

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

MARCH 13, 2002

PRESENT: Mr. Don Lowther, Chair
Mr. Bob Kerr
Councillor Goucher
Mr. Victor Li
Dr. Sankar Ray
Mr. Cedric Pilkington
Mr. Lem Murphy
Ms. Deborah Gillis

ALSO PRESENT: Lynne Le Boutillier, Assistant Municipal Clerk

REGRETS: Kevin Dean, George Hepworth, Richard Hattin and Angus Schaffenburg

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1.0 **CALL TO ORDER**

The meeting was called to order at 7:05 p.m. at the LeBrun Centre. The three new members Ms. Gillis, Mr. Pilkington and Mr. Murphy were introduced.

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

It was noted that items 4.7 and 4.8 were essentially duplicates. Item 4.8 was deleted.

3.0 **APPROVAL OF MINUTES**

The minutes of the February 13, 2002 meeting were adopted, as circulated, on motion of Mr. Li and Mr. Kerr.

4.0 **BUSINESS ARISING FROM MINUTES/STATUS SHEET**

4.1 **WENTWORTH/BEDFORD SOUTH SECONDARY PLANNING STRATEGY**

In attendance for this item were Mike Hanusiak, Senior Vice-President, Earle Richardson, Vice-President, Operations, Andrew Connor and Kevin Neatt of Clayton Developments Ltd. and HRM Planner, Paul Morgan.

Circulated at the meeting was an e-mail from Mr. Hattin, containing his comments related to the draft Planning Strategy. Copies of comments e-mailed by Mr. Li, Mr. Kerr and Mr. Lowther were provided in the agenda package.

It was proposed by the Chair that each of the Environmental Protection Policies be dealt with individually with each member being given an opportunity to comment.

As a result of discussion, Policy EP-1 was changed to read:

No development agreements shall be entered into unless a stormwater management plan has been prepared for the entire master plan area. The management plan shall:

- a) **identify any significant constraints and sensitivities with regard to flood potential, and environmental features;**
- b) **provide estimates of pre-development and post development flow conditions at critical locations such as, but not limited to watercourses, culverts, road crossings and abutting developments.**
- c) **Indicate the type and location of facilities needed for all stormwater systems and the measures to protect receiving waters from contamination, excessive flow rates and loss of aquatic habitat;**

- d) **identify the means of preventing the contamination of watercourses and groundwater supplies.**
- e) **identify the means of preventing excessive flow rates, adverse changes to groundwater recharge;**
- f) **prepare a program for implementation, and monitoring before, during and after construction, including securities and any remedial action to be taken in the event that water quality objectives are not achieved.**

During discussion, Dr. Ray questioned whether there is a definition of what kind of water quality is needed. Mr. Morgan agreed that Dr. Ray had a good point and a definition should be included in the Policy.

Policy EP-2:

There was considerable discussion of a wording change proposed by Mr. Li that the words “ensuring the water is non-toxic and contaminant free” be added at the end of the policy. Rather than use this wording, it was proposed reference be made to the appropriate guidelines, i.e. Department of Environment. The wording was left with Paul Morgan. If there are Department of Environment guidelines, it was requested that they be appended to the document.

No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in stormwater management plans under municipal and/or provincial guidelines.

Policy EP-3:

Referring to this Policy, Mr. Li suggested that a sentence be added that “A survey should be conducted of the frequency of exceedances to the 1 in 20 year level, if any, in recent years to verify if this level is valid.” He felt there was a need to verify what has actually happened in the last twenty years. Mr. Morgan indicated this is normally done when the hydrolic analysis is conducted.

No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within fifty (50) feet of the highwater mark, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved storm water management plan or as provided to allow for trail systems or transportation crossings.

Policy EP-4:

Features of environmental significance shall be delineated as non-disturbance areas under development agreements and site plan approval agreements. Non disturbance areas shall be located to allow for continuity non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses. Remedial measures shall be incorporated into such agreements to address any removal or damage of natural vegetation during or after construction using indigenous landscaping.

During discussion of this policy, Mr. Li questioned whether there was a definition of 'significance'.

Mr. Kerr indicated that he would propose a policy EP-8 later in the meeting to deal with the clear cut situation. After discussion later in the meeting, this suggestion was withdrawn.

Dr. Ray proposed the last sentence of the policy should be changed to read "bring back to preconstruction conditions". Mr. Hanusiak addressed this subject in general, noting that it is the intention to take committee members on a bus tour of Clayton Park West to familiarize members with how the measures to reduce the impact of development appear eleven years after completion.

Policy EP-5

Development of land on major slope areas in excess of twenty-five (25%) shall be prohibited under any development agreement, unless it can be demonstrated that such development would not create any hazard and could better preserve open spaces of environmental value.

Before the changes were made to the policy, there was considerable discussion of the term 'taller buildings'. Mr. Hanusiak identified areas where apartment buildings are being proposed. The Chair suggested that perhaps the words 'taller buildings' be replaced with five stories. Councillor Goucher questioned the need for the Policy, as the subject is covered under the Grade Alteration Bylaw. It was cautioned that having it in opens it up to interpretation. Mr. Hanusiak suggested that EP-5 contain a reference to Policy RN-3.

Policy EP-6:

The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.

Policy EP-7:

All development agreements shall conform with all applicable regional policies adopted by the Municipality in support of the solid waste and waste water management program, C & D by-laws and approved water resources policies.

During discussion of the changes, it was recognized that the Water Management Study has not been completed.

