

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

May 9, 2001

PRESENT: Bob Kerr, Chair
Douglas Murray
Councillor Goucher
Brad Gibb
Stefanie MacNeil
Kevin Dean
Lawrence White
William Matheson

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

REGRETS: Brian Hoyle, Betty Tucker, Don Lowther

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1.0 CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. at the LeBrun Centre. Two new members were introduced to the Committee, Brad Gibb and Stephanie MacNeil.

2.0 BWAC MEETING PROCEDURE(S)

The Chair expressed concern that the Committee has varied from normal procedures on a couple of occasions. Particular reference was made to the way meeting(s) have been opened up to the public. He sought direction as to whether this should be left up to his discretion. Councillor Goucher noted that in theory the meetings should be conducted in accordance with the Administrative Order of the Halifax Regional Municipality. He recalled a vote of 50% plus 1 of the Committee would be required to open the floor to the public.

The Chair also referred to the handling of the count of the vote on motions. Councillor Goucher advised that the procedures allow for a recorded vote, but generally votes are only recorded as passed or defeated.

3.0 APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

The Chair requested that Item 5.1, proposal by United Gulf Developments Ltd. be moved up on the agenda, as Kevin Riles, Vice-President was in attendance.

Mr. Dean requested that an item be added under Business Arising from Minutes, 5.10, Paper Mill Lake Dam.

4.0 APPROVAL OF MINUTES

The following changes are to be made to the minutes. Page 5, item 6.3 - Heading should read 25/27/**35** Dartmouth Road. Number of units, first sentence should read eighty (80) not sixty (60).

The minutes of the April 11, 2001 meeting were adopted as amended on motion of Mr. Dean and seconded by Mr. White.

5.0 BUSINESS ARISING FROM MINUTES

5.1 PROPOSAL BY UNITED GULF LTD.

5.1.1 DONATIONS

At the April 11th meeting, the members had been provided with a copy of a letter to dated April 5th to Kevin Warner, Development Officer from Kevin Riles, United Gulf. It was proposed in the correspondence that the company donate \$1,250.00 to both the Paper Mill Lake Advisory Committee and BWAC to be used to offset costs associated with public awareness programs. The funds would be put in a HRM trust and be administered by Kevin Warner.

Mr. Riles was questioned as to how he envisaged the funds being used. He reflected on his past professional experience where similar funds were used for public awareness and education initiatives re waters issues. Funds were directed to help in clean-ups and publication of brochures for distribution to home owners. Mr. Riles, who started employment with United Gulf January 22, 2001, acknowledged the firm could have done things better in the past and wishes to start building bridges and mending fences. He realized there is some concern regarding the acceptance of donations. He emphasized it would be great if the donations were accepted, but there would be no hard feelings if they were not. If the donations were not accepted at this time, the offer would remain in the eventuality an initiative should arise at a later date.

The Chair invited the members to comment.

MOVED by Mr. Dean and seconded by Mr. Murray that United Gulf be advised that the donation of \$1,250.00 outlined in their letter of April 5, 2001 is hereby not accepted. When the Committee initiates projects, it will address the issue of raising any required funding at that time.

During debate of the motion, it was suggested that the funds be directed to the Recreation Department to be put towards providing washroom facilities at Paper Mill Lake Beach. Councillor Goucher assured the Board that funds will be provided this year.

It was felt that perception is very important in these instances.

MOTION PUT AND PASSED UNANIMOUSLY.

5.1.2 WATER TESTING MEETING

For benefit of the new members, the Chair referred to the ongoing dispute with United Gulf regarding water testing of Paper Mill Lake. It was noted that it is contended that the Development Agreement specified water testing to be done periodically while construction took place. The developer interpreted construction related to infrastructure, not homes

was implied. BWAC's interpretation was that testing was to continue as long as there was any construction taking place and it be done monthly.

Councillor Goucher referred to a document dated 1995, subsequent to the development agreement being signed in 1994. Alderney Consultants had prepared the Stormwater Management Plans for Greater Homes. It refers to Jacques Whitford carrying out a monitoring program before, during and after completion of construction. Monthly reports to be provided to the Town of Bedford. Mr. Riles asked to be provided with a copy of the report. Councillor Goucher noted that it was understood that the stormwater management plan would be done after the contract was signed, but prior to development. The stormwater management plan would have to be approved by the Planning Department.

Mr. Riles assured the members that it was his intention to get at the facts. He noted it is United Gulf's intention to take care of violations and move forward. Issues affecting water testing need to be ironed out. He made reference to meetings he has held with Councillor Goucher, Mr. Dean and the Chair. It is his intention to start water testing in May 2001 and sort out future details after that.

A discussion followed on what should be included in the water testing. The test results provided in the past were felt to be somewhat lacking. Mr. Riles was advised that Mr. Hoyle would be able to provide particulars on the method of testing desired. Mr. Riles requested that the Committee send him, in writing, what is desired. Rather than delay commencement of testing, the Chair suggested that until the details are provided by Mr. Hoyle, the same criteria be used as in the past. In the interim, the Chair will contact Mr. Hoyle to identify what specific tests and samples should be carried out and forward these items to Mr. Riles in writing.

Mr. Murray questioned Mr. Riles on the reason testing had been stopped. Mr. Riles indicated that it was the company's interpretation that testing was to be conducted only until the infrastructure was completed. Last August their Construction Manager indicated construction had ceased, thus it was felt there was no need for further water testing. He acknowledged that a letter should have been written to Kevin Warner asking for a release from the water testing conditions, which would have subsequently been forwarded to BWAC. While there are three or four lots remaining, no construction has since taken place.

A question was posed regarding the cost of the water testing. While Mr. Riles has not seen the exact figures, he felt \$3,000 a test (7 locations) was likely. He will confirm.

Mr. White indicated he could understand the interpretation being only while services were being constructed. However, the Chair noted that there have been instances where walls, etc. associated with individual properties have been constructed within 50' of water

courses, in violation of the 50' undisturbed zone.

A discussion followed on what the Committee felt would be a reasonable testing frequency. It was felt that testing in the spring and during the summer months was critical. Mr. Schaffenburg referred to a letter from the Director of Engineering Town of Bedford the mid 1990s to the developer's engineer clarifying the frequency of testing. He recalled that every two months may have been specified. He will locate the correspondence and circulated to the members.

It was relayed to Mr. Riles that in past years the counts for coliform have been very high, although within the Nova Scotia Recreational Water Standards. Nevertheless, Mr. Hoyle feels the standards in Nova Scotia are not as high as in other provinces and a review is required. The reason the Committees wishes to see monthly testing related to the previous high counts.

(Mr. Matheson arrived)

The Chair indicated that these counts may not reflect construction activities but water entering the lake from Kearney Lake. Mr. Dean reflected that this being the case, the developer would not be responsible for solving this problem, but he is still responsible for testing.

The Chair will write Mr. Hoyle regarding the tests to be conducted, dilution aspects to establish a true reading, etc. and provide United Gulf with his answer. Councillor Goucher estimated that the additional costs would be \$50 to \$75 extra. Councillor Goucher requested that when the results come in they be provided directly to the Committee immediately. Mr. Riles proposed sending the results to the Councillor and one Committee member. It was recalled that Mr. Hoyle had already been identified but if a new firm is used, they would not be aware of this fact.

Mr. Schaffenburg reflected that Mr. Warner, the Development Officer is provided with a thick packages of testing results with no summary or indication as to compliance. It would be very helpful to have such a statement. A discussion followed on the complexities of the issue, given several different scales are used for water testing. Mr. Schaffenburg, referring to sediment control reports, assured the members there are standards. From meetings Mr. Riles has had with the Water Resource Centre, he concluded the guidelines regarding sediment are constantly evolving. The Chair referred to the Canadian Guidelines for Recreation Water.

Councillor Goucher recalled that the company doing water testing for Greater Homes had not been allowed to make comment on the quality of the water and its conformance to standards. Mr. Riles asked that HRM staff provide United Gulf with the standard, so the

engineering staff can give a yes or no regarding compliance. Councillor Goucher noted that simply knowing whether the lake is safe for swimming is what is desired. Mr. Schaffenburg will investigate what standard HRM is using for sediment and pass along to Mr. Riles and the Committee.

It was felt that it would be timely for Councillor Goucher to follow up with Darlene Fenton on water quality standards for the Region.

5.2 WENTWORTH ESTATES/BEDFORD SOUTH (FORMER PRINCES LODGE)

The Chair reported that four members of BWAC had a meeting April 25th with members of staff and Jenifer Tsang, representing the proponent. Comments made on behalf of the Committee on the proposed planning strategy were noted by staff and will be taken into consideration as changes are made.

Councillor Goucher questioned whether the Committee was satisfied with having this one meeting with staff. He noted that the NWPAC has held three meetings to date on this subject and another is scheduled for next Monday night. An additional one is also anticipated. To date the NWPAC has not dealt with the residential component. It was indicated to Councillor Goucher that the members did not feel that another meeting was required before the joint meeting with the NWPAC.

For the benefit of the new members Councillor Goucher explained the composition of the NWPAC, ie. three members from each of the three Districts making up the North West Community Council (NWCC).

Referring to the procedures for the proposed joint meeting, the Chair noted that it is desired that each member of BWAC and the NWPAC will have a free vote at this meeting should a vote be called for.

Mr. Gibb reflected that he has observed from attending one of the meetings that there is a question as to where the sewage will go. A discussion followed on the capacity of the Bedford Sewage Treatment Plant and elements of the Harbour Clean-up Project and associated compensation plan. Councillor Goucher felt it would be desirable for the Committee to make a statement in the future about how the Bedford Sewage Treatment Plant was integrated into the community, in a high profile area, without any significant problems.

5.3 SANDY LAKE PARK - PHASE I

The Chair reported that Mr. Blakeney was contacted regarding BWAC's desire to have washroom facilities constructed in Phase I, as recommended in the Committee's report to NWCC March 22, 2001 meeting. Staff has indicated that Phase I will include the washrooms.

Councillor Goucher anticipates the beach phase will be coming before the Committee shortly.

5.4 LIST OF ONGOING PROJECTS

The following items were addressed in Mr. Schaffenburg's update:

- 700 Kearney Lake Road - The rezoning was approved by Regional Council.
- Paper Mill Lake - Appeal associated with Baha Court withdrawn.
- Tolson Estate approved
- Nelsons Landing approved
- 400 Hammond Plains Road - The proponent was provided with BWAC's comments.
- Dartmouth Road Apartment Buildings - Public Meeting held. The applicant is reviewing the comments and looking at various options for the site. There is nothing further to bring to the Committee at this time.
- Townhouses backing of Doyle Street - Staff is drafting report. There was a public information session which did not go well for the developer. Reference was made to a agreement in 1994, following the construction of the Shoppers Drug Mart, Bedford Town Council promised the Doyle Street residents that any further construction would be limited to three homes.

5.5 RECOMMENDATIONS FOR MONITORING FRESHWATER QUALITY

Deferred in absence of Mr. Hoyle.

5.6 ENVIRONMENTAL CHECKLIST/COMPREHENSIVE WATER RESOURCE MANAGEMENT POLICY - STAKEHOLDERS GROUP

The Clerk referred to an e-mail received from John Sheppard advising that a work plan and schedule from the consultant to complete the remainder of the project has been received and is being reviewed. Staff will be in touch with BWAC at the appropriate time regarding further involvement.

5.7 MEMBERSHIP - APPOINTMENTS BY NWCC

In addition to the two new members introduced this evening, Don Lowther was also appointed to the Committee.

The Clerk noted that a report will be sent to the NWCC May 23rd meeting regarding the extension of the members terms.

5.8 STATUS OF DARTMOUTH ROAD REZONING

Refer to item 4.4 - List of ongoing and new projects.

5.9 ANDERSON LAKE - TURF

As requested at the April meeting, Mr. Shaffenburg circulated copies of a map with contour lines indicated on it.

It was felt that should development arise in this area, the two Committees could look at jointly.

A discussion followed on the merit of discussing jurisdiction based on watersheds with the H/HCWAB as well. A decision was deferred to the June meeting. In the interim staff was asked to provide a map identifying watershed boundaries in the area of Bedford.

The Clerk, who is also Secretary to the DLAB, noted that the Board indicated that if BWAC feels this proposed change in jurisdiction presents a problem, they don't wish to pursue.

5.10 PAPER MILL LAKE DAM

Mr. Dean recalled the concerns BWAC had with the condition of the dams. The Chair had written a letter to the Minister and when his reply was received, the item was taken off the agenda, as BWAC was satisfied with the response. Subsequently the subject has arisen in the Bedford/Sackville Weekly News in which questions have been raised regarding standards. Mr. Dean proposed that a follow-up letter be sent to the Minister asking some of the questions raised in the Weekly regarding the inspection of the dams. Mr. Dean volunteered to draft the correspondence for the Chair's signature.

Councillor Goucher noted a draft stormwater management plan for the Annapolis Basin Group's 1300 acres has been completed by CBCL. Archie Hattie has offered to provide Councillor Goucher with a copy, but it is not for public release. Councillor Goucher will bring the report to the June meeting to discuss.

6.0 UPDATE FROM PAPER MILL LAKE ADVISORY COMMITTEE

Councillor Goucher advised that no meeting has been held since BWAC last meeting. He referred to the fact that BWAC has not been provided with minutes for sometime.

7.0 NEW BUSINESS

7.1 UPDATE UTILITY BOARD MEETING

For the benefit of the new members, the Chair outlined the situation leading up to United Gulf appealing a decision of Council not to modify the development agreement for Paper Mill Lake to permit construction of seven additional homes above the 100 cap. Their application had been turned down due to a number of factors, including water pressure problems, traffic and violations to the 50' buffer zone surrounding Paper Mill Lake.

A tremendous amount of work was done by Councillor Goucher and Mr. Dean in preparation of the Utility Board Hearing, but on Friday United Gulf withdrew the appeal. Mr. Dean sought the e-mail addresses of the new members so he could forward them the submission they were to make for information purposes. It was felt that the traffic counts were key to the withdrawing of the appeal.

Mr. Murray wished it noted that both Mr. Dean and Councillor Goucher had put a tremendous effort into preparing for the hearing and the Committee's appreciation of their efforts.

8.0 STATUS SHEET

The May Status Sheet was circulated in the agenda package.

9.0 INFORMATION ITEMS

9.1 NWPAC APPROVED MINUTES

The approved minutes of their March 7, 2001 meeting circulated.

10.0 DATE OF NEXT MEETING

The next meeting is scheduled for Wednesday, June 13, 2001, LeBrun Centre.

11.0 ADJOURNMENT

Meeting adjourned at approximately 9:15 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk