

# Collin's Park Watershed Advisory Committee

Meeting Minutes

March 25, 2021 – 10:00 a.m.

Virtual Microsoft Teams Meeting



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## Attendees:

Mike Allen (MA), Watershed Planner.....Nova Scotia Environment and Climate Change (NSE)  
Phil Francis (PF), Community Representative.....Fall River  
Barry Geddes (BG), (*Vice Chair*) Watershed Manager.....Halifax Water  
Bev Lawson (BL), Customer Representative.....Collin's Park WSP  
Rosemary MacNeil (RM), Development Officer.....Halifax Regional Municipality (HRM)  
Keith Manchester (KM), Community Representative.....Lake Fletcher  
Anna McCarron (AM), (*Secretary*), Source Water Planner.....Halifax Water  
Tom Mills (TM), Representative.....Shubenacadie Watershed Environmental Protection Society (SWEPS)  
Dick Pickrill (DP), (*Chair*) Community Representative.....Wellington  
Wayne Stobo (WS), Community Representative.....Waverley

## Regrets:

Ken Burrows (KB), Industry Sector Representative.....Development  
Janice MacEwan (JM), Principal Planner/Development Officer.....Halifax Regional Municipality

## Guests:

Dima Aburub (DA), Engineering Technologist.....Halifax Regional Municipality  
Miles Agar (MA), Planner with Planning and Development.....Halifax Regional Municipality  
Erin MacIntyre (EM), Program Manager - Land Development and Subdivision...Halifax Regional Municipality  
Chris Markides (CM), Urban Planner.....Zwicker Zareski Architecture and Planning (ZZAP)  
Tyson Simms (TS), Planner with Planning and Development.....Halifax Regional Municipality  
Greg Zwicker (GZ), Planner.....Zwicker Zareski Architecture and Planning (ZZAP)

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## **1. Welcome and Introductions**

- AM distributed copies of:
  - March 25, 2021, Meeting Agenda;
  - DRAFT October 19, 2020 Meeting Minutes;

*Meeting called to order by CPWAC Chair (DP):*

- Introductions;
- Regrets and Guests listed above:
  - RM sitting in for JM.
  - TM left meeting early to attend meeting with McCallum consulting

## **2. Review and Approval:**

### **a. March 25, 2021 Agenda:**

- Motion to approve Agenda by WS, seconded by TM; all in favour.

### **b. October 19, 2020 Meeting Minutes:**

- Minutes approved as circulated, moved by WS and seconded by TM; all in favour.
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To speed up the process, only negative votes for a motion or question will be asked for, thereby assuming everyone is in favour.

Action

### 3. Education and Awareness (AM):

#### a. Erosion and Sedimentation Control Plan (ESCP) applications (HRM speaker):

**Action: Seek a presenter to educate the Committee on how erosion and sedimentation control plans are applied to development in HRM, when the time is right.**

Deferred

#### b. Education strategy and draft materials:

- Discussion deferred until DP and AM proceed with further development of the Education Strategy in the next couple of weeks;
- Looking for any negativity to the Education and Awareness discussion

**Action: Create a schematic to bring back to the table at the next opportunity and circulate to the members.**

In progress

### 4. Old Business:

#### a. Riparian Buffer enforcement during the permitting process:

EM addressed the Committee:

- EM understands that the Committee's concerns are about minimum application requirements for permits for properties abutting watercourses with an associated buffer zone, in accordance with the land use bylaw (LUB); and that the Committee desires assurances that the property owner is properly educated about the LUB requirements so that they understand in advance of issuing a permit that it is not just a setback, it's a buffer and a non-disturbance area; and that the means for educating the landowner would be requirement of submission of perhaps a higher standard than what we would routinely require in accordance with the LUB, such as a site assessment, setting out the details of the buffer on the ground;
- there is no reason why we can't accept those requirements, but as EM stated in the letter dated November 6, 2020 sent to BG, AM, RM, and DP, (which the Committee acknowledged it overlooked) in response to the Committee's letter sent to HRM March 19, 2019 (which EM acknowledged her response to was overdue):

*"What's most critical [to HRM planning] is that the limits of the watercourse buffer, with an associated note indicating that the limits have been calculated in accordance with the LUB, is included on the site plan. This indicates awareness on the part of the applicant of the buffer limits and requirements. The buffer demonstration is required at subdivision stage for lots approved since 2006, and at the permit application stage. If the buffer is missing from the plan, the Planner notes the requirements to the applicant in the request for revision to the plan, and in the file, so that the requirement is well understood. In most cases, the Development Officer places a condition on the permit noting that compliance with the watercourse buffer and setbacks is required. We can commit to ensuring that the condition is applied to any and all permits issued for development proximate to watercourses, to reiterate the communication, ensuring that the owner/applicant is aware of the requirements."*

- however, the individual pieces within the buffer, the density and what makes up that buffer is of less concern in terms of the permitting process; when there is enforcement of the bylaw to reinstate the buffer, which occurs about 4-6 times per year or two, we are more concerned about what should be there; so when we submit a remediation

plan to fix any damage to the buffer, the following strategy seems to be work, as stated in the letter referenced above:

*“...where there have been instances of unapproved disturbance within the buffer, a remediation plan is required to be submitted. That plan is reviewed by the Municipal Superintendent of Urban Forestry and the Development Officer. A site visit is conducted to ensure that the proposed replanting is appropriate relative to the site conditions and that the number and variety of species is acceptable. Remediation is aimed at successful regrowth rather than exact replacement, which often results in a replanting plan that differs from the vegetation within the buffer prior to disturbance.”*

- to record what is in the buffer, as the Committee has suggested, is not as useful as the information provided by Urban Forestry officer about what should be planted there in the event of disturbance;

**Q:** *Does this address the Committee’s concerns? EM*

**A:** Some of the concerns of the Committee’s has been that we are seeing the gradual erosion of the buffer over time and that the buffer restrictions are not passed to each subsequent owner. (DP)

**A:** In respect of the people who are negotiating the purchase and sale of such properties, the buffer is probably not top of mind and/or they probably are not motivated to disclose the bylaw restrictions and don’t necessarily have to. It is really the property owner’s responsibility to know what the bylaws are. Whatever we do in the permitting process is not going to prevent an erosion or understanding of the bylaws over time. Neither will they deter people who are bent on interfering with the buffer zone; and we cannot have an army of patrol officers. What we are left with is relying on any erosion of the buffer to be reported to us by others. (EM)

**Q:** *How do the lots on an urbanized lake like Russell Lake have better buffer protection than those along the Shubenacadie Canal? (BG)*

**A:** For a couple of reasons: 1. Because of the sensitivity to the lake due to the silty nature of the soils around the lake and the understanding that there would be a dramatic impact to the lake if those soils were disturbed; and 2. The development agreement (DA) proposal process provided the ability to negotiate with the developer, whereby HRM retained a municipally owned buffer on one side of the lake and on the other side of the lake, the buffer was written into the DA and was demonstrated on the plan, which is registered on title.

Generally, buffer protection is conducted on a community by community basis. How well we enforce it and depending on how well we are able to reinstate something is based on how fragile it is and the depth of the impacts to it. I acknowledge the committee’s perspective and why we need to be careful, but I often see the education being misunderstood; for example, despite a remediation plan that has been ordered and has occurred, the same owner keeps insisting on removing the vegetation to get their view, in the hopes that no one will notice and report them. No amount of work on the front end of the process will deter that.

Also, there are limitations in law as to when it applies and when it doesn’t; for example, if someone were to remove all the trees in the watercourse buffer, and then come to HRM for a permit application, HRM has limited capacity to enforce protection of that buffer because they weren’t developing the land at the time. We will pursue things up front, but if people are resisting compliance, HRM is not going to waste tax dollars to enforce cases with a lot of pushback or where we don’t have the authority to enforce them to do what we are suggesting. We are doing our best to tow an environmental mandate and to do the best with what the authority that the province has provided HRM; it is better than pre-2006, wherein we had no protection mechanisms. (EM)

**Action**

**Q:** *Is there a way for the Committee or SWEPS to help HRM? Is there an avenue there?*

**A:** The more messaging the better is helpful. Russell Lake is an interesting example: it is a very sensitive area that was developed by DA, which is where we have the most success, i.e., keeping private individuals out of the ownership piece. (EM)

**A:** It really comes down to education and awareness within the community. (DP)

**Q:** *At our last meeting it was suggested to have a narrative or a picture where the buffer is defined. Is that an option?* (AM)

**A:** We had a survey that came out today at HRM about the importance or lack thereof to a frequent survey of aerial images up to 2016, 2018, 2020 and using Google Earth satellite imagery beyond that. These tools provide us the ability to see what we want to and are a much more efficient tool in seeing the impacts. As stated in the letter:

*“There are other acceptable levels of detail that can be demonstrated on the site plan that are often acceptable to the Development Officer and that meet the LUB requirements. Aerial images, written descriptions, pictures and plans are routinely submitted, which meet the LUB application requirements and are able to be accepted by the Development Officer.”*

We have been using that through our enforcement program with our compliance division with great success. Burdening the process with more paperwork is redundant when we have other effective tools to refer to. We will put a term or condition on the permit that warns the landowner whenever there is a watercourse, so we know they know there’s a buffer.

Land use activities can spread like a bad rash such as when one property owner does something that their neighbours think is a good idea. Since we need to be notified by the public, making them aware is probably the best way to move the Committee’s agenda. (EM)

- it appears we cannot take this any further, other than to make it an awareness issue.

**Action: Include importance of riparian buffers in CPWA Committee’s education program.**

**AM/DP**

RM will take this back to her supervisor to get a response.

Complete

AM to provide a copy of the minutes as soon as they are ready for RM to provide to her supervisor.

Complete

**b. Aerotech Park Connector to Hwy 2:**

*i. Environmental Assessment (EA):*

- the Minister’s decision on the Aerotech Connector EA was released in January 2021, allowing the project to proceed;
- the decision statement defined several items that Nova Scotia Transportation and Infrastructure Renewal (NSTIR) must implement, including ensuring wetland compensation is applied within the Shubenacadie River watershed area;

*ii. Wetland compensation opportunities for SWEPS in watershed: (TM)*

- SWEPS (Shubenacadie Watershed Environmental Protection Society) through TM is meeting with the consultant, McCallum Environmental Inc., about the wetland compensation aspect of the project;
  - there is the potential for up to \$500,000 in compensation in a variety of forms;
  - McCallum is submitting a proposal to NSTIR to conduct a wetland study throughout the watershed from Fall River to Enfield; TM is meeting with them to define the area for the proposal, which will incorporate part of East Hants and the Collin’s Park Watershed Area’s Intake Protection Zone;

**Action**

- then it is a matter of defining some projects within the watershed area, which should come to light through a wetland study;
- TM will inform McCallum that he represents SWEPS on the East Hants and Collin's Park source water protection committees and will relay the interests (i.e., wetland protection interests) of these groups to them;
- the letter we were going to draft to NSTIR asking that wetland compensation be applied in the watershed area (see Action Item below) may not be necessary now that the focus is to direct compensation toward the assessment and creation of wetlands in the watershed area;
  - let's hold off sending this letter since the province appears to be heeding our request/recommendation submitted during the EA process to compensate the wetland loss inside the watershed area;
  - let's see what comes of TM's meeting with McCallum and act accordingly;
- the floodplain study may be another factor in the wetland study, although it seems to be in limbo since the more wetlands are filled in, the more potential there is for flooding;
- TM to update AM on the meeting to help determine next steps;

**Action: Hold off drafting a wetland compensation letter to NSTIR pending meeting with McCallum, after which TM will inform AM to help guide next steps.**

**Pending (TM)**

Determine next steps of this EA process and the timeframe for further response.

Complete

Send a letter asking where the wetland compensation for the wetlands being destroyed has been directed. Has a compensation area been identified?

Moot

BG displayed a Google Earth view of the Aerotech Highway cut:

- ~6 hectares of wetland must be compensated for, worth about 30-\$35,000 each;
- essentially this is the headwaters area of Holland Brook;
- NSTIR must decide how to spend the wetland compensation money before they can apply for a permit and disturb any of the wetlands, which has not been done yet;
- according to Bob Pett of NSTIR via McCallum, that should be sometime in August;
- this is a good news story

c. **Scotian Materials (Goff's) Quarry Community Liaison Committee:**

**Action: Sit on the Goff's Quarry Community Liaison Committee (CLC) on behalf of the CPWA Committee and report back.**

**Pending (BG)**

d. **[Shubenacadie Lakes Floodplain & Sackville Rivers Mitigation Studies](#)**

**Action: Draft a letter requesting a joint presentation about the Floodplain Study to both Committees (SWEPS and CPWAC) signed by TM and DP.**

**Pending**

e. **Source Water Protection Plan (SWPP) Development:**

Submit Collin's Park Watershed SWPP to NSE.

Complete

**Action: Remove from Agenda.**

**AM**

f. **Runoff from new Fall River carwash.**

Dima Aburub, HRM Engineering Technologist, displayed the Fall River Carwash Site Plan and explained the following:

Action

- we ensure the applicant submits pre and post stormwater management designs to know how much water drains off the property pre- and post-development and to ensure there will be no issues for adjacent properties;
- catch basins around the site capture the stormwater and not the carwash water;
  - the grading plan shows that the car wash driveway slopes toward the carwash catch basin, leaving no chance for the carwash water to go into the stormwater catch basins on the site around the carwash area;
- the carwash has an internal oil and grit chamber that captures all the carwash water, which is connected to a system that separates the oil, grit and soap, then travels to another system for clean up before the water goes into the septic system;
- HRM engineering assesses the applications to ensure no pollutants are entering the stormwater systems because we know they connect to the lake and that they comply with the requirement that no oil or silt may access the stormwater system;
- the gravelly parts of the drawing shown on three sides of the site indicate where pervious concrete pavement will be placed around the carwash to allow surface water to sink in, reducing the stormwater leaving the site and into the watercourse;
- generally, this is a very good stormwater management design;
- however, TM expressed the need for assurances that the oil and grit separator is regularly cleaned out and that the system is being maintained, which is the responsibility of the owner – Sobey's;
- BG suggested highlighting in a newsletter the benefits of the proponent's design and how it is maintained to demonstrate to the community how much thought went into this development; as well as highlighting the responsibility of the developer;
  - the Committee agreed that it is time to showcase positive developments; DP further expressed that this could be an excellent model that nicely fits into the education program we are trying to create;
  - expand on this as an education topic; highlight good news education pieces that sets a bar for the area and raises HRM's expectations through community support and embrace and promote initiatives and forward-thinking examples;
  - Sobey's took the initiative in this and the mall cases and not through bowing to the pressure of watershed protection groups;
- How did this plan come to HRM? Is this something that should be pushed further into the development future?
  - determine how much of this design was required per [Halifax Water's Stormwater Design Specifications](#) and how much of the design was due to the forward thinking initiative of the developer to improve water quality going into natural watercourses and our drinking water supplies;
  - if the latter is the case, take this design feature back to Halifax Water to consider adding to their Stormwater Design Specifications;

**Action: Take this design feature (i.e., catch basins with oil and grit separators and pervious surfaces) back to Halifax Water to consider adding to their Stormwater Design Specifications, if not already there.**

AM/BG

- DP suggested sending a letter to Sobeys to sing their praises and ask if they would like to join us in promoting this as a best practice example regarding stormwater management in the community.

**Action: Send a letter to Sobeys thanking them for taking these stormwater protection and groundwater recharge initiatives and ask if they would like to join us in promoting this as a stormwater best management practice example for the community at large.**

*Thank yous were expressed to DA by the Committee for her presentation.*

Find out if we need to be concerned about runoff into the storm drain from the new carwash in Fall River.

**g. Montague Mines Reclamation Project (BG)**

**Action: Defer to next meeting due to lack of quorum.**

**5. New Business:**

**a. Case 22670 – Presentation by Tyson Simms, HRM Planner presentation on behalf of HRM and ZZAP, contractor for Conrad Bros. Quarry regarding Rezoning Application:**

- Presenting on an HRM Council-initiated process to consider industrial and highway commercial zoning on the Conrad Quarry lands that includes the following:
  - background on request and where it sits in the planning process;
  - a focus on the staff direction provided by HRM Regional Council; and
  - an emphasize on the proposed draft zoning, the requirements for stormwater management practices and buffering, which formed part of Council’s specific direction for this rezoning request;
- the HRM planning and development department is responsible for managing the required planning process and serving as the designated contact for the public; we also present these items to the public and provide recommendations to Council, typically via staff recommendation reports;
- as part of the planning process, HRM planning and development staff often consult with Halifax Water, who suggested we inform the Committee, to which we of course agreed as the Committee has HRM planning and development staff representation;
  - this serves as a good opportunity to maintain open dialogue regarding potential future development in the watershed;
- note that this Case does not represent a specific development application, it is rather a process by which Regional Council will consider a change in planned designation in zoning such that if new zoning on this site is approved by Council, it may allow for future development of industrial and highway commercial land uses through an as-of-right permitting process;
  - as such, the committee may have opportunities in the future to provide recommendations to HRM regarding those specific development applications;
  - we are looking at a zoning and designation change to allow consideration for potentially many uses on the site;
  - we won’t drill down into any one use on the site because applications for such uses will come later if the zoning change application is approved by Council;

Action

All  
(AM/DP)

Complete

Deferred

- planning staff are not seeking recommendations on this case from the Committee; rather we are sharing information regarding a request by Regional Council to consider a zoning change, which may result in future applications for development;

Maps of the MPS Plan Designation and LUB Zoning boundaries were displayed:

- portions of the three (3) Planning Districts that pertain to this Case were illustrated; i.e., Districts 14 & 17 (Shubenacadie Lakes), Dartmouth and Cole Harbour/Westphal;
- as part of staff's recommendations, we will likely incorporate all of the lands within one plan area, likely Plan Area District 14 & 17.
- the existing zoning on the site is mostly residential, except for the I-3 zoning in the District 14 & 17 plan area;
  - also important is that the Protected Water Supply (PWS) bylaw zone depicted on the north portion of the site references the Lake Major PWS zone and falls in two of the Plan Areas; i.e., Cole Harbour/Westphal and Districts 14 & 17.

**Q:** *When I compare the aerial photo of the quarry's extent with the zoning map it looks like the whole residential zoning portion has already been quarried. How could a residential zone area have already undergone that level of exploitation?* (WS)

**A:** The current uses on the site have existed for some time – approximately 60 years – and predate the current land use designations and zoning. The quarry use is regulated by the province. Since the quarry existed before the zoning was applied, it can operate in the existing watershed [as is also evident on the aerial view] with provincial approval to operate. HRM has no authority to regulate that use. (TS)

The aerial view shows the subject lands, which is comprised of approximately five (5) properties with a total area of approximately 520 acres located north of Highway 107 and borders existing residential development to the north, east, south east and to the south of the developments. The most prominent reference is Lake Charles, which is west of the site.

The site is home to several uses including the quarry operation, asphalt and ready-mix concrete plants, trucking and transportation uses, soil treatment and remediation use, firewood processing and delivery use as well as for storage and recreational vehicles.

**Background:**

This request from Regional Council has been an active application for a while. In 2006, the Regional Plan identified the Port Wallace region as a future growth node, which included much of the quarry lands. However, in 2014, with the review of the Regional Plan, it was recommended that the boundaries of the node not extend any further north than the 107 Hwy. More consideration was given to this in 2016 and at that time Regional Council directed that a 242 acre portion of the quarry land site be included as part of the Port Wallace Study Area so that area in the future may receive municipal servicing, like the rest of the growth node to the south. While Council made that decision in 2016, they also initiated a request by the Conrad brothers and their consultant to consider industrial zoning on the quarry lands. In 2018 there was a public hearing held for consideration of that case. Council's decision at the time was to neither deny nor approve the application; instead they asked for an allowance of more time to consider zoning for highway commercial uses on the site by placing the consideration of those uses back into the larger Port Wallace Study.

The Port Wallace growth node and the secondary plan area exercise taking place there at one time included the Conrad lands site. In 2016, a separate application (Case 20800) was initiated to consider allowing industrial uses on the site. In 2018, Council held a public hearing where it was decided they weren't going to not approve industrial zoning at the site,



but they also did not approve it and instead asked for more time by placing it back into the larger Port Wallace Study Area, where it sits now.

**Action**

**Where we are now:**

In 2019 the Conrad lands and the question of industrial zoning was continuing as part of that larger analysis for the Port Wallace growth node and that secondary planning exercise. However, in 2019 it was identified that there were environmental issues related to possible contamination within Barry's Run, so Council directed that they pause the secondary planning exercise until the issues related to Barry's Run were further investigated, since there could be more dialogue between the province and the municipality on that subject. When they paused the secondary planning process in 2019, Council took the question of the industrial zoning for the Conrad site back out of the study area and said let's examine it again in isolation; but when we do it this time, we are going to assign some specific direction on how we should do this. That's where Case 22670 arose – it's a request by Regional Council to consider industrial and highway commercial development on Conrad's lands.

**Regional Council Directions:**

1. Only consider on-site serviced (well and septic) development on the site, as consideration of central water and sewer services continue through the Port Wallace Secondary Planning Process:
  - This refers to the 242 acre portion of the Conrad site previously mentioned that potentially will receive municipal services in the future; however, where the larger Port Wallace analysis has been paused while Barry's Run is further investigated, we are not certain if or when services would be part of that project; and
  - Council has said: if you still want to consider industrial zoning on that site, we need to look at the site with no reference to any servicing there and proceed by considering this site as being serviced with on-site systems, which is the approach being taken; however, the draft zone we put to Council may provide some indication of how the property could be developed if it were to have services, though it will be presented to Council as an unserviced area.
2. Use the [draft industrial-commercial, and general industrial zones](#), presented to the Public Participation Committee (PPC) for comment on September 2018 as the starting point for further reviews and public engagement:
  - For the larger Port Wallace secondary planning exercise, the PPC were presented with a list of uses in 2018 (see link above of those zoning uses), which are the uses that were largely brought forward to Council, with some small changes; what you see is predominantly what is being brought forward to Council as the recommended uses for the site;

**TS displayed a Draft zoning map showing the Commercial Industrial Uses and General Industrial Use.**

- we presented the uses at a Public Information Meeting in February 2020;
- one of the approaches we are taking in how we implement these uses is regarding the question of buffering, outlined in Council's Direction 3;
- as displayed on the map you can see we have proposed general industrial zoning in the centre of the site with commercial industrial zoning surrounding it along the perimeter;

- over time, the heavy industrial uses that are on the site now will be located in the general industrial use zone (in yellow) and will allow for heavy industrial uses; there are not any other heavy industrial uses contemplated that are not already in use, i.e., the existing quarry and the asphalt plant, but there are uses that certainly would be on the same level that would be located in that area;
  - the surrounding commercial industrial use zone (in red) will have potentially supporting uses such as service station uses, broadcast use, mechanical operation trucking facilities and any uses that would support the heavy industrial use but would be viewed as less obnoxious; these would be placed around the perimeter and serve as a bit of a transition to the outer boundaries of the general industrial site;
  - on the southern portion of the site showing the zoning boundaries, you will see zone I-3 that exists today; some of the uses contemplated there are ware-housing, transportation terminals, service industries, building material outlets, light manufacturing assembly or processing operations, greenhouses and nurseries and wholesale operations; we are building on the current permitted uses with the intent to support the heavy industrial uses just described.
3. Requiring Buffering between new industrial development and adjacent residential areas:
- One of the specific pieces of direction was buffering, because this was discussed at length at the public hearing and the first public consultation;
  - the excerpt in the draft regulations notes a buffer of 100 m; but we have received feedback that 100 m may be excessive, so we are proposing 50 m (164 ft) from any CI use and residential or community facility property that would be effectively screened by either a vegetated area or a berm;
  - further requirement is the uses themselves and how they transition into the site, so heavy industrial uses won't be near neighbouring residential development; and
  - the heavy industrial use on the eastern side doesn't begin for a distance of almost 350 - 400 m; and from the west side the heavy industrial zone does not commence until 220 m eastward; it is a very large 500 acre site, so by identifying an area in the centre, where heavy industrial uses are placed, we can enhance the buffering.
4. Require advanced stormwater management practices to be employed:
- this part of Council's direction was also related to the discussions at the public hearing and public engagement sessions;
  - staff has indicated that all new development on the site will be subject to the Halifax stormwater management standards and the applicable bylaws with respect to grade alteration stormwater management;
  - when Council gave this direction to staff, we did not have the new grade alteration bylaw and the Halifax stormwater standards in place; they since have come online as of last fall, so any development on the site will be required to adhere to those requirements;
  - built-in requirements include balancing stormwater pre and post flows, managing stormwater quality on site, providing for erosion and sedimentation control and ensuring these are accounted for in any new development; and
  - this is what will be coming forward to Council as part of that Direction;

5. Coordinating the Drafting of the Secondary Municipal Planning Strategy (SMPS) and Land Use Bylaw (LUB) amendments with the Burnside Rezoning Project and Plan and Bylaw Simplification Program:
- HRM is undergoing an exercise to consolidate many of the LUBs; part of that exercise recently carried out was in the Burnside Industrial Park, which consolidated many of the uses and broke down much of the terminology; so we need to take care that any of the zoning we bring forward is consistent with that approach and that we are not creating new uses or defining uses that are different from other areas that we are trying to create consistencies in;
  - so, we are paying close attention to that bylaw simplification process and making sure that anything we bring forward in terms of a draft zone accounts for the new language being used in the municipality.
  - the Planning Process stages that this Case has already gone through are:
    - the Direction by Council (Initiation); and
    - Public Meeting held in February 2020.
  - this Case is now in the HRM Analysis and Review Stage of the planning process, which involves consulting with our internal groups and some external agencies, one of which is Halifax Water;
  - HRM staff are getting close to preparing the Staff Report and recommendation;
  - The report will then travel to Community Council meetings and finally through to the Regional Council Public Hearing and Decision.

**Q:** *One of the things that was apparent from the Ikea development was when all the rock was moved and the construction was done, no one took samples of the water. Could someone write in that the quality of the water runoff needs to be monitored? (TM)*

**A:** Council is asking us to consider rezoning of these lands, not directing us to utilize a mechanism like a development agreement; nor does it appear that a suggestion to develop these lands by way of development agreement, where we could put in a requirement for ongoing stormwater monitoring, will be brought forward. However, through our engineering department, we are administering new requirements for stormwater runoff and new requirements for erosion and sedimentation control. These are requirements that largely came out of the Bedford Plan Area, that were built up and strengthened and applied region wide. I would ask, under the new stormwater management guidelines we have, would we be able to have a stronger position through an as-of-right process to monitor things like stormwater. There is a question of monitoring and ensuring that there is proper stormwater, that the quality of stormwater is considered, which I don't believe we had in place previously. To recap; there is no development agreement mechanism in place to require anyone to do ongoing monitoring. Additionally, the quarry use (only) is regulated by the province, who require testing of stormwater leaving the site on an ongoing basis. (TS)

**Q:** *To MA. This quarry grew in increments. It is way over the 4-ha limit that requires an Environmental Assessment (EA). Has there ever been an EA done on this property? (TM)*

**A:** I don't know. If it was an active quarry it would have an industrial approval. If an application came in to alter the size of the operations of it and if it met the trigger for one, then an EA would have to occur, or new refreshed terms or conditions put on the property when they went to renew further industrial approval to operate the quarry. That would be a question for the Bedford office. (MA)

**Q:** *Could you (MA) check to see if there is anything of that nature to which we could refer, to know what the historic runoff from the water testing is? (TM)*

**A:** I could check whether an EA was done. It is public information. Regarding required monitoring and test results, I could investigate that. (MA)

**Action: Check whether an EA was done on the Conrad Bros. Quarry and whether monitoring is required; and if so, whether the Committee can access the stormwater monitoring water quality test results.**

**Q:** *To follow up on TM's point; it seems that the suggestion of moving to heavy industrial zoning into the northeastern area of these sites could be advantageous to the residential area on the west side of the Forest Hills Extension. Associated with that then, this will dramatically reduce the operational size of the quarry. WS indicated that he has been in Waverley for several years and to his knowledge there has been no reclamation on the site since it was started other than the north side.*

*Three (3) parts to my question:*

- 1. Has consideration been given, since this is a regulation of quarries, to maintain a quarry to that size that would be restricted to about 20 percent of that size?*
- 2. Is there any intention to require any reclamation of the C-I zone area of those lands?*
- 3. The stormwater flow from this whole site comes down through a major stream to Lake Charles. The soil they were grubbing was dumped into the current R-I portion of the site, just east of the number 7 Highway. I don't recall any public consultation about putting hundreds of thousands of tons of fill where the recreational vehicles are now, thereby covering over that stream running into Lake Charles. To my knowledge there has never been any water quality monitoring of that water from that site, which could contain arsenic and other metals. What is being done to ensure monitoring of the water quality and potential contaminants coming from the expanded commercial use of that site going into L. Charles? (WS)*

*Discussion about the location of the stream referred to:*

**Q:** *Is this the stream toward Whebby's old site? (TM)*

**A:** It is off Lake Charles Road where there is a little cove into Lake Charles. You can see a meandering of the stream inland, which disappears because it is piped. (WS)

- SWEPS tested the water quality of two streams into Lake Charles in 1995, which showed high levels of Arsenic. Barry's Run was one of them and had the highest As levels.

**Q:** *To what extent is NSE testing the water quality of this and other potential pollution sources of this area going forward, in consideration of the expanding commercial usage of this whole area? The bottom line is, this water is flowing into this chain of lakes to Lake Fletcher, which is the source water supply for Collin's Park. (WS)*

**A:** Overall, monitoring for all watercourses of concern throughout the province is not in the mandate of NSE. If it is runoff from an operation that has current approval from NSE then there are terms and conditions that usually require a monitoring or sampling plan. (MA)

**Q:** *There were several other previous questions for NSE. Could these be framed in an email and sent to MA for him to address and/or distribute to the proper contact for response? (MA)*

**Action: Package the previous questions and send to MA to distribute to the appropriate contacts at NSE.**

**Action**

**MA**

**AM/MA**

**Q:** *These other lakes that have water withdrawals; are they public, or private water withdrawals, including individual homes? (MA)*

