

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

JANUARY 10, 2001

PRESENT: Dr. Marvin Silver, Chair
Ms. Betty Tucker
Ms. Elaine Loney
Mr. Bob Kerr
Mr. Kevin Dean
Mr. Doug Murray
Councillor Len Goucher

ALSO PRESENT: Angus Schaffenburg, Planner
Lynne LeBoutillier, Assistant Municipal Clerk

REGRETS: Mr. Hoyle, Ms. McBreairty, Mr. Winters and Mr. Matheson

TABLE OF CONTENTS

| | | |
|------|--|-------|
| 1.0 | Approval of Agenda, Additions and Deletions | 3 |
| 2.0 | Election of Chair and Vice-Chair | 3 |
| 3.0 | Approval of Minutes | 3 |
| 4.0 | Business Arising from Minutes | |
| 4.1 | Master Plan - Prince's Lodge/Bedford South - Revised Plan | 3 & 4 |
| 4.2 | Acid Slate - Bedford Basin | 4 |
| 4.3 | List of Ongoing and New Projects | 4 |
| 4.4 | Testing Results Paper Mill Lake | 4 & 5 |
| 4.5 | Recommendations for Monitoring Freshwater Quality | 5 |
| 4.6 | Sandy Lake & Sandy Lake Park | 5 |
| 4.7 | Environmental Checklist/Comprehensive Water Resource Management Policy - Stakeholders Group | 5 |
| 4.8 | Bedford South School, Oceanview Drive, Water Pressure | 6 |
| 4.9 | Case 00261: Plan and Land Use By-law Request for 700 and 710 Kearney Lake Road | 6 |
| 4.10 | Membership - Teen Member Update | 6 |
| 4.11 | Paper Mill Lake Dam | 6 & 7 |
| 5.0 | Update from Paper Mill Lake Advisory Committee | 7 & 8 |
| 6.0 | New Business | |
| 6.1 | Parker's Brook | 9 |
| 6.2 | Kings View Academy | 9 |
| | Flooding Associated with Rainstorm December 20, 2000 | 9 |
| 7.0 | Status Sheet | 9 |
| 8.0 | Minutes | |
| 8.1 | NWPAC | 9 |
| 9.0 | Date of Next Meeting | 10 |
| 10.0 | Adjournment | 10 |

The meeting was called to order by the Chair at the LeBrun Centre, Bedford.

1.0 **APPROVAL OF AGENDA, ADDITIONS AND DELETIONS**

Item 6.2, Kings View Academy was added under New Business.

2.0 **ELECTION OF CHAIR AND VICE-CHAIR**

Councillor Goucher nominated Dr. Silver for Chair. Nomination seconded by Ms. Tucker. Dr. Silver declined the nomination. He noted his term was up and he did not intend to continue as a member of the Board.

MOVED BY Councillor Goucher and Ms. Tucker that elections be deferred until February. Motion carried unanimously.

3.0 **APPROVAL OF MINUTES**

Page 8, Mr. Murray incorrectly referred to as Mr. Murphy. The minutes of the December 11, 2000 meeting, as amended, were approved on motion of Mr. Murray and Ms. Loney.

4.0 **BUSINESS ARISING FROM MINUTES**

4.1 **MASTER PLAN - PRINCE'S LODGE/BEDFORD SOUTH - REVISED PLAN**

The members had been previously circulated the following four items:

- Land Use By-law for Prince's Lodge/Bedford South (December 2000)
- Background Report - June 2000
- MPS December 2000
- Notice of Public Meetings and attachments

Councillor Goucher advised the Committee that three meetings have been scheduled pertaining to the Master Plan which he will likely be chairing. They are being held Wednesday January 17, 24 and 31st at Basinview Drive Community School. He detailed the focus of each meeting. He encouraged the members to attend and participate as much as possible. Support for the master planning process is required and public input critical. It was noted that residents of Halifax are not familiar with the process, so it was important that knowledgeable residents of Bedford be in attendance.

Dr. Silver noted that he will only be able to attend the January 17, 2001 meeting. Dr. Silver will give a general statement regarding BWAC's mandate, etc. at the January 17th meeting.

Mr. Dean recalled that the Committee had anticipated a second meeting with representatives of the developers to discuss the Master Plan. Even though the second draft was done by staff, he felt a meeting with the staff involved would be appropriate. Councillor Goucher noted that the NWPAC will have several meetings with the staff who authored the revised Master Plan.

It was suggested by Mr. Schaffenburg that following the three meetings, the members might wish to meet with Paul Morgan and Andrew Whittemore to discuss issues. Following that meeting, the Committee could formulate its position and forward to the NWPAC.

It was noted that the previously noted meetings are essentially an information exchange and the members could speak either on behalf of BWAC, as appropriate under its mandate, or on issues of interest to the member by virtue of being a resident. Mr. Schaffenburg noted that the meetings will also afford the members and public an opportunity to understand the policy, the intention of the policy and implications. By raising questions at the sessions, staff will be able to deal with them.

4.2 ACID SLATE - BEDFORD BASIN

Councillor Goucher has not been successful in reaching Darlene Fenton. He will continue to pursue.

Dr. Silver made reference to the newly established Halifax Waterfront Board which encompasses the Bedford Waterfront. Councillor Goucher noted that an official announcement, on the composition of the Board, has yet to be made.

4.3 LIST OF ONGOING AND NEW PROJECTS

Mr. Schaffenburg noted that a meeting was held re the Kings View Academy Monday evening. Mr. Whittemore is anticipating bringing their Stormwater Management Plan to the Committee at its February meeting. Item discussed in further detail under New Business, Item 6.2.

Referring to 700 - 710 Kearney Lake, he has yet to prepare the staff report. (See item 4.9)

Public Hearing set regarding Baha Court, January 25, 2001.

4.4 TESTING RESULTS PAPER MILL LAKE

The subject of the testing results was brought up at the last Paper Mill Lake Advisory Committee meeting. No new testing reports have been received.

Mr. Schaffenburg referred to a message received today from Mr. Don Mason, Agra Engineering that they have been instructed by the developer to stop testing. No reason was given for why the testing was to be stopped. Mr. Warner, the Development Officer has sent

a letter stating this to be unacceptable. It was noted by Mr. Dean that testing has been ceased in the past by instruction of the developer. Mr. Schaffenburg understood that testing is required under the Development Agreement as long as development is ongoing.

Councillor Goucher suggested that given this is a positive part of the Development Agreement, HRM should initiate resumption of testing and charge back the costs to the developer. A discussion followed with Mr. Dean on ongoing interpretation problems associated with the development agreement. The Chair noted that the testing has been done as a matter of course for a number of years, nonetheless.

It was felt that a direction should be made to staff, through the NWCC, that the Committee wishes testing continued.

MOVED BY Mr. Dean and seconded by Ms. Tucker that BWAC recommend to NWCC that staff be instructed to inform the proponent that they must continue with testing in accordance with Development Agreement 95-01 and staff to pursue possible action under the Municipal Government Act (for failure to conduct testing in accordance with the MGA) in a timely manner.

MOTION CARRIED UNANIMOUSLY.

4.5 RECOMMENDATIONS FOR MONITORING FRESHWATER QUALITY

Councillor Goucher stated that the item related to a meeting he, Mayor Kelly and Brian Hoyle had with Darlene Fenton regarding Recreational Water Quality Testing. Reference was made to this subject having arisen as a result of the Halifax/Halifax County Watershed Advisory Board's sub-committee's preparation of a report. Comment was sought from both BWAC and the Dartmouth Lakes Advisory Board.

It was noted that some of the issues may be addressed through the Comprehensive Water Resource Management Policy Project outlined by Ms. Cantwell of EDM at the previous meeting.

Mr. Schaffenburg noted that the report dealt with the type of testing developers should be asked to conduct and standards. It was felt that Mr. Hoyle would be best qualified to comment. Councillor Goucher will contact Mr. Hoyle.

4.6 SANDY LAKE & SANDY LAKE PARK

Deferred in absence of Mr. Matheson.

4.7 ENVIRONMENTAL CHECKLIST/COMPREHENSIVE WATER RESOURCE

MANAGEMENT POLICY - STAKEHOLDERS GROUP

At the December meeting, Ms. McBreairty had offered to provide Ms. Cantwell with a copy of the Environmental Checklist she had drafted.

Mr. Kerr advised that he and Ms. Loney will attend the Stakeholders Group meetings on behalf of the Committee.

