

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE MINUTES JANUARY 8, 2003

PRESENT: Mr. Don Lowther, Chair
Mr. Brad Gibb
Dr. S. Ray
Mr. Richard Hattin
Mr. Victor Li
Mr. Kevin Dean
Ms. Deborah Gillis
Mr. Lawrence White
Councillor Goucher

ABSENT: Mr. Doug Murray
Mr. William Matheson
Mr. Lem Murphy (regrets)
Mr. Cedric Pilkington (regrets)

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

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1. CALL TO ORDER

The meeting was called to order by the Chair at 7:00 p.m., LeBrun Centre. As there was no quorum at this time, it was decided to deal with Item 6.2 first, as Thea Langille-Hanna, the Planner associated with the case was in attendance.

6. NEW BUSINESS

6.2 CASE 00511: VARIOUS AMENDMENTS TO THE BEDFORD MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW

- C Memorandum from Ms. Langille-Hanna dated December 17, 2002 re an application to initiate the plan amendment process associated with waterfront areas along the Bedford Basin, i.e. the Waterfront Comprehensive Development District (WFCDD) and water lots along Shore Drive; the flood way of the Sackville River and general housekeeping matters associated with the Bedford MPS and Land Use By-law.

She noted that another Public Participation Meeting is planned for the end of January, first of February to deal with amendments associated with Moirs Mill Pond and Sandy Lake Academy. BWAC will be invited. These amendments will also be brought to the Committee for comment.

Ms. Langille-Hanna reviewed with the members the amendments staff is suggesting which relate to water issues. She was seeking comments from the Committee on the following proposals:

- C The WFCDD zone should be applied to infill lands of Phase Two.
- C The abutting zone and designation be extended to infilled areas along Shore Drive.
- C As an oversight has been identified in the mapping of the flood way area of the Sackville River, it is recommended that this oversight be dealt with and any other areas which are subsequently identified as needing adjustment.
- C The 100' buffer from a watercourse required for Industrial and Commercial Zones be expanded to include Institutional uses.

Her review was followed by a question and answer session. Some of the issues dealt with are as follows:

- C When a request for infilling is made to the Federal Government, the HRM be advised. Ms. Langille-Hanna will draft a letter to this effect, asking that Planning and Development Services, Lower Sackville office be advised.

- C It was felt that before any infilled area is built upon, it be required that the area be tested to ensure there is adequate compaction. Secondly, there is a need to ensure there is no erosion and sedimentation. Ms. Langille-Hanna will look into what controls there are.
- C Referring to the mapping of the flood way associated with the Canada-Nova Scotia Flood Reduction Program, interest was expressed in having background on the actual study. Mr. Schaffenburg will seek this information.
- C It was felt that the calculations for the 1:20 flood way and 1:100 flood way were significantly underestimated and it may be time to readjust, i.e. the 1:20 flood way may actually be a 1:100 flood way.

MOVED BY Mr. Li and seconded by Mr. Gibb that BWAC is in agreement with the direction Planning and Development Services is taking. MOTION PUT AND CARRIED UNANIMOUSLY.

6.3 AQUA-CHECK

Mr. Will Apold was introduced to the Committee. Copies of a brochure on Aqua-Check were circulated to the members for their information.

Mr. Apold explained that Aqua-Check is a water sampling company. He highlighted areas where this firm's expertise might be of use to the Committee. The following points were made:

- C In addition to doing testing of drinking water, sampling of swimming areas can be done.
- C In addition to taking water samples, water analysis is dealt with and a report provided.
- C Their fees are not as high as a consultant's, as they don't comment on the results.
- C The tests they do would be of use in the monitoring of lake water by providing baseline data. The chemical testing of lakes was acknowledged as being somewhat more complicated, thus more expensive than drinking water testing, etc. For beach testing the guidelines require five samples over the course of thirty (30) days. The merit of testing after rain events to develop a history was suggested.
- C The testing service could be used by developers to provide pre-development and post development data.

During the question and answer session which followed Mr. Apold's presentation, the following matters were discussed:

- C The benefit of having baseline data to compare test results a developer would provide.
- C The possibility of Aqua-Check developing a training kit for individuals to do the sampling or actual training of these individuals.
- C The range of tests, frequency and time of year
- C The status of the approval of the Committee's expanded terms of reference. If approved, water bodies in the area need to be surveyed to decide which need testing.
- C Some money is available from an environmental organization for testing. Councillor Goucher felt he might be able to put some funds towards this exercise.
- C Testing in the spring, end of June and September proposed.

A Water Quality Inventory Testing Sub-committee was established, consisting of Mr. Hattin, Mr. Gibb, Mr. Li and Dr. Ray. Mr. Schaffenburg suggested that it would be worthwhile for the sub-committee to meet with Dr. Blouin of HRM.

Mr. Schaffenburg recalled an initiative of the H/HCWAB to put together a set of tests for inclusion in development agreements, but he did not recall if they were finalized.

2. APPROVAL OF MINUTES

MOVED BY Mr. Dean and seconded by Mr. Li, that the minutes of the December 11, 2002 meeting be adopted, as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

3. APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

The following items were added to the agenda in addition to item 6.3 - Aqua-Check.

Item 6.4 - Election of Officers

Item 6.5 - Parkers Brook Development

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

4.1 LIST OF ONGOING AND NEW PROJECTS

Mr. Schaffenburg reported the following:

- C The Brison Development Agreement was appealed. The appeal has been dropped. He anticipates the consultants bringing a detailed stormwater management plan to the Committee in February.

C Bedford South has been appealed.

He had nothing else to report in the Committee's present jurisdiction.

4.2 INFILLING OF MOIRS POND - UPDATE

The Committee was updated on the following:

C A twenty-eight (28) year old letter from the Federal Government has been provided by Sobeys which indicates that Moirs Pond is no longer considered a part of the Harbour. Ms. Gillis would like a copy of this letter which would be in the court records.

C A question was posed regarding whether Sobeys owns the water lot. It was noted that a Sobeys store has been on the site since 1904. While understanding the ownership of the land they currently occupy, owning of the land created by infilling was questioned.

C Reference was made to an easement granted to the Town of Bedford in this area. Ms. Gillis did not think this could be extinguished.

4.3 STATUS SHEET

The Status Sheet was reviewed:

C **Synoptic Water Quality Survey** - May be part of the Water Resource Management Study.

C **Testing Results Paper Mill Lake** - While test results had been provided to the Board, Mr. Dean did not feel the issue was the provision of test results but compliance with the development agreement, the fulfilling of their obligations. He reiterated that there are differences in interpretation of the clauses of the development agreement, but contended Mr. Riles was to get the intent clarified, i.e. what the developer will do; how often, etc. The test results report does not address these matters.

C **Kearney, Quarry and Paper Mill Lake Dams** - A letter from Angela Jones-Rieksts, HRM Solicitor dated November 16, 2002 to Ms. Fenton, Department of Environment re the Annapolis Group's interest in relinquishing their ownership of the dams and perhaps turning them over to the Province. The correspondence advises of HRM staff's concerns regarding the possible abandonment of the dams. The part they play in the stormwater management system for the Bedford area was

explained and issues of public safety given the dams are in disrepair.

In order to find out if the terms associated with an extension of Annapolis Groups license are different from the ones for 2002, a copy has to be obtained through the Environmental Registry.

It was felt that another meeting be arranged with Ms. Fenton to see where BWAC stands in the process. Another meeting be arranged with the Minister, Ron Russell. Once it is determined when Ms. Gillis is available, a meeting(s) will be arranged.

Brison Development Agreement - As previously noted in Item 4.1, the consultant will bring a detailed stormwater management plan to the Committee in February.

Sobeys Pyritic Slate Disposal - In addition to slate from these two sites, the Committee was advised of the contract to dispose of large amounts from the Airport.

(Mr. Hattin left)

4.4 INVENTORY OF WATER QUALITY

- C Copy of an e-mail from Dr. Tony Blouin, dated December 16, 2002, in response to a request from the Committee on what baseline data is available through HRM on the current water quality of water bodies within their jurisdiction.

The e-mail indicates that HRM does not conduct regular baseline water quality sampling, although a bacteriological sampling of selected lakes was once conducted by John Sheppard's group. The only water quality data HRM has results from sampling conducted as a result of development agreement or a particular study, but such data is not compiled in a central location.

The e-mail was provided for the members' information.

4.5 CORRESPONDENCE BETWEEN HRM AND DOE&L RE DAMS

Refer item 4.3 - Status Sheet.

4.6 WATER TESTING COSTS

Mr. Li reported on his and Dr. Ray's findings. Mr. Li advised that he contacted Phillips and the QEII labs. He proposed testing three times a year for a baseline. If significant changes

were noted, during this period, the testing continue.

It was estimated that the cost of testing, for example Paper Mill Lake, would be \$4,000 to \$5,000. Whether there is a need to test for all parameters and at all sites may not be necessary however. It was proposed that testing at three sites of three or four parameters would suffice. A firm such as Aqua-Check could be used, as interpretation is not needed.

A discussion followed on what the basis was for the selection of the test sites. Councillor Goucher felt Jacques Whitford may have made the recommendation.

Before the next meeting, Mr. Li and Dr. Ray will identify three test sites and parameters. They will advise the members via e-mail. A decision can be made at the next meeting.

Dr. Ray questioned why it was decided to doing the testing, i.e. was it to determine if the waters in Paper Mill Lake were safe for swimming, for example. Councillor Goucher noted that the original intent was to measure the impact of development on the lake. Mr. Schaffenburg will seek to determine what the rationale was in selecting the sites, etc.

It was felt that there should be a list of protocols to be followed related to water testing for both small and large developments which could potentially impact water bodies.

5. UPDATE FROM PAPER MILL LAKE ADVISORY COMMITTEE

Deferred in absence of Mr. Murr

6.1 WATER RESOURCE MANAGEMENT STUDY

A joint meeting of the three waters advisory committees is to be held Thursday, January 16, 2003 from 7:00 to 9:00 p.m. A notice had been sent out to the members.

6.5 PARKERS BROOK DEVELOPMENT

Mr. White questioned whether HRM has received any water testing results related to this development. Mr. Schaffenburg will check into. Reference was made by Mr. White to a penalty of \$7,000 if the developer did not comply with the agreement.

6.4 ELECTION OF OFFICERS

Mr. Schaffenburg assumed the chair to call for nominations for Chair. Mr. Dean moved a

nomination of Mr. Lowther for Chair, seconded by Mr. White. While Mr. Li was nominated for Chair, he declined the nomination. There being no further nominations, Mr. Don Lowther was declared Chair.

The Chair called for nominations for Vice-Chair. Mr. Dean and Mr. Li nominated Mr. White. There being no further nominations, Mr. White was declared Vice-Chair.

7. NEXT MEETING

The next regularly scheduled meeting is Wednesday, February 12, 2003.

8. ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Lynne Le Boutillier
Legislative Assistant