

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

August 8, 2001

PRESENT: Mr. Bob Kerr, Chair
Ms. Elizabeth Tucker
Mr. Lawrence White
Mr. Don Lowther
Mr. Brad Gibb
Mr. Robert Kerr
Mr. Douglas Murray (8:00 p.m.)
Mr. Victor Li
Mr. Brian Hoyle

ALSO PRESENT: Angus Shaffenburg, Planner
Sherryll Murphy, Assistant Municipal Clerk

REGRETS: Ms. Stefanie MacNeil
Mr. Kevin Dean
Councillor Len Goucher
Mr. William Matheson
Ms. Elaine Loney

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1.0 CALL TO ORDER

The Chair called the meeting to order at 7:10 p.m.

2.0 APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

At the request of the Chair the following item was added to the agenda:

- 4.5 Case 000371 - Golf Academy and Driving Range - Rezoning 799 Kearney Lake Road

3.0 APPROVAL OF THE MINUTES OF JULY 11, 2001

MOVED by Ms. Tucker, seconded by Mr. Lowther that the minutes of July 11, 2001 be approved as distributed. MOTION PUT AND PASSED UNANIMOUSLY.

4.0 BUSINESS ARISING FROM MINUTES

4.1 Water Testing - Paper Mill Lake

- Previously distributed correspondence dated July 11, 2001 from Jacques Whitford re Surface Water Sampling of Paper Mill Lake was before the Committee for consideration.

Providing background to this item, the Chair indicated that he and Brian Hoyle had worked with the developer to determine the exact tests to be undertaken. Jacques Whitford performed these tests with the results as distributed to the Committee. Mr. Kerr noted that since that time Councillor Goucher and Mr. Hoyle have had some discussions with the developer regarding diluted samples.

Responding to a request from the Chair for an explanation of a diluted sample, Mr. Hoyle referred to tests results which were greater than 200. When the test is done there are so many bacteria present that it is impossible to get an accurate result. When doing a dilution test a set volume of the water to be tested is diluted with 10 to 90 mils. of sterile water and the test is repeated. A more accurate result is achieved.

Mr. Hoyle went on to note that he has not been in contact with the developer recently. His last communication had been from Kevin Warner which explained what a dilution test involved and why it should be done. Mr. Hoyle noted that this Committee has recommended a dilution test on a number of occasions to no avail.

Mr. Kerr advised that Kevin Riley has indicated dilution tests will be undertaken, however, the results of this test will not be available until after August 13, 2001. He commented that this does not appear to be a very prompt response. The Committee

will be reviewing May results in September.

Mr. Hoyle, commenting that this response does bear mention, noted that some of the inorganic testing results do take some time, however, coliform and fecal coliform results can be available within 24 hours. Mr. Hoyle indicated that the delay in receiving these results is not acceptable.

A further brief discussion regarding the location of test sites ensued. The Chair, clarifying the purpose of these test results being before the Committee, advised that the Committee is attempting to have a set of rules for all of Halifax Regional Municipality which would provide that Development Agreements will require the developer to test the water on a scheduled and consistent basis. Mr. Kerr indicated that the problem with this particular development was that the wording within the agreement was not specific enough. Future Development Agreements will specifically address frequency of testing and accepting other documents that are developed. An ironclad statement will be included which will ensure the developer tests appropriately. Mr. Kerr indicated that he has not heard back from the Halifax/Halifax County Watershed Advisory Board and Dartmouth Lakes Advisory Board regarding this matter.

Mr. Hoyle commented that he felt the Committee should continue to press for more timely test results. He noted that at this point the source of fecal coliform is not known and if, in fact, it is natural there is little which can be done. Nonetheless, a delay of one month is not satisfactory. He further suggested that the Chair investigate the possibility of having the results released directly to the Committee.

The Chair, referring to the need for expertise in this area, put forward the idea of developing a technical sub-committee. Mr. Kerr indicated that this Committee would have the authority to ask the necessary questions relative to agenda items. Noting that Mr. Hoyle had indicated that he would be resigning in November, he went on to suggest that Mr. Li take the lead on this sub-committee and requested that he and Mr. Hoyle discuss the types of issues which arise.

Mr. Kerr sought and received a consensus from the Committee regarding the establishment of the technical sub-committee and the nomination of Mr. Li as head of the sub-committee.

4.2 List Ongoing and New Projects - Planner

- The Bedford Waters Advisory Committee Status Sheet, August 2001 was before the Committee for consideration.

There were no changes to the ongoing and new projects.

It was agreed that item 6.1 be dealt with at this time.

6.1 Case 00331: Amendment to the Bedford Plan and Land Use Bylaw to Permit Multi-Unit Dwelling at 25, 27 and 35 Dartmouth Road

- A memorandum report dated July 19, 2001 from Angus E. Schaffenburg regarding this matter was before the Committee for consideration.
- Also distributed was a report entitled "Environmental Impact Assessment Report and Proposed Mitigation Measures, Residential Development at 135 Dartmouth Road, Bedford, Nova Scotia. This report was prepared by AMEC, 1874 Brunswick Street on behalf of the developer.

Angus Schaffenburg, Planner briefly reviewed his memorandum noting that this Case involved a plan amendment to permit multi-unit dwelling uses at 25, 27 and 35 Dartmouth Road. Noting there were two aspects to this request, Mr. Schaffenburg advised that the first is a plan amendment to change the permitted use of property from Commercial to Residential. The second is that as per Policy E-8 of the Bedford Municipal Development Plan, if development is proposed between the 100 and 50 foot buffer of Parkers Brook, a development agreement is required and the Committee is mandated to provide a written comment in this regard.

Mr. Schaffenburg went on to advise that the original development had called for development beyond the 100 foot buffer. However, the original plan has been revised to reflect comments and concerns expressed by area residents at a Public Information meeting held by the developer. The revised proposal calls for a 60 unit building on the site.

Mr. Schaffenburg requested that the Committee provide comments on the change in designation. Mr. Schaffenburg went on to note that the Committee has a specific mandate to look at all developments which are under Policy E-8 and provide a written comment.

Mr. Schaffenburg then introduced Mr. Sid Chedrawe, the developer and Mr. Joseph Fakhri of AMEC noting that Mr. Chedrawe would be making some brief comments and that both gentlemen were available to respond to questions.

Mr. Chedrawe, the developer, advised that this development has gone through a number of changes. He referred to a Public Information session he had hosted last November and a second Public Hearing held since that time. Mr. Chedrawe indicated that the proposal has been revised to reflect the wants/needs of area residents. The intent is that this development fit with the community.

Mr. Chedrawe, referring to Parkers Brook, noted that in one way it is a benefit. He commented that it was rare to have a brook or stream run through your back yard. Mr. Chedrawe noted, however, that this same brook must be treated properly and handled

so as not to cause damage.

Using a diagram, Mr. Chedrawe located the building on the site and noted that it intruded on the 100 foot setback of Parkers Brook. He referred to the Environmental Impact Assessment Report prepared by AMEC and advised the report provided some background and detailed what the brook looks like today. Mr. Chedrawe indicated that the welding shop on the property is located about 5 feet from the brook and that there are a number of issues with the property as it stands. Unfortunately, there is not much to be done as the business existed prior to the regulations being put into place. Mr. Chedrawe noted that one of the benefits of this proposal should it be approved, is that everything that can be done to clean up the property will be done. In closing, Mr. Chedrawe invited questions.

The Chair, noting the Committee's concern with impervious surfaces, asked how large the parking lot will be and how is the surface water from the parking lot to be treated. In the same regard, Mr. White asked if a run off co-efficient had been done relative to the roof and parking lot in the soft landscaping to determine the net change.

Mr. Fakhri indicated that run off co-efficients would be part of a more detailed study once development has commenced.

Mr. White indicated that he believed this should be part of the Environmental Impact Study.

Mr. Fakhri indicated that the run off co-efficient would be in the area of .91.

Mr. Schaffenburg, providing some detail on the condition of the site, noted that part of the site contains broken pavement while part is in a relatively natural state.

Mr. Chedrawe noted that the majority of the 100 ft. setback is not in a natural state. In fact, there are areas where construction debris has been dumped and the welding shack is located within the 100 ft. setback.

Responding to a question from Mr. Kerr as to where stormwater would drain, Mr. Fakhri indicated that stormwater would drain to the back southeast corner of the property into a retention pond and will be released slowly into the brook. The intent is to reduce the intensity of the run off after the rain and retain the same flow into the brook. Mr. Fakhri indicated that the water would be discharged into the natural vegetation thus providing over 100 feet of landscaped and natural vegetation as a drainage channel.

Note was made that the back elevations are lower and concern was expressed regarding the need to pump water. Mr. Fakhri indicated that this area would be landscaped to grade the site in such a manner as to direct stormwater to the pond.

Responding to a question from Mr. White regarding the year storm the retention pond

would be designed for, Mr. Fakhri indicated a 1 in 2 year storm. Mr. White indicated that he would prefer to see the pond designed for a 1 in 5 year storm.

Mr. White then provided the following input regarding the proposal.

Mr. White expressed some concern with the 100 ft. setback infringement. In response to a question from Mr. White as to whether area residents are happy with the building being moved ahead, Mr. Schaffenburg indicated that based upon comments/concerns received at the Public Meeting, he believed area residents should be happy with the location of the building.

Using a diagram, Mr. White suggested that the 100 foot setback be maintained on the front and back portions of the property and only infringed upon between specific points (approximately 100 feet wide) on the property. Mr. White indicated that the front and back portions would be recognized non-disturbance zones in the Development Agreement.

Mr. White commented that the 50 to 100 foot area should be restored with plants/bushes native to the area. Sod which would be fertilized and leach to the brook is not desirable. No structures should be permitted within the non-disturbance zone. A pathway is acceptable in the non-disturbance zone.

Mr. White noted that it would be desirable to have the stormwater from the parking lot go through the storm water system. Oil/debris off vehicles should be going to storm water system while suspended solids would be directed to the retention pond.

Referring to item 6.5, Page 7 re 'areas which must remain exposed over an extended period of time (greater than four weeks) should be stabilized with a layer of gravel, wood chips or other material', Mr. White noted that under the Nova Scotia Erosion Sedimentation Control Act any disturbed areas are to be protected with straw, wood chips or other material during construction. Mr. White stressed that there was no four week provision. Note was made that this provision was included in case of a delay in construction -- a more permanent stabilization. Mr. White went on to advise that the guideline recommended stabilization on a daily basis. He indicated that he would like the reference to four weeks removed. Mr. White recommended that the clause be replaced with a statement such as: 'Stabilization be ongoing during construction as required.'

Referring to the item 6.1, Page 6 regarding the sedimentation fence, Mr. White indicated that it should be located on all locations on the downstream slope. Mr. White noted that the report indicates that it would be located where there is not a tree buffer. He further indicated that as restoration is completed in the non-disturbance zone, the sedimentation fence should be moved to the edge of the 100 foot zone.

Mr. White noted that 6.2, Page 6 regarding the maintenance of the sedimentation fence

provided that inspections and necessary repairs would be carried out once per month. He indicated that the Act called for daily inspections or as required. Mr. White indicated that he would like to delete the reference to month and replace it with daily. The best possible scenario is that one person complete the daily inspections so that any changes from day to day are noted. Additionally, one person being responsible helps to ensure that inspections will be carried out consistently and as scheduled. Mr. White indicated that this would ensure the erosion sedimentation plan effective.

Mr. White suggested that a time line be placed on "effective repair" of the fence and suggested that any repairs required to the fence should be completed immediately and any silt and sediment which has bypassed the fence should be removed immediately. If an accumulation of silt occurs, on the upper side of the fence this material should be removed as well. Mr. White further suggested that, as part of the Erosion Sedimentation Plan, a sign be posted with Emergency 24 hour numbers on who to contact in case of an incident.

In response to a question from Mr. Gibb as to why the location of the driveway had been changed from that which was originally proposed, Mr. Chedrawe indicated that with the building so close to the street the grade of the original driveway would have been too steep. Negotiating the driveway would have been dangerous particularly in the winter months.

Mr. Schaffenburg confirmed that the Halifax Water Commission has advised that there is sufficient potable water to service this development.

Mr. Li expressed concern that water in the retention pond may become stagnant. Mr. Fakhri advised that the use of sand and gravel should eliminate this problem and pointed out that the pond would not contain water over long periods of time. He indicated that subsequent to a rain, the pond would drain slowly to the brook (e.g. over a 24 hour period).

Mr. White commented that a groundwater recharge system would help maintain the water table on the property. He indicated that he has seen such a system successfully used on a property adjacent to a wetland.

Mr. White went on to recommend that testing be on the water of Parkerss Brook at two locations, one where the brook enters the property and one downstream where it leaves the property, prior to, during and after construction.

Mr. Fakhri indicated that the usual course of testing would include baseline testing with an upstream and a downstream sample prior to construction. He noted that during construction testing would certainly occur after a rain event. He went on to note that weekly or bi-weekly testing could also be undertaken.

A brief discussion ensued with Mr. White recommending bi-weekly testing during

construction, monthly prior to and after construction for 2-3 months, and after a rain event. The testing should be regimented in the Development Agreement. Subsequent to a further discussion regarding the frequency of testing during construction, Mr. White agreed that testing during site/exterior work be bi-weekly while during interior work it would be monthly. Type of testing will be suspended solids. Test results will be forwarded to the Development Officer immediately. Note was made arrangements would be made to have these results forwarded to a designate of the Committee in a timely fashion.

MOVED by Mr. Lawrence, seconded by Ms. Tucker that the Bedford Waters Advisory Committee approve Case 00331, Request to Amend the Bedford Municipal Planning Strategy and Land Use By-Law to permit multiple unit dwelling uses at 25, 27 and 35 Dartmouth Road, subject to the following conditions:

- 1. That a stormceptor system be provided for the parking lot stormwater or as an alternative that the stormwater system be tied into the municipal system on Dartmouth Road.**
- 2. That the retention and filter pond be designed for a five (5) year storm.**
- 3. That a 100 foot non-disturbance zone be provided with designated encroachment area for the building and driveway to help maintain a setback for the neighbouring properties.**
- 4. That testing of Parkers Brook be carried out at two locations where it enters and leaves the property. This testing should be carried out prior to, during and after the construction with the following frequency: monthly for 2-3 months prior to the construction, bi-weekly during construction that involves site work and monthly after construction for 2-3 months. The testing to be carried out will be suspended solids and test results will be forwarded immediately to municipal staff.**
- 5. That the Erosion Sediment Control Plan be revised as follows:**
 - necessary repair to the enviro-fence be carried out as required;**
 - inspections of the enviro-fence be carried out daily preferably by the same person;**
 - the sediment fence be located at the back of the work area initially and relocated to the start of the non-disturbance zone prior to the building site work**

6. **Non-disturbance zone is to be restored with native plants and bushes. Emphasis is that grass not be used in restoration.**

MOTION PUT AND PASSED UNANIMOUSLY.

4.3 Update - Beached Derelict Boat (Mr. Li)

Mr. Li indicated that in a conversation with the enforcement group he had determined that he needed the name of the boat to proceed with the matter. He noted that he had learned that any commercial vessel would have to be registered with this group. Mr. Li noted that he has been able to determine the owner's name and will be following up with the enforcement group with this name.

4.4 New Members

The Chair provided a copy of two CV's for review by Committee members. Both applicants are well qualified. Mr. Kerr noted that only one position is vacant at this time. A brief discussion on the appropriate action ensued.

MOVED by Mr. Kerr, seconded by Mr. Murray that Bedford Waters Advisory Committee recommend to North West Community Council that both applicants be appointed to the Bedford Waters Advisory Committee. MOTION PUT AND PASSED UNANIMOUSLY.

4.5 Case 000371 - Golf Academy and Driving Range - Rezoning 799 Kearney Lake Road

- This matter was added to the agenda during the setting of the agenda. An e-mail dated July 11, 2001 from Walter Regan outlining his comments/concerns regarding this matter was distributed to members of the Committee. Also distributed was an e-mail dated July 24, 2001 from Frank Robinson responding to concerns expressed by BWAC.

The Chair indicated that his intent in adding this matter to the agenda was to determine if members of the Committee had any comment on Mr. Regan's comments/concerns.

Mr. Schaffenburg noted that many of the comments related more to provisions which would be included in a Development Agreement. He pointed out that this particular situation was a rezoning.

A brief discussion ensued and **it was agreed that the Chair thanked Mr. Regan for his comments and advise that his points had been reviewed by the Committee.**

6.0 NEW BUSINESS

6.1 Case 00331: Amendment to the Bedford Plan and Land Use Bylaw to Permit Multi-Unit Dwelling at 25, 27 and 35 Dartmouth Road

This matter was dealt with earlier in the meeting. See page 5 for details.

7.0 DATE OF NEXT MEETING

The next meeting of the Committee will be held on September 12, 2001 beginning at 7:00 p.m. at the LeBrun Centre.

8.0 ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Sherrill Murphy
Assistant Municipal Clerk