

**HALIFAX REGIONAL MUNICIPALITY**

---

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD

MINUTES

MARCH 20, 2002

PRESENT: Dr. Wayne Stobo, Chair  
Mr. David Dwyer  
Mr. Walter Regan  
Ms. Ellinor Williams  
Mr. Ross Evans  
Mr. Glen Williams  
Mr. Frank Hope  
Dr. Sankar Ray  
Mr. Barry Thomas  
Mr. Jim Holmes  
Mr. Shalom Mandaville

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

REGRETS: Mr. Manchester and Mr. Murray

GUEST: Ms. Thomas

TABLE OF CONTENTS

1.01 Approval of Agenda, Additions and Deletions ..... 3

2.0 Approval of Minutes ..... 3

3.0 Election of Chair and Vice-Chair ..... 9

4.0 Business Arising from Minutes

    4.1 Wentworth/Bedford South Secondary Planning Strategy ..... 6 - 9

5.0 New Business

    5.1 Glen Arbour Water Pollution ..... 9 & 10

    5.2 Watershed Advisory Groups ..... 3 - 6

    5.3 Tree Guidelines ..... 10

    5.4 As of Right Development - Musquodoboit Harbour ..... 10 & 11

    5.5 Mainland South Planning Meeting ..... 11

6.0 Concept Plans ..... 11

Information Items:

    Sackville Streetscape

    BWAC Minutes

    Meeting Schedule ..... 11

    Status Sheet ..... 12

7.0 Date of Next Meeting ..... 13

8.0 Adjournment ..... 13

Meeting was called to order at 6:35 p.m., Training Room, 1<sup>st</sup> Floor City Hall.

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

The following items were added to the agenda under New Business:

- C 5.4 As of right development - Musquodoboit Harbour (David Dwyer)
- C 5.5 Mainland South Planning meeting (Chair)

Items 4.1, Wentworth/Bedford South Secondary Planning Strategy and 5.2, Watershed Advisory Groups were also moved up on the agenda. Item 3.0, Election of Chair and Vice-Chair to follow.

## 2.0 **APPROVAL OF MINUTES**

It was noted that Captain Owens, Jr. had been omitted from the attendance list as a guest.

An addition to the wording of the sixth paragraph, second sentence, item 3.5, C & D Waste Handling and Disposal on page 9, was requested by Ms. Williams as follows: She had a particular concern about their location in a Resource designation *which could include remote areas with wildlife and/or wilderness value.*

The February 2, 2002 minutes, as amended, were adopted on motion of Mr. Williams and Mr. Mandaville.

## 5.0 **NEW BUSINESS**

### 5.2 **WATERSHED ADVISORY GROUPS**

- C Information Report dated February 25, 2002 from Paul Dunphy, Director, Planning and Development entitled "Watershed Advisory Groups" (circulated in agenda package)
- C Table - HRM Water Advisory Boards - Terms of Reference (circulated at meeting)

Dr. Tony Blouin, Manager, Environmental Policy was in attendance to introduce the Information Report which was on Regional Council's March 5, 2002 agenda. He was seeking input into the process to develop recommendations in response to the North West Community Council and Chebucto Community Council concerns re jurisdictions of three existing waters related committees.

Reference was made to Chebucto Community Council's suggestion that consideration be

given to the possible splitting of the Halifax/Halifax County Watershed Advisory Board into two committees, one to deal with the former City of Halifax and the other the former County of Halifax. He noted that staff does not feel the proposed splitting to be an option.

The Chair referred to a comment made by a Councillor that the Board was too large. He took exception to this statement, given the large area of jurisdiction the Board has. Mr. Mandaville explained why Councillor Whalen may have been misled into thinking the Board was larger than it is.

The second issue staff was looking at was the inconsistencies reflected in the terms of reference of the three boards, as illustrated in the table provided by Dr. Blouin. The Chair agreed that the terms of reference need to be addressed. He referred in particular to the membership requirements, noting that the H/HCWAB's are broad with respect to representation. He felt there was some value in reviewing the various terms of reference and deciding on a consistent approach. Dr. Blouin noted that the inconsistencies in the terms of reference reflect that they were inherited from the four municipal units prior to amalgamation.

The Chair cautioned that when advertisements are made for volunteers to serve on the Board, there are very few applications. This might present a problem if entirely new boards are created. The implications need consideration. It might be more feasible to expand existing groups, thereby hopefully retaining the core. The knowledge gained through experience is critical in providing advice. Staggering of membership terms is helpful in this regard.

Dr. Blouin referred to maps which illustrated natural watersheds, outlined the WAB boundaries at present and the jurisdiction of the various community councils. He noted that staff feels the use of the natural watershed boundaries is the only sensible way to determine jurisdictions. Referring to the Dartmouth Lakes Advisory Board, Dr. Blouin acknowledged they had made recent changes associated with their jurisdiction, but still their boundaries don't entirely follow the natural watershed boundaries. He illustrated how the HRM, based on natural watersheds, could be divided among the Boards.

The Chair noted that the Board has been promoting the use of watersheds in establishing jurisdictions for a number of years. He canvassed those present to determine if this feeling remained the consensus of the Board. It was supported unanimously. This is an area the Board and staff agree on.

Dr. Blouin noted he will be meeting with each of the three committees to discuss how they wish to be involved. This will be done before any specific changes are developed by staff. He suggested the three Chairs may wish to meet with staff for further discussions or alternately appoint a member or members to represent their committee/board.

The Chair acknowledged that Dr. Blouin's attempt to generate discussion will give him an opportunity to get a feeling for attitudes.

Dr. Blouin referred to the involvement of the Community Councils and Regional Council. He felt that at some point a decision will be likely be made by Regional Council.

Mr. Williams referred to the 25-Year Regional Planning Strategy. He suggested Anne Muecke, Manager be invited to a Board meeting to help the members understand where growth is likely to take place. Ms. Muecke will be invited to the April meeting to shed light on trends.

Mr. Mandaville referred to a memo dated March 16, 2002 from the Soil & Water Conservation Society of Metro Halifax which suggest BWAC take over the entire Sackville River watershed and the entire Wentworth/Bedford South development area.

The Chair reflected that with the boundaries of the DLAB remaining as is and even with BWAC expanding its boundaries, this leaves a large area within the Board's jurisdiction. He noted that this area is likely to be the focus of development over the next 25 years. Essentially the area of jurisdiction consists of two chunks at either end of the Municipality. Consideration of dividing the jurisdiction in two was a possibility.

Mr. Austin French, Regional Coordinator, Community Planning provided some insights into the process associated with the 25-year Regional Planning process. In addition to a set of project policies being created, adoption of a preferred growth pattern, he noted there will be restructuring of community plans.

The Chair reflected on how the provision of services influences development. Mr. French indicated that early in the process, it will be determined where services can be extended and where they can't. A growth pattern will emerge. Some alternative scenarios will be developed. He anticipates these findings will be brought to Regional Council in a year.

In conclusion, it was proposed that both the Chairs and Vice-Chairs of the three boards, plus their respective staff resource person meet with Dr. Blouin to determine how to proceed in developing a proposal.

Mr. Mandaville had requested that Dr. Blouin stay to the end of the meeting to deal with some outstanding items on the Status Sheet. Given time constraints, it was decided that Dr. Blouin be invited to the next meeting. Three areas are to be addressed: Glen Arbour, Beaver Pond (Ashburn) and correspondence related to correspondence the Board had sent to Dr. Blouin on the Water Resources Management Study, late 2001 for which there has not been a response. The correspondence had requested that the Water Quality

agreement should be part of the final document, without any changes and be a standalone report.

#### 4.0 **BUSINESS ARISING FROM MINUTES**

##### 4.1 **WENTWORTH/BEDFORD SOUTH SECONDARY PLANNING STRATEGY**

In attendance for this item was Austin French, Regional Coordinator, Community Planning. Mr. Paul Morgan was unable to attend. Also in attendance were Mike Hanusiack and Earle Richardson, Clayton Developments Ltd. The Board's intention was to draft its recommendations to the Chebucto Community Council. Ms. Williams volunteered to draft the report.

Circulated at the meeting by Mr. French were recommendations BWAC had made to NWCC regarding Environmental Protection Policies.

Mr. Mandaville noted that the Board had discussed the area a couple of years ago and as a result, developed recommendations in the spring of 2000. Copies of these recommendations related to the Princes Lodge Area Master Plan - Lands north of Hemlock Ravine Park, Mainland Halifax were circulated. These recommendations were used as the basis of discussion, along with BWAC's and minutes of both the BWAC and WAB meetings.

Referring to the Princes Lodge Area Master Plan recommendations, Mr. Hanusiack advised that they have been discussed with Mr. Medjuck, Emscote and there is nothing contained in them which evoked a negative response. He noted that Regional Council will have to ultimately agree to them, however.

There was considerable discussion re point 10, contained in the recommendations related to Princes Lodge Area Master Plan which relates to the Board's opposition to any development that will result in untreated sewage entering the environment. Despite the proposed Harbour Clean-up, it was concluded this point should be left in.

Dr. Thomas lent his support to retaining point 7 which recommends the use of low flow faucets and toilets in all dwellings. He felt strongly that the Nova Scotia Building Code should be similarly changed.

Mr. Regan gave his support to Point 4, which stressed the importance of appropriate blasting techniques being used. Mr. Regan advised that he had drafted one hundred items to be considered in relation to this proposal, but unfortunately he had forgotten them at home. The Board discussed whether he should e-mail Ms. Williams the items for her to

peruse to determine what should be included in the draft report or whether Mr. Regan should provide the items directly to staff. Mr. Regan advised that they have already been sent to Mr. Morgan. Mr. French assured Mr. Regan and the Board that if Mr. Morgan is in receipt of these comments, they will be part of the record and be considered in any response to Council, as would any comments from the public. Mr. Mandaville noted that the Soil & Water Conservation Society of Metro Halifax has submitted their independent recommendations to Mr. Morgan.

The Chair referred to the Board's policy to make distinct recommendations and he questioned the time frame as Ms. Williams' draft would routinely be reviewed at the next meeting. Mr. Hanusiack referred to a Public Information Meeting, Councillor Whalen has called for April 3. He also noted the item is on North West Community Council's March 27<sup>th</sup> agenda and the Chebucto Community Council's April 8th agenda. Mr. Hanusiack indicated he had hoped to have the input of the Board by the April 3 Public Information Meeting, so the public can be assured that they had met with the various advisory groups.

Mr. Hanusiack referred to Recommendation No. 1 associated with the Princes Lodge Area Master Plan, related to a Stormwater Management Plan, being essential. He assured the members that all comments and concerns will be addressed. He noted that some of the ten recommendations are the responsibility of Regional Council versus the proponent, however.

The Chair noted that when the original recommendations were made, the principal concern was that a minimal change be made to groundwater movement associated with Hemlock Ravine Park. The Board still has concerns in this regard, but the associated dangers are not as potentially damaging. He felt the report could be revamped, with changes made to the Background, etc.

The Chair proposed that the Board review BWAC's recommendations to determine if they are any the Board would wish to incorporate in their report. During their review, Mr. Regan referred to Policy EP-5 which relates to development of land on major slope areas in excess of twenty-five (25%). He felt 20% would be better. The Chair suggested that it isn't necessary to include a percentage, simply state "slope gradient should be considered in development plan".

In conclusion, it was decided that a sentence be added to BWAC's recommendation 3, re Policy EP-5 which would read: In areas of steep gradients, that the buffer zone be increased appropriately.

Referring to item 2, related to EP-2 regarding the discharge of stormwater into natural watercourses, Mr. Williams suggested that the mitigative measures be spelled out, i.e.

STDs (Stormwater Treatment Devices) be specified.

Referring to item 5, which deals with clear cutting, Mr. Hanusiack reflected on discussions at last week's BWAC meeting. The Committee did not want to see a clear cut prior to development taking place, with the exception of what was required for survey lines and geotechnical work. The Chair questioned whether the Municipality would have legal authority to deny a development agreement for lands that had been clear cut and whether the Municipality would be prepared to go to court in this regard. Mr. French felt the Municipality would be prepared to go to court on such an issue, but whether such an action would stand up in court, under the provisions of the Municipal Government Act, he could not say. He concluded this is an issue and he felt it was better to have such a policy in the plan, than not.

Given the Board did not want to see any extensive clear-cutting, there was consensus that the Board lend its support to BWAC's recommendation in this regard and it be written out in the Board's recommendations.

Mr. Regan raised the subject of where a buffer zone, associated with a stream should be measured from. He referred to references that the buffer zone be measured from the centre of a stream, rather than 50' from the high water mark. Mr. Dwyer thought the definition the Board had adopted was the Department of Natural Resources, contained in the N.S. Wildlife Habitat & Watercourses Protection brochure. Mr. Regan referred to the Department of Environment's definition, noting they differ. Mr. Evans noted that it was never the Board's intention to take measurements from the centre of the stream. The Chair agreed that the definition 50' from the high water mark, stated by Mr. Regan, conforms with the Board's.

With regards to water testing, Mr. Regan referred to point 9 of the Board's recommendations related to the Princes Lodge Area Master Plan related to water testing. The desired reference to be to RCAP. The Chair noted that such a change will make the water quality parameters a bit more specific. Ms. Williams will include in the report.

Mr. Regan reiterated his concern regarding the blocking of a natural watercourse associated with the Bedford Highway. Since the development proposal did not cause this blockage, the Chair felt any comments should be made separately. A letter similar to the correspondence associated with the Westgate proposal could be sent to HRM and DOE & L.

Before leaving Mr. Hanusiack displayed some maps. He noted how the plans have evolved, as comments from the NWPAC, BWAC, etc. are taken into consideration and details are added. They will now start revising the plans on the Halifax side.



He discussed generally the amount of green place in the development and the three hierarchies of open space, associated with the Municipality's requirements, ravines and the minimal disturbance zones at the rear of lots. Of the 385 acres, 84 will be green spaces, not including the 28 - 40' of minimal disturbance area at the back of lots which in average range 110' to 150' in depth.

Mr. Mandaville requested that in future, Mr. Hanusiack provide enough copies of the final master plan for all Board members.

### 3.0 **ELECTION OF CHAIR AND VICE-CHAIR**

Circulated at the meeting was the resignation letter received from Ms. McNeil. The Clerk will arrange to have the Mayor write a letter to Ms. McNeil acknowledging her contributions to the Board.

Ms. Corser assumed the Chair and called for nominations for Chair. Dr. Stobo was nominated on motion of Mr. Regan and Mr. Dwyer. There being no further nominations after a second and third call, he was declared Chair by acclamation.

Nominations were called for Vice-Chair. Mr. Mandaville moved the nomination of Ms. Williams, Mr. Regan seconded the nomination.

Ms. Williams moved the nomination of Mr. Williams. This nomination was seconded by Mr. Dwyer. The vote was taken by secret ballot. Ms. Williams was declared Vice-Chair.

### 5.0 **NEW BUSINESS (cont'd)**

#### 5.1 **GLEN ARBOUR WATER POLLUTION**

A copy of a letter from Mr. Kleinknecht to Mayor Kelly re Glen Arbour Water Pollution was circulated in the agenda package. The Chair noted it was primarily an information item. It suggested that a copy of this correspondence be provided to Dr. Blouin, so he can address it at the April meeting.

Ms. Corser noted that it is the intention to do more sampling this year. Dr. Blouin will be designing the program and putting it to tender.

#### 5.3 **TREE GUIDELINES**

Mr. Dwyer referred to the brochure entitled "Nova Scotia's Wildlife Habitat and Watercourses Protection Regulations".

He made reference to recommendations he made to the Board in February 2001. The two recommendations focused on not cutting immature stands and cutting in such a fashion as to promote regeneration.

He noted that the Department of Natural Resources also supported such a recommendation but their suggestion was not included in the Tree Cutting Regulations, associated with the Forestry Act proclaimed January 14, 2002. He felt there was no further point in pursuing the subject, as it would be pointless. Nevertheless, he will continue to pursue through the Canadian Institute of Forestry.

During the discussion which followed, Mr. Mandaville indicated he was still interested in a report from Mr. Dwyer.

The Chair did not share Mr. Dwyer's views that pursuing the matter was useless. Mr. Holmes and Mr. Evans also agreed. It was concluded that Mr. Dwyer should put something together on behalf of the Board to be sent to the HRM, Natural Resources and the Dept. of Environment.

During the general discussion on the subject, Mr. Dwyer noted that while clear cutting is a problem for the public of the Province, it is not a forestry issue or necessarily an environmental problem.

The subject of what constitutes an immature stand was addressed. Referring to the brochure entitled "Nova Scotia's Wildlife and Watercourses Protection Regulations", it was felt that Mr. Dwyer's report should reflect the Board's agreement with the two regulations and comments on the harvesting of immature stands and their definition, as the brochure does not address. Mr. Dwyer also noted that he will refer to various silva culture methods in addition to the retention of seed trees for regeneration purposes.

#### 5.4 **AS OF RIGHT DEVELOPMENT - MUSQUODOBOIT HARBOUR**

Mr. Dwyer made some observations regarding the proposed Scotsdale Estates development. He displayed a plan of the development and various aerial photos of the area. The development is in the area of Scott's Lake, in the vicinity of where Highway 107 stops. The watershed associated with the areas flows into Petpeswick Inlet.

The two issues associated with the development were related to the design of the road and septic systems.

Given this is an as-of-right development, it was concluded that the only thing the Board could advise was for Mr. Dwyer to give the developer a copy of the Board's Guidelines. He could encourage the developer to consider some of the practices contained in the

Guidelines. He may also wish to comment that the Board normally recommends septic systems be 100 meters from watercourses, which should not present a problem given the lot sizes.

#### 5.5 **MAINLAND SOUTH PLANNING MEETING**

The Chair advised that he received a phone call from Graham Reade noting that a Mainland South Planning Strategy Review group has been formed. A meeting is being held at the Captain Spry Community Centre, Saturday April 13, 2002 at 9:00 a.m. to 1:00 p.m. They are interesting in having members of the Board attend. They wish to look at their plan structure on a watershed basis.

#### 6.0 **CONCEPT PLANS**

None.

#### **INFORMATION ITEMS**

#### **SACKVILLE STREETSCAPE**

Mr. Regan referred to an item distributed in the February agenda package re this item. He had thought it would be on tonight's agenda. It was decided to have the item added to next month's agenda and either Andrew Whittemore or Thea Langille? be invited to attend.

#### **BWAC MINUTES**

BWAC's approved minutes from their February 13, 2002 meeting were circulated at the meeting. Any issues resulting from their review can be raised at the April meeting.

#### **MEETING SCHEDULE**

A more up-to-date meeting schedule dated March 20, 2002 was circulated at the meeting.

Referring to a Public Hearing being held April 8, 2002, the Chair could not recall the Development Agreement for Glenbourne Subdivision coming to the Board. It was requested that Ms. Corser look into. She will contact the planner associated with the case. In the interim, the interested members were encouraged to attend the Public Hearing and report back to the April meeting if there is any need to comment. Since the development does not affect any watercourses, Mr. Mandaville felt this was why it was never brought to the Board's attention.

Reference was made to a series of Regional Planning Community Workshops being held

within HRM in April.

Mr. Mandaville questioned which sessions would deal with issues of environmental significance. Ms. Corser felt the ones being held April 8 in Fall River, April 15, Beaver Bank and April 17, Hubbards would deal with these issues.

### **STATUS SHEET**

During review of the Status Sheet, it was decided that the following items can be taken off:

- C Construction Demolition Landfill Sites
- C Bonding
- C Wentworth/Bedford South Secondary Planning Strategy
- C Schmidt Lake Subdivision - Ms. Corser advised that she has discussed this item with Ms. Ryan. She noted that the way the policy was worded there was a loophole. She noted that in the Subdivision Bylaw refers you to the policy, but interpretation was done in absence of the policy. There appears to be general agreement that 20 lots can be developed in a four year period. This period starts when the development of lots commences.

Referring to the Glen Arbour (Sandy Lake) item, it was reiterated that the results of the new water testing are being awaited.

Referring to the Ashburn item, Ms. Corser noted that the Planner, associated with the original agreement, has made contact with Tom Swanson to discuss with him the possibility of having the developer redo the baseline. She noted they are not planning to commence the next phase. The Board desires water samples done before construction starts.

Infilling of Marshes - It was left on, as some responses have yet to be received. Check last month's package.

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

The next meeting is scheduled for Wednesday, April 17, 2002.

### **8.0 ADJOURNMENT**

The meeting adjourned at 9:30 p.m.

Lynne Le Boutillier

Assistant Municipal Clerk