

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

APRIL 9, 2003

PRESENT:

Mr. Don Lowther, Chair
Mr. Lawrence White
Mr. Brad Gibb
Mr. Doug Murray
Mr. Kevin Dean
Councillor Len Goucher
Mr. Victor Li
Mr. Lem Murphy
Mr. Richard Hattin
Dr. S. Ray
Mr. Cedric Pilkington

ALSO PRESENT:

Mr. Angus Schaffenburg, Planner
Mr. Paul Morgan, Planner
Ms. Sandra Shute, Legislative Assistant

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1. **CALL TO ORDER**

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

2. **APPROVAL OF MINUTES - MARCH 12, 2003**

MOVED by Mr. Li, seconded by Mr. Pilkington to approve the Minutes of meeting held on March 12, 2003 as circulated. MOTION PUT AND PASSED.

It was agreed not to deal with the Minutes circulated regarding the water management study. See Item 4.5 of these Minutes.

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

Added Items: Kearney Lake Public Meeting
 Flooding from the March 31, 2003 Rain Event
 Sandy Lake Beach
 Dams - Annapolis Group

Move Item 7.1 - Bedford West Master Plan Overview Presentation to the first item on the Agenda.

The Agenda was adopted as amended.

7. **NEW BUSINESS**

7.1 **Bedford West Master Plan Overview Presentation - Project 00382**

The Staff Report dated January 17, 2003 to Regional Council was circulated to Committee members prior to the meeting.

Mr. Paul Morgan, Planner provided background information which included the following:

- Regional Council's decision to have Planning Staff initiate a Master Planning exercise for lands owned by Annapolis Group Inc. and surrounding lands.
- Recommendations contained in the January 17, 2003 report to Regional Council which were adopted by Regional Council.
- Boundaries of the areas to be included in the study.
- Options available to Annapolis for development as far as sewage treatment and capacity is concerned.

- Watershed drainage areas.
- Formation of a Public Participation Committee with representation from citizens from the three affected polling districts: two representatives from Prince's Lodge/Clayton Park; four representatives from Bedford and two representatives from Hammonds Plains.
- Criteria from the new Water Resource Management Study would have to be addressed at a future date.
- Projected time frame for approval of the Water Resource Management Study by Regional Council.

Mr. David Nantes, Vice-President, Annapolis Group Inc. presented the concept plans based on 1000 acres of their land holdings in the area in question. He provided the following information as part of his presentation and concentrated primarily on Area 1, Area 2-A and a portion of Area 3.

- Bedford West Regional Context
- Bedford West Lands
- Bedford West Land Use
- Highway systems and street network
- Residential component - high density, low density
- Commercial, Institutional, Parkland and Open Space
- Sanitary Sewer Service and Water Service
- Bedford West Watershed Plan
- Stormwater Drainage Area

Mr. Nantes' presentation then led into the next item re the Annapolis Dams.

7.2 **Added Item - Annapolis Dams**

Mr. David Nantes also took the opportunity while in attendance to update the Committee on the condition of the three dams. He provided the following information:

- Department of Environment has extended Annapolis' permit for the dams to December 31, 2003 with the condition that Annapolis had to agree by March 31, 2003 what was going to be done this year.
- Annapolis has hired Acres Consulting, one of the prime consultants in Canada doing dam work, to begin next week on a comprehensive inspection and review report on the three dams that date back pre-Joudrey to Moirs days, following the guidelines of the Canadian Dams Association.
- Terms of Reference have been agreed upon with Acres and Department of Environment has accepted what Annapolis will be doing.
- The inspection and review will comprise:

- 1) Document review
 - 2) Site investigation which would start when the snow goes and flows die down
 - 3) Survey work in the near future
 - 4) Backhoe work will be carried out around each of the dams to get a sense of the structure. Engineers want to recreate the design of the dams.
 - 5) Condition assessment will be carried out.
 - 6) Hydrotechnical assessment will be carried out to look at overland flows.
 - 7) Structural assessment to see what work has to be carried out to fix the dams to today's standards.
- Acres should finish the work by the latter part of June. If work is to be done, it should be done in August or September when the lake can be lowered.
 - The dams include the retaining walls.
 - Regarding development, Annapolis will be interested in discussing with groups and residents if there should be the ability in the structures to regulate levels of water. This is common in the Dartmouth lakes system. He was interested in discussing this issue with the Committee at some time in the future; however, Annapolis was not getting Acres to look into this at this time.
 - People are also talking about fishways. (The Committee indicated it was not interested in fishways.)
 - With regard to continuation of the licence, Annapolis does not think a private developer should be controlling the lakes, which are a major recreational component. Annapolis does not own any land on Paper Mill Lake.
 - Annapolis has agreed with the Department of Environment in writing and met with the Deputy Minister that the dams will stay. Annapolis intends to get them fixed up, unless there are real surprises coming out of the study but he did not think there would be.
 - As to the possibility of bringing the dams up to the Canadian Dams Association standards, the dams are 70 years old. They were designed for certain conditions. Annapolis will bring them up to the proper condition for what they should be today.
 - Annapolis wants to sit down and negotiate with the appropriate bodies to have the dams turned over to an agency or HRM as Annapolis does not think it should be running them once they are up to scratch.
 - The temporary licence from Department of Environment said that the renewal for a year was based on doing acceptable work to March 31, 2003. What was acceptable was that the Terms of Reference were in place.
 - An emergency plan should be addressed later on when there is a better sense of who might be the operator.

Mr. Lowther asked for a commitment from Mr. Nantes to come back to the Committee to provide an update. It was agreed that Mr. Schaffenburg would ensure that Mr. Nantes is on the Agenda whenever Mr. Nantes is ready.

Mr. Lowther than thanked Mr. Nantes for attending and providing information on both issues.

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

4.1 **List of Ongoing and New Projects**

Mr. Schaffenburg advised that with regard to an application to amend the Bedford Municipal Planning Strategy and Land Use By-law for the Commercial Comprehensive Development District (CCDD) for Crestview, North West Planning Advisory Committee will be recommending to North West Community Council that Regional Council initiate the amendment process if there is a mixed commercial/residential proposal brought forward. The present proposal was for residential only.

With regard to the proposed boundary area for Bedford Waters Advisory Committee, which includes virtually all of the Bedford West area, Mr. Schaffenburg advised he has not heard when this will be going forward to Regional Council.

4.2 **Infilling of Moirs Pond - Update**

Mr. Lowther circulated a copy of an e-mail dated April 9, 2003 received by Mayor Kelly from Wayne Anstey, Municipal Solicitor regarding the Moirs Pond easement. As well, a copy of the Grant of Easement and Right of Way was circulated to Committee members for perusal.

Mr. Lowther read the e-mail from Mr. Anstey and stated that he indicated to Mayor Kelly that the Committee did not want the Municipality to give up the Easement and Right of Way. Subsequently, Mayor Kelly requested that the Committee pass a motion and indicate to Community Council that the Committee did not want the easement to ever be given up or changed for any purpose. Mr. Lowther advised that Sobeys granted the easement for a 15' wide walkway from the Bedford Highway to the back of the Sobeys store. The original intention was that there would be a tunnel under the rails or a pedway up over the rails to connect to the water. When the railway was contacted, it was not possible to get passage either under or over the rails and that was why the walkway stops at the back in the vicinity of the finger pond. Sobeys would not be able to build on the walkway or block it.

Councillor Goucher asked for an update on Deborah Gillis' search of the title. In response, Mr. Lowther advised that two weeks ago Ms. Gillis had the Easement and Development Agreement and he understood she was planning to copy them at that time.

MOVED by Kevin Dean, seconded by Brad Gibb to recommend to North West Community Council that North West Community Council recommend to Regional Council that it not extinguish, relocate or vary its right of way contained in the Grant of Easement and Right of Way dated May 26, 1989 between Sobey Leased Properties Limited and the Town of Bedford, and which Right of Way is referred to in an e-mail

dated April 9, 2003 from Wayne Anstey to Mayor Peter Kelly. MOTION PUT AND PASSED.

Mr. Lowther then updated the Committee on contacts made regarding the proposed infilling including a meeting with the Federal Minister of Fisheries and discussion took place.

4.3 **Status Sheet Items**

4.3.1 Case 00331 - Development Agreement - 25, 27, 35 Dartmouth Road/Parkers Brook Development

Mr. Schaffenburg referred to Mr. White's questions regarding enforcement of the Development Agreement and in particular whether or not there was certification from an engineer indicating the results are reasonable. Certification has not been received from an engineer; therefore, staff are going back to the developer to ask. As well, recent test results have not been timely and this will also be discussed with the developer. The Development Technician feels there have not been any problems with siltation but it was not known if there were any problems during the March 31, 2003 rain event.

Mr. White stated he would like to know where the samples are being taken. He indicated he would call and find out and report back.

4.3.2 Paper Mill Lake Water Testing

Kevin Riles of Greater Homes will be attending the next meeting to discuss Paper Mill Lake and other issues.

4.4 **Rationale Used in Selecting Paper Mill Lake Test Sites**

Mr. Schaffenburg advised he was unable to find any good rationale; he reviewed old reports but they just indicated the sites.

4.5 **Water Resource Management Study**

Mr. Lowther referred to the Minutes of Special Meetings held regarding the HRM Water Resource Management Study. He advised he expected that staff would be formatting the recommendations and sending them on to environmental staff for review. He expected that on June 4, 2003, at a joint meeting of Waters Advisory Boards/Committees, staff would be providing a briefing.

5. **UPDATE FROM WATER QUALITY INVENTORY SUB-COMMITTEE**

Mr. Li circulated a report entitled "Proposal to Form Baseline Database of the Characteristics of Lakes within the Jurisdiction of BWAC" and provided an overview of the report which had been prepared by himself, Mr. Pilkington and Dr. Ray.

Discussion then took place on funding required to do the chemical analyses and additional funding that would be required to do the sampling. Sampling would be in the area of \$4,000 on top of \$4,545 needed for the chemical analyses. Total cost would be in the area of \$8,000.

Subsequently, Councillor Goucher asked that Mr. Lowther send him an official request so that he could take it forward to obtain funding through HRM. He indicated this should be done quickly so that sampling could begin in May.

Mr. Schaffenburg pointed out that the area that would be sampled was pretty much in the Master Plan area. An alternative might be to suggest that since this is the Master Plan area, baseline information should be obtained for the Master Plan area prior to development.

Councillor Goucher stated that if time is critical, he would like to go through HRM as it was important to get the samples. He needed an official request from the Committee and felt that \$5,000 would be sufficient to start the process. He would try to obtain the rest from other sources.

Mr. Lowther agreed to provide Councillor Goucher with a written request.

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

Mr. Murray provided an update with regard to the retaining wall at 12 Ahmadi encroaching on a watercourse. After a recent meeting with staff, Pinnacle Homes has been given 15 days to remove the wall from the property.

Mr. Murray also advised that about six weeks ago there was a shack located on the lake. This matter will come up at the next meeting of the Paper Mill Lake Advisory Committee.

7. **NEW BUSINESS**

7.1 **Bedford West Master Plan Overview Presentation**

See page 3 of these Minutes.

7.2 **Annapolis Dams**

See page 4 of these Minutes.

7.3 **Kearney Lake Public Meeting**

A notice was circulated regarding a Public Meeting to be held on April 15, 2003 regarding the Municipality's requirement to review existing lake use regulations and submit a formal request for federal approval. A questionnaire/feedback sheet was included with the notice. Individual members were encouraged to attend the meeting and/or the Committee could provide comments.

Mr. Schaffenburg advised that since Kearney Lake was partly within the area covered by BWAC now and would be entirely in its boundary in the future, if the Committee wanted staff dealing with this issue to attend a meeting to provide more information, this would be possible to arrange.

7.4 **Flooding from the March 31, 2003 Rain Event**

Mr. Lowther provided information on some of the houses on Union Street that have not flooded in 27 years but were affected by the flooding on March 31, 2003. He expressed concern that, in future, the upcoming Brison development could not be handled during a storm. He circulated pictures of flooding in the area as well as the Paper Mill Lake dam area. He acknowledged that the berm was designed to carry at least a 1:20 storm but the storm of March 31 was a 1:4 or 1:5 storm albeit there was melting snow. He expressed concern that the same thing could happen next year or there could be a 1:20 storm.

Councillor Goucher advised that he has spoken to Mr. Pyle, Development Officer on a number of occasions since the rain event. Mr. Pyle is working towards getting staff together to look at the berm and the sluice running behind Union Street.

Discussion took place on the Brison development and the status of the Development Agreement, which is not signed at this time, as well as the impact of the flooding on March 31. Discussion also took place on how the Committee should proceed to make its concerns known.

Councillor Goucher requested time to meet with staff later this week. He would express the Committee's concern at that time.

7.5 **Sandy Lake Beach**

Mr. Lowther advised that he and Councillor Goucher met with a group doing a site assessment for the installation of compost toilets at Sandy Lake Park. These units are very environmentally friendly and require less setback from the water.

8. **NEXT MEETING**

Wednesday, May 14, 2003.

9. **ADJOURNMENT**

The meeting adjourned at 9:10 p.m.

Sandra M. Shute
Legislative Assistant