As earlier noted, Mr. Kerr proposed a Policy EP-8 to deal with clear cutting. He noted a lot of discussion was generated at last month's BWAC meeting and the PAC meeting on this subject. It was proposed that the Policy should deal with how clear cutting should take place, i.e. the practice of clear cutting areas would usually not be allowed and the staff of HRM are to be informed of any areas 0.5 acres or over that are intended to be cleared, and a permit issued for the requested cutting. Later in discussion some exceptions were identified, i.e. for survey lines, test pits etc.

It was decided, for a variety of reasons that inclusion of this policy was not required. A tree management plan was referred to by Councillor Goucher and it was noted that the Waste Water Advisory Committee will be making recommendations.

For purposes of clarification, the members requested that copies of the approved PAC meeting minutes be provided.

Mr. Morgan once again referred to the Municipality not being able to do anything about tree cutting on private property under the Municipal Government Act. He reiterated that the Municipality can make it known that it will not enter into any development agreement if trees are cut down, with the exception of those required to be removed for survey purposes.

Mr. Hanusiak reviewed with the members current construction practices, which only allow for the saving of trees in the backyards.

The Chair raised questions regarding the proposed interchange. It was noted that no more than 2,000 units could be constructed prior to the interchange. He felt this to be a safety issue and proposed a policy to address this limitation. The Committee was referred to page 33, Policy MS-7. Mr. Hanusiak outlined discussion between staff and ultimately Regional Council on cost sharing of this interchange. It is anticipated that this will be a big issue for Regional Council, ie. capital cost charges. He noted that the interchange will serve more than just this area. If there is no assurance of cost sharing, the development will not be undertaken. There is a threshold after which it becomes too costly to build.

Councillor Goucher referred to the SGE report which will deal with infrastructure requirements.

Councillor Goucher noted that this will be the first time a Waters Advisory Committee has had the opportunity to give input into a Municipal Planning Strategy.

MOVED BY Mr. Kerr and Mr. Li to put forward to North West Community Council the amendments agreed on to the Wentworth/Bedford South Secondary Planning Strategy's Environmental portion. MOTION PUT AND PASSED UNANIMOUSLY.

4.2 LIST OF ONGOING AND NEW PROJECTS

Deferred in absence of Mr. Schaffenburg.

4.3 KEARNEY, QUARRY AND PAPER MILL LAKE DAMS

Deferred in absence of Mr. White.

4.4 INFILLING OF MOIRS POND

In the agenda package the following items had been provided:

- C comments by Alan McIver
- C copy of "Keeping the Community Informed" dated January 2002 from Sobey's
- C A letter from Gary Hines dated January 2002.
- C Minutes of the Information Meeting of January 14, 2002

Councillor Goucher reported on a meeting he had with Minister Thibeau and three of his staff, Councillor Hines, Peter Christie and Geoff Regan. An exchange of points and concerns took place. He felt they were received positively.

Reference was made to a petition being circulated in opposition to the infilling of Moirs Pond.

The Chair noted that the Committee will have to make a decision either for or against the proposal.

Councillor Goucher encouraged the members to attend the NWCC meeting of March

4.5 TERMS OF REFERENCE REVIEW

Deferred in absence of Mr. Dean.

4.6 **C & D DISPOSAL STRATEGY**

The Chair reflected on conversations he has had with a truck driver who dumps loads at the sites. He referred to the number of these sites currently in operation. He noted that some of them have been in operation for a number of years. He felt there are likely automobiles, engines, etc. buried on these sites. He understood that the Municipality is proposing to license such operations. He questioned what will happen if someone walks away from these operations. He was concerned about the eventual problems this will create. Who would be responsible for the clean up. If the Municipality licenses, would they be liable? Councillor Goucher will raise at Council.

Mr. Li felt that before licensing, there should be an Environmental Assessment. He wondered about retroactivity.

Reference was made to the four sites currently in existence. Interest was expressed in visiting the sites on the joint tour with the waters advisory boards before finalizing recommendations.

The Chair recalled the discussion of sorting pads. From his conversations with the truck driver, he has determined that they are essentially concrete pads and no provision is made for run off, i.e. there is no containment or separation taking place.

Referring to earlier remarks made by Mr. Kerr at the Joint Meeting in January, the Chair questioned what actually will happen when someone is found to be in violation, i.e. what authority do officers have to shut down the operation(s). Councillor Goucher assured the Committee that the Department of Environment will be keeping close tabs on these facilities.

Reference was made to the difference between fines associated with C & D and Waste Water Discharge By-law. One is \$5,000, the other \$50,000. They wondered which by-law would apply.

In conclusion, it was decided that there was a need for have Kurt Pyle in attendance. He will be invited to the next meeting. Councillor Goucher was asked when the subject was going to Council. He noted that it has appeared there several times. Reference was made to the April 1st application date.

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

Deferred in Mr. Dean's absence.

6.0 **NEW BUSINESS**

6.1 **CASE 00446: RECOMMENDATION FOR BWAC REPRESENTATIVES ON
AREA ADVISORY COMMITTEE, BEDFORD**

C Report dated February 15, 2002 to North West Community Council

The Chair noted that a BWAC representative is required for the Committee. A significant time commitment is likely. Mr. Pilkington and Mr. Hattin were selected. Mr. Schaffenburg will be advised.

7.0 **DATE OF NEXT MEETING**

The next meeting is scheduled for Wednesday, April 10, 2002.

8.0 **ADJOURNMENT**

Meeting adjourned at 9:05 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk