

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

July 11, 2001

PRESENT: Mr. Bob Kerr, Chair
Ms. Elaine Loney
Mr. Don Lowther
Mr. Doug Murray
Councillor Len Goucher
Mr. Brian Hoyle
Ms. Betty Tucker
Mr. Lawrence White
Mr. Brad Gibb
Ms. Stefanie McNeil
Dr. Brian Hoyle

ALSO PRESENT: Angus Schaffenburg, Planner
Lynne LeBoutillier, Assistant Municipal Clerk
Mr. Victor Li (guest)
Dr. Don Fox (guest)

REGRETS: Mr. Matheson and Mr. Dean

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1.0 **CALL TO ORDER**

The meeting was called to order by the Chair at the Community Room, Bedford Atlantic Superstore at 7:05 p.m.

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

Items 6.1 and 4.4 were moved up on the agenda to accommodate staff and a proponent.

3.0 **APPROVAL OF MINUTES - MAY 9, 2001**

The May 9, 2001 minutes were approved on motion of Ms. Loney and Mr. Lowther. Notes from the June 11, 2001 were circulated in the agenda package.

6.0 **NEW BUSINESS**

6.1 **BY-LAW W-101 RESPECTING THE DISCHARGE OF WASTEWATER INTO PUBLIC SEWERS**

Copies of a proposed By-law W-101 were circulated in the agenda package. The By-law is going to Public Hearing (second reading) at the July 17, 2001 Regional Council meeting. Mr. John Sibbald, HRM Pollution Control Coordinator was present to introduce himself to the Committee and encourage members to contact him if they have any issues, concerns or questions regarding the bylaw.

He noted that the current by-law is antiquated and the proposed new one will give HRM a great deal of regulatory control. He noted that the present by-law was not actively enforced. He is seeking partnerships with individuals interested in stewardship aspects. He referred to articles on the Pollution Prevention Program in the 'Green Newsletter' and 'Watertalk'.

Mr. Sibbald encouraged the members to contact him if they are aware of anyone illegally pouring substances into sewers as his job is to stop such infractions. His telephone number is 490-5257. He offered to come back to do a more in depth formal presentation.

Councillor Goucher sought an update from Mr. Sibbald on Farmers Diary as there have been problems in the past. He was assured by Mr. Sibbald that they have been in compliance for several months. Monitoring will continue.

Concern was expressed by Mr. Murray re Clause 12 (2) Penalty. He felt the by-law would have more teeth if the word 'may' was replaced by 'will'. He did not feel the penalty of \$500.00 was enough and suggested \$1,000 a day be the penalty imposed until the problem is resolved. Mr. Sibbald will bring to Legal Services' attention. Mr. Sibbald noted that once the bylaw is adopted, if the wording was not effective, amendments can be made with the approval of

Regional Council.

Mr. Kerr, referring to the Public Meeting held at the Dutch Village Road, noted the concern expressed about what can be done if one observes someone pouring a dangerous substance down a sewer. There appears to be nothing in the by-law indicating who will stop the individual. He felt this was a glaring omission. He felt the HRM should have power to intervene. Mr. Sibbald defined his role, but acknowledged such powers would have to be obtained through the Police Act. He will enquire of Legal Services and endeavour to pass along their response to the Committee.

Also discussed were causal damages. Mr. Sibbald will discuss with Legal Services if there is a need to make reference to this in the By-law or they are comfortable that they can recover damages. He will advise Mr. Kerr directly of the response.

Mr. Sibbald indicated he would pass along any written comments the Committee or members have to Council. Alternatively, verbal presentations can be made at the meeting. In closing, he hoped for the Committee's support in getting the by-law through Council.

4.0 **BUSINESS ARISING FROM MINUTES**

4.4 **CASE 00371: APPLICATION BY FRANK ROBINSON TO REZONE 799 KEARNEY LAKE ROAD FROM RR (RESIDENTIAL RESERVE) TO SI (INSTITUTIONAL) IN ORDER TO PERMIT A PRIVATE RECREATION FACILITY (I.E. GOLF ACADEMY AND DRIVING RANGE)**

Mr. Andrew Bone, Planner and the proponents Frank Robinson and Greg Malone were in attendance for this item. Mr. Bone noted that the subject line of the report which reads 799 Hammonds Plains Road should read 799 Kearney Lake Road.

During review of his report Mr. Bone noted that the property is located in the watersheds of tributaries which are part of the Sandy Lake watershed. These tributaries are indicated on the Environmentally Sensitive Areas Map of Bedford's MPS. The developer proposes to have a 30 meter setback from the closest water body and intends to collect surface water and store it in irrigation ponds to reduce any increase in runoff onto adjacent properties. Staff desired the Committee's input with respect to the potential impact on the area's watercourses. Mr. Bone also noted that Policy Z-3, Section 5, iv, v, ix and xii which are water related, should be considered. No detailed plans will be available until the rezoning is approved.

