

HALIFAX REGIONAL MUNICIPALITY

BEDFORD WATERS ADVISORY BOARD
BEDFORD WEST PUBLIC PARTICIPATION COMMITTEE
(JOINT MEETING)
October 8, 2003

PRESENT: Mr. Don Lowther, Chair
Mr. Kevin Dean
Mr. Rick Hatten
Ms. Elaine Loney
Mr. Doug Murray
Mr. Cedric Pilkington
Dr. Sankar Ray
Mr. Lawrence White
Councillor Len Goucher

Kevin Dean (BWPPC)
Gloria Lowther (BWPPC)
Anthony Tucker (BWPPC)
David Rutherford (BWPPC)
George Dickey (BWPPC)
Frank Robinson (BWPPC)

ABSENT: Mr. Brad Gibb
Ms. Deborah Gillis
Ms. Kate Hadden (Regrets)
Mr. Brian Hoyle
Mr. William Matheson (Regrets)
Mr. Lem Murphy

Mr. Tim MacIntyre (BWPPC)
Mr. Grant Mosher (BWPPC)

STAFF: Mr. Angus Schaffenburg, Planner II
Ms. Chris Newson, Legislative Assistant
Ms. Sheilagh Edmonds, 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 advised that tonight's meeting was a joint meeting with the Bedford West Public Participation Committee. He added that he would like to deal with item 4.2 Baha Court at this time. He noted there were two representatives in attendance, one of which was prepared to give a five minute verbal presentation to the Committee.

There was some discussion as to whether this matter should be coming back to the Committee to deal with, as they had discussed it at the last meeting and put forward a motion.

The Chair pointed out that the representatives were only in attendance to provide a brief presentation to the Committee, and that the Committee would not be passing any motions on the issue tonight.

4.2 Baha Court, Bedford

Mr. Clark Bedford addressed the Committee and introduced Mr. Bill Muise. He advised they were representing 21 residents on Baha Court in Bedford. In his presentation to the Committee, Mr. Bedford stressed the reason for his appearance was primarily out of concern for the safety of the children in the area. He explained that the seven lots yet to be developed are an extreme safety hazard, in particular, to the children of the street. Mr. Bedford reviewed several incidents involving the safety of children and the condition of the area. In concluding his presentation, Mr. Bedford advised that he was asking the Committee to set aside their concerns with the developer and look at the greater good of the residents of Baha Court. He added that the lots will not get finished without the road being completed unless this Committee recommends that the lots be permitted to be developed.

At 7:20 p.m. Paul Morgan, Planner, entered the meeting.

A discussion ensued and it was questioned whether these lots would be considered 'dangerous and unsightly' and, as such, could be dealt with under the municipal bylaws. It was noted that these lots are designated as 'under construction' and, therefore, HRM's bylaws do not apply; i.e. it falls under the Province's Occupational Health and Safety Guidelines.

Further discussion ensued and it was suggested that one possible way to help the residents may be to permit the lots to be finished, with some sort of a holdback on the developer.

Responding to a question on the feasibility of doing this, Mr. Schaffenburg advised that he didn't have a definitive answer at this time, however, if the developer was agreeable it may be possible. Mr. Schaffenburg added that staff would consult the Municipal Government Act to see if it has the authority to request this, adding that it may not be permissible but if the

developer is agreeable, staff have provisions that might meet the legal text of the MGA.

In concluding this item the Chair concurred with the suggestion that, if at all possible, it may best to have the lots finished but withhold the money from the developer. In this regard he suggested that members of BWAC visit the site in question to get a better sense of the overall concerns expressed by the residents.

Mr. Bedford thanked the Committee for their time, and at approximately 7:30 p.m. he and Mr. Muise retired from the meeting.

4.1.2 Kearney/Quarry/Paper Mill Dams

Paul Morgan, Planner, introduced David Nantes, Annapolis Group, and Greg Snider, SG Acres and advised that Annapolis retained SG Acres to look at the structural integrity of the dams at Kearney Lake, Quarry Lake and Paper Mill Lake and to determine what is needed to be done to bring them up to today's standards.

Mr. Nantes addressed the Committee and explained that the report prepared by SG Acres deals primarily with the three dams noting, within the watershed boundary, Annapolis Group owns approximately 20% of the watershed land. Mr. Nantes also pointed out that the Department of Environment has reviewed and approved this report. He then turned the presentation over to Mr. Greg Snider.

Mr. Greg Snider, SG Acres addressed the Committee and provided a brief background on his company, advising that they are involved in the construction of dams and the assessment and reconstruction of older dams. Using photographs and a map of the watershed area in question, Mr. Snider began his presentation by highlighting the following two aspects:

- C the dams are no longer used for power; they are used for recreation and stormwater retention.
- C the dams are under license from the Provincial Department of Labour and this license expires in December of this year.

Mr. Snider's presentation covered the following points:

- C Status of the Dams
- C Comprehensive Inspection and Review
- C Observations and Inspection

- C Hydrotechnical Analysis
- C Structural Analysis
- C Recommendations:
 - conform to CDA guidelines
 - repair leaks, replace deteriorating concrete
 - improve stability and improve flood handling capability.

In reference to the recommendations, Mr. Snider pointed out that they are proposing substantial repairs, which he compared to a refit of the dam, but once repaired the operational maintenance costs of the dams will be small.

Mr. Snider then outlined their specific recommendations, for each the three dams, and added that the Action Plan involves:

- C negotiating the terms and conditions of the license extension
- C carrying out the dam repairs in order of priority, i.e Quarry Lake - summer 2004, Kearney Lake - fall 2004, and Paper Mill Lake - fall 2004

Mr. Snider added that in order to move forward with recommendations, approvals from various levels of government are required.

Mr. David Nantes then carried on with the presentation, elaborating on proposals re stormwater management, specifically as it relates to water quality and water storage. The recommendations are:

- C lower the water level of the lakes in the fall and raise it in the spring.
- C use Quarry Lake to hold water; and when it is necessary to turn over the water in Paper Mill Lake in the summer, release the water from Quarry Lake.

Mr. Nantes added that these were a couple of ideas Annapolis are considering, and they want to open this up for public input as well as input from HRM. He noted they would need to hold these discussions before they go ahead with a detail design.

Mr. Nantes responded to questions from the Committee.

Mr. Walter Regan, referring to Mr. Nantes ideas on water storage questioned whether consideration had been given to the impact on the lakes' fish stocks. Mr. Nantes indicated this was not an aspect that had been considered, but he welcomed the comment, pointing out that it was this sort of input that they want.

Paul Morgan, Planner, provided his comments on staff's perspective and involvement, noting that one of the main challenges they will face is the idea of a public body taking ownership of

the dams and he suggested the Committee start thinking about this soon.

As a point of information for the Annapolis Group, Councillor Goucher advised that some members of this Committee have developed a water testing program for the watershed area, and suggested they may want to sit down with the subcommittee and discuss this with them.

In concluding his presentation, Mr. Nantes emphasized the importance of meeting the time lines they have laid out, advising that some decisions will have to be made over the next several months.

At 8:35 p.m. the Committee agreed to recess, at which time the representatives of the Bedford Watershed Public Participation Committee and the Annapolis Group retired from the meeting.

At 8:40 p.m. the meeting reconvened.

2. APPROVAL OF MINUTES

MOVED by Mr. Lawrence White, seconded by Mr. Kevin Dean that the minutes of the regular meeting held September 11, 2003 be approved as circulated.

Ms. Elaine Loney referred to item 7.1 of the minutes and advised that the motion was not as she recalled.

In response, Ms. Chris Newson, Legislative Assistant, clarified for the Committee the policy with regard to preparing motions in minutes, advising that in this particular instance the Committee had passed a 'negative motion', however the motion should always read as a 'positive motion'. **MOTION PUT AND PASSED.**

3. APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

ADDITION: 8.2 Spruce Island

MOVED by Mr. Lawrence White, seconded by Mr. Kevin Dean that the agenda be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES/STATUS SHEET

4.1.1 Infilling of Moirs Pond

Councillor Goucher advised that a meeting was to have been held at City Hall with representatives of Sobey's, the Minister of Finance and the Mayor, but due to the hurricane this was cancelled and he is awaiting further word.

In response to a question about a recent quote by Councillor Goucher in the Bedford News pertaining to the Moirs Pond, Councillor Goucher advised that his comments had been taken out of context. He explained his comments in the article for the Committee, and noted that he would be speaking with the reporter with respect to clarification.

4.1.2 Kearney/Quarry/Paper Mill Dams. This item had been dealt with earlier in the meeting.

4.1.3 Paper Mill Lake - Watershed Water Quality Monitoring Program

Mr. Cedric Pilkington advised that they have met with AMEC and reviewed the first round of testing. He added the meeting focused on what the next steps should be, and noted that, with the next round of testing United Gulf have agreed to underwrite the cost which is around \$11,000. Mr. Pilkington indicated that, after this testing, the subcommittee would like to do another two, and they may want to touch base with other companies such as Clayton and Cresco about continuing the testing.

