

HALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD

FEBRUARY 20, 2002

MINUTES

PRESENT: Dr. Wayne Stobo, Chair
Mr. Jim Holmes
Mr. Walter Regan
Mr. Keith Manchester
Ms. Elinor Williams
Mr. Frank Hope
Mr. Shalom Mandaville
Mr. Bill Ernst
Mr. Ross Evans
Mr. Peter Murray
Mr. Glen Williams
Mr. David Dwyer
Dr. Barry Thomas

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

GUESTS: Ms. Thomas and Captain Owens, Jr.

REGRETS: Dr. S. Ray

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

It was agreed by consensus that items 3.2 - Wentworth/Bedford South Secondary Planning Strategy; 4.1 - Superior Seafood Ltd and 3.5 - C & D Waste Handling and Disposal be moved up on the agenda.

Also added to the agenda, at the request of David Dwyer, was item 4.2, under New Business - Tree Guidelines and item 4.3 - BST (Bacteria Source Testing) by Shalom Mandaville.

The agenda was adopted, as amended, on motion of Mr. Dwyer and Mr. Williams.

2.0 **APPROVAL OF MINUTES**

The following errors were noted in the minutes of January 16, 2002.

Page 10, sixth bullet, last line, replace 'be' with 'not'.

Page 17, third paragraph, second sentence should read "Mr. Mandaville indicated that he did feel Cha was most important."

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

3.0 **BUSINESS ARISING FROM MINUTES**

3.2 **WENTWORTH/BEDFORD SOUTH SECONDARY PLANNING STRATEGY**

- C Memo dated January 24, 2002 from Paul Morgan, Planner to which was attached the revised secondary planning strategy proposed by Clayton Developments Ltd.

In attendance for this item were Paul Morgan, HRM Planner; Mike Hanusiack, Vice-President, Strategic Planning, Clayton Developments; Andrew Connor, Development Administrator, Clayton Developments (one of his roles is to review protective covenants and enforce existing ones); Bill Richardson, Vice-President, Operations and Kevin Neatt, Development Technician; Frank Medjuck and Don Williams, McWilliams Engineering, who were associated with the Emscote lands.

Mr. Morgan gave the Board a brief introduction. He wished the Board to review the policies and make recommendations to Chebucto Community Council. The options being to approve as is, reject or approve with amendments.

The following aspects of the proposal were highlighted:

- C How the concept plan has changed since the original one was presented to the Board by Wallace Macdonald and Lively Ltd.
- C Figure 1, Master Plan Area - various lands identified including the Emscote portion.
- C While the area falls within the jurisdiction of both the former Town of Bedford (BWAC's jurisdiction) and the former City of Halifax, (H/HCWAB's jurisdiction), one comprehensive community is being planned, as illustrated in the documents circulated. Eventually Regional Council will be asked to approve amendments to both the Bedford MPS and Schedule K, related to the former City of Halifax.
- C A presentation was given at BWAC's February meeting. They plan to finalize their recommendations for North West Community Council (NWCC) at their March meeting.

During Mr. Hanusiak's presentation, he referred to the following:

- C A couple of Public Information Sessions have been held since Clayton Developments became involved. They had not been involved in this project before May 2001.
- C He identified portions of the area owned by Cresco, Emscote and Clayton Developments, referring to various agreements which have been entered into.
- C In the power point presentation, he showed the previous proposed master plan for the area. He identified how the current plan differs and the reasons for the changes, i.e. change of location of the intersection with the Bicentennial Highway, due to Department of Transportation (DOT) requirements; collector road changed primarily due to HRM Transportation Services not wanting single family homes along this road.
- C The density is 20 persons per acre, which is consistent with the Bedford MPS.
- C Areas of high density residential were identified. The majority of the area will be developed for low density residential housing.
- C Various open space areas were referred to, i.e. large areas in the center of the development associated with active recreation and passive recreation. He noted that a hierarchy of open space is identified on the maps. In addition to the large parcels at the centre of the developments, reference was made to several ravines on the property, the old Coach Road (4,300 lineal ft.), which could be utilized for stormwater management applications. Reference was made to the setbacks being increased from 15' to 40' in some places along this road.
- C Also identified were the cascading ponds and associated proposed setbacks being 50' for a non-disturbance area. Also identified were a chain of ponds in the vicinity of Royale Hemlocks.
- C An area of commercial development, adjacent the Bicentennial Highway, was referred to and the requirement to treat stormwater from this site.
- C It was emphasized that Royale Hemlocks falls outside the area.
- C The majority of the work would be done by development agreement. The only as

- of right development is associated with the school and public facilities.
- C Further public hearings and public consultations are required before the plan goes to the community councils and Regional Council.
 - C Referring to existing residential developments along the Bedford Highway presently serviced by wells and septic systems, it was noted that Clayton Developments are working with the Water Commission on plans to bring water to these areas.
 - C A comprehensive stormwater management plan will be developed. The Board was assured that Clayton Developments has quite a bit of experience in this area. A recent example cited, were the challenges they faced in developing Portland Hills.
 - C Three major storm watersheds were identified, i.e. Kearney Lake, Bedford (involved the cascading ponds to Bedford Highway) and Halifax (they will try to integrate their plan of action with that of existing development). A fourth minor watershed, in the area of Larry Uteck Blvd., was identified.
 - C It is Clayton Developments' intention to come back to the Board at different stages. It was noted that the policies being presented to the Board have been reviewed by staff and they are generally happy with them. Between the Policy stage and Development Agreement stage, another level of plans will be developed. If the plans to date are received favourably, they will start more detailed work.

Referring to the policy document, Mr. Morgan noted that these are the policies which will guide any future development agreement applications. Any future development agreement on the Halifax portion of the area, will be brought before the Board. One of the watersheds falls within both BWAC's and the Board's jurisdiction and it is proposed the two boards review jointly.

The Board's attention was directed to Part 2, which contains Environmental Protection aspects. Seven policies are contained in this section. These policies would be considered when any subsequent development agreement application came forward. He asked the Board to review the policies and indicate if the Board desires any changes.

Mr. Mandaville noted that the Board had officially made recommendations on the previous proposal. He desired that these be taken into account.

A question was posed to the Clayton Development representatives by Mr. Williams re the water system. The route of the \$6 to \$7 million system was outlined.

Various questions were posed regarding the stormwater catchment areas and where the water will eventually drain. In particular, Mr. Regan referred to the culvert(s) associated with the Bedford Highway. Mr. Regan questioned if a natural water course

is involved and if so, were they planning to include fish passage. He was advised that Clayton Developments will speak with DOE&L and Department of Fisheries representatives. Reference was made to pipe which the Waterfront Development Corporation apparently infilled. While water can flow through the coarse materials, fish could not travel it. Mr. Regan suggested this pipe could be dug up.

Reference was also made to a culvert associated with Kearney Lake and whether a natural water course was involved in this instance. The Clayton Development representatives indicated they will be discussing this situation with DOT and the DOE&L as well. It was noted that ultimately the Department of Fisheries would also become involved. The representatives noted that Clayton Developments had a set routine with regard to consulting the various agencies at the pre and post construction phases.

Mr. Regan questioned whether they are planning any stormwater treatment before water enters the natural watercourses. Mr. Richardson indicated they were not, at this point in time.

Referring to their plans to use the Old Coach Water in their Stormwater Management Plan as a retention area, the Chair questioned whether they have considered measures to encourage infiltration into the groundwater table. The Board had made such recommendations associated with Royale Hemlocks partially because of concerns associated with Hemlock Ravine Park. At this point, Mr. Richardson indicated they have not done that level of detailed planning, but have taken measures to increase infiltration at other sites. The Chair will raise this idea, when a joint meeting is held with BWAC.

Mr. Morgan drew the members' attention to page 8, Environmental Protection Objectives, the 4th of which is "to preserve groundwater flows".

Referring to stormwater treatment in general, Mr. Hanusiak noted that stormwater from the proposed twenty-two (22) acre commercial site will be treated, but not water associated with road runoff.

Referring to the wells and septic system of existing homes off the Bedford Highway, Mr. Ross noted the effects of blasting are always a concern. The Board was advised that in addition to bringing municipal water to these areas, Clayton Developments has researched the potential for blasting damage. They have determined that due to the topography of the site in relation to the existing homes which are 40 to 50 feet lower, blasting should not present a problem. An elevation plan was displayed to demonstrate this fact. Mr. Morgan drew the members' attention to Policy MS-6 which also addressed these concerns. These provisions will be brought forward at the Development Agreement stage. It was noted that there is more concern associated with Fernleigh Park, as it obtains its water from an open water body rather than wells.

Efforts are being made to get Municipal water to them as quickly as possible.

Mr. Williams questioned the development's time line. It was noted that the area will be developed over the next 18 to 22 years. Limits to development were identified, i.e. the capacity of the Bedford Highway and services.

Mr. Morgan reiterated that when each development agreement application is made, it will be brought back to the Board for review, together with a detailed stormwater management plan. Currently six neighbourhoods are identified.

Referring to the map on page 6 of the report, the Chair noted the number of ponds identified. He wondered how the proposal deals with these ponds. Mr. Hanusiack indicated that it is their intention to retain the ponds. He noted that when they changed the route of the collector road, it was in order to have the least impact on the land.

Particular attention was drawn by the Chair to the ponds at the Bicentennial Highway end of the site, particularly the "Meadows". The Board was assured that these will be the subject of discussion with DOT and DOE&L to identify what is a watercourse and what has to be protected. Referring to the watercourses in general, the Board was advised that the plans minimized the need to cross them. At one point the cascading ponds have to be crossed. It was unavoidable.

Referring to the trail system, the Chair questioned whether it is the intention to connect them through the green areas, as well as accessing the ponds. Referring to the hierarchy of the parklands, Clayton Developments representatives indicating they will be awaiting direction from HRM in this regard. It was noted that the Old Coach Road will likely need enhancement, the balance they would like to turnover to the HRM.

Referring to Hemlock Ravine, Mr. Regan reiterated the Board's desire to direct flows to that area, while recognizing the importance of the quality and quantity.

Mr. Regan questioned whether fish surveys are being undertaken of brooks. Mr. Hanusiack indicated they are not now being done. They will await direction from DOE&L. It was noted that as the project proceeds, Jacques Whitford will be engaged to do an initial environmental assessment.

Referring to the stormwater treatment being proposed for the Commercial portion of the site, Mr. Evans questioned the kind of treatment being proposed. Mr. Richardson indicated it would be similar to that used for the Home Depot site, which used a CDS system.

Ross Evans indicated he was pleased with the approach taken, ie. taking watersheds into consideration. He felt this was excellent.

In conclusion, the Chair indicated that Board will develop some recommendations and provide to the Chebucto Community Council.

Drafting of recommendations deferred to the March meeting.

4.0 **NEW BUSINESS**

4.1 **CASE 00445: APPLICATION BY SUPERIOR SEAFOODS LTD. TO AMEND THEIR EXISTING DEVELOPMENT AGREEMENT TO PERMIT THE RELOCATION OF THE ADDITION (LOBSTER HOLDING FACILITY) IN OYSTER POND**

C Report from Thea Langille-Hanna, Planner dated February 13, 2002.

In attendance for this item were Rick Murphy and Hugh MacInnis. Mr. Kurt Pyle, HRM Planner, was in attendance in place of Ms. Langille-Hanna, who had another meeting this evening. He indicated staff would like to have the Board's recommendation(s) this evening.

Mr. Pyle reviewed the report with the Board. He recalled that the Board had previously dealt with the application for a development agreement. As a result, several recommendations were made by the Board. A development agreement associated with the lobster facility was subsequently approved by the Marine Drive, Valley & Canal Community Council March 2001. This amendment involves relocating the proposed addition, as identified on the attachment to the report. The original plan was not viable. Essentially a separate building is being proposed, which is actually further away from the highwater mark.

Mr. Pyle reviewed with the members their previous recommendations associated with the development.

Some aspects of the development discussed related to the monitoring of water entering and leaving the facility and whether there was sufficient parking. These issues were addressed by both Mr. Pyle and the proponents to the members' satisfaction.

It was concluded that the Board had no reason to offer recommendations beyond the ones it had originally made. Due to time constraints, a copy of an extract from the draft minutes, was to be provided to Ms. Langille-Hanna, as soon as possible in lieu of a report.

3.0 **BUSINESS ARISING (cont'd)**

3.5 **C & D WASTE HANDLING AND DISPOSAL**

Circulated in the agenda package were the NSDOE Construction and Demolition Debris Disposal Site Guidelines as requested at the Joint WAB meeting on January 22, 2002. Circulated at the meeting were concerns Walter Regan had with the Construction and Waste Management Strategy.

Referring to the minutes of the Joint Meeting, Dr. Thomas noted his name had been omitted from the attendance list.

Mr. Pyle was present at tonight's meeting to gather any further comments the Board members might have. He noted that the Board's general comments made at the January 22, 2002 meeting have already been noted.

Ms. Williams expressed concern that not much mention has been made to protecting groundwater. Mr. Pyle assured her that this will be clarified in the amendments. Referring to sorting pads, the Chair felt reference to containment and/or extraction needs to be included.

Reference was made to 1.3, Other Requirements: C & D Materials Transfer Station, C & D Waste Management Strategy. The Chair made reference to a separation distance of 30 metres not being appropriate. It may be in instances where there is a berm, but in other instances, depending on the gradient, 100 metres should be required. Mr. Pyle explained the difficulties of getting this modification past Municipal Affairs. Staff will try to include mitigative measures such as berms in the site plan approval.

Ms. Williams expressed concern about C & D recycling operations being permitted within Industrial, Resource and certain Mixed Use Designations. She had a particular concern about their location in a Resource designation which could include remote areas with wildlife and/or wilderness value. She made reference to comments by Dr. Gordon, DLAB at the Joint Meeting regarding one of his Board's goals being to see as much vegetation left intact as possible. Mr. Pyle assured her that Resource areas are not wilderness sites. He is working on clarifying areas where these facilities should definitely not be.

Mr. Dwyer reflecting on the strategy, sought confirmation that there is nothing to deal with illegal dumping. Mr. Pyle confirmed this to be the case. It was felt that some program needs to be created to deal with this problem, as it was recognized it would be difficult to expect these new operations to clean up existing messes.

Mrs. Thomas (guest) reflected on an observation she made at the Joint Meeting. One of the responses from staff, which she felt was less than helpful, related to certain matters not being covered in this document, but dealt with under provincial regulations.

She felt the various levels of regulations need to be fully integrated. She hoped the final version will be totally inclusive. The Chair and Mr. Pyle explained why this is not feasible. Mr. Pyle assured her that it is staff's responsibility to alert individuals of the requirements. Applicants will not get a license until they meet all the requirements. The license will spell out what is required.

A detailed review was conducted of Walter Regan's concerns circulated at the meeting. Each of his points were addressed by Mr. Pyle. While Mr. Pyle confirmed that some of the items raised by Mr. Regan had been taken care of, some of the points were dealt with as follows:

- C Mr. Pyle noted Mr. Regan's point that the distance to any watercourse should be at least 90 metres. 30 metres not being enough.
- C Mr. Pyle agreed that all landscaping should be by a registered Landscape Architect.
- C Only 'certain' mixed use areas or zones can be used as transfer, separation and disposable sites. It will depend on the characteristics of the area.
- C Mr. Pyle noted that there is a meeting tomorrow on the site plan approval process (refer item 8). The process needs to be formalized. Item 10, re C & D Disposable Site License renewals will also be discussed tomorrow.
- C To cut down on illegal dumping, it was suggested that free disposable permits be issued. It was argued this would be cost effective. From Solid Waste's perspective, you generate waste you pay for it, Mr. Pyle noted. Mr. Evans suggested that when you obtain a Building Permit for replacement of a deck, for example, there be a fee charged for its disposal.
- C It was felt there is a need for more transfer stations. They have to be conveniently located for people to use them.
- C Referring to point 18, Mr. Pyle made reference to audits. He noted that the province and municipality are one of biggest generators. Mr. Pyle felt that Council will revisit how they do their contracts. The municipality needs to be more accountable.
- C Referring to point 19, it was noted that there are companies who will pickup large appliances. It was suggested that perhaps HRM should advertise this fact.
- C Referring to points 25 and 26, reference was made to earlier comments regarding the need for concrete pads and treatment of effluent.
- C Mr. Regan felt sites should not be allowed in 1:100 year floodplains.

