

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

December 12, 2001

PRESENT: Mr. Bob Kerr, Chair
Mr. Don Lowther
Mr. Brad Gibb
Councillor Goucher
Mr. Victor Li
Dr. Don Fox
Mr. Richard Hattin
Dr. S. Ray
Mr. Lawrence White
Mr. Kevin Dean

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

REGRETS: Ms. Tucker and Ms. MacNeil

TABLE OF CONTENTS

1.01	Call to Order	3
2.0	Election of Officers	3
3.0	Approval of Agenda, Additions and Deletions	3
4.0	Approval of Minutes	3
5.0	Business Arising from Minutes	
5.1	Water Testing - Paper Mill Lake - Technical Committee Report	9
5.2	List of Ongoing and New Projects - Peerless Subdivision	10
5.3	Dams	3 - 6
6.0	Update from Paper Mill Lake Advisory Committee	10
7.0	New Business	
7.1	Strescon (Stormceptors)	10
7.2	Realignment of Boundaries	10
7.3	Membership	11
7.4	Correspondence - Sandy Lake Watershed Association	11
7.5	Paper Mill Lake and Other Watercourses - What you can do to help prevent water quality deterioration	11
7.6	Infill of Moirs Pond (Mill Cove)	6
7.7	By-law W-101	11
8.0	Date of Next Meeting	11
9.0	Adjournment	12

1.0 **CALL TO ORDER**

The meeting was called to order by the Chair at the LeBrun Centre, Bedford at 7:00 p.m.

2.0 **ELECTION OF OFFICERS**

Deferred to January 2002. The Chair advised that it is not his intention to reoffer.

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

Items 5.3 and 7.6 were moved up on the agenda.

The Chair advised of the plan to establish **additional sub-committees**. There is currently a Technical Group and Bedford South/Hemlock Estates Subcommittee. It was proposed that Don Lowther join the latter. It was noted that there is essentially a committee of one dealing with dams. It was proposed that Kevin Dean continue with this initiative. A new Infilling and Sewage Treatment Subcommittee consisting of Brad Gibb and Richard Hattin was established. Reference was made to the Bedford West proposed development and the future need to form a sub-committee in relation to it.

Councillor Goucher noted that a decision on the application to amend the MPS and LUB to permit development to RSU (Residential Single Dwelling Unit) Zone Standards related to the Bedford West Plan amendment request was deferred until the SGE Study has been completed on infrastructure.

2.0 **APPROVAL OF MINUTES**

It was noted that Mr. Murray was referred to incorrectly as Mr. Murphy in item 6, page 8 of the minutes. The minutes of the October 10, 2001 meeting were approved, as amended, on motion of Mr. Lowther and Mr. Dean.

5.0 **BUSINESS ARISING FROM MINUTES**

5.3 **DAMS**

Mr. Mike Laycock, Annapolis Group was in attendance to discuss with the Committee the status of the dams in the Paper Mill Lake Watershed, i.e. Quarry Lake, Kearney Lake and Paper Mill Lake dams.

He reviewed and left with the Committee the following correspondence:

- C Letter from Darlene Fenton, District Manager, N.S. Dept. of Environment and Labour to Archie Hattie, Annapolis Group Inc. dated October 22, 2001 re the Extension of Time - Authorization #304, Water Impoundment at Paper Mill Lake, Kearney Lake and Quarry Lake.
- C Letter from Mike Laycock, Assistant General Manager, Annapolis Group to Ms. Fenton, dated November 29, 2001 re Provision of Condition (e) - Engineer's Report - Extension of Time Authorization #304.

The correspondence from Ms. Fenton advised that their request for an extension of time under the Environment Act had been reviewed and the expiry date extended from December 31, 2001 to December 31, 2002. In addition to the original terms and conditions remaining in effect over the course of the extension, two additional terms and conditions form part of the extension as follows:

- C A professional engineer's report on the condition and safety of the dams shall be prepared and submitted to the department by November 30, 2001. Such reports shall be submitted quarterly thereafter until such time as the dams have been inspected in accordance with the standards set by the Canadian Dam Association and the report of such inspection is submitted to the department.
- C The Licensee shall immediately undertake any repairs identified in the above reports and which in the opinion of the department may effect the integrity of the dam structures.

The correspondence to Ms. Fenton from Mr. Laycock included the engineer's report which finds all dams to be structurally stable. Mr. Laycock related to the Committee the extensive experience that R. P. Delory, P. Eng. has related to dams.

A question was posed to Mr. Laycock on how the Quarry Lake dam could be considered structurally sound when it appears water is breaching it. Mr. Laycock provided background on this dam which resulted in a manmade breach. He noted that essentially the dams are simply large oversized blocks of concrete and their sheer mass renders them stable. No modifications have been made to them in the past seventy (70) years.

Councillor Goucher noted that correspondence was exchanged with Annapolis eighteen (18) months ago questioning the maintenance of the dams. This spring there was correspondence indicating that work was never done. A discussion followed on circumstances which lead to this work not being completed.

Councillor Goucher referred to discussions he had with representatives of Annapolis wherein

it was indicated to him that they would renew the license on the dams. He referred to the role the dams will play in stormwater management with respect to Bedford West.

Councillor Goucher asked Mr. Laycock whether Annapolis will commit to putting the dams into good condition. Mr. Laycock responded that they will comply with the requirements of the Province on what is necessary for repairs.

Mr. Laycock noted that in addition to Bedford West, there are other significant developments within the Paper Mill Lake/Kearney Lake watersheds, for instance Wentworth Estates, which are much larger. Annapolis does not feel the licensee of these dams should be responsible in perpetuity for the stormwater management requirements of upstream developments.

It was noted that rather than looking at stormwater issues piecemeal, the cumulative stormwater issues need to be addressed.

The Chair and Mr. Dean recollected that the initial concern with the dams resulted from the appearance of the Paper Mill Lake dam and concern grew when questions to Annapolis and the Minister were not adequately answered. The Committee felt the dams were a big safety concern, but no assurance was forthcoming that they were safe. The Committee indicated that they might have more confidence in a report prepared by an independent engineer versus one engaged by Annapolis. Given the qualifications of the engineer and the requirement that the dams are inspected in accordance with the standards set by the Canadian Dam Association, Mr. Laycock expressed confidence the report will be ironclad.

Mr. White expressed confidence in the report, but referred to the durability of repairs noting that cosmetic ones could have a lifespan of five years, versus a major overhaul of the dams lasting twenty(20) years. He referred to problems with the Paper Mill Lake dam identified to him by another engineer.

He reiterated that the dams can either be fixed, an obligation be made to fix them or they have to be removed. Mr. White felt given their use for stormwater management and recreation, removal would not likely be a preferred option. He could understand why the Annapolis Group would want to relinquish responsibility for the dams. He felt an effort should commence to start negotiations for HRM to take them over. An agreement would be required on the level of refurbishment before HRM would take over.

Councillor Goucher noted that in the past the municipality did not want to takeover the dams and they still feel this way. There is a lot more than just fixing them up, i.e. liability issues. Mr. Laycock noted that in the past the municipality did not want to have anything to do with major infrastructure, but now legislation is in place regarding capital cost contributions.

Later in the meeting, Mr. White referred to discussions he had with Carl Yates, General Manager, Halifax Regional Water Commission. Mr. Yates advised that except for looking

after the gate by the Kearney Lake dam, they have no involvement. If the Municipality were to take over the dams, they would probably have to look after them. At this point the Water Commission is not interested in their takeover.

In response to a query from Dr. Fox, Councillor Goucher referred to the Town of Bedford's feelings about the takeover of the dams when the last contract development agreement was being negotiated. The Town of Bedford did not wish to take over the dams, a sentiment shared by HRM. Dr. Fox suggested that if a case was made that they are part of the stormwater management system of the municipality, HRM would have to take them over. The dams would have to be in good shape when given over.