Councillor Goucher suggested the Committee may want to consider applying to the Grants Committee, noting that given what this project is about, there is a category under Grants to which they could apply, i.e. Environmental Protection, Restoration and Conservation Work.

Mr. Pilkington submitted a copy of a report from AMEC Earth & Environmental Limited on Papermill Lake Watershed - Upstream Water Quality Sampling Program. The Chair asked that this be circulated in the Committee's next agenda package.

4.1.4 Storm Water Management: Union Street Area

Councillor Goucher advised that he, John Sheppard, Charles Lloyd and Barry Zwicker. had a site meeting scheduled for the next day on this issue.

Following discussion the Chair indicated the Committee will look forward to a further report at its next regular meeting.

In response to a question by Mr. Doug Murray on the design parameters of the berm, Councillor Goucher advised that Wallace MacDonald & Lively had determined these aspects and it was contained in a report.

The Chair indicated that Mr. Charles Lloyd would have a copy of this report, and he asked that it be circulated to the Committee for the next meeting.

4.1.5 Paper Mill Run

Mr. Angus Schaffenburg asked for clarification on what the Committee was requesting from staff on this issue.

The Chair explained that there are three properties whose back yards are eroding, as each time there is flooding, the water runs off municipal land and into their backyards, and they would like someone to look at this and see what could be done to fix the problem.

It was noted that the Committee was waiting for a report from AMEC. The Chair will contact AMEC and see when they will have an informal report to bring to the Committee.

8. ADDED ITEMS/NEW BUSINESS

8.2 Spruce Island

Mr. Cedric Pilkington noted that there is a property at the end of Shore Drive that leads off to an island call Spruce Island, and both are owned by the same property owner. About four days ago he noticed an excavator, and the days following that, there were series of barges brought in and an additional excavator. He explained that during low tide the property owner was dredging and piling fill between his property at the end of Shore Drive and the island. Mr. Pilkington advised that, to date, the property owner has built a 10-foot wall and created land between his property and the island. Mr. Pilkington questioned how the homeowner would be able to do this, suggesting that permits would presumably have to be given and that it was questionable that permits would be granted for this work.

A discussion ensued and Councillor Goucher advised that he investigated the matter and was told that the recent hurricane had, for the most part, cleared off the front of this gentleman's property and this was why he had excavators out at low tide rebuilding the wall. Councillor Goucher also pointed out that, in checking with staff, he was informed that there is a very specific contract development agreement for this island; however, staff have followed up with the appropriate Provincial Departments to apprise them of the ongoing work.

A discussion ensued on the contract development and whether the Municipality was enforcing certain aspects of it. It was questioned whether the Municipality may have some jurisdiction and if so, it should move as quickly as possible.

The Chair asked Mr. Schaffenburg to follow-up and determine whether the Municipality may have some jurisdiction over this matter i.e. the requirement of a grade elevation permit, and if so, have something done as soon as possible.

6. CORRESPONDENCE, PETITIONS AND DELEGATIONS

6.1 CORRESPONDENCE

6.1.1 Halifax Harbour Watershed Restoration Coalition

Correspondence from the Halifax Harbour Watershed Restoration Coalition was submitted.

Referring to the correspondence, the Chair advised that the Coalition was inviting a member of this committee to sit on their committee. He suggested that the members review the material and the matter would be brought back to the next meeting for discussion.

7. REPORTS

7.1.2 Paper Mill Lake Advisory Committee

Mr. Doug Murray advised that he had nothing to report at this time.

Mr. Rick Hattin advised that the recent storm has left the Bedford Waterfront Walkway in terrible condition, noting that it has been deeded to HRM and is their responsibility to make the repairs. He indicated that this will be a very expensive and long term repair job, and suggested, therefore, it may be an opportunity to make any adjustments for longevity or change in the style.

Mr. Hattin also referred to the damage of marinas in Bedford Basin and noted that it is an opportunity to look at championing some kind of municipal based, community driven boat facility inside Convoy Quay.

8. NEW BUSINESS

8.1. Membership

Ms. Chris Newson, Legislative Assistant, pointed out there were four members of the Committee whose terms were expiring in November—Don Lowther, Bradd Gibb, Richard Hattin, Dr. Sankar Ray—and should they wish to continue serving on the Committee, they are required to fill out and submit the Volunteer Application which had been included in their agenda package.

9. NEXT MEETING

Wednesday, November 12, 2003, 7:00 p.m.

10. ADJOURNMENT

Prior to adjourning the meeting, the Chairman advised that he would not be able to attend next month's meeting.

The meeting adjourned at 9:15 p.m.

Sheilagh Edmonds
Legislative Assistant