**Action**

**Discussion:**

There are three municipal systems that draw water from this watershed system, including two Halifax Water municipal drinking water supplies, one at Collin's Park (from Lake Fletcher) in Wellington and Bomont (from the Shubenacadie River) in Elmsdale; and the Municipality of East Hants also draws its municipal water supply from the Shubenacadie River. (BG)

There are also a lot of registered water suppliers along this system including the Oakfield Golf and Country Club. Previously, Sobey's, Wilson's Gas Station/Macdonald's and Subway used to draw their water from Lake Thomas but have since connected to the municipal water supply coming through Fall River; but there are many others who still draw water privately from the system. The province requires such water drawers to collect a chemical sample every two years and bacteria samples quarterly, so the province has that information. (TM)

I am more concerned about the diverse use of this site area and its potential for increasing the contamination risk to the water supply risk from such things as petroleum products, for example, in a poorly monitored area. We are talking about a big water supply system that has the potential to carry contaminants all the way to the Minas Basin from this site, which appears to have the potential to be a major contamination source. (WS)

This is an active quarry. If sampling has occurred and monitoring results at the sample site locations and exit points from the property indicate that high levels of concerning parameters have been found by a variety of sources, such information would be available. (MA)

Council should be informed of the extent of the potential for contamination so they can't claim ignorance of the potential for contamination. Although it may be factually correct that NSE is the responsible agency after contamination occurs, it is still important for this Committee to make HRM aware that there are potential risks of which they should be aware. So, while NSE might not be able to respond, if they don't, then HRM is the entity that will suffer the consequences for the results of this development. (WS)

I am hearing the recommendation from this Committee; can Conrad Bros. share their water quality sampling result information with Council so they can have an understanding what the water quality is like in terms of the land use planning; and for Council to be aware of the potential contaminants that can come off the site and what the implications of such contamination could be, through the documentation. This would demonstrate to NSE and HRM that we understand what is going on and how best to move forward. (BG)

- Transportation concerns were also raised by WS.

**DP:** Does the Committee recommend drafting a response expressing the concerns regarding water impacts from this development application and come back to the transportation which is a slightly different issue that is not related to the CPWAC but it is a significant consequence to the people of Waverley.

**Action: The CPWAC will formally submit their comments back to TS.**

**All**

- We look forward to receiving the questions and we will respond accordingly. It is difficult to respond to the runoff query since that is the responsibility of NSE. To our part we are tying ourselves closely to what we are directed to do by Council. If Council says that what we have brought forward is not adequate we will be directed otherwise and respond via Council's (TS)

**Q:** *What is the timeline?* BG

**A:** Would like to get comments from Halifax Water and the Committee ASAP.

A: Within the next two weeks. April 8. (BG)

A: We want to inform the Committee of what Council has asked us to look at. In the future, site by site, there will be a permitting process that the Committee may assess at that time.

**Action: WS to prepare a compilation of concerns and send that on to the Committee and then to BG and AM to decide how to proceed to expand and adjust them for the Committee’s response. In addition, TM will add the water quality data. (WS)**

Action

WS/AM/BG

**b. Source Water Protection Plan Report:**

*AM displayed the Source Water Protection Plan (SWPP) Report – Collin’s Park Excerpt*

- BG asked the CPWAC to review the SWPP Report Collin’s Park excerpt (which had previously been provided to the Committee for their review) and provide any comments on it by the end of the day tomorrow;
  - DP said he could provide comments by the next day;
  - WS said that he did not have any changes to make.

**Action: BG will circulate the SWPP report again for review.**

BG

**6. HRM Planning and Development Update:**

**a. HRM Regional Plan Review**

**Action: Defer to next meeting due to lack of quorum.**

AM/BG/RM

**b. HRM Planning Applications in CP Risk Areas:**

- There were several development applications, currently under review that submitted by Thea Langille via RM to be shared with the Committee
  - i. Subdivision 22893
  - ii. Case 23060 – Spider Lake Conservation Design Development

Deferred

Deferred

**Action: RM to send AM the number for Jacqueline Belisle**

RM

**Action: AM to call Jacqueline Belisle about the case**

AM

**c. Port Wallace Development (displayed on screen):**

Deferred

- i. Comments on second draft of policy:
- ii. Measure water volume:

**7. Election of Officers:**

- Spring 2022

**8. Next meeting:**

- Conduct Doodle Poll to determine next meeting date.

**9. Motion to adjourn:**

- DP at 4:15 p.m.

*Respectfully Submitted: AM, Secretary*