Mr. White felt they would have to be brought up to a standard above what the Province wants. Mr. Laycock reflected that the Annapolis Group might be receptive to such a suggestion. Up to now, no one within HRM wants to discuss the dams with the Annapolis Group. BWAC might be able to facilitate an initiative. Mr. White felt the 'going away costs', i.e. destroy and restore the area, should be an encouragement for them to repair the dams to a certain standard.

7.6 **INFILL OF MOIRS POND (MILL COVE)**

C Copy of a HRM News Release - December 5, 2001 - Opposition Growing to Sobeys's Infill Project (circulated at meeting)

Mr. Glen Boone, Real Estate Planner, Atlantic Shopping Centers (Sobeys) and Mr. Peter Speerway were in attendance to update the Board on the what has taken place with respect to process to allow for partial infilling of Moirs Pond. An aerial photo of the area was circulated at the meeting. Rough engineering drawings had been provided to the Committee for the October meeting.

Mr. Boone provided background on the project. It was noted that in the spring of this year, discussions were initiated regarding the future of Mill Cove Plaza. He referred to how the site has developed over the last 20 years. Reference was made to the hiring of two consulting firms, i.e. MEC Engineering and Construction Services and Jacques Whitford Environmental Limited to work on this project. Kirby Thompson, MEC Engineering and Construction Services and Susan Belford, Jacques Whitford Environmental Limited had attended the October meeting to introduce and explain the two phase process being proposed.

In order to proceed, Mr. Boone noted that an Environmental Screening Process has to be successfully concluded before the HRM planning process is commenced.

Information on the environmental aspects of the proposal prepared by Jacques Whitford, in consultation with Brian Jollymore, DFO was presented at an Open House in November. This

Open House was part of DFO's public consultation component.

During the presentation of diagrams of the site to BWAC, the following subjects were addressed:

- C A substantial buffer zone being proposed along the new waters edge.
- C Discussions have been held with the Waterfront Development Corporation about the potential of connecting trails.
- C Assurance that birds have an area to congregate. The pond is recognized as a wintering spot and place of refuge during bad weather.
- C Infilling will result in an increase in water flow.
- C Infill containing pyritic slate will be placed a minimum of one meter below the low water mark.
- C The composition of the waterbody consists of a layer of salt water and a layer of fresh water.

During discussion of the Open House held November 22, 2001, the following were noted:

- C A couple of BWAC and Council members had attended along with members of the public.
- C Twenty-one (21) comment sheets filled out.
- C Concerns expressed related to the following:
 - C pyritic slate in the infill
 - C stormwater runoff, i.e. problems might be created upstream
 - C issues related to aesthetics
 - C construction creating traffic problems
 - C the building size and location

It was noted that some of these issues were not part of environmental screening, but the HRM planning process.

An analysis has been commenced of the concerns raised. Once completed an addendum will be added to the environmental screening report. Sobeys is currently working on an information handout to address some of the concerns brought to their attention. It was noted that anyone, who filled in a comment sheet, will have their concerns responded to individually.

Mr. Boone referred to a second public consultation meeting tentatively scheduled for January 14, 2002 at Basinview School. Councillor Goucher had expressed concern that the Public Meeting, held in conjunction with DFO's process, did not allow for two way dialogue.

Mr. Li questioned when BWAC will see the report on the environmental screening. Mr. Boone indicated that DFO has not indicated when they would consider the report public. Their process essentially starts with the report. He will try to have the report to BWAC in time for its

February meeting, given the January meeting is on the 9th which precedes the Public Meeting.

Councillor Goucher observed that from discussions with Mr. Jollymore, the process from DFO's perspective is very technical. There is no opportunity for the average lay person to express how they feel. He noted that while how the public might feel is of no interest to DFO, it surely must be of interest to Sobeys.

Councillor Goucher referred to what would be involved in organizing and running the meeting on January 14, 2002. He would like BWAC to take a part in coordinating the meeting on behalf of the community, and a motion to this effect was passed at the last NWCC meeting. He has or will take care of press releases and the room booking. Sobeys has indicated their desire to have an independent mediator chair the meeting. Councillor Gary Hines, District 2 was suggested by Councillor Goucher. The desire is to have the Sobeys' representatives and the public interact in a non-confrontational fashion. It is expected that the MLA and MP for the area would be present to hear the opinions expressed.

BWAC's role would be to coordinate and set up the structure of the meeting. Councillor Goucher also desired BWAC to provide its input on the environmental aspects of the proposal, as well.

Referring to the structure of the meeting, Mr. Boone indicated Sobeys would like an opportunity to make a 10 to 15 minute presentation, with dialogue to follow. Mr. Boone did not think DFO will want to make a formal presentation. Mr. Dean proposed that the newly established Infilling and Sewage Treatment Subcommittee, consisting of Brad Gibb and Rick Hattin, could draw up the agenda. It was requested that the meeting be taped.

Mr. Hattin posed questions to Mr. Boone regarding whether Sobeys can, as of right, infill. Mr. Boone indicated that he believed legally they have the right, but their legal advisors continue to review. Mr. Hattin noted that the proposal calls for a 70% infilling of Moirs Pond, but there is one portion not owned by Sobeys. He questioned what the worse case scenario would be if this property owner did an infill as well. The Board was assured that due to culverts close to the property line, this portion could not be infilled 100%. Mr. Hattin felt an 85% infilling would result in what is now a pond becoming a river. Mr. Hattin suggested that Sobeys might want to hatch in, on their maps, the area they don't control. Mr. Boone noted there are other options they are exploring. He hoped to have more details for the February meeting.

Reference was made to a study commissioned by the Waterfront Development Corporation looking at the long term effect of pyritic slate on the urban environment. It was felt that Ms. Belford, Jacques Whitford might have access to this report. Mr. Li advised that he worked with the author, Rodger Albright, Environment Canada. He will see if Mr. Albright can discuss with the Board the effect of exposure to air and the impact of Ph levels on pyritic slate's acid release.

Mr. Schaffenburg noted Planning and Development Services is dealing with two issues. A couple of months ago they received an application for two planning amendments from Sobeys. One involved establishment of some fast food pads towards the Bedford Highway on their Mill Cove site. The second application was contingent on the infilling of Moirs Pond proceeding. The latter application is on hold until the infilling situation is resolved as the Municipality does not have jurisdiction until there is some land. He noted that some of the issues BWAC has raised, i.e. traffic generation and land use are essentially planning aspects.

What exactly Sobeys was looking for from the Committee at this stage was discussed. The Chair noted that until BWAC has seen the Technical Report, it can't comment. Mr. Hattin felt the Committee should look at the worst case scenario, i.e. if the adjacent property owners fills in his water lot as well. Dr. Fox felt the adjacent property owner should be asked this question, not Sobeys.

A discussion ensued on the pros and cons of Sobeys releasing its report in confidence. Mr. Schaffenburg cautioned that an advisory committee may not be able to accept a report in confidence. Once a report is accepted, it becomes a public document.

MOVED BY Mr. Dean and seconded by Mr. Lowther that BWAC's Infilling & Sewage Treatment Subcommittee prepare the agenda and structure for the upcoming January 14, 2002 meeting on the infilling of Moirs Pond issue, in consultation with Glen Boone, Sobeys and Councillor Goucher. MOTION PUT AND PASSED UNANIMOUSLY.

5.0 BUSINESS ARISING FROM MINUTES/STATUS SHEET (cont'd)

5.1 WATER TESTING - PAPER MILL LAKE - TECHNICAL COMMITTEE REPORT

Mr. Li advised that a document has been drafted following discussions with Dr. Fox and Dr. Hoyle. He indicated he would like to do more work on the draft. Copies of the final document will be provided in the next agenda package.

5.2 LIST OF ONGOING AND NEW PROJECTS

PEERLESS SUBDIVISION

Copies of staff's report were circulated with the November agenda package for information. Mr. Schaffenburg noted that staff did not recommend approval. He anticipates the application will come back to Council in the future.

Councillor Goucher noted that the development would be huge, i.e. equal to the total size of

the present Bedford. Reference was made to a motion by Regional Council on the SGE study which deals with infrastructure. A proposed Bedford West development is also awaiting the outcome of the study. Reference was made to the Regional Planning process initiated.

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

The approved May 2001 minutes were circulated with the agenda package. Mr. Dean noted that the October 10th approved minutes will be forwarded in due course. He referred to topics addressed at their November 3rd meeting. It was noted that Mr. Murray has taken over as Chair.

7.0 **NEW BUSINESS**

7.1 **STRESCON (STORMCEPTORS)**

Mr. White asked this item be deferred to the next meeting.

7.2 **REALIGNMENT OF BOUNDARIES**

A large map, illustrating changes to the boundaries of the Dartmouth Lakes Advisory Board, was displayed. It was recalled that only Anderson Lake was discussed in relation to the changes, as its watershed fell within the jurisdiction of both BWAC and the DLAB. It was suggested that the map be brought to every meeting in future.

Mr. Dean reflecting on discussions earlier in the meeting, observed that several times it was implied that BWAC's terms of reference only dealt with environmental issues associated with water. He noted this was not the case. Both land and water issues are referred to in the terms of reference. It was requested that the terms of reference be an agenda item for the January meeting, so the Committee can review them.

The Chair noted that at the January 14, 2002 meeting, re the Sobeys' application, there are likely to be a number of comments re aesthetics, which are not related to BWAC's terms of reference. Councillor Goucher recognized this fact, but his objective was to have a forum for public comment with BWAC as a sub-committee simply organizing.

7.3 **MEMBERSHIP**

The Committee discussed whether Mr. Matheson should remain on the Committee, given he has been unable to attend meetings for a good portion of the past year due to conflicts with his classes and summer employment. Councillor Goucher and the Secretary referred to conversations they have had with Mr. Matheson. During the discussion, it was noted that there is still room for additional members on the Committee, even if Mr. Matheson were to remain

on the Committee. Members felt he should be given a leave of absence until April.

MOVED BY Mr. Dean and seconded by Mr. White that the Chair contact Mr. Matheson making reference to Councillor Goucher's breakfast meeting conversations with him and the discussions at tonight's meeting, advising that the Board would like to retain Mr. Matheson, given he can make a commitment to attend after April 2002. MOTION PUT AND PASSED.

7.4 CORRESPONDENCE - SANDY LAKE WATERSHED ASSOCIATION

A letter to the Chair dated November 28, 2001 from Katharine Mott, Chair of the Sandy Lake Watershed Association was circulated for the Board's information. The letter addressed the formation of the Sandy Lake Watershed Association. The principal interests of the Association were outlined.

7.5 PAPER MILL LAKE AND OTHER WATERCOURSES - WHAT YOU CAN DO TO HELP PREVENT WATER QUALITY DETERIORATION

An information sheet dated November 2001 from the Paper Mill Lake Advisory Committee was provided to the members for their information at the request of Councillor Goucher.

7.7 BY-LAW W-101

Information reports dated November 20, 2001 pertaining to By-law W-101 Respecting the Discharge of Wastewater into Public Sewers were circulated in the agenda package. The Chair requested copies of the actual by-law.

8.0 DATE OF NEXT MEETING

The next regularly scheduled meeting is Wednesday, January 9, 2001 at 7:00 p.m., LeBrun Centre.

9.0 ADJOURNMENT

Before adjourning, Councillor Goucher wished those present all the best for the Holiday Season. He thanked both the volunteers and staff for their contributions to BWAC. Meeting adjourned at 9:20 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk