

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

APRIL 10, 2002

PRESENT: Mr. Don Lowther, Chair
Mr. Bob Kerr
Councillor Goucher
Mr. Victor Li
Dr. Sankar Ray
Mr. Lem Murphy
Ms. Deborah Gillis
Mr. Richard Hattin
Mr. William Matheson
Mr. Brad Gibb

ALSO PRESENT: Mr. Angus Schaffenburg, Planner
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

REGRETS: Mr. Dean, Mr. Hepworth and Mr. Pilkington

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1.0 CALL TO ORDER

The meeting was called to order at 7:00 p.m. by the Chair at the LeBrun Centre.

2.0 APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

Mr. Kerr requested that an item be added to the agenda - Paper Mill Lake Privy.

The Chair requested that item 6.1 - WAB Jurisdictions and Terms of Reference be moved up on the agenda, as Dr. Blouin was in attendance. Similarly he requested that item 4.5 - Case 00331, Dartmouth Road be moved up, as the proponent Mr. Chedrawe was in attendance.

These changes to the agenda were agreed to by consensus.

3.0 APPROVAL OF MINUTES

The following changes were required to the March 13, 2002 minutes on page 5, 4th paragraph. Dr. Ray incorrectly referred to as Dr. Roy in the first sentence. The word 'is' to be inserted between the words 'it' and 'the', i.e. it is the intention.....

The minutes, as amended, were adopted on motion of Mr. Murphy and Ms. Gillis.

6.0 NEW BUSINESS

6.1 WAB JURISDICTIONS AND TERMS OF REFERENCE

C Information Report dated February 25, 2002 to Halifax Regional Council's March 5, 2002 meeting from Paul Dunphy, Director, Planning and Development Services re Watershed Advisory Groups.

C Copy of a memo to Dr. Blouin dated March 25, 2002 from Shalom Mandaville, Soil & Water Conservation Society of Metro Halifax (refer information items)

Dr. Tony Blouin, Manager, Environmental Policy, circulated to the members a table which illustrated how the terms of reference of the three HRM Waters Advisory Groups compare. He noted the table illustrates some substantive differences.

In his introduction, he noted that it was not staff who initiated a review of the jurisdictional boundaries and terms of reference. Staff had received direction from North West Community Council (NWCC) and Chebucto Community Council (CCC). North West

Community Council asked staff to look into using watershed boundaries to determine jurisdictional boundaries. CCC expressed concern regarding the size of the jurisdiction of the Halifax/Halifax County Watershed Advisory Board and the potential size of its membership. They proposed splitting the Board, with another Board being established to take over the lands which fell within the old City of Halifax boundary. While staff was not opposed to a recommendation of splitting the H/HCWAB's jurisdiction into two or more areas, they did not think the alternative proposed by CCC was appropriate.

He noted that he has attended meetings of the Halifax/Halifax County Watershed Advisory Board (H/HCWAB) and the Dartmouth Lakes Advisory Board (DLAB). Dr. Blouin indicated that it was his intention to seek direction on how the bodies wished to proceed. He had proposed to the other two boards that meetings be held with representatives of each board, the Planners supporting the Committees and himself. Ideally staff would prefer the Boards come to a consensus on how to deal with the boundaries and terms of reference. It is not staff's intent to impose anything, he stressed. If a consensus can't be arrived at, it will be up to staff to develop a recommendation and alternatives for the Community Councils and Regional Council's consideration.

The other two boards had appointed their Chair and Vice-Chair, or alternates to attend the meetings with Dr. Blouin. Dr. Blouin anticipated only a few meetings will be required. In the absence of Mr. White, Mr. Kerr volunteered to attend the meetings with the Chair. Dr. Blouin will endeavour to arrange the first meeting within the next week.

With the use of a map, he illustrated where the present boundaries of the three boards' jurisdictions are. It was noted that the DLAB's boundaries, more or less coincide with watersheds. All areas outside their boundary and BWAC's fall within the jurisdiction of the H/HCWAB. Since a lot of the new development, outside the urban core, is taking place within the jurisdiction of the H/HCWAB, this Board's workload is very large.