A diagram of the project was displayed, which Greg Malone reviewed with the Committee. Questions were posed following the presentation.

During the presentation the following were stressed:

- They are endeavouring not to alter the shape of the land. They intend to simply shape

- and mold the land. They wish to avoid flattening it.
- Three artificial ponds proposed for irrigation. A stream to connect two of them. The ponds are to be used to retain surface runoff. In response to a query, the Committee was advised that calculations have not been done to date on their capacity.
 - They intend to use minimal amounts of pesticide and fertilizer.

The main concern the Committee expressed was related to the potential of causing increased flooding of adjacent residential properties.

Mr. White recalled that when the Committee reviewed the plans for the Islamic Centre, they sought assurance that there would be no net change in surface water runoff which left the site.

Reference was made to a site visit the Chair and Mr. Murray had conducted. It was noted that the site is currently very heavily forested and they wondered how much water retention will be lost when a large portion of the area is grassed, i.e. what is the tree retention co-efficient versus turf retention. Mr. Hoyle observed that the absorption rate for golf courses is generally very good. Interest was expressed in having a report from an engineer respecting water retention. Staff and the proponents felt such a detailed analysis, at this stage, might be premature. The proponents explained the various ways they planned to deal with the water situation, as they recognize how high the water table in the area is and the ditch is at capacity, if not over capacity along Kearney Lake Road. The Committee was assured that the proponent would prefer run off from the parking lot to the ponds, rather than the ditch, as they need the water on site.

The Chair indicated that the Committee did not wish the developer to incur a great deal of cost but pointed out, from a legal perspective, if runoff was increased once the site was developed, it would be to their advantage to have a plan drawn up.

Mr. Schaffenburg, referring to the Islamic Centre process, indicated that the Committee could:

- Ask for an evaluation of runoff at this time.
- Recommend approval of the rezoning subject to certain conditions being met, i.e. stormwater management plan be undertaken. Runoff after development not be any greater than at present.
- Request that the HRM engineer, responsible for the Bedford area, bring the stormwater management plan to BWAC for advice. At the time of permitting for the Islamic Centre, this was done.

Mr. Hoyle referred to the steep slope from left to right for the Sackville Driving Range. Houses are quite close by and he wondered if HRM has received any complaints about runoff. Mr. Schaffenburg will check into. Mr. Schaffenburg noted the houses were there after the golf course.

Concern was also expressed regarding the possibility of area wells being affected by the development. The proponents did not feel this would occur, given they will be using surface water collected in ponds for irrigation purposes. Ms. Tucker, reflecting on the adjacent ditch being at or above capacity, wondered if they had considered using overflow from the ditch for irrigation purposes.

The Chair referring to the intent to collect a lot of the surface water, cautioned that there is a chance that the water table would be lowered. He wondered if the proponents had given this any consideration. Mr. Robinson noted that once the formalized process for rezoning has been concluded, such details could be looked at.

Mr. Malone reiterated that they wish to minimize the use of pesticides through spot application, if not eliminate pesticide use totally. He noted they are working with the Agricultural College in Truro on the best varieties of grasses. It is the intention to use only environmentally friendly fertilizers on turf and vegetation. They are hoping the facility will become a demonstration project for turf management, etc.

Mr. White questioned if consideration had been given to fencing the ponds to keep golf balls out of them and for safety purposes. The proponents indicated that it is planned to fence the deeper pond. Mr. Bone felt there may be a Municipal By-law which deals with mandatory fencing of artificial waterbodies over a certain depth. It was proposed by the Chair that Mr. White provide the proponents with a list of questions which could be addressed before the August meeting to expedite the process. The items posed on Page 2 of the staff report related to Policy Z-3 could also be included.

Some discussion followed on the rezoning process. Mr. Scaffenburg noted that normally applications come to BWAC before they go to the PAC. Staff seeks advice from the Committee which is included in the staff report prepared for the PAC. BWAC can ask for more information later in the process and this has been done with respect to other developments.

Mr. Hoyle, reflecting on the presentation, felt it to be a well thought out project, the type of project one would like to see in the area. Rather than hold up the project another month, he proposed approving the rezoning in principle, with some provisos.

Mr. Bone explained to the Committee that at this stage the development is only at the proposal stage and the quality of information will not be that extensive and there is nothing binding on the developer. He hoped that the issues could be dealt with this evening.

While the developer indicates he intends to have zero runoff, for example, detailed engineering plans will not be available for sometime. Mr. White sought assurance that zero runoff was achievable, as he was very concerned with the flooding area residents had experienced. He referred to the efforts the Committee had made not to have the problem made worse by the Islamic Centre development. He agreed with Mr. Hoyle that the

development proposed would be good for the area.

Rather than following the procedure of proposing questions to the proponents, some of which Mr. White was to draft, responses which the developer would provide for the August session, the Board decided on the following approach, as the time line was so tight for the project.

MOVED BY Ms. Loney and Mr. Hoyle that BWAC recommend to NWCC (PAC) approval of the rezoning subject to the following conditions, at various stages of development, are addressed.

- Detailed stormwater management plan be provided which addresses prevention of flooding of adjacent properties.
- Maintenance of the 30 meter buffer zone.
- BWAC would like to see and review the plans at the permit stage.
- Plan and commitment to reduce chemical pollution.
- Commitment not to use well for irrigation.
- Consider incorporation of groundwater recharge into drainage system.
- Investigate adequacy of ditch capacity, Kearney Lake Road.
- Issue of unauthorized access to ponds be addressed.

MOTION PUT AND PASSED.

4.3 RECOMMENDATIONS FOR MONITORING FRESHWATER QUALITY TO ASSESS IMPACT OF DEVELOPMENT IN THE HRM

Copies of a draft prepared by Ms. Loney in response to a request from Halifax/Halifax County Watershed Advisory Board were provided. The draft was reviewed by the Committee and a couple of changes made.

MOVED BY Ms. Loney and seconded by Mr. Gibb that the draft letter, as revised, be sent to Halifax/Halifax County Watershed Advisory Board. MOTION PUT AND PASSED.

4.1 WATER TESTING - PAPER MILL LAKE

Mr. Schaffenburg circulated to the members the results of surface water sampling of Paper Mill Lake conducted June 25, 2001 by Jacques, Whitford and Associates Limited which were received earlier in the day.

The members were asked to review and contact the Chair if they have any observations or questions. Mr. Kerr noted that he has spoken to Mr. Riles and was advised that within the week Sue Belford will provide a synopsis.

Mr. Hoyle updated the Committee on his findings regarding the pattern that has been observed in Paper Mill Lake related to elevated coliform counts. He is beginning to think it may not be out of the ordinary. It may be a natural phenomenon. There have been a couple of cases where marsh lands have contributed massive amounts of fecal coliforms. However, this does not change the fact that the lake is not in good shape.

4.2 **LIST OF ONGOING AND NEW PROJECTS**

Mr. Schaffenburg referred to a Planning Amendment request associated with vacant lands between the Peerless Subdivision and Kearney Lake Road. A change in zoning would be required to allow single family residences on sewer and water.

4.5 **RESPONSE TO ADVERTISEMENT - UPDATE**

The Secretary reported that two responses were received in the Clerk's Office. An additional response is anticipated. Appointments are anticipated at NWCC upcoming meeting(s).

4.6 **JURISDICTIONS - MOTION TO NWCC TO ASK STAFF TO PREPARE A REPORT**

MOVED BY Mr. Murray and seconded by Mr. Lowther to ask NWCC whether an investigation can be made to change the boundaries for the responsibilities of the Halifax/Halifax County Watershed Advisory Board, Bedford Waters Advisory Committee and Dartmouth Lakes Advisory Board based on watersheds versus the old political boundaries. MOTION PUT AND PASSED.

4.6 **JURISDICTIONS - MOTION TO NWCC TO ASK STAFF TO PREPARE A REPORT**

A motion was proposed at the previous meeting that it be recommended to NWCC that staff be asked to prepare a report on jurisdictions related to the various waters advisory groups. However, the item was deferred as there was no quorum. Mr. Schaffenburg felt this would be something staff would be prepared to look at.

MOVED BY Mr. Murray and Mr. Lowther to ask NWCC whether an investigation can be made to change the boundaries for the responsibilities of the Halifax/Halifax County Watershed Advisory Board, Bedford Waters Advisory Committee and Dartmouth Lakes Advisory Board based on watersheds versus the old political boundaries. MOTION PUT AND PASSED.

4.7 **UPDATE - BEACHED DERELICT BOAT**

Mr. Li discussed the above matter with the Enforcement Group. The Enforcement Officer will look into. An update will be provided at the August meeting.

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

6.0 **NEW BUSINESS**

INFORMATION ITEM: STATUS SHEET

The Status Sheet for July was included in the agenda package. During its review, it was decided that Baha Court could be removed, together with Wentworth Estates/Bedford South.

7.0 **DATE OF NEXT MEETING**

The next regularly scheduled meeting is Wednesday, August 8, 2001, 7:00 p.m. Community Room, Bedford Superstore.

8.0 **ADJOURNMENT**

The meeting adjourned at 10:00 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk