

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE MINUTES MARCH 12, 2003

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

ABSENT: Mr. Richard Hattin (regrets)
Mr. Lawrence White
Ms. Deborah Gillis (regrets)

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

TABLE OF CONTENTS

1.	Call to Order	3
2.	Approval of Minutes	3
3.	Approval of Agenda, Additions and Deletions	3
4.	Business Arising out of Minutes/Status Sheet	3
4.1	Water Resource Management Study	4 - 8
4.2	Case 00331: Development Agreement - 25, 27, 35 Dartmouth Road	3
	Status Sheet	3 - 4
	Testing Results Paper Mill Lake	3 & 4
	Dams	4
	Watersheds	8
5.	Next Meeting	8
6.	Adjournment	9

1. **CALL TO ORDER**

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

2. **APPROVAL OF MINUTES**

MOVED BY Mr. Li and seconded by Mr. Murray that the minutes of the February 20, 2003 meeting be adopted, as circulated. MOTION PUT AND CARRIED.

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

The following item was added to the agenda:

Under Business Arising out of the Minutes/Status Sheet:

4.2 Case 00331: Development Agreement - 25, 27, 35 Dartmouth Road

The agenda, as amended, was adopted by consensus.

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

4.2 **CASE 00331: DEVELOPMENT AGREEMENT - 25, 27, 35 DARTMOUTH ROAD**

C Memorandum dated March 12, 2003 from Mr. Schaffenburg which included a copy of the signed Development Agreement and test results received to date.

Mr. Schaffenburg advised that staff is talking to the developer about tests results which have yet to be received.

Mr. Schaffenburg noted that the wording of the development agreement, with respect to frequency of testing, could have been better and in future such wording could be run by the Committee.

Mr. Schaffenburg anticipates receiving more information by the next meeting.

STATUS SHEET

TESTING RESULTS PAPER MILL LAKE

A discussion ensued on whether or not any new water testing is required under the terms

of the development agreement. During this debate, reference was made to United Gulf hiring Will Apold, Acqa Check to perform the tests.

Mr. Dean reiterated that Councillor Goucher has documentation on the intention when the contract was developed. He noted that a number of members of BWAC had observed construction taking place during 2002.

Councillor Goucher reflected on a mutual understanding with Mr. Riles that testing would be undertaken by them. Mr. Murray confirmed that the Paper Mill Lake Advisory Committee shared this understanding.

Once again, Mr. Dean emphasized that the most important component of this matter is not testing but the process.

Councillor Goucher will ask Mr. Riles for something in writing regarding United Gulfs' water testing of Paper Mill Lake.

Mr. Schaffenburg noted that United Gulf has not submitted an application in relation to the proposed CDDs. Once this construction commences, it will definitely precipitate water testing.

DAMS

Mr. Dean had nothing new to report. He noted he has trying since January to set up a meeting with the Minister, Ron Russell. He continues to endeavour to obtain documents associated with the continuation of Annapolis' licensing for 2003.

In addition to discussing with Mr. Russell the current status of the licenses, he wants to discuss with him the proposed infilling of Moirs Pond.

Councillor Goucher relayed to the Committee that he has discussed with Mr. Christie and his Executive Assistant the urgency related to the subject of the dams and legal issues associated with Moirs Pond.

Mr. Lowther will endeavour to set up a meeting with Mr. Dean, Mr. Christie and himself.

4.1 WATER RESOURCE MANAGEMENT STUDY

C Draft minutes prepared by Councillor Goucher of the special meeting held March 11, 2003 on the study were circulated at the meeting.

Councillor Goucher identified problems encountered with the CDs provided.

The Committee re-commenced their review of Table 10-1, Summary of Recommendations at Chapter 8.0 - Stormwater Management.

8 -1 **It was recommended that the word ‘adopt’ be substituted for ‘develop’.**

The Committee felt development of such guidelines would be part of the study.

8-2 **The Board sought clarification of the cost implications for HRM, i.e. \$75,000 to \$100,000 per watershed. A question was raised as to why HRM would be picking up such costs and not the developer(s).**

8-3 **Agreed with.**

During the discussion, it was felt that there is a need to define sensitive watersheds and give examples of ones that are sensitive or ones which are not.

8-4 **Agreed with.** The Committee felt a comment on potential fines should be considered for inclusion.

During the discussion of this item, reference was made to how HRM distributes information to homeowners through water and tax bills, a method which is quite cost effective.

It was felt that severe penalties should be imposed when individuals are found to be dumping hazardous materials into the storm sewers. It was recalled that a by-law was adopted by HRM on sewers not so long ago, but whether it only related to sanitary sewers wasn't known.

8-5 **Agreed with.**

Councillor Goucher noted that the North West Community Council is requesting a by-law change to conform with Bedford's which requires a Grade Alteration Certificate.

8-6 A wording change is recommended in the second to last line of the recommendation, i.e. delete the words ‘adjacent to’.

8-7 Take out - redundant.

8-8 **Agreed with**

A comment about the lack of discussion and conclusions associated with the

Chapter. The logic for the recommendations is not outlined for Chapters 8 to 10. It should be supplied.

8-9 **Wording change proposed - remove the words 'maintain, or enhance where possible'. Replace with the word 'enhance'.**

During discussion of this item, reference was made to the following:

- C Councillor Goucher felt that no development should be permitted within the 1:20 floodway. He noted that 8-8 states no structures related to human habitation should be permitted whether temporary or permanent.
- C Less than 75% of a structure would have to be destroyed, for redevelopment to be permitted.
- C Why should there be a difference between what can be developed or redeveloped in such locations?
- C Legalities of withdrawing development rights.
- C What is being recommended for redevelopment?
- C What guidelines should be developed in the MPS to deal with such redevelopment? Would the building of new decks be permitted, for example.
- C If a redevelopment takes place, what information would have to be provided by the proponent, for example a hydrological study.
- C Reference was made to the Provincial Guidelines which only allow recreational uses in the 1:20 floodway.

8-10 During discussion of this point, **the Committee sought clarification of what the permitted uses are.**

- C It was proposed by a member that anything built in a 1:100 floodway should be built under a contract development agreement, so HRM has some control.
- C Things such as oil tanks require floodproofing and natural gas installations, associated with permitted uses, should not be allowed.

8-11 **Agreed with.**

8-12 **Agreed with.**

8-13 **Agreed with.**

8-14 **Be removed.**

8-15 A rewording or restatement of this point is required.

During discussion the following points were made:

- C No definition if 'mixed use' is residential or commercial.
- C It was felt this policy is contradictory to earlier policies.

8-16 Remove this point. Too ambiguous.

During discussion the following were noted:

- C Needs clarification, ie. is a 1:20 floodway being considered or just a 1:100 floodway?
- C When you infill, you decrease the floodplain capacity.
- C You would not wish to see a 1:20 floodway capacity reduced.
- C Points 8-15 and 8-16 appear to be supporting development in a floodway.

The Chair requested that for the proposed June 4th joint meeting of the WABs a map identifying floodplains.

Chapter 9 - Performance Measurements

- 9-1 Add to 5th bullet reference to 'by accredited laboratories'.
Add to 6th bullet 'within week of completion of testing'.
Include a requirement of interpretation of what the test result(s) mean.**

- 9-2 While agreeing with this point the Committee would like to know:**

- C **What are the four physical chemical base parameters?**
- C **Why did they chose 50 to 70 sites per year to be tested? How many potential sites in HRM? What percentage of potential sites does 50 to 70 represent?**

- 9-3 Agreed to but where do they get \$125,000 annually?**

- 9-4 Agreed to.**

During discussion, the following matters were raised:

- C Previous concerns that the current guidelines being used in HRM/NS for fecal coliform counts are too high for recreational water quality. Ontario's are 100% more stringent. It was suggested that HRM should adopt a

standard similar to Ontario's. What is a realistic number? Mr. Li volunteered to check into.

- C Who in HRM will do the proposed reviewing of the water quality monitoring/performance measures data? Someone will likely have to be appointed.
- C Referring to point 9-3, it was noted that there is no reference to present standards being used. It was hoped there would be different standards for different uses of a body of water. Also it was felt that when the development of parameters starts, the Committee have an opportunity to provide some input.

Having concluded its review of the recommendations, it was decided to defer the review of Dr. Ray's summarization to a special meeting. Dr. Ray will contact the Secretary as to a good time for him and she will advise the other members. The location will be Councillor Goucher's office above the HRM Information Centre, Moirs Building.

WATER TESTING SITES AND PERIMETERS - WATERSHEDS

While this item will be included on the April agenda, Mr. Pilkington displayed to the Committee a map identifying watersheds in BWAC's jurisdiction.

Mr. Pilkington noted that twenty-five (25) lakes and waterways have been identified. A list has been prepared indicating the number of hectares of each. Nothing less than two hectares has been identified on the map. The next step will be to determine which should be sampled.

Reference was made to Dr. Burney's students potentially becoming involved in testing. Unfortunately, there is a timing problem which eliminates spring and summer testing this year.

A discussion followed on what type of testing would be required. It was felt that the type of testing will be determined by the current use of the waterbody. Mr. Li has a breakdown of testing costs.

The Committee discussed determining if any others are doing water testing, as a result of a requirement associated with development. It was acknowledged that development agreements would contain a sampling component.

5. NEXT MEETING

The next regularly scheduled meeting will be held Wednesday, April 9, 2003.

Mr. Schaffenburg noted that an application associated with a private school on Hammonds Plains Road will likely be coming to the April meeting.

INFORMATION ITEM

Hydrotechnical Study of the Sackville River

Mr. Schaffenburg explained that this information report was in response to a question by Walter Regan. It provided information to Regional Council on the cost of such a study being proposed. It is felt that the matter should be deferred until the HRM Water Resource Management Study is concluded. It was not felt that funds for the Harbour Clean-up Fund should be used for this purpose.

6. ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Lynne Le Boutillier
Legislative Assistant