
HALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD

November 21, 2001

MINUTES

PRESENT: Dr. Wayne Stobo, Chair
Ms. Ellinor Williams
Mr. Keith Manchester
Dr. Barry Thomas
Mr. Peter Murray
Mr. Walter Regan
Mr. Glen Williams
Mr. Frank Hope
Mr. Jim Holmes

ALSO PRESENT: Ms. Susan Corser, Planner

REGRETS: Mr. David Dwyer, Mr. Lawrence White, Mr. Ross Evans and Ms. Colleen McNeil

TABLE OF CONTENTS

1.01 Approval of Agenda, Additions and Deletions 3

2.0 Approval of Minutes 3

3.0 Business Arising from Minutes

 3.1 Ashburn Golf Course Expansion - Baseline Water Quality Testing - Update
 on Progress 3

 3.2 Glen Arbour - Report 3 & 4

 3.3 Draft Letter to HRM re Proposed Infilling of Marshes within HRM 4 & 5

 3.4 Rezoning Application in Rosewood Avenue in Timberlea 5 & 6

 3.5 Update - Sobeys Musquodoboit 6

 3.6 Water Resource Management Study 6

4.0 New Business

 4.1 Jurisdiction 6

 4.2 Acid Slate Fall River 7

5.0 Concept Plans 7

 Information Items 7 & 8

6.0 Next Meeting 8

7.0 Adjournment 8

1.0 APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

The following items were added to the agenda:

- Item 3.5 - Update Sobeys Musquodoboit (Mr. Dwyer)
- Item 3.6 - Water Resource Management Study
- Item 4.2 - Acid Slate Fall River

The agenda, as amended, was adopted on motion of Mr. Regan and Mr. Manchester.

2.0 APPROVAL OF MINUTES

The following changes were made to the minutes of the October 17, 2001 meeting:

Delete last paragraph Page 4. Delete reference to "(see page 4, last paragraph) on page 6, 4th paragraph.

MOVED by Mr. Williams and seconded by Mr. Manchester that the minutes of the October 17, 2001 meeting, be adopted as amended. MOTION PUT AND PASSED UNANIMOUSLY.

3.0 BUSINESS ARISING FROM MINUTES

3.1 ASHBURN GOLF COURSE EXPANSION - BASELINE WATER QUALITY TESTING - UPDATE ON PROGRESS

In her verbal update Ms. Corser explained that there is some confusion associated with this item. It was recalled that Mr. Mandaville had advised that the data he had was not precise enough. Ms. Corser could not recall seeing the data. A letter was subsequently drafted by Ms. Corser and Ms. McNeil to Paul Dunphy, Director of Planning and Development. The Development Officer does not recall there being any data. Any data should have been provided to the Development Officer. Ms. Corser questioned how Mr. Mandaville had obtained the data.

As no one at the meeting had a copy of the data referred to with them, the Chair suggested that Mr. Mandaville be asked to provide the Board with another copy and enquire who provided the data to him. A copy should be sent to the Development Officer. Ms. Corser will follow-up.

3.2 GLEN ARBOUR - REPORT

In her verbal report, Ms. Corser noted that Dr. Blouin had drafted the terms of reference for the

undertaking of three additional samplings. Funds for this purpose were found in the Planning Services budget. The contract was awarded to Jacques Whitford in August, but they were not advised of this fact until October. She contacted Jacques Whitford and Procurement. Jacques Whitford advised her that due to the delay in being advised that they had been awarded the contract, they can only conduct two samplings this year. They had not been provided with the name of the person they should send the test results to. It has been determined that Dr. Blouin is to receive them.

Jacques Whitford did their first sampling the end of October. They plan to do another this Friday. Sue Belford indicated that the data should be available ten (10) days after the sampling. Dr. Blouin will interpret the test results. Hopefully the data and analysis should be available to the Board for its next meeting. The Chair felt that if these results indicate there is a problem, it will support the need for additional sampling next summer.

The Chair agreed that there is no point doing a third sample this year. It would be best to take the third sample late next summer.

Mr. Regan expressed disappointment that the three samples were not done in the appropriate seasons. He would like to see them conducted next year. The Chair suggested the Board not prejudice the outcome, but wait for the results.

Despite the frustrations expressed regarding the way the situation has turned out, the Chair reflected nonetheless progress has been made, i.e. five years ago the HRM would not have recognized the need for repeat samplings.

Mr. Williams questioned who had done the initial sampling. It was recalled that the Center for Water Resources likely conducted them.

3.3 DRAFT LETTER TO HRM RE PROPOSED INFILLING OF MARSHES WITHIN HRM

Copies of a draft letter prepared by Mr. Manchester were circulated at the meeting. He also provided a copy of the article in the September 19, 2001 Chronicle Herald entitled "Dumping 'eating away' at Seaforth marshland" to the Secretary to accompany the correspondence. Essentially, Mr. Manchester felt the HRM should have more stringent regulations pertaining to the infilling of marshes and wetlands than the Provincial regulations. He understood the HRM has no regulations related to infilling. The Chair suggested that the HRM may be able to amend the Grading By-law to address this issue.

Concern was also expressed that a number of these situations are never brought to the attention of the Board or other HRM watershed advisory boards.

A number of changes were subsequently made to the draft. The correspondence will be

copied to the Minister, NSDOE & Labour, Minister, Dept. of Natural Resources and the Local Director of Environment Canada. A copy will be provided to the members, as an information item, in the next agenda package.

A discussion followed on whether HRM would have even been contracted and if so why was the Board not alerted. Ms. Corser noted that since the area is outside the core area boundary, HRM is not responsible for roads, thus the work could have gone on without HRM being aware of it. She will check to determine what stage the work is at and if any permits have been issued. It was concluded that until actual buildings were put on the site, the HRM would not be contacted.

3.4 REZONING APPLICATION IN ROSEWOOD AVENUE IN TIMBERLEA

The Chair signed a letter to Mayor Kelly, approved at the October meeting, related to issues the Board had identified related to the area associated with the above noted application. Copies will be provided as information items with the next agenda package.

Also signed this evening was a letter to the proponent Mitre Construction Limited to which the Board's recommendations pertaining to the development were attached. The Board had recommended to staff that the rezoning application not be approved. The actual recommendations had been forwarded to the planner to be held until the staff report went to Community Council. The Planner felt that confusion is caused if the Board's recommendations are sent to Community Council prior to the item appearing on their agenda. Ms. Corser recalled that in the past, when the Community Council Councillors received the Board's recommendations, they did not know what to do with them and had the item added to the Community Council agenda. It was also cautioned that if the Board's recommendations were sent out too far in advance of the staff report going to Community Council, the Councillors may have forgotten the Board's submission, thus it might be preferable to synchronize the Board's and staff's procedures.

The members discussed whether they wished to continue with the Board's past practice or adopt the new practice. It was argued that there are advantages in the Board's report going forward as a standalone report. It was decided to follow past practice, i.e. a letter is sent to the community council and a copy sent to the proponent with a covering letter immediately advising of the Board's recommendation. The correspondence be copied to staff as well. By doing it this way, staff will have to address the concerns raised by the Board.

Ms. Corser referred to the procedure followed related to WAB reports. Copies of the WAB's report have to be attached to the staff report as an appendix and be discussed in the staff report. In response to a query from Mr. Williams, it was explained that the Planning Department is responsible for taking the Board's recommendations into consideration.

Ms. Corser related the practice of the Dartmouth Lakes Advisory Board to have their reports

identified on the Community Council agenda separately. A discussion followed on having the Clerk(s) of the various Community Councils identify the Board recommendations as a separate item.

3.5 **UPDATE - SOBEYS MUSQUODOBOIT**

When giving his regrets for tonight's meeting, Mr. Dwyer asked that the Secretary pass on an update regarding the above proposed development (refer Item 3.3, October 17, 2001 minutes). He advised that he had made a site visit with Mr. D'Eon, CBCL. Mr. D'Eon indicated he would be taking water samples at five locations. The first sampling was conducted October 30th. The sampling will be done monthly.

3.6 **WATER RESOURCE MANAGEMENT STUDY**

A draft of a letter to Dr. Tony Blouin regarding the above noted study was circulated by the Chair to the members for their review. With the exception of one change to the heading, the correspondence was approved, as circulated.

4.0 **NEW BUSINESS**

4.1 **JURISDICTION**

A copy of the motion adopted by Harbour East Community Council on realignment of boundaries; a memo to Mr. Kerr, Chair BWAC and the Chair, enclosing the map identifying the boundaries and letter Ms. Manzer, Chairman, Dartmouth Lakes Advisory Board wrote to the HECC were provided in the agenda package.

The Chair had been provided with a large scale map of the area. The members reviewed the changes in jurisdiction which affected Eastern Passage/Cow Bay, Cole Harbour/Westphal and a portion of Lake Major/Cherry Brook. The members discussed Anderson Lake. It was noted that the correspondence dated October 31, 2001 makes reference to BWAC's desire that Anderson Lake, which is within the Burnside Park area, be an item of shared consultation with the Dartmouth Lakes Advisory Board. It was felt that a portion of Anderson Lake fell within the Halifax/Halifax County Watershed Advisory Board's jurisdiction. A discussion followed on whether this portion of Anderson Lake should be relinquished to BWAC. It was suggested that the Board do nothing at this time. It is anticipated that it will be a number of years before anything develops in this area. If the issue comes up, it was concluded the Board would relinquish its jurisdiction.

Ms. Corser will make changes to the Board's Terms of Reference.

4.2 **ACID SLATE FALL RIVER**

Mr. Regan related to the Board proposed plans by Sobeys to take rock containing acid slate from Fall River for use in infilling Moirs Pond. He related efforts over the past three years to negotiate the construction of three fish ladders. Negotiations with Sobeys have resulted in only a commitment to construct one fishway to Paper Mill Lake.

The Secretary noted that a public information meeting is being held Thursday, November 22 at the Bedford Leisure Centre on the infilling proposal.

5.0 **CONCEPT PLANS**

None. Ms. Corser in response to a query, explained why there are so few concept plans coming forward at this time.

INFORMATION ITEMS

During discussion of the information items, an updated **meeting schedule** dated November 19th was circulated. The Chair identified a number of meetings of interest to the members. Reference was made to a series of Construction and Demolition Waste Management Strategy meetings being held through the HRM. Ms. Corser noted that the process calls for the watershed advisory boards to receive a separate presentation.

Referring to the joint meeting of North West PAC and **Sackville Streetscape Area Advisory Committee**, November 26, 2001, Mr. Regan indicated he will be attending. Mr. Regan explained that the work on the proposed by-laws is almost finished. The HRM has decided that in order for the project to proceed a Business Development Commission will have to be formed. A mixed reaction is anticipated. If the business community does not support the Sackville Streetscape Area Advisory Committee's work, nothing will go forward.

Reference was made to the Public Hearing on the **Vladi Private Island Limited** application to enter into a development agreement for residential development on private roads. It was recalled that the Board had provided input on this application.

Referring to the Public Information meeting planned for November 22, 2001 associated with an application by United Gulf Developments Limited to amend the existing development agreement for **Stoneridge on the Park**, Mr. Regan noted the reference to Hail Pond. He was concerned the proposed development might affect the Pond and wondered why it had not been brought to the Board's attention. The Secretary was asked to determine which Planner is involved. If there is a water course involved, the individual to be alerted that the case should be coming to the Board.

During review of the **Status Sheet** the following changes were proposed:

Construction Demolition Landfill Sites - Reference be made to series of meeting being currently conducted and the fact that the Board will be having a presentation.

Glen Arbour - Item to be left on until a response is received from Dr. Blouin.

Membership - First portion related to Friends of First Lake and the Williams Lake Conservation Company can be deleted.

A discussion followed related to the Board's composition, particularly the inclusion of one representative from each recognized community based organization involved in watershed protection and related activities within the Municipality. The Secretary had identified a number of the terms of representatives of such organizations being up this year. She contacted several organizations, seeking confirmation that they wished their current representative to continue on the Board. To date the majority have not responded. In some cases it has been identified that the organization no longer exists. In such instances, current members could be recommended for reappointment under clause (d) "such other members as determined from time to time by Community or Regional Council in consultation with the Board". It was pointed out to the Secretary that it is the organization not the representative that is appointed to the Board. It was felt that the organizations should be contacted again asking them if they wish their organization to be represented on the Board and if so, to provide the name of their nominee. Given the next regular meeting is scheduled for December 19th, it was felt a deadline for response of December 15th should be given. If no response is received by December 15th, the representative of the organization should be alerted.

It was felt the **Jurisdiction Update** can now be deleted.

Updated **Membership List** - The faxes for both Mr. Dwyer and Mr. Hope to be deleted.

6.0 **NEXT MEETING**

Whether to hold the December 19, 2001 regularly scheduled meeting was debated. It was decided that if there is no significant issue to be dealt with by December 5th, a decision will be made by the Chair on cancelling the meeting.

7.0 **ADJOURNMENT**

The meeting adjourned at 8:45 p.m. on motion of Mr. Williams.

Lynne Le Boutillier
Assistant Municipal Clerk