

HALIFAX REGIONAL MUNICIPALITY

HALIFAX/HALIFAX COUNTY WATERSHED ADVISORY BOARD MINUTES JANUARY 15, 2003

PRESENT: Dr. Wayne Stobo, Chair
Ms. Ellinor Williams
Mr. Glen Williams
Mr. Lawrence White
Mr. Walter Regan
Mr. Frank Hope
Dr. S. Ray
Mr. Peter Murray
Mr. Keith Manchester
Dr. Barry Thomas

ABSENT: Mr. David Dwyer (regrets)
Mr. Shalom Mandaville (regrets)
Mr. Bill Ernst (regrets)
Mr. Jim Holmes

ALSO PRESENT: Ms. Susan Corser (Planner)
Ms. Lynne Le Boutillier (Legislative Assistant)

GUESTS: Capt. John Owens Jr.
Ms. Christine Smith

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The meeting was called to order by the Chair at 6:30 p.m., Halifax Hall, City Hall.

1. **APPROVAL OF AGENDA, ADDITIONS AND DELETIONS**

Added Items:

Item 3.2 - Springfield Lake, Middle Sackville

Item 3.3 - Voyageur Lake Subdivision

Item 3.4 - Presentation: Heather Ternoway

Item 3.5 - Membership

Item 5.5 - McGrath Lake Concept Plan

Item 5.6 - Withrod Avenue/Five Island Lake - Phase I

Item 5.7 - Three Brooks Subdivision (*any hand out?*)

The order of the agenda was changed to allow those present for items 3.2 and 3.4 to have their items addressed earlier in the meeting.

MOVED BY Ms. Williams and Mr. Manchester that the revised agenda be adopted. MOTION PUT AND PASSED.

2. **APPROVAL OF MINUTES**

MOVED BY Mr. Regan and seconded by Mr. Williams that the minutes of the November 20, 2002 meeting be adopted as circulated. MOTION PUT AND CARRIED.

3. **NEW BUSINESS**

3.2 **SPRINGFIELD LAKE, MIDDLE SACKVILLE**

C e-mail exchange dated January 15, 2003 between Mr. Grace and Mr. Mandaville (circulated at meeting)

Mr. Michael Grace and his son, Edward Grace were in attendance. They were seeking advice and assistance from the Board on how to pursue the following:

- C Stopping the run-off from the gravel pit(s) down Fenerty Road when it rains heavily, as it is affecting the lake by depositing gravel and mud.
- C Remediation of the problems caused to date, including protection of the river bank.

They indicated they have been unsuccessful gaining help from their Councillor(s), DOE&L or inspectors. Reference was made to a Department of Fisheries and Oceans representative remarking that the deposited gravel has improved the habitat for minnows. It was noted that the Provincial authorities have taken action regarding the gravel pit(s) on occasion, but there appears to be no lasting improvement, i.e. DOE&L had required the installation of check dams, etc. DOE&L has taken water samples over the years. There appears to be a problem with enforcement of provisions under the Gravel Pit Permit. The gravel pit(s) is estimated to be a half-mile away.

Reference was made to the NSDOE&L Pit and Gravel Guidelines and it was explained that HRM likely has no jurisdiction in this area. The province controls and regulates. Nevertheless, Mr. Grace noted that while HRM may not have any authority in this area, runoff related to the shoulders of their roads have contributed to the problem. Reference was made to the installation of a retaining wall to help resolve the problem, which only added to it.

While the whole lake is affected, no area is as affected as much as the Grace property.

During the course of their presentation to the Board, they circulated photos of the area in front of their property taken twenty (20) years ago to compare to the situation which exists today and illustrate how the waterfront has deteriorated. Photos were also circulated of problem areas to help illustrate how they have contributed to the problem of gravel and silt build up in Springfield Lake, attributed to runoff originating from gravel quarries.

During their presentation, the following were highlighted:

- C Sub-division development has reduced marsh/wetland area which acted as a filter and helped protect the lake.
- C More roads were developed and gravel is being washed off their shoulders.
- C A dam not being able to deal with the water flow and its replacement with a culvert under Springfield Lake Road.
- C The volume of water which now enters a stream/brook is eroding its banks.
- C The water is no longer potable and on some occasions can't even be used for washing clothes.

The Chair explained to the Graces that without more background, it is difficult to formulate questions.

Mr. Andrew Bone, HRM Planner noted that the Planning Department has been aware of problems with Springfield Lake and its watershed for sometime. Reference was made to a Municipal Plan which included a Policy which addresses the area. Mr. Regan advised the Board that Policy P-71 was included in the 1980 Municipal Plan, but never enacted.

HRM has deferred dealing with the matter until the Stormwater Master Plan was completed.

Mr. Regan proposed the Board write a letter to the Mayor and Minister of Environment and Labour seeking restoration. He also thought a letter should be written to the DFO asking for increased inspection. The Chair did not feel the latter letter would be of any use.

In order for the Board to take this issue forward, the Chair felt the Board needed a better description of the problem, so a letter can be formulated to the Mayor identifying the watershed issues and to illustrate the major stream alteration caused by the quarry(s). Mr. Regan will work with the Graces. It was suggested that the following would be helpful in outlining the details of the problem for the Board.

- C a typographical map
- C history of development in the area, with boundaries identified
- C description of the stream
- C the location where silt is entering the stream
- C the location of the dam referred to
- C distance the gravel extends into the lake and the dimensions of the impact.
- C address the gabions
- C describe the stream's shoreline

Once the correspondence is received from the Graces, the Board will undertake to write the letter to the Mayor, copied to NSDOE&L.

3.4 **PRESENTATION - INFORMED PARTICIPATION IN HRM PLANNING PROCESS**

Ms. Ternoway, a graduate student in planning, was in attendance. She explained that her thesis relates to informed participation. Ms. Ternoway sought the members' input into her survey on how they obtain the information they need and whether they have encountered difficulties. She will use this input to help determine how the process can be improved. Copies of the survey were left for the members.

3.1 **APPLICATION BY J. P. ROBICHAUD TO ENTER INTO A DEVELOPMENT AGREEMENT FOR AN ASSISTED CARE RESIDENCE ADJACENT TO THE LITTLE SACKVILLE RIVER CROSSROADS**

- C Memorandum dated January 8, 2003 from Andrew Bone, HRM Planner re Case 00495.

Mr. Bone explained to the Board that the proponent is seeking to enter into a development

agreement to construct a three storey assisted care facility. The facility is to be located on a three acre lot off Sackville Cross Road, adjacent the Little Sackville River. Due to its proximity to the river, portions of the building and associated parking fall within the 1:20 and 1:100 flood plains. It was explained that the developer had to locate the building closer to the river due to the topography of the site, which would have required a large amount of excavation to accommodate the structure further from the river. To reduce the impact on the flood plain, the proponent proposes to support a portion of the building on columns.

Relevant Policy excerpts from the Sackville MPS were provided and highlighted by Mr. Bone. In particular addressed was Policy FP-2 which states "...any structures intended for human habitation, whether permanent or temporary, shall be prohibited". He also noted the reference to "no fill of any kind shall be permitted within the 1:20 year flood plain" in Policy FP-4. Reference was made to there being no alterations in grade proposed which could reduce the capacity of the flood plain.

It was noted that the developer is investigating the use of permeable asphalt.

Mr. Bone was seeking general preliminary comment from the Board on the intrusion into the flood plain. Mr. Regan noted that the Sackville Rivers Association is not opposed to the development. It recognizes the need for such accommodation in the area. The area in question is flat, infilled, with no trees. They feel that the situation with respect to the Little Sackville River could be improved as follows:

- C asking the developer to reduce the height of the lands
- C oil/grit separator be installed
- C trees planted along the shoreline
- C use of a permeable surface in the parking areas.
- C retention of storm water on site, by sloping the parking lot toward the building
- C building be constructed completely outside the flood plain, except for the columns

The Board discussed the proposal at some length and concluded that their concerns related more to parking within the flood plain, than the building itself. It was noted that by building over the flood plain, there is no reduction in flood plain capacity, although emergency access to the building will have to be taken into account. It was however noted that proposed access to the building appears outside the 1:100 year flood plain.

Concerns were associated with the following:

- C Salt runoff from the parking lot
- C Runoff of petroleum products associated with the vehicles into the river. It was felt that the standard location and type of oil and grit separator would not work well on this site, given the elevations.

- C Given the soil is clay, having a permeable parking surface won't make much, if any, difference to groundwater recharge.
- C Encroachment on a substantial portion of the flood plain which has already been infilled, thus the flood plain would be too compromised. The Board could not support the idea of a parking lot within the flood plain.

Perhaps the proponent could consider other parking options, i.e. at the rear or under the building or purchase adjacent property, etc.

In the event the development proceeds further, and the issue of parking is resolved, the case will be brought back to the Board.

3.3 VOYAGEUR LAKE SUBDIVISION

Ms. Corser referred to a subdivision proposal in an area off Hammond Plains Road, in the vicinity of Kingswood and Schmidt Lake. The area is 150 acres, encompassing five lakes. A development had been before the Board for this area in the past. What is being proposed involved the concept of cluster housing on a shared septic system. This concept allows for the same density of units, but larger areas of green space. Water could be provided through a shared well(s) or an extension to the Water Services Boundary. Although the project can proceed as of right, since it is such a new concept the proponent wishes to discuss with the Board. There are some complexities involved. The Board indicated they desired a presentation. Concerns about the potential impact of the proposed septic systems were expressed.

3.5 MEMBERSHIP

The Chair advised the following:

- C Two members whose terms were up November 2002 have reapplied for reappointment.
- C Six associations were contacted and confirmed their desire to be represented by current members of the Board.
- C Three new applications were received. Two of these individuals reside in districts already represented on the Board. Before the report(s) can be finalized for the Community Councils, a decision was required regarding these two applicants. A recommendation associated with clause 'd' of the Board's terms of reference is required which read "such other members as determined from time to time by the Community Council in consultation with the Board".

The Chair briefly reviewed the qualifications of these two individuals and it was decided by consensus to put forward Dr. Lee and Ms. Smith's names. It will be noted in the report that these are individuals prepared to volunteer time and expertise to the Board and the Board

feels their appointment will enhance the Board.

5. **CONCEPT PLANS**

Ms. Corser had a number of concept plans, some of which had been included on the agenda. She noted that these plans pertain to 'as of right' development and are for information purposes, as individual members may wish to address with their association, etc.

She recalled in the past that proponents associated with concept plans had been sent a letter from the Board, enclosing the Guidelines. It was felt that the practice should be recommenced. She will provide the names and addresses to the Clerk.

Mr. Regan recalled the Board's desire to extend the buffer zone to a watercourse from 15 meters to 20 meters. Until this change is made to the Guidelines, reference is to be made in the letter.

5.1 **BEAR COVE SUBDIVISION**

In addition to the sub-division application form provided with the agenda package, a map of the area was distributed at the meeting.

A discussion followed on the loss of public access to both beaches and salt water pertaining to this subdivision which abuts the approaches of Halifax Harbour.

5.2 **GLEN ARBOUR WAY AND HALFWAY LAKE DRIVE**

A map associated with the subdivision was circulated at the meeting.

5.3 **SPIDER LAKE**

A map associated with the 68 lot subdivision to be serviced on site was provided at the meeting.

5.4 **LANDS OF PASCAL DUMAS - EAST DOVER**

A copy of the sub-division application was circulated in the agenda package. Only a large scale map of the sub-division, which proposed fourteen (14) lots on a private road, was available.

5.5 **MCGRATH LAKE**

A map of the sub-division was circulated by Ms. Corser.

5.6 **WITHROW AVENUE - FIVE ISLAND LAKE - PHASE 1**

A map of the sub-division was circulated by Ms. Corser.

If more information is required on any of the concept plans, the members were encouraged to contact Ms. Corser and she will direct the query to the Development Technician processing the application.

Ms. Smith expressed alarm that HRM is not looking at the cumulative effect of all these sub-divisions on water resources, etc.

Remarking on the number of concept plans received this evening, a general discussion followed on the impact the Municipal Planning Review is having. It was proposed that the Board write the Mayor about its concerns, particularly the cumulative effect of all these sub-divisions being approved without an overall plan in effect, an assessment of the impact and whether they are necessary. Reference was made to the fact that once lots are approved, approvals can't be taken away unless the HRM is willing to buy the property. It was acknowledged that any form of moratorium would not likely be well received, however.

Mr. Hope noted that the Water Resource Management Study will address some of the concerns raised by Ms. Smith.

4.0 **BUSINESS ARISING FROM MINUTES/STATUS SHEET**

4.2 **GLEN ARBOUR (SANDY LAKE)**

Ms. Corser provided the following update:

- C Nothing is happening with Blocks a, b, c or d
- C The proponent will be bringing something to the Board in the next few months re Block 'd'.
- C Reference to the overall integrated watershed management plan was not included in the Development Agreement. It required that the overall stormwater management plan for Blocks a, b and c come to the Board.
- C There appears to be no reference in the development agreement that the developer has to do something in the event of damage to the lake.

The Chair requested that this item be put on the February agenda, in particular the (b) portion of this agenda item. He noted that the Board has written on a number of occasions regarding this case. A decision is required on the next step.

4.1 **WATER SERVICE BOUNDARY AMENDMENTS FOR FALL RIVER VILLAGE AREA**

Copies of the draft were circulated at the meeting. Due to time constraints, the Board could not complete its review of the draft, however the following changes were made:

- C Under recommendations, point 1, insert '(see below)' after the word 'samples'.
- C Second page, second line - change word 'water' to 'waterline'. Add the sentence "If deterioration is determined, the proponent will take remedial action before any further construction occurs".
- C Second paragraph, second page - bracket the words 'spring, summer, and fall'.
- C Second and third sentences, second paragraph - Change the sentence to read: All samples should be taken from the *approximate mid point of the water column* for both lakes. Samples should be taken *by a qualified environmental practitioner*.

4.3 **STATUS SHEET - DRAFT LETTER RE WATER TEST RESULTS FILING/ARCHIVING**

Deferred.

4.4 **WATER TESTING RESULTS REQUESTED BY H/HCWAB - PLANNER ASSOCIATED WITH WESTGATE**

The Planner associated with Westgate is Mitch Dickey.

4.5 **WATER RESOURCE MANAGEMENT STRATEGY**

Reminder of joint meeting of WABs to be held Thursday, January 16, 2003.

4.6 **PAPER ON CANADA'S FRESH WATERS BY PROFESSOR DR. DAVE SCHINDLER**

Included in agenda package for information.

6. **DATE OF NEXT MEETING**

Wednesday, February 19, 2003.

7. **ADJOURNMENT**

Meeting adjourned at approximately 9:30 p.m.

Lynne Le Boutillier
Legislative Assistant

To do: Revise report to Councils.