

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE MINUTES DECEMBER 11, 2002

PRESENT: Mr. Don Lowther, Chair
Mr. William Matheson
Mr. Brad Gibb
Dr. S. Ray
Mr. Richard Hattin
Mr. Victor Li
Mr. Kevin Dean
Mr. Cedric Pilkington
Mr. Doug Murray
Mr. Lem Murphy
Councillor Goucher

ABSENT: Mr. Lawrence White (regrets)
Ms. Deborah Gillis
Mr. Angus Schaffenburg (regrets)

ALSO PRESENT: Ms. Lynne Le Boutillier, Assistant Municipal Clerk

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1. **CALL TO ORDER**

The meeting was called to order by the Chair at 7:00 p.m. at the LeBrun Centre. The Chair welcomed back Doug Murray, a former Committee member recently appointed by NWCC to the Committee.

2. **APPROVAL OF MINUTES**

An error was noted on page 5, item 4.4, 4th bullet, 5th sentence. Reference to 'HRM' should be removed and the word 'provincial' substituted.

MOVED BY Mr. Pilkington and seconded by Mr. Gibb that the November 12, 2002 minutes be adopted as amended. MOTION PUT AND CARRIED.

3. **APPROVAL OF AGENDA, ADDITIONS AND DELETIONS**

The agenda was adopted, as circulated, by consensus with the addition of the items listed under item 6, New Business.

4. **BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET**

When conveying he would be absent from tonight's meeting due to a conflicting meeting on the First Lake lands, Mr. Schaffenburg provided written answers to a number of questions related to Business Arising and the Status Sheet. These responses were conveyed to the members as the items arose.

4.1 **LIST OF ONGOING AND NEW PROJECTS**

Case 00446 - Development Agreement for Lands between Nottingham and Basinview, Bedford and Case 00492 - Development Agreement Application for Neighbourhood A and C of the Wentworth/Bedford South Master Plan Area, Bedford were approved.

Councillor Goucher noted that these decisions had been made at the North West Community Council/Joint NWCC and CCC meeting Monday night, December 9, 2002.

He referred to amendments to the MPS made last night on High Street and CN Station lands and amendments re lots unzoned. The most restrictive zone will apply. It was noted that the CN lands had not been zoned in the past.

4.2 **INFILLING OF MOIRS POND**

Copies of an article entitled "Fight over Moirs Pond turns to zoning issue" were circulated to the members.

Mr. Hattin noted that Sobeys (Atlantic Shopping Centres) have formally applied for an infilling permit to Fisheries and Oceans. Copies of a notice which appeared in the December 4, 2002 Chronicle Herald were circulated. It was noted that written objections have to be submitted within thirty (30) days of the notice.

It was felt that the Committee should file an objection. The Chair will do on behalf of the Committee. It was also felt it would be beneficial if the students who have expressed interest in this item make a submission(s). Councillor Goucher will provide a copy of the notice to them.

The Committee also discussed whether it would be of any benefit to have John O'Brien, HRM's Communications Officer send out a press release indicating BWAC remains opposed to the infilling project and on several occasions has stated its stance. There was consensus that it would be appropriate for Councillor Goucher to request Mr. O'Brien issue a press release to this effect.

A discussion followed on the different legal interpretations on zoning of the lands created if the infilling proceeds. Sobeys maintains the lands would be zoned comprehensive commercial development district, similar to the zoning of the adjacent lands, while HRM maintains it could be zoned anything. The Chair noted that the Bedford MPS could be used to support designating the land, if created, Open Space or the most restrictive zoning. However, it was emphasized that the Committee does not wish infilling of Moirs Pond to proceed.

In conclusion, it was noted that the question of the title of the lands is going before the Supreme Court.

Reference was made to a paragraph in the newspaper article regarding the disposal of Sobeys' pyritic slate during the course of infilling the pond and the potential for making money by accepting acid slate from other projects. It was noted that this statement can't be correct, given the small volume of fill Moirs Pond could absorb compared to the amount of fill from both Sobeys' Sackville and Fall River sites requiring disposal.

4.3 **TERMS OF REFERENCE**

The Committee had requested at the previous meeting that Mr. Schaffenburg provide a map which would more clearly illustrate their proposed new area of jurisdiction. Copies of the map were circulated at the meeting. In addition, Mr. Murray had obtained a large colored map entitled "Bedford West", which clearly illustrated a good portion of the

Committee's present jurisdiction. He will bring it to future meetings for reference purposes.

It was noted that the changes the Committee made to the proposed terms of reference of the Committee have been conveyed to Dr. Blouin. It is anticipated that the terms of reference of all three watershed advisory boards will be going to an upcoming Committee of the Whole.

4.4 **PYRITIC SLATE - FALL RIVER SOBEYS/DEVELOPMENT AGREEMENT**

Mr. Schaffenburg's e-mail stated "this slate was to be removed to the Bedford Waterfront after the Canadian Tire site at Downsview Mall was completed under the contract given to Dexter Construction by Sobeys".

Mr. Hattin noted that there are three streams of slate going into the site:

- C 8,000 cubic yards from the Halifax International Airport associated with new sewer and water installations
- C slate from Danny Chedrawe's Summit Street location, currently being stored by Municipal Contracting Ltd.
- C 27,000 cubic yards from Sobeys' Sackville location.

Work is supposed to commence on removal of slate from Sobeys' Fall River site, but problems are being encountered. NSDOE&L have yet to approve Jacques Whitford's disposal plans. The material is considered so 'hot', it requires covering each night after the days excavation. There are also problems obtaining Transport Permits to take the materials from the Fall River site to the Bedford Waterfront.

Councillor Goucher noted that their contract development agreement for the Canadian Tire site at Downsview Mall required the slate to be removed by the end of November. Mr. Hattin assured the Committee that they appear to be moving it as fast as they can.

(Also refer to item 4.2 - Infilling of Moirs Pond)

4.5 **STATUS SHEET**

Testing Results Paper Mill Lake - Mr. Li gave an update of what he and Dr. Ray had concluded based on the testing results provided to them at the last meeting. Essentially they concluded there appears to be no major changes. However concern was expressed that it is difficult to determine a trend when there is no consistency as to when the tests are done. He indicated that he is in the process of contacting the Province to gather more

information on their testing procedures.

Mr. Li wondered if the developer plans to continue sampling.

Mr. Dean, referring to the minutes, noted that Mr. Schaffenburg felt the developer had sent the report to the Committee in lieu of a letter. Mr. Dean contended, referring to a copy of the memo dated June 19, 2002 sent by Mr. Schaffenburg to the developer, that just sending the report was not sufficient. The issue of testing needs to be resolved i.e. how frequent, the duration etc. It was his interpretation that the developer is not adhering to the terms of the Contract Development Agreement. Once again it was acknowledged that there are problems with interpretation of the contract. It was noted that water testing is to be conducted as long as development is taking place. The developer feels no development is currently going on. Another interpretation is that sampling take place during the whole course of the fifteen(15) year term of the contract.

Councillor Goucher offered to investigate if it would be appropriate to use some of his discretionary funds for this purpose. It was felt that as a matter of principle this course should not be pursued. The Chair noted the Committee's role is not to 'do' but 'advise'.

If the developer was not prepared to do the sampling to provide the necessary consistent data, it was suggested that arrangements be made by the Committee to have the testing done, and the developer pay the associated costs. Mr. Li felt a program involving four tests over the course of a year would suffice. He will confirm what the cost of such testing would be before pursuing this suggestion further.

Dams - Circulated at the meeting was an article entitled "Controversial Bedford dams to have licenses renewed". The article relays that NSDOE&L are planning to renew Annapolis' licence for the three dams for another year.

Mr. Dean confirmed that Darlene Fenton on November 15, 2002 had advised that a meeting had been held with Annapolis and it was the NSDOE&L's intention to give a one year extension of the license. In the interim, Annapolis would try to develop some sort of structure to maintain the dams. In Mr. Dean's November 18, 2002 follow-up correspondence to Ms. Fenton, he enquired as to what the terms of the extension would be in relation to repairs, liability, etc. He will obtain a copy of the final agreement from the Environmental Registry. He noted that if Annapolis is not successful, they will have to apply to decommission the dams, which involves a public process. This alternative is not only costly, but it is recognized that there is a need for future stormwater management which the dams could play a role.

Councillor Goucher requested that the Clerk obtain a copy of HRM's response to DOE&L on this through perhaps John Sheppard.

Case 446: **Brisson Development Agreement** - Reference to December 5, 2002 Public Hearing to be deleted.

Proposal re Tree Saving - The Committee was advised that it was recommended to NWCC that the proposal be placed on the agenda of the next HRM Environmental Initiatives Committee meeting. Report to be prepared for NWCC. Item can be removed from the Status Sheet.

4.6 **SUN TOWER RETAINING WALL**

Mr. Schaffenburg reported that an Engineering Assistant visited the site a couple of days ago. At that time no work was underway to a retaining wall but repairs were being made to a guard rail. The retaining wall would not require a Development or Building Permit. A Top Soil Removal Permit may be required. There may also be a requirement for certification by an engineer if the wall is over a certain size.

5. **UPDATE FROM PAPER MILL LAKE ADVISORY COMMITTEE**

Mr. Murray referred to Mr. Dean resigning from the Paper Mill Lake Advisory Committee, thus he will be providing updates henceforth. In his update he referred to the following:

- C Mr. Kevin Riles consistent involvement with the Committee. He seems to be handling matters quite effectively.
- C A fencing issue at the end of Moirs Mill Road resolved.
- C Truck containing construction materials parked for a couple of months - resolved through efforts of Councillor Goucher and HRM.
- C Sign at the corner of Royal Masts Way and Moirs Mill Road which should be removed. Kurt Pyle taking care of. A copy of any correspondence between HRM and the owners will be provided to the Committee.
- C Lot 111 Armadi - Rock wall constructed on HRM property.
- C Damage corrected when a pathway was constructed associated with Armadi.
- C Greater Homes mobile units - Moirs Mill Road. Councillor Goucher noted that they have a permit for the trailers, but he has suggested they remove the leasing sign.

Mr. Murray concluded there were no major issues, so they are meeting every couple of months.

Mr. Dean indicated he has heard nothing further regarding the proposed commercial development by Hammond Plains Road.

Reference was made to a suggestion that when the Bedford South development

proceeds, a Committee similar to the Paper Mill Lake Committee be established. He acknowledged that such committees can be effective, while at the same time being very frustrating.

Councillor Goucher noted that this approach was taken as a means of communicating with the developer and obtaining public input. It is felt to be a valid and useful tool. Mr. Murray felt the Committee had been relatively successful.

Referring back to an earlier discussion re water testing of Paper Mill Lake and Mr. Schaffenburg's memo of June 19th, he emphasized the need for the developer to answer the questions, i.e. how often they intend to do testing", etc.

6. **NEW BUSINESS**

6.1 **CONGRATULATORY LETTER TO WATER REGAN**

The Chair advised the Committee that he had sent a congratulatory letter to Walter Regan, Sackville Rivers Association on its national award.

6.2 **INVENTORY - WATER QUALITY OF LAKES WITHIN BWAC'S JURISDICTION**

Mr. Hattin proposed that an inventory of current water quality of water bodies within the Committee's jurisdiction be undertaken. He felt it would be very useful given the pressure of development and the significant potential impact it could have especially on shallow lakes like Suzie.

It was suggested that Dr. Blouin be contacted to determine what is currently available.

Councillor Goucher noted that if complete information isn't available, this might be an endeavour which he could help fund from his funds.

6.3 **BEDFORD WATERFRONT DEVELOPMENT**

Mr. Murray questioned what is planned for the twenty-five (25) acre area being created on the Bedford Waterfront by infilling. Mr. Hattin noted that the actual size will be thirty-eight (38) acres. The Chair referred to Mr. Bill Campbell holding a public meeting in January on plans for this area. He also noted that in the Bedford MPS there is a reference that before anything is done in this area, the plans be run by BWAC.

7. **NEXT MEETING**

The next meeting will be held Wednesday, January 8, 2003 at 7:00 p.m.

8. **ADJOURNMENT**

Meeting adjourned at 8:15 p.m.

Lynne Le Boutillier
Assistant Municipal Clerk