

**Harbour East Community Council**  
**October 2, 2008**

**TO:** Councillor Bill Karsten, Chair, and Members of the Harbour East  
Community Council

**SUBMITTED BY:**   
Ms. Audrey Manzer, Chair, Dartmouth Lakes Advisory Board

**DATE:** August 19, 2008

**SUBJECT:** **Case: Application by Terrain Group on behalf of O'Regans Properties  
Ltd. to amend an existing Development Agreement for lands located  
at 60 Baker Drive (PID#41068628), to include new lands currently  
located on a portion of 20 Baker Drive (PID#40740631), Dartmouth**

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## **REPORT**

### **ORIGIN**

Special Dartmouth Lakes Advisory Board meeting of Monday, August 18, 2008..

### **RECOMMENDATION**

It is recommended that the Harbour East Community Council recommend that:

1. the site remain gravel and not be paved;
2. a 5 m buffer zone of vegetation be placed along the left side of the open ditch;
3. during any construction, mitigation measures laid out in the letter dated June 13, 2008 from Mr. Mark Bochmann, Jacques Whitford Limited, be strictly adhered to.

## **BACKGROUND**

At the August 18, 2008 special meeting of the Dartmouth Lakes Advisory Board, staff provided a presentation on the application by Terrain Group on behalf of O'Regans Properties Ltd. to amend an existing Development Agreement for lands located at 60 Baker Drive (PID#41068628), to include new lands currently located on a portion of 20 Baker Drive (PID#40740631), Dartmouth. Staff requested comment from the Dartmouth Lakes Advisory Board members.

## **DISCUSSION**

The Dartmouth Lakes Advisory Board, during their discussion on the matter, stressed the importance of additional vegetation along the open ditch with a 5 m buffer zone; that the site remain gravel and not be paved and that during construction, the mitigation measures laid out in the accompanying letter from Mr. Mark Bochmann, Jacques Whitford Limited, dated June 13, 2008, be strictly adhered to.

## **BUDGET IMPLICATIONS**

None associated with this report. .

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

## **ALTERNATIVES**

None.

## **ATTACHMENTS**

- |                |  |
|----------------|--|
| Attachment "A" | Information circulated to the Dartmouth Lakes Advisory Board dated August 12, 2008 including a letter dated June 13, 2008 from Mr. Bochmann of Jacques Whitford Limited. |
| Attachment "B" | Excerpt of the Dartmouth Lakes Advisory Board draft minutes of August 18, 2008.  |

A copy of this report can be obtained online at [www.halifax.ca](http://www.halifax.ca) by choosing the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Chris Newson, Legislative Assistant, Municipal Clerk's Office



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

August 12, 2008

Dartmouth Lakes Advisory Board

**RE: CASE: Application by Terrain Group, on behalf of O'Regans Properties Ltd. to amend an existing Development Agreement for lands located at 60 Baker Drive (PID # 41068628), to include new lands currently located on a portion of 20 Baker Drive (PID # 40740631), Dartmouth**

Terrain Group has submitted an application on behalf of O'Regans Properties Ltd to amend an existing development agreement to add new lands to their existing agreement. In the northern corner of the lands, an intermittent stream crosses the property. The applicant is proposing a twin culvert to provide access over the stream. The details of the culvert crossing are attached to this letter. The stream is piped leading into the property and is piped again once it enters the adjacent lot where it leads off the lot and drains into Russell Lake which is part of the Cow Bay River watershed.

The site is currently used for overflow storage for a car dealership. The use of this land will not change and no development is proposed other than the access driveway. The development would have to comply with the existing development agreement that includes a detailed stormwater management plan and erosion and sedimentation control plan.

The applicant is prepared to attend the meeting of the Advisory Board on August 18, 2008. If the Advisory Board will be supplying written comments, I'd appreciate receiving these by September 31, 2008. If you have any questions please do not hesitate to contact me at 490-3999.

Sincerely yours,

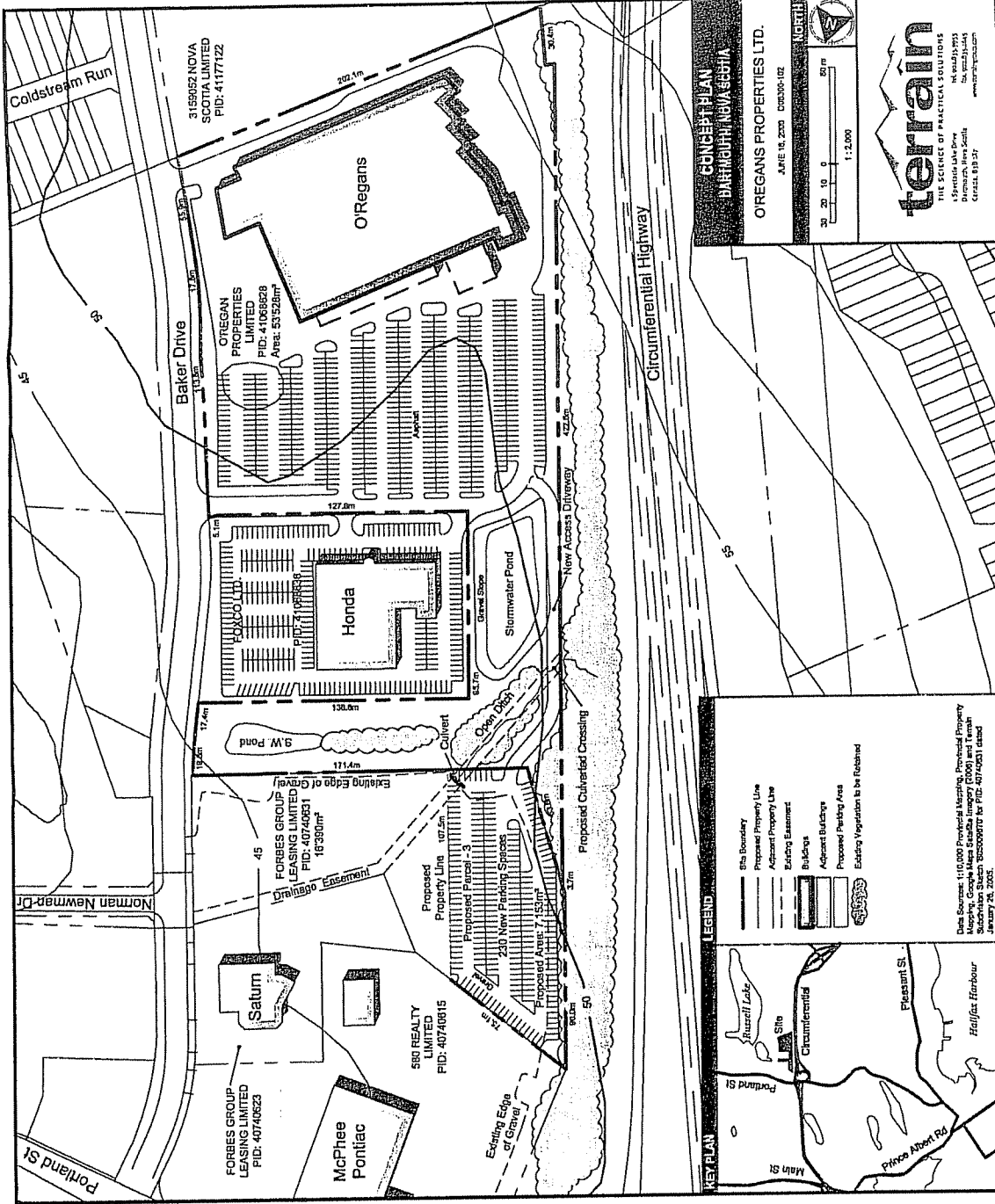
A handwritten signature in black ink, appearing to read "Jennifer Chapman", written over a horizontal line.

Jennifer Chapman, Planner I  
Planning and Development Services

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PLANNING AND DEVELOPMENT SERVICES, PLANNING APPLICATIONS

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E-mail: chapmaje@halifax.ca Web Site: www.halifax.ca



**CONCEPT PLAN**  
**O'REGANS PROPERTIES LTD.**  
 BARTMOUTH, NEW BRUNSWICK

DATE: 18. 2003 DRS/00-102

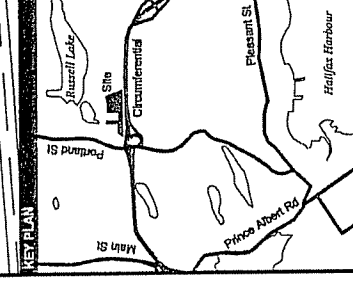
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 THE SCIENCE OF PRACTICAL SOLUTIONS  
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 Durham, New South Wales 2823  
 Australia  
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Scale: 1:2,000  
 North arrow pointing up.

**LEGEND**

- Site Boundary
- Proposed Property Line
- Adjacent Property Line
- Existing Easement
- Buildings
- Adjacent Buildings
- Proposed Parking Area
- Existing Vegetation to be Retained

Scale Sources: 1:10,000 Proposed Mapping, Proposed Property Mapping, Google Maps, Esri/Mapbox (2003) and Terrain Subscription Sheet S282009607P for PID: 40749031 dated January 28, 2003.





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VIA HAND DELIVERY

Project No. 1033710.

June 13, 2008

Mr. Kevin Brooks, Planner  
Terrain Group Inc.  
1 Spectacle Lake Drive  
Dartmouth, NS B3B 1X7

Dear Mr. Brooks:

**Re: Installation of Twin Culverts in Brook Reserve B-1  
Construction of Access Road to Lot 3-A**

The following erosion and sediment controls and work procedures will be implemented for the proposed installation of twin culverts in Brook Reserve "B-1". The culverts are to be installed in conjunction with the construction of an access road to Lot-3-A (Terrain Drawing No. B05009671), lands presently owned by the Forbes Group Leasing Limited.

Based on the existing 42 "dia. twin concrete culverts in the brook reserve immediately downstream of the proposed installation site, the new culverts will remain of equivalent size. Whether the culverts are corrugated metal or concrete will depend on anticipated loading and cover considerations yet to be determined.

Nova Scotia Environment (NSE) has confirmed that the waterway to be crossed is not a watercourse by their definition as flow is intermittent and because so much of its length is within a culvert. However, the waterway is to be treated as if it was a watercourse because any siltation as a result of the culvert installation work would run directly into Russell Lake.

The following environmental controls and work procedures will be implemented during the installation of the twin culverts and associated work on the access road.

#### Culvert Installation

1. Work will be carried out during low flow conditions, i.e., June 1<sup>st</sup> to September 30<sup>th</sup>.
2. Crossing of the waterway with machinery will not be permitted.
3. No grubbing within 30 m on either approach to the culvert installation will be permitted until the culvert installation has been completed.



**Jacques  
Whitford**

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4. Any bare soil conditions within the 30-m buffer due to machinery travel will be temporarily covered with straw/hay mulch.
5. There will be no refueling of machinery or storage of gas, oil or lubricants within the 30-m buffer.
6. All excavation for the culvert installation will be removed from the site or placed outside the 30-m buffer.
7. Some sections of existing vegetation and the top soil layer (of the area to be excavated for the culvert installation) will be carefully removed and stored on site. This material will be used to replace any vegetation on the waterway bottom or embankments that is destroyed during installation of the culverts.
8. All machine work for excavation will be carried out from the banks of the waterway.
9. The culverts will be installed 150 mm below the bed of the existing waterway.
10. The waterway will not be disturbed outside the area to be covered by the new culverts and the area of stabilization at the culvert inlets and outlets.

#### **Water Control and Dewatering**

1. An earth cofferdam will be installed upstream of the culvert installations and clean water will be pumped around the site during the installation of the culverts. The upstream slope of the cofferdam will be stabilized with clear stone.
2. During excavation, any sediment-laden water encountered will be pumped to the adjacent retention pond or will be pumped to a wetland filter bag that is located outside the 30-m buffer to the existing waterway.
3. Once the culvert has been installed, the earth dam will be removed and flow returned to the existing waterway.

#### **Stabilization**

1. The entire slope face at the culvert inlets and outlets will be covered with a uniformly-graded rip rap material that will have at least 70% of the rip rap between 100 mm and 200 mm (4 inches to 8 inches).
2. The immediate upstream embankments at the culvert inlets for a distance of 5 m will be covered with a uniformly-graded rip rap material that will have at least 70% of the rip rap between 100 mm and 200 mm (4 inches to 8 inches).
3. The waterway bottom at the culvert outlets and embankments for a distance of 5 m will also be covered with a uniformly-graded rip rap material that will have at least 70% of the rip rap between 100 mm and 200 mm (4 inches to 8 inches).

Mr. Kevin Brooks, Planner  
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June 13, 2008

4. Sections of salvaged vegetation (and top soil layer) will be used to restore the waterway bottom and embankments between the undisturbed area and the culvert inlets.

#### **Construction of Access Road**

1. Prior to any grubbing work commencing on the access road within the 30-m buffer, a sediment control fence will be installed along both sides of the waterway at a set-back distance of 1 m.
2. Once the roadway area has been cleared and grubbed, it will be brought to final grade and covered with gravel as soon as possible. The grubbed area will be temporarily covered in straw/hay mulch if the road is not brought to final grade and covered with gravel within 5 working days.
3. Embankment slopes comprised of common material will be hydroseeded as soon as possible after the construction of the access road.

Please do not hesitate to call either Mark Bochmann or Denis Rushton of Jacques Whitford at 468-7777, if you have questions or require clarification on any issue.

Respectfully submitted,

**JACQUES WHITFORD LIMITED**

*Denis Rushton*

*for* Mark Bochmann, P.Eng.

MB/DR/hh

cc: Bryce Fisher, O'Regan  
Project File 1033710.

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### 3. REPORTS

#### 3.1 Application by Terrain Group, on behalf of O'Regan's Properties Ltd. To Amend an Existing Development Agreement for Lands Located at 60 Baker Drive, Dartmouth (PID#41068628), to Include New Lands Currently Located on a Portion of 20 Baker Drive (PID#40740631), Dartmouth.

- A letter dated August 12, 2008 from Ms. Jennifer Chapman, HRM Planner, was before the Board.
- A map of the area including the proposed culvert crossing was before the Board.
- A letter dated June 13, 2008 from Mr. Mark Bochmann, Jacques Whitford Limited was before the Board.

Ms. Jennifer Chapman, Planner 1, Eastern Region, presented the information. She then introduced Mr. Denis Rushton of Jacques Whitford Limited, Mr. Nathan Rogers and Mr. Kevin Brooks of Terrain Group Inc. and Mr. Bryce Fisher, owner of O'Regans Properties Limited, who were in attendance to respond to any questions of the Board.

Ms. Catherine Lunn entered the meeting at 5:19 p.m.

Ms. Chapman advised that the Nova Scotia Department of Environment (NSE) does not consider the stream to be a watercourse; however, HRM does consider it a watercourse.

Mr. Rogers, Terrain Group Inc., speaking on behalf of their client O'Regans Properties Limited, explained that the lands in the buffer area would not be disturbed (excavated) until the culvert was installed. The water would be pumped around the site and a wetland filter bag or settling pond would be used. The stream would be reinstated and armored on approaches (inlet and outlet). If desired, existing vegetation could be saved and replaced, including sodding, so that there would be no bare soil areas open for any length of time. A drainage channel is currently in place underground and the twin culvert would be a continuation of the existing culvert.

In response to comments/concerns expressed by members of the Dartmouth Lakes Advisory Board, Terrain Group Representatives and Mr. Fisher, provided the following information:

- The water crossing Highway 111 was in no way connected to the stormwater pond or other stormwater pond at the far east near the open ditch by Baker Drive.
- There is a french drain system from the stormwater pond (a trickle flow). Only the area near the (vehicular) access will be placed underground, the remainder of the stream will remain open.



- the surface of the parking lot area is currently drained into the buffer.
- the drainage easement is all underground.

In response to Dr. Millward, Ms. Chapman confirmed that since HRM considers this stream a watercourse and that under the Regional Plan there is to be a 20 m buffer around watercourses, this site will be grandfathered.

- the parking lot is intended to remain gravel and is currently used as a parking lot for the car dealership's overflow storage.

Dr. Millward suggested that new vegetation be placed immediately adjacent to the open ditch up to 5 m back.

Mr. McLean and Mr. Connor commented that depending on future use and the possibility of oil in the area, consideration should be given to whether or not the area should be a hard surface with curbing and an oily water catch basin to deal with any runoff and a stormwater pond to cleanse the water prior to it entering Russell Lake. Mr. Connor further commented that covering a portion of the stream would be heading in the opposite direction from daylighting streams.

Mr. Bryce Fisher, O'Regans Properties Limited, responded to Ms. Manzer that there were no plans to pave the 77,000 square feet of land in question. The site is a small portion of a gravel parking area behind the Saturn and Forbes dealerships. The intent is to carry on the current use of the land as car storage with the only change being the construction of a vehicular access (driveway) to join the two O'Regans properties. He further confirmed that the additional land would be included under the existing Development Agreement and subject to all the restrictive measures.

Ms. Manzer commented that the information presented to the Dartmouth Lakes Advisory Board was comprehensive and well laid out.

In response to Mr. Connor, Mr. Fisher explained that the drainage runs toward Russell Lake and due to the elevations it would be prohibitive to direct it into the retention pond.

Mr. Fisher responded to Dr. Millward that 5 m of vegetation along the open ditch would not be a major impediment. He also advised that only a small portion was on the O'Regans property with the remainder owned by Forbes.

**MOVED BY Dr. Hugh Millward, seconded by Mr. Peter Connor that the Dartmouth Lakes Advisory Board recommend that the Harbour East Community Council recommend that:**

1. the site remain gravel and not be paved;

- 2. a 5 m buffer zone of vegetation be placed along the open ditch;**
- 3. during any construction, mitigation measures laid out in the letter dated June 13, 2008 from Mr. Mark Bochmann, Jacques Whitford Limited, be strictly adhered to.**

**MOTION PUT AND PASSED.**