Rather than the Board develop recommendations, Mr. Pyle will be provided with copies of the draft minutes to use in conjunction with his notes.

3.1 **CASE 00317: STONERIDGE ON THE PARK**

- C Draft report to Chebucto Community Council prepared by Ms. Williams

The members reviewed the draft and some changes were made. Ms. Williams will make the amendments and provide to the Clerk for processing.

During discussion of point 4, it was noted that while HRM has been asked to provide the results of testing, this is not done routinely. Mr. Regan proposed a list be developed of how many times the results have been requested. Mr. Mandaville indicated he had provided a list of seven instances to Ms. Corser. It was acknowledged that some of the results have been received, but some are still outstanding.

During discussion of point 6, it was reiterated that rather than the Board using the word 'stormceptor' in their recommendations, the phrase stormwater treatment device should be used.

3.3 WESTGATE COMMUNITY DEVELOPMENT AGREEMENT

Circulated at the meeting was a draft report prepared by Mr. Ernst on the Westgate Community Proposal.

Also provided was a draft letter prepared by Mr. Regan to Mr. Jollymore re Improper Culvert Installation, Timberlea area. Also circulated were comments made by Mr. Regan on the development, together with the Chair's response. These were forwarded to Mr. Ernst for consideration in drafting of the report.

Some discussion followed on what is intended for some of the ponds and wetlands. Mr. Regan noted that he would not mind losing wetlands if their function was enhanced. It was concluded that it just needs to be made clearer what the proponent is proposing to do in such situations.

The members reviewed the draft. As a result some changes were made. Mr. Ernst will revise and provide a copy to the Clerk for processing.

4.0 NEW BUSINESS

4.2 TREE GUIDELINES

Deferred to March meeting.

4.3 BST (BACTERIAL SOURCE TESTING)

Mr. Mandaville described to the Board some work he has been engaged in. Two projects are involved. Eventually the outcomes will be shared with the Board.

3.4 **SCHMIDT LAKE SUBDIVISION - HAMMONDS PLAINS**

Ms. Corser reported on her investigations regarding the limits put on units which can be developed during a certain time period in this subdivision. It was confirmed that there was some sort of restriction which allowed only 20 lots to proceed in a four or five year period. Apparently the first period is up, with no development having taken place. Now the developer wishes to proceed with the first 20 and next 20 lots. The decision will be based on the interpretation of the Development Officer. She noted that this was clearly not the intent of the planners when the policy was drafted. Mr. Evans will discuss with the Director of Planning and Development. If the matter is not resolved to his satisfaction, he was invited to bring it back to the Board perhaps in the form of a draft letter for the Board to comment on. Ms. Corser agreed there is a need to seek clarification. She suggested that Mr. Evans may want to speak to Rosemary McNeil, the Development Officer. The Chair recognized that this is not so much a waters issue as a legal matter. It was acknowledged that there could be some environmental impact, however.

5.0 **CONCEPT PLANS**

None.

6.0 **DATE OF NEXT MEETING**

Wednesday, March 20, 2002.

7.0 **ADJOURNMENT**

The meeting adjourned at 10:00 p.m. Several Information items were circulated at the end of the meeting, i.e approved BWAC minutes for December 2001 and January 2002; Revised meeting schedule and Invitation to Healthy Growth for HRM Launch.

Lynne Le Boutillier
Assistant Municipal Clerk