

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY COMMITTEE

MINUTES

MAY 14, 2003

PRESENT: Mr. Don Lowther, Chair
Mr. Doug Murray
Mr. Kevin Dean
Councillor Len Goucher
Mr. Victor Li
Mr. Lem Murphy
Dr. S. Ray
Ms. Debbie Gillis
Mr. Cedric Pilkington

ABSENT: Mr. Rick Hattin (regrets)
Mr. Lawrence White
Mr. Brad Gibb
Mr. William Matheson

ALSO PRESENT: Ms. Elaine Loney
Mr. Angus Schaffenburg, Planner
Ms. Lynne Le Boutillier, 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. The Chair was pleased to introduce Elaine Loney, a previous Committee member, who has expressed interest in rejoining the Committee. Her appointment by NWCC is pending.

2. APPROVAL OF MINUTES - APRIL 9, 2003

MOVED BY Mr. Murray, seconded by Mr. Murphy to approve the Minutes of meeting held April 9, 2003 as circulated. MOTION PUT AND PASSED.

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

The Chair asked that the following items be moved up on the agenda:

Item 4.3.2 - Paper Mill Lake - Water Testing - Mr. Riles, United Gulf

Item 7.1 - Case 000454: Amendment to Royale Hemlocks to allow for Expansion of Hemlock Ravine Park

Item 7.2 - Case No. 000568: Application by N. Wallace Holdings to amend the development agreement for 5 Brookside Court to allow for the addition of a gymnasium

The amended agenda was adopted by consensus.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET**4.3.2 PAPER MILL LAKE - WATER TESTING**

Circulated at the meeting was a copy of a letter dated May 12, 2003 to Councillor Goucher re Proposed Paper Mill Lake Watershed Water Quality Monitoring Program, which was accompanied by a letter to Mr. Riles from Mr. Chris Elliott, AMEC Earth & Environmental Limited, on a proposal to determine the source of upstream contaminants and pollutants in its watershed which have caused problems with the water quality of Paper Mill Lake. The proposed study, costing approximately \$10,000, would be absorbed by United Gulf Developments Limited (UGDL). This initiative was the result of discussions with Councillor Goucher and Mr. Lowther. There have been ongoing problems with coliform counts in Paper Mill Lake leading to beach closings over the years. The consultants feel the problem is not related to construction, but pollutants upstream.

In attendance for this item were Mr. Kevin Riles, Vice-President, United Gulf Developments

Limited and Mr. Donald Mason AMEC.

Given a CDD application for a commercial area associated with Paper Mill Lake is being proposed, United Gulf Developments Limited felt it timely to start the monitoring program.

In his review of the proposal, Mr. Mason made reference to the following:

- C The map which identified approximately a dozen areas where surface water samples of the watershed would be taken.
- C The offer to work with BWAC and staff on this initiative and associated cost sharing.
- C The intention to sample various portions of the whole watershed, determine where the problem(s) may lie and then concentrate on specific areas. If a general condition is found, sample the whole watershed again.
- C Reference was made to Table 1 and the elements which will be tested.

Mr. Mason's intention was to leave the report with the Committee and obtain the members thoughts and comments.

Mr. Li noted that BWAC has a Water Quality Inventory Sub-Committee which is doing a similar study. The sub-committee's approach is to break the various water bodies into either pristine or active water bodies and apply different parameters to each. He proposed the sub-committee compare AMEC's report to what the committee has proposed.

Mr. Li emphasized that the committee wished to get an appreciation of water quality throughout the year versus a once a year sampling, in order to measure changes in the water seasonally.

Mr. Mason indicated he was familiar with seasonal testing and noted the consultants were trying to catch the trail end of the spring season in its first sampling.

Mr. Riles referred to the need for pre and post construction sampling as well. Mr. Li concurred. The committee desired having base line information in place before construction. By having good baseline data, it would be easy to get a better handle on any major impacts associated with developments.

A discussion ensued on the rationale used in choosing the sampling points. Mr. Mason indicated that the downstream end of lake systems were selected. Dr. Ray suggested it would be better to take samples from an area of maximum depth. Mr. Li noted the importance of ensuring the sample areas are accessible. Mr. Mason invited the committee members to identify where they would prefer samples taken.

Dr. Ray cautioned about sampling near stormwater outlets in the vicinity of Kearney Lake Road, which can result in very high levels of contaminants detected. Mr. Mason confirmed that no check has been made as to where these outlets are located.

Referring to the proposed sampling parameters, Dr. Ray questioned if a RCap analysis is being done. Mr. Mason wasn't sure. He noted that the parameters listed are similar to ones used previously when testing Paper Mill Lake. Dr. Ray expressed reservation about the rationale in using RCap. Mr. Mason referred to a set of criteria recently developed, in conjunction with staff, for another HRM lake. Mr. Riles noted parameters developed for a development associated with Hail Pond and former Dartmouth YMCA property on Lake Banook.

Dr. Ray stressed the need to analyze total phosphorous at the microgram per litre level. What levels were proposed by the DLAB and H/HCWAB will be checked into.

The sub-committee will review the report and get back to Mr. Mason within a week or two. It is recognized that time is of essence. Mr. Mason indicated willingness to commence the work as soon as the committee is satisfied with the details. The budget allocation has been set up.

Mr. Dean congratulated Mr. Riles for taking this initiative. He questioned what the effect of this initiative will have on the existing 1995 contract associated with the Paper Mill Lake development, i.e. broadening the scope of what United Gulf will do in the future. He referred to problems encountered in the past regarding the interpretation of how often testing should be done. Mr. Riles noted that when work is done on the proposed CDD for the commercial area, it might be an opportunity to clarify. This agreement would be coming to the Committee for input.

Mr. Schaffenburg related to the members other projects which may have a bearing on this matter, i.e. the Bedford West Master Plan. He noted that a staff working group is being set up in conjunction with NSDOE&L to address stormwater management and environmental issues. They will also be reviewing what type of parameters should be used in water tests conducted in association with this Plan. He noted that there are number of existing and proposed developments which impact the watershed of Paper Mill Lake.

Referring to the budget for the testing, Mr. Li expressed reservation that the amount would be sufficient to do samplings over a number of periods or for the number of sites proposed.

7. **NEW BUSINESS**

7.1 **CASE NO. 00454: AMENDMENT TO ROYALE HEMLOCKS TO ALLOW FOR**

EXPANSION OF HEMLOCK RAVINE PARK

- C Notice of Public Information Meeting - Thursday, May 22, 2003
- C Memorandum dated May 7, 2003 from Mr. Schaffenburg re the case related to a Stage I and II amendment to the approved Royale Hemlocks development.

Mr. Schaffenburg introduced Gary Pierce, Vice-President, Kimberly-Lloyd, Mr. Colin Stewart, President and Richard Gagne, Director, Friends of Hemlock Ravine.

Mr. Stewart discussed with the members the proposed changes which would eliminate Phase 8 of the existing Development Agreement and secure a major area of parkland to help in preserving the watershed of Hemlock Ravine. It was emphasized that the developer, Kimberly-Lloyd, is not opposed to the changes and the two groups have been working cooperatively. Kimberley-Lloyd's goal was to keep any changes revenue neutral. In order to keep further development out of the watershed, an increase in density was required. High-rise developments allow for more green space. Mr. Schaffenburg clarified that the density for the entire development will be about the same, but the number of units has increased.

The proposed amendment would allow for a 4 acres area to be left in its natural state, thus existing stormwater drainage patterns would remain the same.

It was noted that the case goes to the District 16 PAC special session, June 5th. At next week's Public Information Meeting, staff will see if there are any other issues the public have with the change.

Mr. Schaffenburg indicated he was seeking a recommendation from the Committee for his staff report to Chebucto Community Council (CCC), ie. recommendation to him, with copy to CCC.

MOVED BY Mr. Murphy, seconded by Mr. Li that the Committee adopt the recommendation related to the changes shown on the maps attached to the memo dated May 7, 2003, including the additional parkland related to Hemlock Ravine Park. MOTION PUT AND PASSED.

7.2 **CASE NO. 000568: APPLICATION BY N. WALLACE HOLDINGS TO AMEND THE DEVELOPMENT AGREEMENT FOR 5 BROOKSIDE COURT TO ALLOW FOR THE ADDITION OF A GYMNASIUM**

- C Memorandum from Andrew Bone dated April 23, 2003
- C Letter dated April 18, 2003 from Land Design Engineering Services

C Copy of a development agreement dated March 27, 2000 pertaining to the area.

Ms. Gillis withdrew from the meeting when this case was heard.

Andrew Bone, Planner introduced Ms. Nancy Wallace and Mr. Jeffrey Pinhey, Land Design Engineering Services, who did the environmental study re surface water impacts of the proposed addition to the Bedford Elementary Academy.

During his presentation to the Committee, Mr. Bone noted that the location of the property is in the watershed of Paper Mill Lake. The watercourses are identified as environmentally sensitive areas in the Town of Bedford's MPS. The extension falls within 100' of Jacks Lake, actually 70' at the closest corner. He noted that a relatively new policy required Institutional uses to be 100' from a watercourse. A reduction is permitted, by way of a development agreement, to 50'. He noted that the proposed addition covers essentially an existing impervious surface. An environmental study is required under the MPS in such instances to determine the affect on runoff and siltation.

During the course of Mr. Pinhey's presentation, it was noted that the proposed play area on Site Plan 1 is no longer being considered. It would have been at the location of a very important basin to collect runoff at the corner of the site. The collection system is very beneficial to the site in protecting the brook from runoff. He emphasized that the site allows for easy protection of the brook. He made reference to a berm and associated walking trail, which acts as a buffer to the brook. He noted that his recommendations are essentially housekeeping related to the construction period.

He reviewed the recommendations contained in the report.

Councillor Goucher stressed the need to proceed with sensitivity when undertaking any development associated with this area.

During the Committee's review, the following additions were put forward:

- C Area at lower corner which collects runoff should be fenced. While it is recognized that there would be no standing water in the basin, the area is very steep. It was noted that safety is part of the Committee's mandate. Mr. Bone indicated that a fence, similar to the one around the existing play area, could be included in the development agreement.
- C During construction care be taken not to damage the geotextiles associated with the berm, i.e. no building materials be stockpiled in close proximity. The importance of the berm in the area was emphasized.

- C That a person be assigned to work with the contractor to ensure erosion and sediment control measures are followed. The same person to check regularly that the silt fences are maintained and no construction materials are in the vicinity of the berm. This requirement be written into the development agreement.

MOVED BY Mr. Murphy, seconded by Mr. Li that BWAC accept the recommendations contained in the Environmental Study with the addition of the above noted three recommendations re the fencing of the basin, importance that the berm not be disturbed and assignment of an individual to monitor that erosion and sediment controls are put in place and maintained. MOTION PUT AND PASSED.

PRESENTATION TO KEVIN DEAN

A presentation of a plaque was made to Kevin Dean by Councillor Goucher on behalf of Mayor Kelly in appreciation of his outstanding volunteer services.

RIVERSIDE PUB

It was recalled that when the proposal was presented to the Committee, i.e. building of a deck, it was recommended by the Committee that a screen or fence be installed to reduce the amount of litter which could end up in the river. The Secretary was asked to contact Kevin Warner, with a copy of Mr. Schaffenburg regarding this matter.

CLEAN-UP

The Chair invited members to attend an event scheduled for Saturday, May 24, 10:00 a.m. to help with a clean up organized by Tim Hortons of the area in the vicinity of Moirs Mill. Tim Hortons will be providing refreshments and items needed for the cleanup.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET (cont'd)

4.1 LIST OF ONGOING AND NEW PROJECTS

Mr. Schaffenburg advised that site work associated with the **Brison site** will begin shortly. There is a meeting related to associated blasting planned for June. Referring to concerns associated with the stormwater management plan, the Committee was advised that Bruce Callum, Development Engineer has reviewed the plans to determine if there would be any adverse affect on Nottingham, Centre Street, etc. He does not feel there should be a problem, as the majority of the drainage is under Highway 102.

A preliminary meeting with staff has been suggested by Kevin Riles at HRM's Sackville Office re the **commercial site proposed for Hammonds Plains Road** across from the Bedford Academy.

An application is anticipated for the second phase of **Bedford South** in the next couple of months. The Chair noted that site preparation, i.e. cutting of trees appears to have commenced in the vicinity of the school.

Mr. Schaffenburg advised that Clayton Developments will begin work on the road off the Bedford Highway.

4.2 **INFILLING OF MOIRS POND**

The Chair advised that he received a call from the Mayor this evening pertaining to a meeting scheduled with Mr. Sobey and Minister Christie, at Mr. Christie's office. The Chair recalled the Committee recommending that HRM not give up the easement. This item was on Regional Council's agenda last evening and was referred to staff for a report. He was assured by the Mayor that under no circumstances will HRM give up this right-of-way. He noted that he has tried for months to get a meeting with the Minister of Fisheries to no avail. For the time being, he will stop pursuing pending the outcome of the above noted meeting. Mayor Kelly will contact the Chair re the outcome of the meeting.

Ms. Gillis noted that she received documents pertaining to the search Monday, but had not had a chance to review. Mr. Dean indicated he would like to discuss with Ms. Gillis what can and can't be done with respect to easements, i.e. can HRM put up a fence, for instance.

If there is any good news as an outcome of the Mayor's meeting, the Chair will advise the members by e-mail.

4.3 **STATUS SHEET**

4.3.1 **CASE 00331: DEVELOPMENT AGREEMENT - 25, 27, 35 DARTMOUTH ROAD/PARKERS BROOK - TEST RESULTS**

Copies of a fax to Mr. Chedrawe from AMEC dated April 11, 2003 re water test results for total suspended solids, as a result of samples taken April 3, 2003, were circulated to the members. Mr. Schaffenburg advised the Committee that he discussed the results with Mr. White, who had also conducted a site visit. Mr. White indicated he was pleased with what he had observed. HRM's Engineering Assistant, assigned to this project, has indicated he is pleased with the erosion and sedimentation control measures in place.

Mr. Schaffenburg has also been in contact with the developer. He was advised that some pipe installations toward the back of the site are proposed. Further water testing will be done at that time. It is anticipated that landscaping will commence shortly and some site work in the vicinity of the brook. The project is nearing completion. He noted that on the opposite side of the brook, the retaining wall associated with a car lot is in poor condition and poses a problem. Some issues will have to be dealt with associated with this property, especially if it is redeveloped.

Reference was made to problems neighbours have with a fence at the rear of the property. It was originally installed to address concerns neighbours had that the site might be used for shortcutting. Attempts are being made to address this neighbourhood issue.

KEARNEY, QUARRY AND PAPER MILL LAKE DAMS - UPDATE

The Committee was advised that surveyors have been observed working in the vicinity of the dams. It appears work has commenced as indicated by Mr. Nantes at the April meeting.

Mr. Schaffenburg, referring to the role these dams play in stormwater management, noted that staff will be discussing with Darlene Fenton.

WATER RESOURCE MANAGEMENT STUDY

The Chair referred to a joint meeting, tentatively planned for Wednesday June 4th, when staff will explain to the committees what recommendations they feel should be taken into account or not and why. He recalled that the intent was for staff to bring back the study to the Committees for the next level of input as well.

4.3.2 PAPER MILL LAKE - WATER TESTING

Dealt with earlier in the meeting.

4.3.3 KEARNEY LAKE PUBLIC MEETING - UPDATE

In his update Mr. Schaffenburg noted that portions of Kearney Lake had fallen within the jurisdiction of three municipalities prior to amalgamation. Only one of the jurisdictions imposed controls pertaining to the use of motor boats. These restrictions have now been deemed null and void. Another public meeting is planned on the surface use of the lake. He noted the process is required by the Coast Guard.

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

testing sites and parameters - response to official request to Councillor Goucher to obtain HRM funding

It was recalled that a request for \$5,000 through Councillor Goucher to HRM to help defer water testing costs was proposed. This has not been submitted yet, given the proposal of Mr. Riles, United Gulf.

Mr. Schaffenburg also indicated that there is potential for testing to be conducted in association with the Bedford West Master Plan, as stormwater management will be a major issue. Baseline information will be required. Reference was made to the staff group, earlier referred to. He will discuss with Paul Morgan what they plan to do and what they would suggest in terms of a liaison. He felt it would be worthwhile for them to discuss with the Water Quality Inventory Subcommittee representatives.

Mr. Li noted that the cost of conducting three series of tests is now estimated at \$25,000, a lot more than originally estimated. He did not want to see the project started and have it stopped. Mr. Schaffenburg reflected it may be appropriate for the Bedford West Master Plan to fund. He anticipated a lot of environmental issues will have to be addressed.

Reference was also made to Environmental Canada Damage Funds. This pool of money results out of fines levied. It is to be used to do remedial work. Environment Canada is distributing funds to various community based monitoring groups doing remediation projects. A number of these groups are watershed advisory committees. Reference was made to Halifax Harboursheed-Community-University Research Alliance (CURA) of which Walter Regan is involved. This committee is also involved in marine aspects. A \$90,000 pool of money was referred to. Mr. Li will invite Mr. Wayne Barchard to the May meeting to discuss aspects of this funding.

6. UPDATE FROM PAPER MILL LAKE ADVISORY COMMITTEE

Mr. Murray advised that a meeting was held April 28, 2003. The Committee discussed a disturbance of a treed area in back of Mr. Kerr's home in an area behind Baha Court. The property owner cut down a fair number of trees. Municipal staff was contacted and a letter dispatched to the individual and others in the neighbourhood. It is recognized that the damage has been done, but hopefully others will not do similarly.

Reference was made to a retaining wall on Ahmadi. A notice went out from the Development Officer, Mr. Pyle to remove the wall. A response was required by May 15. The contractors have to provide a plan for its removal.

Mr. Murray advised that he has resigned as Chair and Jan Gerrow has agreed to be the new Chair. The Committee is considering whether it should continue on or not as the

Committee has not been that active, given there has been limited construction recently. Ms. Langille is working on a protocol on the future of the Committee.

Mr. Dean felt it would be a shame for the Committee to dissolve, just as a CDD for a commercial area is being considered. Mr. Murray noted that for the Committee to function, more members are needed.

Reference was made to two articles in the Daily News:

- C April 25, 2003 edition "Metro's Lakes need millions to fix", which identified Papermill Lake as one of the most polluted in the metro area.
- C May 8, 2003 edition "A chance of save Sandy Lake" by Brian Hoyle a former member of BWAC.

Copies of the two articles will be circulated with the next agenda package. It was noted that Mr. Hoyle's comments seem contrary to conclusions he drew before and after leaving the Committee. It was felt the article was misleading. Mr. Dean quoted from an e-mail from Mr. Hoyle.

The Chair turned over to Mr. Li maps of the floodplain associated with the Sackville River. It was noted that the maps are approximately ten years old. These are the latest. It was noted that it would be nice to have updated ones. Reference was made to a cost of \$80,000 to produce ones for the Little Sackville River and the additional cost of doing the Sackville River. The Chair noted that province is concentrating on high risk areas such as Truro.

7.3 **FLOODING - UNION STREET**

Referring to recent flooding, the Chair referred to a berm associated with Union Street which has settled and contributed to flooding. He wondered who will rebuild the berm. Staff was asked to ask Mr. MacCallum.

The Chair described flooding problems in the area. On a site visit, it was pointed out by a resident that drainage from the parking lot, associated with the Bedford Place Mall, slopes back toward the residences and into a ditch versus the Superstore's parking lot, which drains away. Mr. Schaffenburg will discuss with Bruce MacCallum.

9. **ADJOURNMENT**

Meeting adjourned at 9:00 p.m.

Lynne Le Boutillier
Legislative Assistant