Dr. Blouin reflected on the reaction of the H/HCWAB and DLAB to his presentation. He summarized that while H/HCWAB seemed fairly receptive to change, the DLAB was more resistant. He illustrated on the map, the area of the DLAB's jurisdiction. The DLAB seemed quite happy with this area. He suggested that some additional area in the direction of the Eastern Shore, might be appropriate to include, if the DLAB's jurisdiction was expanded.

Referring to the map, two areas identified as possible areas of expansion for BWAC's jurisdiction were associated with the Sackville River watershed and the area which drains into Bedford Basin. It has also been suggested that the area associated with the Wentworth/Bedford South proposal, which falls within both the H/HCWAB and BWAC jurisdiction be transferred to BWAC. If two boards are making recommendations on the development, there is potential for inconsistencies.

During the ensuing discussion, the following topics were raised:

- C If the Committee's boundaries were extended outside the NWCC's jurisdiction, who would BWAC report to. Dr. Blouin noted that the present H/HCWAB's jurisdiction falls within the boundaries of several community councils. They report to various community council depending on what area of jurisdiction they are making a recommendation on. Their terms of reference also allow for them to report to Regional Council. Inclusion of reporting to Regional Council is something the Committee may wish to consider.
- C Referring to the possible expansion of the BWAC's jurisdiction to cover the Wentworth/Bedford South proposal, Councillor Goucher noted the work the Committee has already done on this issue. He did not feel the H/HCWAB would be opposed to BWAC extending its jurisdiction to cover the whole area.
- C It is recognized that the supply of volunteers to serve on the boards is limited. This has to be kept in mind when considering the pros and cons of splitting up jurisdictions and thereby creating more boards. Councillor Goucher reflected upon the difficulty of finding individuals with technical expertise. He cautioned against making the terms of reference too rigid in this area.
- C Mr. Kerr referred to a previous initiative, at the time of amalgamation in 1996, to try to promote the use of watershed boundaries in establishing jurisdictions. Several meetings were held.
- C Mr. Kerr cautioned that politics may enter into the process. He referred to the good relationship BWAC has had with Councillor Goucher. Councillor Goucher did not feel Councillor Whalen would be reluctant to turn over the waters aspects of the Wentworth/Bedford South proposal to BWAC. Mr. Hattin also felt the representatives associated with Districts 19 and 20, Councillor Harvey and Councillor Johns, would be equally easy to deal with. He did not feel it was necessary to have the boundaries coincide with any particular community council. Reference was made to the District boundaries being up for review this year. Mr. Schaffenburg pointed out that this illustrates that there is no point in trying to match the Board's jurisdiction with any particular district or community council, as they are subject of change. Dr. Blouin noted that if he was going to create the system from scratch, he would be looking at watersheds and the potential for future development, to help estimate the future workload(s).
- C Councillor Goucher did not feel a Councillor(s) should be involved in the meetings with Dr. Blouin. If no agreement is arrived at, they will get involved at that stage.

4.5 **CASE 00331: DARTMOUTH ROAD - EROSION AND SEDIMENTATION CONTROL PLAN AND DEVELOPMENT AGREEMENT**

- C Memo to BWAC from Mr. Schaffenburg dated April 2, 2002 re Case 00331.
- C Development Agreement between Parker's Brook Development Ltd. and HRM, together with Erosion and Sedimentation Control Plan

Mr. Sid Chedrawe, the proponent, was in attendance to answer any questions associated with the proposal which consists of a 64 unit, 4 storey building. He had previously attended, with his engineer, a BWAC meeting in August 2001 on this case.

In this introduction, Mr. Schaffenburg related that the Dartmouth Road project and the associated development agreement, has been approved by Community Council. He referred to the extract he had provided in his memo related to Section 2:13 of the Development Agreement. In particular, he referred to the requirement in Section 2.12.3 that "The Development Officer shall also consult with the Bedford Waters Advisory Committee", prior to any permits being issued. Mr. Schaffenburg asked the members if they had any comments or suggestions related to the Committee's advisory role. He noted that the Development Officer will also be seeking advice from the Development Engineer, Bruce Colborne.

Referring to the last paragraph of this memo, which relates to the requirement of the developer to submit a letter from an engineer, detailing the calculations related to the storm water management proposal, Mr. Schaffenburg noted this pertains to whether there is sufficient capacity for the Dartmouth Road stormwater system to handle runoff from the development. He noted that these calculations have not yet been submitted. It was noted that Mr. Chedrawe does not yet own the land.

The Chair observed that there appears to be a lot of work being done on the site. It was explained to the Committee that the present owner has to provide Mr. Chedrawe with an Environmental Certificate. A firm has been hired to clean up the site and confirm there are no environmental contamination issues. Mr. Schaffenburg assured the members that HRM staff has been conducting site visits to ensure there are no problems with the silt fences in use. To date, everything seems fine.

Mr. Hattin noted that the building associated with Bell Welding on the site, has been removed, but not the concrete pad. Mr. Schaffenburg noted that the concrete pad may stay, given Parks and Recreation staff may have uses for it associated with plans for the open space and a walkway.

Mr. Li questioned when construction will commence. Mr. Schaffenburg noted that it will commence as soon as Mr. Chedrawe owns the land.

Mr. Li referred to item 2.12.6 of the development agreement which relates to a water monitoring program. The clause specifies the two sites where water testing is to be carried out and that it should be carried out before, during and after construction. Mr. Schaffenburg noted that two water samples have been taken to date and testing will continue. To date the results have been fine. Mr. Li indicated he would like to see the sample results to be assured that there has been no change since the samples were taken prior to construction commencing and since a little bit of work has commenced on the site. Mr. Schaffenburg will bring the test results to the next meeting.

Councillor Goucher felt that HRM staff should be keeping an eye on the loose fill at this site. Mr. Schaffenburg assured the Committee that an engineering technician and the Environmental Engineer are conducting site visits.

The Chair referring to items 7 and 15, of the Erosion and Sediment Control Notes, recalled it was the Committee's desire that the same individual inspect the sediment control devices daily and remove silt accumulations. Mr. Chedrawe assured the members that the same individual would be doing this work on an ongoing basis. Mr. Schaffenburg noted that following the August meeting, an amended report was filed by the consultant and this was one of the items which was to be included. He proposed two alternatives, i.e. an addition be made to the notes or the desire to have the same individual inspect and remove sediment be contained in the Committee's recommendations. Ms. Gillis felt that by including the phrase in the notes, there is less danger of the comments being overlooked.

Questions were posed regarding how much excavation will take place on the site, the composition of the fill and soil, and elevations. With the aid of the map, Mr. Chedrawe provided details to the Committee.

Mr. Kerr reiterated a concern he had stated at a previous meeting about the safety issue posed by the lack of a railing, along the sidewalk in the vicinity of Parkers Brook. There is a 20' to 25' drop. Given the likely increase in pedestrian use of this sidewalk, following occupancy of the building, he felt a railing needs to be put up by either the developer, HRM or HRM in conjunction with Mr. Chedrawe. Mr. Kerr also referred to discussions he had with Mr. Jahncke, Parks and Recreation Services and the plans they have for a trail. Ms. Gillis referring to the agreement, item 2.3, Parkland and Open Space, noted the trail and bridge construction are HRM's responsibility. Mr. Schaffenburg confirmed HRM will pay for construction of the walkway and bridge. He proposed that the Committee may wish to make a separate motion to staff on the safety issues in the area.

Mr. Li posed questions to Mr. Schaffenburg related to the sediment and water testing aspects. Mr. Schaffenburg indicated that the test results will be provided to the HRM Development Officer and the Project Engineer will have to ensure they meet the guidelines.

If they don't, something would have to be done to identify and rectify the problem. He noted that Mr. Chedrawe will be required to provide HRM with a cheque to ensure that if remedial action associated with the environment is not undertaken by the developer, HRM's costs to do the work will be covered.

Dr. Ray posed questions pertaining to the turnaround time for test results. Mr. Schaffenburg assured the Committee that the turnaround time is not in months. Mr. Chedrawe recalled his engineer indicated the test results would be received in a timely fashion. The Chair questioned the definition of timely fashion. Mr. Chedrawe felt they would likely be available in two to three days. Dr. Ray wondered if construction continues during this period. Mr. Schaffenburg assured Dr. Ray that HRM staff will be on site to monitor for any environmental problems and similarly there will be an engineer on site to rectify any problems immediately if they arise.

MOVED BY Mr. Kerr and Mr. Murphy that notes 7 and 15 of the Erosion & Sediment Control Notes, contained on the Erosion and Sedimentation Control Plan, include a reference to the same person be employed to inspect the sediment control measures daily and remove silt accumulations at silt fences and other protection devices. MOTION CARRIED UNANIMOUSLY.

MOVED BY Mr. Kerr and Mr. Murphy that BWAC recommend that HRM look into placing a railing on the sidewalk side of Dartmouth Road over Parkers Brook on the site adjacent Bernie's Motor Works. MOTION CARRIED UNANIMOUSLY.

4.0 BUSINESS ARISING FROM MINUTES/STATUS SHEET

4.1 LIST OF ONGOING AND NEW PROJECTS

Mr. Schaffenburg advised that the PAC is dealing with two issues Regional Council has sent to them. One relates to the possibility of drive-ins on the Sobeys property and a proposal by Dr. Gaum to build a complex off the Bedford Highway with a larger residential component than allowed for in the plan. Regional Council is seeking advice on whether the planning process should be started.

The Chair referred to an area associated with the car lot caving in. Mr. Schaffenburg noted this is a separate issue and being dealt with in the courts.

He also noted that the first meeting of the Brison Developments Area Advisory Committee, to which the Committee appointed Mr. Pilkington and Mr. Hattin at the last meeting, will be held next Tuesday.

4.2 KEARNEY, QUARRY AND PAPER MILL LAKE DAMS

Deferred in Mr. Dean's absence. It was recalled that Mr. Dean had sent questions to Darlene Fenton, but there has been no answers provided.

4.3 INFILLING OF MOIRS POND

- C Copy of e-mail from Andrew Horne, President, Nova Scotia Bird Society
- C Copy of e-mail from Kevin Dean, dated April 4, 2002, which referenced the infilling (circulated at meeting)

Given the Municipality has no jurisdiction over waterlots until they are infilled, the members debated the appropriateness of the Committee making a recommendation on the proposal.

MOVED BY Mr. Kerr and seconded by Mr. Gibb that NWCC be advised that BWAC is opposed most strongly to the infilling of Moirs Pond for the following reasons:

- C destruction of waterfowl habitat**
- C unknown effects of placing pyritic slate in an oxygenated estuarian environment**
- C the change to the water flow which currently provides flushing and sedimentation control, Moirs Mill Pond and Bedford Bay**
- C heritage aspects associated with the loss of the pond, as it is appended to a provincial heritage site, i.e. Moirs Mill Information Centre.**

MOTION PUT AND PASSED UNANIMOUSLY.

North West Community Council will be asked to correspond with the Minister, Department of Fisheries and Oceans expressing BWAC's concerns with this issue.

Councillor Goucher noted that a petition will be forwarded to Regional Council next week. The Chairman will present it. The members were encouraged to attend the session.

4.4 TERMS OF REFERENCE

Reference was made to the comments provided by Mr. Dean in the e-mail circulated to the members at the meeting. It was felt that it was premature to review the terms of reference now, given the process outlined by Dr. Blouin this evening.

5.0 UPDATE FROM PAPER MILL LAKE ADVISORY COMMITTEE

In Mr. Dean's absence, Mr. Kerr provided a brief update. He noted that copies of the minutes he prepared related to the last meeting, will be provided at the May BWAC meeting. He noted that not much is going on at present. Mr. Kerr referred to the fact that since Kevin Riles took over as Vice-President, everyone of the violations have been looked into. Two have been fixed. One of the violations involved a wall, the other an encroachment on a HRM pathway. He also noted that relations have improved considerably with Mr. Riles' involvement.

The Chair referred to a meeting he attended with some PAC members and members of the Paper Mill Lake Advisory Committee to review a proposal by the developer to construct a European style storefront. The developer was advised that those present would not support the proposal, until the road referred to earlier was complete. The Chair noted that he was speaking as a private citizen not as the Chair of BWAC on this occasion.

6.0 NEW BUSINESS (Cont'd)

6.2 PAPER MILL LAKE PRIVY

Mr. Kerr reported on discussions he had with Ms. Loney and Mr. Peter Verge regarding the installation. He was assured installation will take place by July 1st. Mr. Kerr will check again in June as to whether installation is on schedule.

BERNIES MOTOR WORKS (BERNIES TOYS)

Questions were posed to Mr. Schaffenburg regarding the environmental issues associated with this car lot. Mr. Schaffenburg outlined the violations of the contract,

STATUS SHEET

Following a review of the Status Sheet, the following items were deleted:

Paper Mill Lake - Stormwater Management Plan and Environmental Issues
Membership - Teen
Parker's Brook
Sandy Lake Park - Phase I
Sandy Lake Park
Smitty's Extension

During the review, there was considerable discussion as to whether the item pertaining to research of existing **regulations to prevent oil leakages** should remain on the status

sheet. It was noted that Ms. McBreairty's name should be deleted, as she is no longer a Committee member. Reference was made to new regulations from that the Federal Government will be putting out shortly. Mr. Li provided the Chair with the name and telephone number of a contact. Mr. Schaffenburg referred to the task force the insurance industry has established to deal with this major issue.

Referring to the **Synoptic Water Quality Survey**, Mr. Schaffenburg recalled that it is a survey done every ten years, funded by Fisheries and Oceans. A number of lakes in the metro area are tested. Mr. Li was asked to check into the status of this survey.

During discussion of the item related to the **testing results Paper Mill Lake**, Councillor Goucher noted that the contract development agreement called for continued testing. There is some question as to whether this testing has to continue when no development is taking place. It was noted that the Paper Mill Lake Advisory Committee can't comment on this issue, as water quality does not fall within its terms of reference. This issue was left in BWAC's domain. Mr. Schaffenburg noted that the developer has made an application to start road construction. The drawings have been submitted to HRM's Development Engineer. Councillor Goucher referred to the difference of opinion on whether any new units can be constructed before the completion of the entire road from Hammonds Plains to the Nine Mile Road. He understood that after one hundred (100) units had been constructed, the road had to go in before any further development took place. He referred to the difference in opinion expressed by some Planning staff to this interpretation. He noted that HRM legal staff share his interpretation. Mr. Schaffenburg noted that some people interpret the agreement as permitting development as the road is constructed, rather than hold up all development until it is complete.

It was felt that **Sandy Lake Park** can be removed as Phase I is complete. However, it was noted that only the road was completed, not the washrooms proposed for Phase I. Washroom installation will be undertaken in Phase II. Mr. Schaffenburg noted that Recreation staff are aware of the need to bring the washroom plans to the Committee.

Referring to the **Environmental Checklist/Comprehensive Water Resource Management Policy - Stakeholders Group**, Councillor Goucher noted that the Study is just about complete. The Chair referred to a presentation made at Dalhousie.

Mr. Li updated the members on his latest findings with regard to the **beached derelict boat**. He noted Enforcement Officers have looked at the boat and there was no oil leakage detected. Since the boat is not on public lands, but private lands it can't be removed.

7.0 DATE OF NEXT MEETING

The next meeting is scheduled for Wednesday, May 8, 2002.

8.0 ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk