

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

MAY 8, 2002

PRESENT: Mr. Don Lowther, Chair
Mr. Bob Kerr
Mr. Victor Li
Dr. Sankar Ray
Mr. Lem Murphy
Mr. Richard Hattin
Mr. William Matheson
Mr. Kevin Dean
Mr. Cedric Pilkington

ALSO PRESENT: Mr. Angus Schaffenburg, Planner
Ms. Lynne Le Boutillier, Assistant Municipal Clerk

ABSENT: Councillor Goucher (regrets)
Ms. Deborah Gillis (regrets)
Mr. Lawrence White
Mr. Brad Gibb
Mr. George Hepworth

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1.0 **CALL TO ORDER**

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

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

An item was added - Water Testing Paper Mill Lake as item 4.5.

3.0 **APPROVAL OF MINUTES**

An error was noted on page 4, third paragraph, third sentence. The name 'Mr. Dean' should be replaced with 'Mr. White'.

The April 10, 2002 minutes were adopted, as amended, on motion of Mr. Murphy and Mr. Dean.

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

4.1 **LIST OF ONGOING AND NEW PROJECTS**

Mr. Schaffenburg reported that the Planning Amendment request related to the Main Street zoning has been approved by Council. It pertained to the ratio of residential to commercial.

The application by Sobeys for a fast food outlet has been forwarded by the PAC to Community Council. It has not gone to Regional Council.

4.4 **SANDY LAKE PARK - PHASE 2 - BEACHFRONT DEVELOPMENT**

Three residents of the Sandy Lake area were in attendance.

Mr. Kevin Conley, Parkland Planner was in attendance to describe to the Committee plans for Phase 2 of the park and answer questions.

It was the intention that BWAC draft recommendations for the next North West Community Council (NWCC) meeting of May 23, 2002. Mr. Schaffenburg recalled that BWAC had previously made recommendations regarding Phase I of this development to NWCC.

With the aid of a map(s), Mr. Conley illustrated work to date associated with Phase 1 and what is planned for Phase 2. He noted that one of the plans was done in 1999 by an environmental consultant and has been used since as the basis for the development concept.

Work done in Phase 1 was identified as follows:

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- C construction of a gravel parking area end of Smiths Road
 - C access road enhanced

The Chair provided photos taken of the area recently.

Phase 2 involves the following and should be completed by August 2002:

- C Walking path to beach area to be constructed using gravel crusher dust - length estimated at 150 to 200 meters and 10' wide
- C Construct stone wall behind existing high water mark.
- C Sand to be deposited behind the wall and in beach area. Beach area estimated at 50 to 60 meters in length.
- C Green area behind wall to be used as an informal picnic area, with associated tree plantings.
- C Installation of temporary washrooms. Installation of the permanent washroom not in this phase. Location of the washrooms not the same as in the 1999 consultant's plan. Where they will go will be identified next year.

The proposed boat launch will not be built this year. Mr. Conley noted that maintenance and emergency access will be via the walking path. Keys will be required to the gates, one of which is at the top of the path by the parking lot and at Smiths Road, for vehicles to use this route.

Mr. Li questioned what the source of sand will be. Mr. Conley indicated it will be imported. Mr. Li noted that sometimes sand containing salt is used and this can present a problem. When the tender is developed, reference should be made to the sand being salt free.

Because the completion date of Phase 2 is in August, Mr. Conley doubted there would be any supervision at the beach this year. It should be open but not supervised.

Mr. Kerr posed a question on how the clean out of toilets, both temporary and permanent, will be handled. Mr. Conley stated that a consultant will be hired to provide HRM with some options for sewage disposal from the permanent facilities.

Mr. Hattin questioned whether there were standard operating procedures for such beaches. Mr. Conley noted that this is the first new beach area development in HRM since amalgamation. He acknowledged the gates are a big issue; they can be problematic. He noted that in certain areas of the HRM there are Parks Patrols, i.e. Point Pleasant Park. While most parks are open from dusk to dawn, it has been requested that defined hours, when the park is open, be adopted for this park. Security is a HRM responsibility. Hiring of a security guard, as is the practice at Paper Mill Lake, is likely to be done for this park as well, Mr. Conley understood. A guard would be hired just for the summer months. The access path will not be plowed in the winter. Only pavement is plowed.

The permanent washroom will be more than just a washroom. It will be a multi-purpose facility with a canteen, changing rooms, etc. In earlier plans, it was proposed that there be living accommodations, for a security person, on the second floor of such a structure.

Concern was expressed by Mr. Dean about opening the park before completion and when lifeguards and security guards are not in place. He felt it important that these individuals be in place, so the park opens on the right foot. At least 90% of the plans be complete before the opening.

The Chair reflected that perhaps the park should not be opened this year, i.e. what is to be gained by opening this year in August. He suggested the permanent facilities be built and then the park be opened next year. It was noted this would have the added advantage of allowing the work done this year to settle and the vegetation can rejuvenate itself. It was also felt that there is a greater chance of damage being done, when facilities are only partly complete. The residents in attendance indicated they favoured a delayed opening to allow things to settle and permit pre development water testing.

Mr. Kerr indicated he would like to see a regular maintenance schedule for the clean out of the privies before the gates open.

Mr. Hattin questioned whether baseline studies have been done of the lake's water quality in this area. It is important to have such data for comparison purposes. In the instance of Paper Mill Lake, there was never base line data to make comparisons to. Mr. Conley noted students did some of this work. Mr. Li suggested the baseline studies include suspended solids and coliforms. Tests should be taken in the vicinity of the beach and further out. It was recognized that there will be seasonal changes, thus testing not be confined to the summer.

Referring to the study done of the area by Dalhousie students, it was noted by the residents that the Sandy Lake Residents Association has received two of the three reports. They offered to prepare a summary for the Committee.

Concern was expressed about the pathway, i.e. was it fenced. The pathway goes through a wooded area and area residents had previously voiced concerns in this regard. It was suggested that it be recommended to NWCC that the feasibility of fencing, to protect private property, be investigated.

It was also felt that signs must be posted at the gate to the access road, gate to the pathway and the beach reminding users of the park's closing time and if their vehicles are not removed by that time, they will be towed away.

The Chair reflected on a site visit he had made to the park, particularly the difficulties encountered when trying to pull out of Smiths Road onto the Hammonds Plains Road. He felt that some sort of traffic impact study should be conducted. He suggested

parking restrictions be employed to ensure the view is not obstructed. He also felt consideration of the installation of flashing lights might improve safety.

Secondly, due to the narrowness of Smiths Road, in order for emergency vehicles to be able to gain access, parking be restricted on the east side of the road from the last residence to the park. Reference was made to the requirement of a 66' right of way for roads. Mr. Schaffenburg suggested that in this instance, the road might not meet today's standards and not be that wide.

In order to control the number of people at the beach, parking be limited to the parking area, currently planned for one hundred (100) vehicles. No parking on either side of Smiths Road would also limit the numbers using the beach. It was felt that it might be better to reduce the number of parking spaces from one hundred (100) to allow for larger spaces, so vehicle doors are not hitting adjacent automobiles. Parking be restricted to the designated parking spaces in the gravel parking lot. Mr. Schaffenburg cautioned that if parking is severely restricted along Smiths Road and then the parking lot is not opened, problems may develop, as the park is being used at present.

Mr. Conley was questioned on whether any consideration has been given to making the park accessible for the disabled. Mr. Conley recalled while there are policies in place for making facilities such as washrooms accessible, he did not think there were policies regarding making parks themselves accessible. The Clerk referred to HRM's Advisory Committee for Persons with Disabilities. It was suggested that the installation of a handrail on the lefthand side of the path might be useful for older park users and the disabled. Mr. Conley indicated such handrails are not typically installed unless there are steep grades. The Chair noted that the trail is pretty steep in some locations.

It was noted that the plans called for a boat launch. During the discussion, it was noted that the launch would not be for motorized water craft, but canoes and kayaks. The role the Coast Guard plays in limiting the use of motorized water craft was discussed. Mr. Conley noted the construction of a boat launch is in Phase III.

It was felt that no alcohol or open fires should be allowed in the park. Mr. Conley recalled that under Provincial regulations, drinking of alcohol would be prohibited. Mr. Murphy noted that there are instances when a special license can be obtained. Mr. Conley will look into the subject.

The Chair felt dogs should not be permitted in the beach area. Dr. Ray confirmed that the water quality would be affected by the presence of dogs. A discussion followed on banning dogs from the park altogether.

Fencing and appropriate signage was considered key elements related to the park's development.

Referring to the environmentally sensitive aquatic area, Mr. Dean questioned how staff proposes to mark the area to protect it. Mr. Conley advised that when the park is

opened, there is a requirement that the markers be in place to discourage people from entering the area. The area will be marked off whether the beach is opened as a swimming facility or not.

Mr. Conley sought clarification about the Committee's intention regarding the delay in opening. The Chair felt that the opening should be delayed until the beach area has been completed and adjacent disturbed areas have had a chance to settle and rejuvenate, i.e. don't open in 2002. If work isn't completed as planned, the opening date be reviewed again next year.

Mr. Dean questioned when Mr. Conley foresaw the whole park being completed. Mr. Conley noted that trail development has been discussed in the past as an enhancement. Mr. Dean clarified that he meant simply the beach, lifeguards in place, toilets installed and everything well marked with signs. Mr. Conley reiterated that the permanent washrooms will likely be installed next year, capital budget allowing. Mr. Conley wondered if the Committee was suggesting the opening be delayed until the permanent washrooms are in place. Mr. Murphy did not feel development of the park should be stopped for the sake of completion of construction of the permanent washrooms, however he did not think the park should be opened when it was a construction zone. It was acknowledged that testing the water before the park is open is the right thing to do, but the public might not understand. Mr. Murphy cautioned that if the Committee recommends against opening this year but the date is moved to next spring, there is a tendency to procrastinate.

There was a discussion of liability issues, as no life guard will be employed until the beach is declared a swimming area.

In response to a query regarding the construction time line, Mr. Conley noted that the work is going to tender for Phase 2 in two to three weeks. The tender should be awarded within the month. Ideally construction could commence in mid June. The signage would be HRM's responsibility. Mr. Kerr indicated a desire to see the response(s) to the tender, etc., however, it was noted that it is important to get BWAC's recommendation to NWCC for its May 23rd meeting.

MOVED By Mr. Hattin and seconded by Mr. Murphy that BWAC recommend to NWCC that Phase 2 proceed with the following observations:

- 1 Base line water study be completed consisting of suspended solids and coliforms, at the least before construction starts. Locations for testing be at the beach and further out. Testing to be conducted not only in the summer, but other seasons of the year. Both pre and post development testing to be undertaken.
- 2 With a view to the increased traffic created by the park, the Traffic Authority be requested to review parking restrictions along Smiths Road and vehicular access to Hammonds Plains Road, plus associated signage requirements.

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- 3 When the beach is declared open as a swimming beach, lifeguards be in place.
 - 4 When the park is declared open, a security person be employed from opening to closing of the park,
 - 5 Gates be installed at start of the park access road and path to beach from parking lot.
 - 6 Toilets, either portable or permanent, be in place before the park is opened and a regular clean out routine be established.
 - 7 Beach swimming area to be marked, including sensitive ecological areas.
 - 8 Private property signs be installed.
 - 9 Signs be posted at the gate to the access road; gate to the pathway to the beach from parking lot and in beach/picnic area reminding park users of the hour the park closes and their vehicles must be out of the parking lot, before the gates are locked or they will be towed away.
 - 10 Open and closing times be specified, not by the term 'dawn to dusk'.
 - 11 No dogs allowed on beach or picnic area.
 - 12 No open fires permitted.
 - 13 No alcohol.
 - 14 The issue of access for persons with disabilities be addressed, i.e. ensure regulations are covered for those with disabilities.
 - 15 To restrict the potential number of people using the beach, on any given day and to allow for emergency vehicles, no parking be permitted from Smiths Road to the beach parking lot. The parking spaces be enlarged to sufficient size within the parking lot so that there is no danger striking other vehicles with doors. Parking in the parking lot be restricted to the designated parking spaces.
 - 16 When the path is constructed, it be constructed in such a way as to preserve as many trees as possible.
 - 17 Investigate feasibility of fencing to protect private property.
 - 18 The importance of adequate visual aids to make people aware of the environmentally sensitive aquatic area and the need to not go into this area.

MOTION PUT AND PASSED UNANIMOUSLY.*

*Original motion shorter, but after minutes drafted was expanded upon, forwarded to the members by e-mail for their input. The resultant motion was sent to NWCC with a report.

4.2 KEARNEY, QUARRY AND PAPER MILL LAKE DAMS - UPDATE

In his update, Mr. Dean referred to questions he had sent to Darlene Fenton related to a clause 4.12 of the Paper Mill Lake, Kearney Lake and Quarry Lake Dams License which states essentially that at the expiry, cancellation or termination of the License, the Licensee, in this case Annapolis Group, shall immediately cease operations and "deliver possession of the watercourse in a condition satisfactory to the Licensor", including the removal of any structures. Mr. Dean wished to know what the NSDOE & L Department would consider as satisfactory condition of the watercourses.

A response was received May 7, 2002 from Mr. Westhaver via e-mail. Mr. Dean requested that the Clerk ensure the e-mail was forwarded to members of the Committee and comments be asked for as it is Mr. Dean's intention to reply. Mr. Dean felt the response takes a very narrow view of their mandate in this regard, for example their mandate does not include issues related to fish and fowl.

In the interim, it was recalled that he and Councillor Goucher had met with Mr. Christie. It was recalled that the dams are subject to a review and stricter standards are being utilized. The dams will have to meet the standards contained in the Federal Dam Safety Regulations. Under these standards, quarterly reporting to the Provincial Government is required.

There is some concern that the Annapolis Group may not keep the dams in place, if it is not in their economic interest. It was noted that under the License, they have the right to remove dams but have to restore the affected areas. Mr. Dean felt it might be interesting to have the stakeholders meet together to discuss what will happen in this event.

Mr. Schaffenburg recalled that Councillor Goucher mentioned he had a copy of a stormwater management plan for the Bedford West lands. The dams would be part of the stormwater management plan of this development. It was noted that even some of the stormwater from the Wentworth/Bedford South area will enter Kearney Lake, thus the dams would play a role in the development of this area as well.

Mr. Schaffenburg reflected that the interpretation provided in the e-mail may be based on this License only, versus other legislation.

4.3 **INFILLING MOIRS POND**

The Committee was advised that members, who are residents of Bedford, will be receiving a flyer updating them on the proposed infilling.

Mr. Li noted that the ownership issues has to be resolved, before recommendations are made by Fisheries and Oceans Canada.

Reference was also made to a 1988 Development Agreement wherein Sobeys granted the Town of Bedford an easement along the pond for use of the residents. HRM Legal Services are looking into this aspect.

Mr. Hattin noted that DFO is sending him Sobeys' initial submission, the Environmental Impact Statement.

Reference was made by the Chair to the petition being available at the Community Booth, Bedford Mall, May 17 and 18th. It was noted that it is not just residents of Bedford signing the petition but people from Sackville, etc. which illustrates the concern

does not simply relate to residents not wishing the development 'in their backyard'.

4.5 **WATER TESTING PAPER MILL LAKE**

It was recalled by Mr. Dean that Kevin Riles was going to ensure the water testing was done on a more regular basis. Mr. Schaffenburg noted that Mr. Warner normally brings the test results to his attention, so it is likely none have been received. He will call Mr. Riles.

5.0 **PAPER MILL LAKE ADVISORY COMMITTEE**

Mr. Dean advised that the Committee has not met since March 4th. There is a meeting planned for next Wednesday. Minutes of the previous meeting could not be circulated, as they have yet to be approved.

6.0 **NEW BUSINESS**

6.1 **25 YEAR REGIONAL PLANNING REVIEW**

Circulated in the agenda package was a notice of upcoming Public Meetings on Regional Planning. Ms. Muecke, the Project Manager of the Review, was unable to attend this month's meeting, but plans to attend the June meeting.

6.2 **RESIGNATION**

Ms. MacNeil submitted her resignation from BWAC to NWCC.

STATUS SHEET

Dartmouth Road - Case 00331 - As requested, Mr. Schaffenburg provided copies of the test results. This portion of the item can be removed from the status sheet, however concerns about safety of the sidewalk in the vicinity, which were referred to David McCusker, will remain on.

Terms of Reference - The Chair noted that this group has yet to meet, he explained he was responsible for the delay.

Beached Derelict Boat - To be removed.

Environmental Checklist/Comprehensive Water Resource Management Policy - Stakeholders Group - Mr. Schaffenburg noted that an information report on the Water Resource Management Study will be going to Council shortly. Copies to be provided to

the Committee. This item to read simply Comprehensive Water Resource Management Study on the Status Sheet in future.

Research of Existing Regulations to Prevent Oil Leakages - The Chair advised that he contacted the individual Mr. Li had referred him to in the Federal Government and determined they have no policy on the installation of oil tanks, but they have a policy on remediation after a leak. The policy is to be mailed to him and hopefully he will have for the next meeting.

MILL COVE WATER POLLUTION CONTROL PLANT

The Chair was in receipt of an Information Report which went to NWCC's April 25, 2002 meeting. It was noted that in May 2000, BWAC made a recommendation to NWCC that air quality testing be carried out in the vicinity of the Mill Cove Plant. The results of tests conducted are contained in the report. Copies to be provided to the members.

7.0 DATE OF NEXT MEETING

The next meeting will be held Wednesday, June 12, 2002 at the LeBrun Centre.

8.0 ADJOURNMENT

Meeting adjourned at 9:15 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk