

# HALIFAX REGIONAL MUNICIPALITY

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## BEDFORD WATERS ADVISORY COMMITTEE

### MINUTES

**JULY 10, 2002**

THOSE PRESENT: Mr. Don Lowther, Chair  
Mr. Brad Gibb  
Mr. Bob Kerr  
Mr. Kevin Dean  
Councillor Goucher  
Mr. William Matheson  
Mr. Lem Murphy  
Mr. Cedric Pilkington  
Mr. Richard Hattin

ALSO PRESENT: Mr. Andrew Bone, Planner  
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

ABSENT: Mr. Lawrence White  
Mr. George Hepworth  
Dr. S. Ray  
Ms. Deborah Gillis (with regrets)  
Mr. Victor Li (with regrets)

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## 1.0 **CALL TO ORDER**

The meeting was called to order at 7:10 p.m. by the Chair at the Fenerty Room, Acadia School Library, 636 Sackville Drive.

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

It was agreed to move item 6.2 - Case 446: Brison Development Agreement to the top of the agenda.

Added items: 6.3 - Riverside Pub Patio (Councillor Goucher)  
6.4 - Paper (Mr. Kerr)  
6.5 - Pyritic Slate - Fall River Sobeys (Mr. Hattin)

## 6.0 **NEW BUSINESS**

### 6.2 **CASE 446: BRISON DEVELOPMENT AGREEMENT**

Previously circulated:

- C Memo dated June 26, 2002 from Mr. Schaffenburg
- C Letter dated June 29, 2002 from Shore view Drive residents which identified concerns associated with flooding, increased traffic and loss of recreational space.
- C Memo dated July 4, 2002 from Wallace Macdonald & Lively Ltd.

Ms. Jennifer Tsang and Glen Woodford, Wallace MacDonald & Lively Ltd. were in attendance to review the concept plan and conceptual stormwater management plan. No flow rate calculations have been done.

Mr. Woodford identified how various stormwater issues will be addressed, i.e.

- C Cathbasin system installed in the Shore view Drive backyards.
- C Water from the larger portion of the site to the west to be directed to a stormwater treatment unit located at the cul-de-sac end of Basinview Drive for discharge, i.e. piped to the boundary for discharge through an existing 3' x 3' box culvert under Highway 102. A second stormwater treatment unit was identified. It was acknowledged that there is some infiltration of stormwater drainage through a rocky area, in the vicinity of Highway 102 presently which needs to be directed to the box culvert.
- C Stormwater from the smaller portion of the development will be directed to the channel during normal rainfalls, but a portion of it will be directed toward the Nottingham Subdivision stormwater sewer system during peak flows by splitting

the flow using a specially designed manhole. Problems associated with Centre and First Street flooding were acknowledged.

- C The development was split at the cul-de-sacs to limit the amount of stormwater traveling towards the Nottingham Subdivision through the channel (brook).

Mr. Bone referred to an interchange concept and how it may affect the actual subdivision design, i.e. eighteen (18) lots could be affected. Ms. Tsang felt a decision will be made in the near future regarding the interchange.

During the question session which followed, the following issues were raised:

- C Maintenance of stormwater treatment units.
- C How much would it cost of alleviate the Centre Street flooding problems? It was noted that when the Nottingham Subdivision development was being considered, an estimate was requested on how much it would cost to alleviate stormwater problems at Union Street. Mr. Woodford noted that the residents don't want their area disturbed with digging, etc. They would prefer all the water cut off which presently enters the channel. He noted that the plan proposed would result in less water entering the channel than is currently the case.
- C Loss of pervious surfaces - Ms. Tsang noted that while all the residential lots are shaded on the diagram, there will be undisturbed areas associated with them. Roof drains will be directed to the lawns for recharge of groundwater.
- C Whether the plans to divert water flowing down Basinview Drive to the stormwater treatment unit will manage to direct it to the culvert under Highway 102. It was explained how surface grading will be utilized. Nevertheless, it was suggested, as a precaution, a berm of sufficient mass be placed between the two cul-de-sacs.
- C Lack of open space and recreational space - Mr. Bone noted that the public open space allocation exceeds the 5% requirement for park land by providing 7% and developing the land at a cost of \$70,000.
- C More details pertaining to the stormwater management plans were requested. Mr. Bone noted that prior to the construction and permitting stage, detailed plans would be drafted, which the Committee could review at that point.
- C Not enough has been required of the developer in exchange for the desired increase in density. Mr. Bone noted that increases in density are generally achieved by cluster development, thus allowing for more open space, but the area residents indicated their preference for larger single family lots. To allow more open space, would require a different mix of housing or a decrease in the number of units per acre. It was requested that Mr. Bone raise this matter with Mr. Schaffenburg.
- C Suggestions made at the initial public meeting not taken into consideration. Mr. Pilkington disagreed, noting the Committee went through them item by item to satisfy themselves that they had been addressed.

- C Whether the development agreement will come back to the Committee for review. Mr. Bone noted that this is not normally the case as the Planner associated with the application simply takes into consideration the Committee's comments. The development agreement would be forwarded for information purposes. The Development Engineer may forward details for the Committee's comment.

Mr. Pilkington, who had attended all the meetings and walked the site, indicated he could not see the development having any major impact, as long as the stormwater flow towards Nottingham Subdivision is controlled.

Ms. Tsang noted the consultants would be pleased to give an update to the Committee on the detailed design, after the development agreement stage.

Mr. Bone noted the Planner needs input from the Committee prior to the negotiating process.

As requested in Mr. Schaffenburg's memo of June 26, 2002, the Board will complete its review and comment on the application at its August 14, 2002 meeting, i.e. whether the Board generally agrees with the schematic design and whether the general principles being proposed are acceptable. General comments on the environmentally sensitive areas are also desired. It was not felt necessary for the consultants to attend the August meeting.

### **APPROVAL OF MINUTES**

The minutes of the June 12, 2002 meeting were approved, as circulated, on motion of Mr. Murphy and Mr. Pilkington.

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

During review of that Status Sheet, the following items were discussed or deleted:

- C **Research of Existing Regulations to Prevent Oil Leakages** - removed
- C **Testing Results Paper Mill Lake** - Councillor Goucher reported that three samples have been taken by Greater Homes.
- C **Comprehensive Water Resource Management Study** - Expected soon - Deleted.
- C **Terms of Reference** - Minutes of the June 20, 2002 meeting of the Water Advisory Group Representatives, accompanied by revised draft terms of reference were circulated at the meeting. Essentially it is proposed that the jurisdiction of BWAC be increased to extend down to the Fairview Cove Container Peer and up to Bayers Lake. Quarry, Kearney, Paper Mill and

Anderson lakes (excluding watershed) to be included. Staff has been requested to provide a map using street lines. The Chair anticipated it being ready for the September meeting. The Chair noted that changes in name(s) of the groups is also being suggested. Members were asked to review the terms of reference for the next meeting. He noted that the redrafted terms of reference for BWAC would result in the Committee reporting to the Chebucto Community Council, as well as North West Community Council.

Mr. Kerr, referring to the evolution of BWAC's terms of reference, noted that the Committee's role was eventually expanded to include environment and safety issues. He stressed the importance of this expanded role. He did not see any reason that the terms of reference of the three groups have to be the same. It was suggested by the Chair that the terms of reference need to be somewhat similar given BWAC will be serving more than one community council in future.

C **Dartmouth Road - Case 0331** - removed

C **Kearney, Quarry and Paper Mill Lake Dams** - Mr. Dean reported that he has been advised by the Department of Environment that they have not received all the reports required, particularly the quarterly reports from Annapolis.

#### 4.1 **LIST OF ONGOING AND NEW PROJECTS**

#### 4.2 **INFILLING OF MOIRS POND**

Circulated at the meeting were the following:

C Letter dated June 18, 2002 from Mr. Ian A. McLaren commenting on development plans for Moirs Pond.

C Letter dated June 18, 2002 from the Minister of Fisheries and Oceans to Councillor Harvey.

C Letter dated June 19, 2002 from the Minister of Fisheries and Oceans to Mayor Kelly.

C Letter drafted to Ms. Scatallon, Dept. of Fisheries and Oceans by Mr. Hattin

Regarding the draft, Mr. Hattin indicated that he would like the members to review and comment. If he has heard nothing in three days, he will send out.

#### 4.3 **TERMS OF REFERENCE - MEETING RE WATERS GROUPS BOUNDARIES**

See Item 4.0 - Business Arising from Minutes and Status Sheet.

#### 4.4 **DOMESTIC FUEL OIL SPILL POLICY**

Copies of the Nova Scotia Domestic Fuel Oil Spill Policy obtained by Mr. Lowther were circulated in the agenda package as requested at the last meeting. During review of the corresponding Status Sheet item, it was noted that there are no regulations to prevent oil leakages.

#### 5.0 **UPDATE FROM PAPER MILL LAKE ADVISORY COMMITTEE**

##### 5.1 **WATER SAMPLING PAPER MILL LAKE**

- 1.02 Copy of a memo to Mr. Riles, United Gulf Developments dated June 19, 2002, regarding water testing was circulated with the agenda package.

During review of the Status Sheet item, Councillor Goucher noted that Greater Homes has taken three samples.

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

##### 6.1 **SHOPPING CARTS - SACKVILLE RIVER**

This item was added to the June agenda, but due to lack of time was deferred to the July meeting. Councillor Goucher had raised the issue to see if BWAC might have any recommendations which could be forwarded to NWCC and onto Regional Council. Reference was made to the matter being raised at Regional Council in the interim. Reference was also made to the effectiveness of devices which require the return of shopping carts to get the deposit back.

##### 6.3 **RIVERSIDE PUB PATIO**

Councillor Goucher circulated to the members a photo of the extension on the back of the Cascades Day Spa and the back of Smitty's on the Bedford Highway. Also circulated was a letter dated June 26, 2002 regarding Smitty's proposal. He noted that Smitty's desires to construct a 44' x 10' balcony at the back of their building.

Development Services has advised them that they will not issue a Building Permit, as the construction of such a balcony would be contrary to the policies contained in the Bedford Land Use Bylaw. Apparently the Spa did not have a permit to construct their balcony. The work was done during the 1999 strike. It has been suggested that since it has been there for more than six months, no legal action can be taken. Legal Services will investigate the Spa matter. Councillor Goucher noted the subject will be on NWCC's agenda tomorrow night.

Councillor Goucher referred to Environmental Policy E-8 noting that while the 100' foot requirement can be reduced to 50' feet in some instances, Smitty's proposal would bring the edge of the balcony much closer to the Sackville River. Reference was made to a loophole associated with the MGA dealing with variances, which would allow them to apply to NWCC for a variance, even though it was contrary to the Bedford MPS.

The members were canvassed regarding their opinions. The following comments were made:

- C Concern expressed regarding the impact on Policy if the variance is granted, i.e. a precedent being set.
- C Concerns were expressed regarding garbage entering the river from the balcony.
- C Mr. Bone noted that no changes would be made to the footprint of the building, i.e. no balcony supports to the ground, in the flood plain.
- C What would stop the construction of a balcony over the waterway.
- C Development Enforcement staff has asked for the Committee's support in turning down the application.
- C If you have a Policy, you should live with it, otherwise don't develop policies.
- C If a precedent is set, a lot more applications are anticipated.
- C It was argued that the purpose of Policy E-8 was to provide a buffer between a manmade structure and an environmentally sensitive area. By putting on the balcony, the environmentally sensitive area will not be impacted.
- C When the policies were written, construction of such balconies was not considered. There is no danger to the environment.

It was concluded that the majority were not in favour of the variance.

#### 6.4 **PAPER**

Mr. Kerr had sent an e-mail to the members with a proposal to save trees, dated July 9, 2002. He sought the Committee's opinions. Due to time factors, the item was deferred to the August agenda. In the interim, Mr. Kerr asked that the members submit their opinions in writing.

#### 6.5 **PYRITIC SLATE - FALL RIVER SOBEYS**

Mr. Hattin raised environmental problems associated with the stockpiling of pyritic slate at the Fall River Sobeys location. He proposed the following motion.

**MOVED BY Mr. Hattin and seconded by Mr. Dean that BWAC recommend to NWCC that the Waterfront Development Corporation be asked to reopen the pyritic slate acceptance facility on the Bedford waterfront immediately to alleviate environmental issues related to excavated pyritic slate. MOTION CARRIED UNANIMOUSLY.**

Councillor Goucher requested that the report be faxed to him for tomorrow night's NWCC meeting.

7.0 **DATE OF NEXT MEETING**

The next meeting is scheduled for Wednesday, August 14, 2002, 7:00 to 8:45 p.m., Fenerty Room, Acadia School.

8.0 **ADJOURNMENT**

Meeting adjourned at 9:10 p.m.

Lynne Le Boutillier  
Assistant Municipal Clerk