

**BEDFORD WATERS ADVISORY COMMITTEE**

**MINUTES**

**October 10, 2001**

**PRESENT:** Bob Kerr, Chair  
Douglas Murray  
Councillor Goucher  
Richard Hattin  
Betty Tucker  
Lawrence White  
Elaine Loney  
Don Fox  
Don Lowther  
Brad Gibb  
Stefanie MacNeil  
Kevin Dean  
Victor Li

**ALSO PRESENT:** Angus Schaffenburg, Planner  
Dr. S. Ray  
Lynne Le Boutillier, Assistant Municipal Clerk

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**1.0 CALL TO ORDER**

The meeting was called to order at 7:05 p.m. in the LeBrun Centre, Bedford by Mr. Kerr, Chair.

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

The following changes were made to the agenda:

Item 6.2 - Mill Cove - Information Item, moved up.  
Item 4.7 - WDC Infill - Councillor Goucher, added.

The agenda was adopted as amended.

**3.0 APPROVAL OF MINUTES**

The minutes of September 12, 2001 were adopted, as circulated, on motion of Ms. Loney and Mr. White.

**6.0 NEW BUSINESS**

**6.2 MILL COVE - INFORMATION ITEM**

- C Letter dated October 1, 2001 from Glen W. Boone, Real Estate Planner, Sobeyes Leased Properties Limited and Preliminary Site Plan

Attending the meeting were Kirby Thompson, MEC Engineering and Construction Services and Susan Belford, Jacques Whitford Environmental Limited.

As stated in the correspondence and in Mr. Thompson's presentation, a two phase process is being proposed. Phase I would be the partial infilling of Moirs Pond, a pre-confederation water lot, with 20,000 cubic meters of material from their Fall River site. The map identified two areas proposed for infilling related to Phase I. Phase II infilling would involve a much larger area to allow for the construction of a 40,000 to 50,000 sq. ft. building.

During the discussions that followed, several potential problems were raised, i.e.:

- C Mr. Li recalled that materials from the Fall River site contain pyritic slate. Mr. Thompson was of the understanding that disposal of such materials under salt water was an acceptable method of disposal. Given the proposed areas to be

infilled, Mr. Hattin cautioned there is potential for freshwater to leach into the area. He noted that pyritic slate is very porous. The Board was assured that the affect of the water's salinity will be covered in the report. Dr. Fox questioned whether the rock fill had been tested for total sulphur. Ms. Belford indicated this will be covered in her report.

- C Councillor Goucher, reflecting on his experience with the MPS process for Bedford, anticipated a lot of community opposition to the infilling of Moirs Pond. He noted the historical significance of Moirs Pond. It was noted that the MPS for Bedford indicates this area is environmentally sensitive. For the area to be used, a change would be required to the Bedford MPS. Councillor Goucher has already alerted Mr. Boone of his concerns by phone.
- C While a fish way (ladder) is proposed at Paper Mill Lake Dam, Ms. Loney noted the potential negative affect on fish, if acid is released from the materials being used for infill.
- C Issues related to governance of the areas being proposed for infilling were raised. It was noted that the Federal Department of Fisheries would have jurisdiction. Once the area is infilled, it falls under the jurisdiction of HRM. Mr. Schaffenburg noted the proposal only relates to infilling and a public meeting (open house) is being held as part of the Federal process. Mr. Hattin related that permission not only has to be obtained from the Department of Fisheries, but also the Department of Environment and the Halifax Ports Authority.
- C Questions re stream velocity and volumes were posed.
- C Waterfowl (ducks) - Ms. Belford noted that 30% of the water will remain open and she did not believe they will be affected.

The Chair noted that the information had been provided to the Board to make the members aware of Sobeys' intentions for the site and they would be getting back to the Board at a later date with details.

Reference was made to the report Sue Belford, Jacques Whitford is preparing on environmental aspects. Once finalized, copies would be made available. The information will be provided at the Public Meeting which may be held in early November. Mr. Hattin questioned whether an environmental assessment or review was being done by Ms. Belford. She indicated it would be an environmental assessment, screening.

Councillor Goucher reflected that the site of the proposed Public Meeting, the Sobeys' meeting room, would not be large enough because of the opposition their proposal is likely to generate. He indicated he would like to see a two way dialogue at the meeting, which an Open House does not lend itself to. If this opportunity is not afforded to the community, he will hold a separate meeting to obtain it.

Referring to the issues raised this evening, the Chair indicated he would like to see these addressed at the proposed public meeting or separate meeting suggested by Councillor Goucher.

The Chair thanked Ms. Belford and Mr. Thompson for their attendance.

#### **4.0 BUSINESS ARISING FROM MINUTES**

##### **4.1 SMITTY'S EXTENSION**

The Chair referred to the proposed deck cantilevered from the second floor of Smitty's discussed at the September meeting. While the extension would not change the footprint of the building, Mr. White felt that given its close proximity to the Sackville River, the Board might have concerns. Mr. Warner was to be invited to the October meeting, but given no official request to build has yet been received, it was felt not appropriate.

##### **4.2 WATER TESTING - PAPER MILL LAKE - TECHNICAL COMMITTEE REPORT**

Mr. Li advised that Mr. Hoyle has provided him with the information on water testing. He noted the information relates to the years 1995 and 1996, but there is nothing more until 1999. Mr. Li proposed deferring presentation of a report until the three members of the Technical Committee consisting of Dr. Fox, Dr. Ray and he have had an opportunity to get together and review the materials.

It was questioned whether Kevin Riles, Greater Homes could be approached to conduct more tests, given there are currently only two lots under construction. Councillor Goucher recalled that the Comprehensive Development Agreement states that testing is to continue until all development is complete. He reflected the development is a long way from being complete. It was recognized these tests are not inexpensive and the Board discussed whether they wished to pursue the matter.

Councillor Goucher was of the opinion that tests should be conducted at least once or

twice a year, especially just before the swimming season. Mr. Dean indicated it would be his preference that the Technical Committee concentrate its efforts on the questions posed at the previous meeting, regarding whether the counts pose a health risk and what can be done by United Gulf and the residents to reverse the trend.

Dr. Fox, reflecting on the Board's desire for the Technical Committee to indicate whether the data indicates potential harm to individuals using Paper Mill Lake for swimming, explained that he was not sure that analysis of the data can answer this question. He explained why more tests are required. Essentially unless the total coliform count is zero, without further levels of testing, it could not be concluded that the water is in fact safe.

Councillor Goucher offered to have further tests done if the resultant data would help the Technical Committee.

Mr. Dean reflected that the tests have been only done in two locations, but in fact the whole lake is used as a recreational area and will be used even more as it develops further.

#### **4.4 BEACHED DERELICT BOAT**

Mr. Li reported that he contacted the Harbour Master yesterday on the status of their investigation. He was advised that they have yet to find the owner. The question was posed as to whether the boat can be removed. He was advised that since it is located on private land or CNR's property, this was not an option.

(Mr. Li left)

#### **4.5 WATER RESOURCE MANAGEMENT POLICY STUDY**

C Information Report dated September 12, 2001 to Regional Council's September 25, 2001 meeting.

Mr. Schaffenburg noted that the Study has been delayed. The project was to have been completed by March 2001. The revised work plan and schedule indicates a completion date of January 2002.

#### **4.3 LIST OF ONGOING AND NEW PROJECTS (STATUS SHEET)**

Mr. Schaffenburg noted that the report on the **Peerless Subdivision** was tabled at

Regional Council last night. The owner wishes sewer and water extended to their property, which would allow for the reduction of the required minimum lot size of five acres. Councillor Goucher noted the staff report is negative. Due to time constraints, the report was not dealt with and will appear on Council's October 23<sup>rd</sup> agenda. If Regional Council adopts staff's recommendation, the subject will not be brought back to the Board.

Referring to the presentation re **Mill Cove**, earlier this evening, Mr. Schaffenburg advised that a planning amendment request was received this afternoon from Sobeys. They would like to put 'outpads' for fast food outlets in the front area of their parking lot at 961 Bedford Highway. The MPS does not permit.

Secondly, they have requested that the piece of land which will be created from the proposed infilling be given a Commercial designation and zoned for CDD under the Bedford MPS. Mr. Schaffenburg advised that the first step will be for staff to write a report, recommending the application be either rejected or approved, to Regional Council.

A discussion ensued on whether land can be designated that has yet to be created and associated jurisdictional issues. Mr. Schaffenburg confirmed the HRM can't zone water, but as the land is created, it assumes jurisdiction. It was acknowledged that some technical questions have to be resolved.

#### **4.6 DARTMOUTH ROAD UPDATE**

Councillor Goucher updated the Board on the community's reaction at the second meeting held September 26<sup>th</sup> on the Dartmouth Road proposal. He noted that some serious concerns were expressed. He explained that the residents have reservations regarding the effectiveness of CDDs (Contract Development Agreements) due to lack of enforcement in the past.

A set of traffic lights was asked for but Mr. Schaffenburg noted the Traffic Authority had looked at this location in the past and found it not suitable.

Also the bulk and scale of the project concerned residents. Mr. Schaffenburg indicated he would have liked to have heard more discussion of parking issues.

It was felt that the developer is trying to resolve the concerns of the community.

#### **4.7 WDC INFILL**

Mr. Hattin provided information to the Board related to current infilling. Eventually 30 acres will be infilled.

It was reported that in the next 3 or 4 weeks, 70,000 cubic yards of fill, associated with construction of airport runways, will be deposited into Bedford Basin. He noted that there is a problem with one water lot that has yet to be resolved and the infilling is skirting this area. Reference was made to materials stockpiled at the Sobeys' Fall River site, originally planned for this infilling. Due to the PH levels coming off their stockpile, in order not to affect Lake Thomas, it requires removal as soon as possible.

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

Mr. Dean reported on a meeting held today of the Paper Mill Lake Advisory Committee. Minutes of the past two meetings will be provided in due course. He outlined briefly the mandate of the Committee i.e. to liaise with the Developer in conjunction with Municipal Staff to ensure compliance with the provisions of Paper Mill Lake Development Agreement, etc. He reported that some headway has been made. Mr. Dean advised that he is stepping down as Chair and Mr. Murray has taken over this role.

#### **6.0 NEW BUSINESS**

##### **MEMBERSHIP**

Circulated at the meeting was a letter from Mr. Hoyle pertaining to his resignation from the Committee. Councillor Goucher was asked to arrange a letter be sent to Mr. Hoyle thanking him for his participation on the Board.

The Chair noted that Mr. Murray and Ms. Loney have indicated it is not their intention to reoffer. While wishing to remain a member of the Committee, Mr. Kerr indicated he would be stepping down as Chair.

##### **HOVERCRAFT**

Mr. Murray referred to the introduction of a Hovercraft service from Bedford to the Downtown Halifax. He questioned whether BWAC would become involved given the noise pollution and environmental affects of such an operation. He also questioned where the



users are to park. Councillor Goucher confirmed the contract has been signed today. The service starts November 1st. Mr. Hattin noted that the traffic and parking implications have yet to be addressed. Five trips a day are proposed. A maximum of one hundred passengers can be accommodated.

#### **6.1 KEARNEY LAKE AND PAPER MILL LAKE DAMS UPDATE**

- C Letter to the Hon. David Morse, Minister of Environment dated September 19, 2001 from North West Community Council (NWCC) regarding safety of dams in the Kearney Lake and Paper Mill Lake chain.

It was noted that it would have been useful to have copied the letter to Peter Christie.

Councillor Goucher advised that a response has been received to this correspondence. The letter will be tabled at the next NWCC meeting. He recalled that the Minister of Environment indicated that in the event an owner does not renew their permit, they are responsible for draining the area and removing the dam.

It was noted that in the event HRM were to take over the dam(s), responsibility for their maintenance would fall on the municipality.

Mr. White indicated that the Halifax Water Commission needs the dam at Kearney Lake. Although it does not own the dam, it is currently maintaining it. Mr. White sought permission from the Board to speak with Carl Yates, General Manager, Halifax Regional Water Commission regarding the potential takeover of the Kearney Lake dam. This was agreed to.

Councillor Goucher noted that there is also the Paper Mill Lake Dam and a dam associated with Quarry Lake.

Mr. Lowther suggested if Annapolis were to fix up the dam(s) and turn them over to the HRM, the municipality would not likely incur much cost, related to maintenance, for the foreseeable future. It was noted that dismantling the dams would be costly.

As stated at the previous meeting, the Board had serious concerns regarding the safety of the dams and the ramifications if one or all were to break. Whether dismantling them was an acceptable option was also raised. Mr. White noted that if they were to remove a dam, they would have to restore the area to the condition it was in before the dam was constructed.

Councillor Goucher indicated he could bring the matter to Regional Council's attention.

Mr. Laycock to be invited to the next meeting.

**7.0 DATE OF NEXT MEETING**

The next meeting is scheduled for Wednesday, November 14, 2001.

Ms. Tucker noted that it is her intention to have photos of the Board taken at the next meeting.

**8.0 ADJOURNMENT**

The meeting adjourned at 8:50 p.m.

Lynne Le Boutillier  
Assistant Municipal Clerk