

## **HALIFAX REGIONAL MUNICIPALITY**

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### HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY COMMITTEE

June 20, 2001

#### MINUTES

PRESENT: Dr. Wayne Stobo, Chair  
Ms. Colleen McNeil  
Mr. Donald Mason  
Mr. Mark Leaman  
Mr. Walter Regan  
Mr. Ross Evans  
Mr. Keith Manchester  
Ms. Ellinor Williams  
Mr. Frank Hope  
Mr. Shalom Mandaville  
Dr. Barry Thomas  
Mr. Peter Murray

ALSO PRESENT: Ms. Susan Corser, Planner  
Ms. Lynne Le Boutillier, Assistant Municipal Clerk  
Captain John Owen, Junior, Guest

REGRETS: Mr. Mack McMenemy, Mr. Glen Williams, Kyle McKenzie, David Dwyer, Jim Holmes

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The meeting was called to order by the Chair at 6:40 p.m.

**0.1 INTRODUCTION OF NEW MEMBER**

Mr. Mark Leaman, who was recently appointed, was introduced to the Board.

**1.0 APPROVAL OF AGENDA**

The following item(s) were added to the agenda:

Under New Business:

- 4.1 Sandy Lake - Glen Arbour
- 4.2 Waste Water Discharge Public Sewers
- 4.3 HRM Planning and Development Department Ignoring of Recommendations
- 4.4 Benthic Indicators
- 4.5 Conflict of Interest

Item 5.0 - Concept Plans to be moved up on the agenda to accommodate Paul Morgan.  
The agenda, as amended, was adopted on motion of Mr. Regan and Ms. Williams.

**2.0 APPROVAL OF MINUTES**

The following changes were required to the May 16 minutes:

- Page 3, item 0.1, second paragraph - delete.
- Page 3, item 2.0, Change spelling of 'Snol' to 'Smol'.
- Page 9, 5<sup>th</sup> and 6<sup>th</sup> paragraphs to be relocated after paragraph 3.
- Page 10, item 7.0 - Date of next meeting - Change to June 20.
- Page 12, item 9.0 - Change time from 11:05 to 9:30 p.m.

The minutes, as amended, were adopted on motion Mr. Mandaville and Mr. Evans.

**3.0 BUSINESS ARISING FROM MINUTES**

The Chair, who did not attend the May meeting, sought clarification of a number of items in the May minutes.

**Subcommittee on Parameters for Water Quality** - Copies of the report were recirculated in the agenda package and letters have been prepared for BWAC and DLAB asking for their

input. They had been initially approached a year ago. The item will be dealt with at the September meeting. If no response is received from the other Boards at that time the Board will proceed on its own. For the benefit of the members, particularly new members, Mr. Mason proposed a summary of the benefits of the standards would be useful.

**Jurisdiction Update** - Dr. Stobo recalled indicating to Ms. Manzer verbally that as changes to the boundaries were associated with watershed boundaries the Board would not have any problem with relinquishing territory. Ms. Manzer seemed satisfied with this response and he was puzzled why a written response from the Board was required. The Secretary understood she would like something official to accompany the report and modified terms of reference to go to community council(s), indicating the proposed changes were endorsed by the Board.

It was recalled that Mr. Pyle had attended the February meeting and presented their proposal and it was thought he'd be preparing an official proposal. It was felt an official request/formal proposal is required from DLAB.

Mr. Mandaville questioned whether Mr. Kerr, Chair of BWAC had approached Dr. Stobo about jurisdictional changes. Dr. Stobo indicated he had not. Ms. Corser reflected that BWAC desires to begin discussions on the whole subject of jurisdictions.

#### 4.0 **NEW BUSINESS**

##### 4.1 **SANDY LAKE - GLEN ARBOUR**

Andrew Kleinknecht, the owner of a home on a waterfront lot on Sandy Lake expressed concern regarding the water quality as it related to his family's safety and the environment. The subject came to his attention through media reports. He indicated that he has observed the water to be murky at times and he reflected on the lack of insect hatches. He was seeking answers and direction from the Board, as he has been getting conflicting information.

The Chair gave some background on the Board's involvement to Dr. Kleinknecht. He noted that the development was reviewed by the Board. Recommendations were made, some of which did not make it into the development agreement. There is also concern that some of the provisions included in the development agreement may not have been complied with. He noted there has been significant degradation to the lake in the past three years.

Mr. Corser reported that funds have been set aside by HRM to conduct additional sampling of the lake's waters. Dr. Tony Blouin is responsible for hiring someone to conduct the tests. The tender has not been let, however. Some improvements in the water quality have been observed and HRM would like to determine if they are continuing.

The Chair noted that this was one of the first development agreements which required testing of water prior, during and after development. Since some of the recommended testing indicators were not included in the approved development agreement, there will be no way to prove certain aspects of degradation.

Once testing is conducted and the results confirm reason for concern, the Board did not know what action HRM will take. The results would be provided to the Board for comment. As an advisory board, it was noted that Board has no powers related to enforce ability. It was suggested to Dr. Kleinknecht that he might wish to talk to his District representative about action once the results are available. It was emphasized that there could be a major ecological change in the system which will not appear from the sampling. There is no baseline in some areas to be used for comparison purposes.

In addition to contacting his Councillor and Dr. Blouin, it was felt there may be some merit in approaching the Nova Scotia Department of Environment and Labour and the Department of Fisheries and Oceans. Mr. Hope made reference to financial assistance the Nova Scotia Department of Environment and Labour have made available to his group. Concerns regarding water safety related to health should be directed to the Department of Health. It was noted that the development has an on site septic system. It was recalled that the Board had made recommendations on the plant. The associated field is some distance away from the lake, but not 100 meters.

It was further suggested that Dr. Kleinknecht might wish to contact Paul Dunphy, Director of Planning and Development.

#### **4.2 WASTE WATER DISCHARGE INTO PUBLIC SEWERS - BY-LAW W-101**

Mr. John Sibbald, Pollution Prevention Coordinator, introduced himself to the Board. He referred to By-law W-101 which went to Regional Council last night. He noted that a Public Hearing is planned for Regional Council's July 17<sup>th</sup> meeting. He encouraged members to attend to lend support to the by-law which is a huge step forward for the HRM in environmental protection. He indicated he would like to meet with the Board again and give a formal presentation on the by-law. He noted that enforcement will be a critical aspect and there will be a need to expand partnerships and encourage stewardship. Copies of the by-law will be provided to the members before the July 17<sup>th</sup> Public Meeting. Copies are also available on the HRM Web site. It is his intention to also meet with the DLAB and BWAC on the By-law.

Mr. Mandaville recalled the Board had commented on the draft Pollution Prevention Program last July. The only concern he could recall was expressed by David Haley. Mr. Haley had reservations about the phosphorus levels. In Mr. Mason's view, it was not necessary for the

Board to be represented at the Public Hearing given it has already expressed its views.

It was noted that the Province is also moving forward and any comments members wish to make should also be in context with what the Province is proposing.

**4.3 HRM PLANNING/DEVELOPMENT DEPARTMENT'S CONTINUOUS IGNORING OF THE MAJOR RECOMMENDATIONS OF BOARD**

Information pertaining to this item from the Soil and Water Conservation Society of Metro Halifax, provided by Mr. Mandaville, was tabled. The subject was discussed at length. Mr. Regan expressed reservations about the comments re the CWRS. Mr. Manchester felt that to a certain extent some of the questions posed were answered in Mr. Morgan's presentation earlier in the evening (see item 5).

In particular, it was felt the members have not been wasting their time. Cited was the broader understanding of the need to protect the environment and it was felt the change of attitude, in part, was as a result of the Board's work.

Referring to earlier comments by Mr. Morgan, the Chair indicated he was bothered personally that Council is being presented with development agreements predicated on whether or not the developer is willing to agree to them.

The Chair recalled that the Board has already written the Mayor expressing concern that recommendations are not being adhered to and the lack of HRM's ability to enforce provisions of development agreements.

It was suggested that if the Board has a problem with the CWRS, they should be advised of the complaint in writing, rather than being criticized for making recommendations contrary to the Board's.

**4.4 BENTHIC INDICATOR**

Mr. Mandaville provided information on why a single indicator is not sufficient in freshwater situations.

The Chair reflected on how the Board had decided on recommendations related to Glen Arbour and the attempt to select an indicator species to help determine bio-degradation without being too cost prohibitive.

Mr. Regan questioned whether there is a single benthic indicator which could be

recommended to developers. The Chair indicated this was not possible, as they would be water body specific. Being realistic, Dr. Stobo did not feel asking for a bio-diversity index, which would be prohibitively expensive for many developers, would be accepted by HRM.

Mr. Hope suggested the Board's recommendations could include a suggestion that when economic situation permits, care must be used in the selection of an appropriate indicator species. It was felt a qualified limnologist would be required to select the sentinel species if a full bio-diversity analysis is not possible. In response to a question, Mr. Mandaville estimated it would cost in the order to \$20,000 to \$30,000 to do a full analysis. It was further suggested that the Board discuss guidelines of what it would recommend based on size of development. The Chair suggested that the next time the Board reviews a proposal involving a lake, this could be discussed.

It was noted that the Board has already requested HRM consider hiring of a limnologist. It was noted that this is addressed in the Comprehensive Water Study's terms of reference.

#### **4.5 CONFLICT OF INTEREST**

Mr. Mandaville sought clarification of what constitutes possible conflicts of interest for the members.

Dr. Stobo suggested that there could be a simple rule of thumb, i.e. a conflict of interest occurs if you don't indicate there is potential. An individual should remove themselves from discussions if they think there may be a conflict of interest. He noted that in the past he has been approached by members indicating they may be in a conflict of interest and whether they should declare one.

Ms. MacNeil referred to another group she belongs to. They deal with the situation by having a standard time at the commencement of meetings for members to declare a conflict of interest.

Mr. Mason made reference to the HRM's conflict of interest policy derived from the provincial conflict of interest policy. He has been involved in another organization that reviews the conflict of interest policy once a year after new members join.

The Chair suggested that when a member feels they may have a conflict, they should discuss with either the Chair or Vice-Chair.

**5.0 CONCEPT PLANS**

Paul Morgan noted that the Committee had requested a report on the subject of Subdivision Concept Plans sometime ago.

In his verbal presentation, he discussed the Board's role within the Municipal approval process. He made reference to the Board's mandate which relates to providing advice to Council not staff. He proceeded to review the sub-division approval process. He noted that the Development Officer's mandate is to determine whether a plan conforms with the development agreement approved by Council or zoning and subdivisions regulations adopted by the Municipality and provincial regulations. If the Board were to indicate they had problems with the plans submitted, but they conformed to the above noted regulations, there is nothing the Development Officer can do but approve the application. He noted that the Board's input has greater influence under the development agreement process. Staff will try to incorporate comments made by the Board into development agreements. He stressed that the eventual development agreement, which proceeds to Council, is one which the landowner is prepared to sign.

Returning to the sub-division process, Mr. Morgan noted that the only authority greater than Council is the Nova Scotia Department of Environment and Labour's. The Development Officer can't approve a subdivision plan in violation of provincial legislation.

Referring to concept plans, he noted they could be submitted to the Board, but all the Development Officer can do is forward any of the Board's comments to the applicant. By sending the concept plans to the Board, deficiencies might be identified.

Mr. Morgan was advised of the Board's desire to review sub-division plans so environmental considerations could be identified up-front.

Referring to the development agreement process, Mr. Morgan was advised of the Board's concern that recommendations made by the Board are not necessarily making it into the development agreements, and Councillors are not aware of what recommendations the Board had made. Mr. Morgan will bring this concern to the attention of senior staff. If recommendations were not included, the Board would like to see the reason given for not accepting. It was desired that these comments be included either in the development agreement or the staff report accompanying it. Mr. Morgan was advised that it was decided at the May meeting that Mr. Dunphy would be advised of the Board's concern.



6.0 **STATUS SHEET**

**Midyat Investments Mainland South** - It was felt this item could be removed from the Status Sheet, with the understanding that when the development agreement is signed, copies will be provided to the Board.

**Subdivision Concept Plans** - Mr. Porter recalled Paul Morgan was to write a report on under what circumstances concept plans would come before the Board. He will remind him.  
**Subcommittee on Parameters for Water Quality Testing** - The Vice-Chair has written another letter to these committees. Awaiting response.

**Construction Demolition Landfill Sites** - Ms. Corser reported the Licensing By-law went before Council June 5<sup>th</sup>. It is anticipated that Council will deal with it again before their summer break. She referred to a planning report being drafted which will look at what amendments would be needed to allow for construction and demolition sites. Mr. Pyle wishes to bring the matter before the Board in a joint meeting with other Boards sometime in September/October. She indicated that the WABs did not make the initial list for consultation, but they are now among the groups to be consulted.

**Comprehensive Water Resource Management Policy Steering Committee Update** - Mr. Mandaville reflected the process may take up to five years. Item can be taken off status sheet.

**Glen Arbour** - In process. To be left on status sheet.

**Bonding** - Mr. Evans requested this item be deferred to next meeting.

**Membership** - An application has been received from an individual in District 19. Report to go to NWCC July 12<sup>th</sup> meeting. Resignation Peter Shacklock. It was noted that Mr. Shacklock had been with the Board since February 1996. It was felt that HRM should recognize his contribution, not just the Board. The Secretary will advise Mayor Kelly of his resignation.

Awaiting response to correspondence to Friends of First Lake and the Williams Lake Conservation Company as their wishes regarding representation on the Committee.

Ms. Corser referred to a report she had prepared for Chebucto Community Council on the Board's composition. They had concerns regarding the potential size of the Committee. She summarized the report's contents, noting she suggested the Board would be best in gauging the best numbers. Concern was expressed that there were not representatives on the Board

from each District represented by the Community Council. They wanted action to be taken to do whatever is necessary to get better representation on the Board.

**Jurisdiction Update** - Changes in jurisdiction proposed by DLAB reflecting watersheds had been previously agreed to by the Board. Presentation given at the February meeting by Mr. Pyle. Before formally indicating the Board's support, it is desired that a proposal in writing be submitted to the Board.

**Role of Board Members** - to be removed.

**Development Agreements** - to be removed.

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

There was a discussion on the need to hold meetings during the summer months. It was felt that it should be left to the discretion of the Chair as to whether a meeting is called for July or August. A mail out will be sent out in any event, either with an agenda package or notice that the meeting has been cancelled. If a meeting is held in July, a decision will be made at that time regarding the need for an August meeting. (Refer Information Item 3)

The next meeting is scheduled for Wednesday, July 18, 2001.

The Chair gave his regrets for the July meeting.

#### **INFORMATION ITEMS:**

- 1 **Membership List** indicating district and organization members represent provided.
- 2 **BWAC Minutes** -Approved minutes for May 9, 2001 not available, as June BWAC meeting did not have a quorum. The Chair questioned why copies of the DLAB minutes were not available. The Secretary understood there had been an arrangement made by the Chairs that approved minutes would only be exchanged between the Chairs, thus saving on copying. Some members of the Board indicated they wished to receive their own copies. Henceforth, a copy of the approved H/HCWAB minutes will be sent to the Chair of the DLAB, but copies of approved DLAB minutes will be provided to all members of the Board.
- 3 **Sewage Management Discussion Paper** - A memo from Mr. Mandaville and a Discussion Paper from the Nova Scotia Department of Environment and Labour provided. Written submissions are to be submitted by July 31, 2001. A discussion

followed on the merit of individuals commenting versus a comment from the Board. If a July meeting were held, a response from the Board could be drafted. Mr. Regan and Ms. MacNeil will prepare a draft for discussion at the July meeting. Members were asked to contact them via e-mail with anything they wish included. Ms MacNeil reflected it might not be worth having a meeting in July for just this one item. It was suggested that if the Board's comments were forwarded to HRM, there may be a later deadline for municipal submissions. Mr. Regan indicated he would like to know the pros and cons of central systems versus home systems, for example.

- 4 **Meeting Schedule** - A schedule of hearings and planning advisory committees was provided. A more up to date schedule dated June 15<sup>th</sup> was circulated at the meeting. The Chair referring to the schedule provided in the agenda package, questioned if any member had attended the June 13<sup>th</sup> meeting re Beechville Estates, the application which had been before the Board. No one had.
- 5 **Sobeys Musquodoboit Development Agreement** - Circulated at the meeting. This will be an item on the next agenda for discussion of what was or was not included from the Board's recommendations.
- 7 **Downsview Mall** - Final recommendations provided to the members.
- 8 **Recommendations for Monitoring Freshwater Quality to Assess Impact of Development in the HRM** - Re-circulated. Will be reviewed at the September meeting when responses, if any, received from BWAC and DLAB.

Circulated in the package was a copy of an e-mail to Dr. Blouin from Mr. Mandaville regarding the official status of the generalized water quality parameters. He will obtain an official letter from Paul Dunphy recognizing it as an official document.

- 9 **Sobeys Fall River** - Copies of correspondence from Mayor Kelly and Atlantic Shopping Centres provided. The Chair confirmed the work has been done which deals with erosion and sedimentation, but the problem for potential leaching of acid shale from the cap which is punctured remains. He concluded Sobeys is trying to resolve the matter, but it should not have taken a year.

**8.0 ADJOURNMENT**

The meeting adjourned at 9:25 p.m.

Lynne Le Boutillier  
Assistant Municipal Clerk