4.8 BEDFORD SOUTH SCHOOL, OCEANVIEW DRIVE - WATER PRESSURE

The members were advised that there has been an apparent improvement in water pressure at the School. Item to be removed from agenda.

4.9 CASE 00261: PLAN AND LAND USE BY-LAW REQUEST FOR 700 AND 710 KEARNEY LAKE ROAD

As earlier identified under item 4.3, a staff report has yet to be prepared. Mr. Schaffenburg suggested the item be removed to the Status Sheet.

4.10 MEMBERSHIP - TEEN MEMBER UPDATE

Mr. Kerr reported that he has had no luck recruiting a student from Charles P. Allen High School for membership on the Committee. It was suggested by Councillor Goucher that Mr. Kerr contact Alec McCleave, a teacher at the school for a suggestion. Another route suggested by Councillor Goucher was for Mr. Kerr to contact Annette Verge, a HRM employee involved with the Bedford Youth Development Association. Their next meeting is January 15 and this could be brought up as an item on their agenda.

4.11 PAPER MILL LAKE DAM

Reference was made to an article in the Bedford News of December 6, 2000 regarding the construction integrity of the dam. Mr. Dean recalled that the Committee, for some time, had endeavoured to determine the condition of the dam. He noted that the Committee eventually received a letter from staff dated September 28, 2000, which was prepared after staff had discussed with NSDOE the Committee's concerns. Mr. Dean quoted from the correspondence.

After reading the December article, Mr. Dean questioned the accuracy of information previously received. Several inconsistencies are apparent. Mr. Dean suggested that the Committee write the N. S. Department of Environment regarding their processes to ensure safety of the Paper Mill Lake Dam. The last engineering report dates back to 1995; renewal of permit up in 1992. He read to the members a draft letter he proposed to the Minister of the

Environment.

Councillor Goucher referred to the report indicating that some work is needed at the water level on the dam. However, in four or five years the dams will need significant work. To date, Mr. Dean indicated that he has observed no repairs being done.

Councillor Goucher discussed with the members a meeting he had with Mr. Hattie after the article was published. Mr. Hattie tabled a report on the three dams. Essentially the report on the Paper Mill Lake Dam by the inspector consisted of one page, three lines of which state that the dams are in need of work immediately around the water level area, concrete deteriorating and will present significant problems in four or five years, and the superficial work related to the water level area would cost \$100,000. Councillor Goucher noted that the reason work has not started is that the Annapolis Basin Group has engaged CBCL to study whether these dams could be used in relation to the Stormwater Management Plan related to a 100 acre development, on the west side, which will be coming to Council by the month's end. CBCL's work should be completed in three months. If it is determined the dams could be used in conjunction with the Stormwater Management Plan, Councillor Goucher envisaged a lot of work commencing on the structures. Mr. Hattie has assured Councillor Goucher that the (essentially R-1) development proposed would follow the policies of the Bedford MPS.

The Chair felt that it would be a good idea to write NSDOE and Councillor Goucher agreed that it was important to go on record with the Province.

MOVED BY Mr. Dean and seconded by Mr. Kerr that a letter be written to the Minister of Environment as per the following:

- 1) Are there, or are there not, provincial regulations designed to protect the public from unsafe dams through periodic and independent inspection and analysis of the dams?**
- 2) If so, please provide us with a copy of those regulations and confirmation that all aspects of those regulations are, and have been, adhered to in respect of the Paper Mill Lake dams.**
- 3) If all aspects of the regulations have not been adhered to, please outline the deficiencies and actions taken or in progress to correct these deficiencies.**

MOTION CARRIED UNANIMOUSLY.

5.0 UPDATE FROM PAPER MILL LAKE ADVISORY COMMITTEE

Mr. Dean reported that a meeting was held January 3rd. The main issue discussed was what

can, or can't be done, with respect to violations of the development agreement, i.e. what HRM can do under the Municipal Government Act or contract law. Mr. Dean referred to a good response received from Kevin Warner today, outlining the HRM's position under the Municipal Government Act.

Councillor Goucher referred to the need to amend the Municipal Government Act and indicated he is trying to find out the process to expedite the amendments.

Mr. Dean advised that copies of the October and January minutes will be forthcoming shortly.

Ms. Tucker referred to a copy of a letter from Dr. Wayne Stobo, Chair, Halifax/Halifax County Watershed Advisory Board on the subject of HRM's ability to protect watersheds and water quality by enforcing provisions of development agreements. There appears to have been no response to date.

The second item discussed was the substantial amendment to the development agreement to allow seven lots on Baha Court. The matter is going to a Public Hearing, January 25th, 7:00 p.m., Lions Den.

Reference was made to a report BWAC sent to NWCC recommending rejection of the amendment, based on the following three reasons.

1. Domestic water and hydrant supply might be inadequate without looping of waterline.
2. Collector road not completed as required by agreement from Hammonds Plains Road.
3. Lack of evidence that the terms of the Development Agreement, as they relate to Policy Z-3 of the MPS, will be adhered to based on violations to date.

Mr. Dean suggested it might be a good idea to reconfirm this recommendation which went to the August 24, 2000 NWCC meeting and expand on the reasons given. It was noted that two of the three Councillors are new as a result of the recent Municipal Elections.

The process to date was outlined to the members, culminating in the matter going to a recent NWPAC meeting with the staff report not recommending rejection. Staff contended that there was nothing in the policies which provided a reason for rejecting the amendment. It was noted that Mr. Murray spoke on behalf of the Committee at a PAC meeting, but during the course of his conveying the background, it was brought to his attention that regulations had changed. Nevertheless, Mr. Murray emphasized the fact that the promised road has yet to be constructed and there have been a number of violations with respect to the Development Agreement and the developer has not rectified them. NWPAC did not give its approval of the amendment. However at the last meeting, the Chair of NWPAC advised that he had erred allowing the motion on the floor.

MOVED BY Mr. Dean and seconded by Ms. Tucker that a report confirming the Committee's recommendation contained in its report of August 11, 2000 to the NWCC meeting of August 24, 2000 recommending rejection of the substantial amendment to the Paper Mill Lake Development Agreement to permit 7 lots on Baha Court, be prepared for NWCC.

MOTION CARRIED UNANIMOUSLY.

Councillor Goucher stressed the need to refer to Policy Z-3.

6.0 NEW BUSINESS

6.1 PARKER'S BROOK

The Chair reported a fine has been levied against the developer; however the developer is appealing the amount. The SRA (Sackville Rivers Association) has received no money to date.

6.2 KINGS VIEW ACADEMY

Councillor Goucher described to the Committee plans for the Kings View Academy, a private school which can accommodate ninety (90) students. The school is proposed across the road from Sandy Lake Academy. The plans displayed at a recent meeting indicate a two storey structure. The property isn't very large, 190' x 160'. The access and egress road is located at the crest of a blind hill.

Councillor Goucher indicated he had two major concerns related to safety and the fact there is no Stormwater Management Plan. Twenty-six (26) parking spaces are envisaged, which equate to a lot of impervious surface. There will be a Stormwater Management Plan coming to the Committee for consideration in February. He also noted he had a concern that there is no space for outdoor recreation in the proposal. He illustrated why he felt that there will be a need for buffers and screening from adjacent properties.

FLOODING ASSOCIATED WITH RAINSTORM DECEMBER 20, 2000

Councillor Goucher advised the Committee that there were several instances of flooding during the December 20th rainstorm in Bedford. The matter of flooding, within the HRM during this event, was raised at Regional Council last night.

He identified areas, such as Ridgevale, Meadowbrook Drive, etc. being affected and noted that some measures to deal with stormwater were effective. However, some measures were

not due to lack of maintenance. Maintenance of ditches has been identified as an activity which has not been kept up since amalgamation. Councillor Goucher noted staff reacted very quickly, but if it were not for the poor preventative maintenance of ditch systems, incidences of flooding could have been reduced.

7.0 **STATUS SHEET**

The status sheet for January was circulated in the agenda package.

8.0 **MINUTES**

8.1 **NWPAC**

NWPAC's approved minutes of the December 2000 meeting were not available. The Secretary will provide in the next agenda package.

9.0 **DATE OF NEXT MEETING**

The next meeting is scheduled for Wednesday, February 14, 2001. Dr. Silver emphasized that the members should be prepared to elect a new Chair at the February meeting.

10.0 **ADJOURNMENT**

Meeting adjourned at approximately 9:20 p.m.

Dr. Marvin Silver
Chair

Lynne Le Boutillier
Assistant Municipal Clerk