend toward salt uptake.

It was noted that water is essentially coming into the ponds from four sources, i.e. three storm drains and surface runoff. The Board wants to ensure all three storm drains enter into sedimentation ponds first, then into a wetland system before entering the River. It was also desired that runoff from the site be directed into the sedimentation ponds before entering the engineered wetland.

The above summarized how the intent of the Sackville Streetscape Plan could be met in terms of treating water.

Recommendation 2 - The present asphalt under the ponds be removed and disposed of according to regulations. Changed slightly to read, the Board recommends that asphalt under the redesigned system needs to be removed to allow infiltration.

It was felt that Recommendations 3 and 4 which read "HRM be approached to redirect the 48" storm drain now discharging directly into the Little Sackville River from Sackville Drive" and "The present storm drain and surface flow be redirected to new ponds" are dealt with in the Board's first recommendation.

The Board's third recommendation would relate to Recommendation 5 which reads "The present 60" storm drain be removed and a new set of ponds be built for sediment retention and habitat improvement". It was recalled that Mr. Thompson had indicated with the elevation, it would be difficult to do. The Chair noted that the Association is suggesting that a portion of the end of the 60" line be opened up and moved back to create a special

sedimentation pond system to deal with this drain.

The wording of the recommendation is as follows: Due to the elevation differential between the existing sedimentation ponds and the existing 60" storm drain, the Board recommends a section of that storm drain at the terminal end be removed and the largest possible sedimentation area and wetland system be developed. Due to the volume, a large area is required.

Recommendation 6: The parking lot be redesigned by the addition of landscaped islands and raised curbs to aid infiltration and flood control by increase in permeable surfaces.

The following words were added: "This would require removal of any asphalt underlying the proposed landscaped areas."

Recommendation 7: New Canadian Tire store to have its own Oil/Grit Separator and landscaped parking lot. Agreed to include this recommendation, but words "designed as per recommendation No. 6, be added.

In addition to the Oil/Grit Separator (STD/Stormwater Treatment Device) required for the garage, the Board would like to see a STD associated with the parking lot.

Recommendation 8: All storm drains (42", 48" and 60") to have Oil/Grit Separators at their discharge.

The Chair recalled Mr. Thompson indicating he did not know of any device capable of handling these volumes. Mr. Mandaville indicated Stormceptor and CDS technology is capable of handling, as is Vortex, which is not yet available in Nova Scotia. The Board will note the use of STD units at the end of the storm drains would allow for an initial debris removal, given the area of the storms ponds is restricted and optimize the rest of the system. Secondly, it is recommended that the maintenance of the units be undertaken in accordance to the manufacture's recommendations found in the design manual. Also, the provisions of maintenance be written into the Development Agreement and a record of inspection to be provided to the Development Officer responsible and to the Board.

It was also felt important that the surface runoff from the parking lots be directed into these units as well. The Board recommended that any surface runoff from the parking lot be directed to the STDs.

Recommendation 9: To prevent rapid run-off and erosion, plant trees and vegetation cover on the slope on the west side of the 60" storm drain.

Recommendation 10: Restore *brook* and pond on site of mall or create new habitat.

Prior to development it was recalled that a pond existed south of the Canadian Tire facility. In order to beautify the site and to enhance water retention and infiltration, the Board recommends recreation of that pond.

In addition, consideration should be given to creating additional wetland/water retention areas overlying the existing 60" storm drain. Reference to the brook not to be included.

Recommendation 11: Storm drainage from foundation and roof drains to be directed to ground infiltration galleys (for both the mall and the new Canadian Tire Store).

The Board recommends all new development have flow control devices on the roof drains.

Recommendation 12: Plant trees both in new islands and around ponds to retain water, provide shade and to beautify the area.

Not necessary to include.

Recommendation 13: Sediment retention ponds to be designed as waterfowl habitat. This would allow the potential for partnering with Ducks Unlimited and other organizations.

Not necessary to include.

Following the completion of the review of the recommendations, the Board discussed the need for HRM to play an active role particularly as related to the large storm drains. It was decided to add a sentence to the preamble where the Streetscape Plan is referred to i.e. to proceed with this particular development requires HRM to play an active role in the modification (redesign) of 60" and 42" storm lines.

3.2 **CASE 00282: DEVELOPMENT AGREEMENT APPLICATION TO ALLOW FORTY-ONE (41) RESIDENTIAL LOTS ON A PRIVATE ROAD IN MITCHELL BAY ON HALIFAX REGIONAL MUNICIPALITY'S EASTERN SHORE**

Circulated in the agenda package were draft recommendations prepared by Mr. Manchester on the above noted application.



During the review the following changes were made to the recommendations:

Recommendation 5: Add the words 'per building lot' to the last sentence.

Recommendation 8: Beginning of first sentence the words 'in addition to any other submissions or approvals which may be required' be added. Reference also be made to 'any abutments made out of pressure treated wood needs to be allowed to weather for at least six months or be kiln dried after treatment'.

Recommendation 9: Typo second to last paragraph 'li' should read 'It'.

Ms. Corser will make the changes.

### 3.3 **BONDING**

The Chair recalled that the Board had expressed concern regarding the level of bonds and their influence on a developer complying or ignoring the terms included in a development agreement. HRM did not seem to have the capacity to make sure development agreements were adhered to because the bonding aspects were lacking. The Board did not know how much of a bond HRM could require, etc. Maybe HRM needs to refine their current system. Mr. Evans volunteered to draft a letter to HRM.

Circulated at the meeting was a submission by Mr. Evans on his findings re bonds and letters of credit. Mr. Evans reviewed the submission with the Board. In this review he highlighted the following:

- differences between bonds and an irrevocable letter of credit and costs to the bidder
- how size of bond determined
- what the advantages were of both approaches

The Chair summarized that in some instances the requirement for a bond or a letter of credit would eliminate the possibility of small contractors bidding. Mr. White reflected from his experience obtaining a bond depends on ones financial capability, experience is secondary. A similar situation exists with letters of credit.

Dr. Thomas reflected that the discussions were on very technical contracting aspects, which he hoped HRM has experts in. He questioned if there was any evidence that HRM has ignored environmental aspects and have inadequate bonding when it involves environmental matters. The Chair referred to many examples where development agreements have not been enforced or developments have proceeded without any

agreements in force. In some cases bonding was required, but the bonding level was so low, it did not encourage the proponents to abide by the development agreement. It was concluded by the Board that something has to change, one approach being making the financial penalty more of a deterrent.

Dr. Thomas reflected that perhaps the Board's problem lies with those awarding the contracts not getting adequate bonding related to environmental aspects. He felt there was justification for the Board to send a letter to HRM reminding them of the importance of the environmental issues and taking them into consideration when setting the bond amounts.

A brief reference was made to enforcement problems.

Mr. White explained to the Board the difference of a bond with a contractor and a bond with the developer. He concluded the Board wants a developers bond not a contractors bond. The bond is assessed as a percentage of the total cost of the job.

Mr. White volunteered to take this item to the next phase. He will work with Mr. Evans. A draft letter will be composed identifying to HRM where the problem is and suggesting how they might deal with.

#### **4.0 NEW BUSINESS**

##### **4.1 COMPREHENSIVE WATER RESOURCE MANAGEMENT POLICY**

Mr. Mandaville reported on his conversations with Margo Cantwell, EDM on this process. No meeting of stakeholders has been called to date. He reported that the project has been divided into two phases. EDM first wants to come up with very focused aspects, meet with HRM representatives for their reaction and then call the Stakeholder Sessions.

##### **4.2 HRM WEB SITE**

Mr. Mandaville reported that the 1999 and 2000 minutes are now on the Web site. He is trying to have 1997 and 1998 minutes put on as well.

##### **4.3 ON SITE SEWAGE DISPOSAL SYSTEM THESIS**

Mr. Mandaville referred to a copy of a 1999 thesis he acquired from TUNS re on site sewage disposal systems related to phosphorus export from contour beds. In the thesis it

was reported that phosphorus concentrations in groundwater 22 meters down gradient of a contour trench at a Waverley site had ten times the background concentrations of phosphorus. With corrections for the effects of dilution, it was revealed that the phosphorus would be seventy-five (75) times background levels.

It was recommended in the thesis that the N.S. On site Sewage Disposal Regulations should be reviewed both in terms of required set backs between disposal systems and surface waters and in terms of the minimum separation distances between the bottom of a disposal trench and the saturated zone to ensure they provide a level of protection against phosphorus increases in nearby water systems.

#### **4.4 MAJOR FIVE YEAR PALEOLIMNOLOGICAL STUDY TO BE DONE ON LAKES THROUGHOUT NOVA SCOTIA**

Mr. Mandaville reported that the above noted study will be funded by the Natural Sciences and Engineering Research Council of Canada. He referred to the involvement of Dr. Peter Dillon and Dr. John Smol, head of the Paleolimnological Lab, Queens University. He listed the aspects to be studied and a paper published by Dr. John Sol.

#### **4.5 CONSTRUCTION & DEMOLITION LANDFILL SITES**

Mr. Evans reported that he had recently heard there are no approved Construction and Demolition Landfill sites. There are places you take these materials but they are essentially stockpiled. He understands there is a serious proposal to take these materials and use as landfill cover at Otter Lake, which he felt defeats the idea of recycling and can be hazardous. Dr. Stobo reflected on the Board not wanting petroleum products being exposed to weathering, etc. as they would release pollutants.

Mr. Manchester referred to ongoing Public Meetings with regard to C & Ds. Mr. Mandaville recalled a presentation Mr. Pyle made to the Board in February on this matter. Mr. Pyle assured the Board the matter would be coming before the Board again, in the form of a joint meeting with all WABs.

Mr. Evans felt this is a side issue which is not being covered at the Public Meetings. Once completed, the Chair speculated that staff will put together a proposal which will be brought to the WABs for comment.

#### **5.0 CONCEPT PLANS**

None.

**6.0 STATUS SHEET**

Reflecting on earlier discussions, the Bonding item on the Status Sheet will change to reflect Mr. White working with Mr. Evans on a draft letter.

Referring to the Membership item, Ms. McNeil advised that she tried to contact three members identified with poor attendance. She has yet to hear back from them. It is proposed that a letter be written to them, quoting from the terms of reference in this regard. Dr. Stobo noted that he had spoken to the Clerk about drafting a letter, reminding them of their obligations and asking them what their intentions are with regard to continued membership on the Board. If a response is not received within a certain time frame, the Board will assume they had resigned.

Mr. Mandaville recalled that the Clerk had been asked to give a report on attendance. Dr. Stobo assured the Board that the attendance had been reviewed and three individuals have been identified.

Mr. Mandaville referred to the Beaver Pond item. Ms. McNeil confirmed that Ms. Corser and she were going to work on this together. Ms. Corser felt they have all the information they require to draft the correspondence.

**INFORMATION ITEMS**

**PRINCES LODGE/WENTWORTH ESTATES**

Circulated in the agenda packages were three documents associated with the above noted development.

The Chair noted that the documents refer to a number of issues the Board raised and they had been incorporated in the current draft. He felt the Board has had a very strong impact on the document. Examples were cited, some of which were attributed to Walter Regan's input. Staff appears to have responded to the concerns expressed regarding environmental issues.

Mr. Mandaville expressed concern that while he has seen reference in the documents to an stormwater management study, he had not seen reference to an environmental study before the development. Secondly, the Board had desired its recommendations as an appendix, but they were not attached. He felt it important that the general public be aware of the Board's recommendations. The Chair noted that on Page 2 reference is made to the Watershed Advisory Board's comments to be added. Dr. Stobo also referred to page

10, Environmental Policy #2 related to the stormwater management study. It states "that the terms of reference for such a study shall be determined by Community Council in consultation with Municipal staff and with the approval of the applicable Watershed Advisory Board prior to its undertaking". He noted that the WAB will have the opportunity to approve the nature of the study and terms of the study before they proceed. He felt this was a major step. He concluded that it nice to see the work the Board has put in reflected.

### **MINUTES DLAB AND BWAC**

Mr. Mandaville questioned why the Board has not received Dartmouth Lakes Advisory Board approved minutes since November.

Referring to BWAC Mr. Mandaville noted that there was a special advertisement for additional members for BWAC recently.

The Chair referring to the BWAC Minutes noted that the item Recommendations for Monitoring Freshwater Quality has once again been deferred. He noted that DLAB has yet to respond either. It was felt that it is not likely any response will be received from either group.

### **REVISED MEMBERSHIP LIST**

Ms. Corser circulated a revised membership list. If there are any changes required, members were asked to contact the Clerk or Ms. Corser.

### **MANAGING URBAN STORMWATER USING CONSTRUCTION WETLANDS**

Information on the above noted subject, via a report from Australia, had been provided and circulated in the agenda package at the request of Mr. Mandaville. Mr. Mandaville reviewed the information provided with the members. He reflected on the number of occasions the subject of constructed wetlands has arisen at the Board. He referred to his summary contained on page 2 of the attachment. He also drew the members attention to page viii of the report, figure 1 illustrating modular elements in an integrated stormwater management system. He noted that constructed wetland require the use of quite a bit of land. He encouraged the members to read the whole document.

### **7.0 DATE OF NEXT MEETING**

The next regularly scheduled meeting is Wednesday, May 16, 2001.

**8.0 ADJOURNMENT**

Meeting adjourned at approximately 9:30 p.m.

Lynne Le Boutillier  
Assistant Municipal Clerk