



BEDFORD WATERSHED ADVISORY BOARD
Wednesday, October 12, 2005
Minutes

- PRESENT:** Mr. Don Lowther, Chair
Ms. Elaine Loney
Dr. Sankar Ray
Mr. Cedric Pilkington
Mr. Lem Murphy
Mr. Kevin Dean
- REGRETS:** Ms. Kate Hadden
Ms. Deborah Gillis
Mr. Lawrence White, Vice Chair
Deputy Mayor Len Goucher
Mr. Rick Hattin
- STAFF:** Mr. Angus Schaffenburg, Planner II
Ms. Thea Langille-Hanna, Planner II
Mr. Andrew Bone, Planner I
Ms. Stephanie Parsons, Legislative Assistant
- OTHERS:** Mr. Rick Scott, Center for Water Resource Studies
Mr. Mike Laycock, Annapolis Group
Mr. David Nantes, Annapolis Group

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1. CALL TO ORDER

The Chair called the meeting to order at 7:04 p.m without a quorum being present. The Chair advised staff that if a quorum is not present after the discussion of item 4.1.2 that items 4.1.3 and item 6.1.1 will be deferred and that staff and representatives may leave the meeting.

2. APPROVAL OF THE MINUTES

With no quorum present the minutes were not approved at this time.

3. APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

The agenda was accepted as presented.

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

4.1 Status Sheet

4.1.1 Infilling of Moirs Pond

No update.

4.1.2 Kearney/Quarry/Paper Mill Dams

Mr. David Nantes advised the Committee that the Quarry Lake Dam construction is complete. He proceeded to show the Committee what the dam looked like before and after construction via a power point presentation. He further advised the Committee of the following:

- The dam was rebuilt to Canadian Dam Safety Guidelines.
- All the damaged concrete has been removed.
- A latex compound with a reinforced steel grid was placed on the face of the structure.
- The gate to raise and lower the lake has a spindle that turns at the top to open the gate. Protective covers have been placed on the spindle.
- The access road is going to be blocked off. Mr. Laycock advised that an access road will have to be built to start construction on Kearney Lake Dam.
- There was no siltation from the rocks during construction.
- Kearney Lake Dam will be completed in 2006 and Paper Mill Lake Dam in 2007.

In response to the Chair, Mr. Nantes advised that the gate to Kearney Lake Dam will have to be replaced. Kearney Lake will be lowered in September 2006 in order to begin construction. Mr. Laycock further advised that the gate was renovated by the Water Commission in the early 1990's.

In response to Ms. Loney, Mr. Nantes advised of the following:

- Currently, Annapolis Group would decide when the gate should be opened or closed,

however they would prefer this decision to be made by the public.

- The consultant has provided Annapolis Group with recommendations as to how to operate the dam and when to open and close the gate.

Mr. Lowther commented that there have been discussions about the creation of a commission and a trust to maintain the dam.

In response to Mr. Dean, Mr. Nantes advised that there is no official dam certification process, however, SGE Acres designed the dam which was certified to meet the Canadian Standards.

Mr. Nantes further advised that the Storm Water Management Plan will be submitted to HRM in approximately 2-3 weeks.

At 7:32 p.m. The Chair advised staff and representatives that a quorum is not present and therefore items 4.1.3 and item 6.1.1 will be deferred.

Mr. Cedric Pilkington entered the meeting at 7:34 with a quorum now present the Committee proceeded with agenda item 4.1.3.

4.1.3 Bedford West Water Quality Monitoring Program

- A revised copy of the Bedford West Planning Area Water Quality Monitoring Program was before the committee for consideration.
- A copy of the September water testing results was before the Committee for discussion.

There being no concerns regarding the revised Bedford West Planning Area Water Quality Monitoring Program the following motion was placed:

MOVED by Mr. Murphy, seconded by Dr. Ray that the Bedford Watershed Advisory Committee endorse the revised Bedford West Planning Area Water Quality Monitoring Program. MOTION PUT AND PASSED UNANIMOUSLY.

In response to Ms. Thea Langille-Hanna, the Chair advised that if water quality testing results have been submitted that staff should attend the meeting to answer any questions the Committee may have.

Ms. Loney noted for the record that she is pleased that the Committee will have a full year of base line data.

The Committee agreed to discuss item 7.1.1 at this time.

7.1.1 Case 00833 - Application by Full Gospel Church to rezone PID#41140989 from Residential Reserve (RR) Zone to Institutional Zone (SI) and develop the site

as a church by development agreement

The following documents were before the committee for discussion:

- A staff memorandum dated October 3, 2005.
- A proposed site plan dated September 22, 2005.
- An Environmental Impact Study by SNC Lavlin dated August 2005.
- A Environmental Site Assessment draft report dated August 2004 by SNC Lavlin

Mr. Andrew Bone advised the Committee that an application has been submitted by Full Gospel Church, the owner of the subject property to rezone the property from Residential Reserve to Institutional, to permit the construction of a church at 806 Kearney Lake Road in Bedford. Due to the fact that it is adjacent to a watercourse, it is a two part application, such that a development agreement needs to be negotiated.

The property is approximately 8 acres and the intent is to build a 1500 square feet church. It will also include parking for about 200 vehicles and a paved parking lot. The watercourse is within the Sandy Lake Watershed. The intent is to place two culverts that cross Kearney Lake Road and flow through the Islamic Center property towards Sandy Lake. The development agreement meets the 100 meter set back requirements from the crossing of the watercourse. The property is currently undeveloped with vacant land on both sides.

The Committee raised the following concern/questions:

1. How will the proposed development affect the current Bedford West Planning Strategy?
2. The placement of culverts in the watercourse will restrict water flow and filtration. It was suggested that a bridge instead of a culvert be considered.
3. What is the source of the water on the property? the wetland area is very large.
4. What is the effect of blasting on the watercourse?
5. There was concern regarding the location of the septic field given the closeness to the wetlands. That consideration be given to a septic holding tank with scheduled pumping instead of a field as the use of septic fields will increase in flow downstream.

The Committee further suggested that the development include the following provisions:

1. A vegetation plan.
2. A provision for water sampling before, during and after construction.
3. A provision that there be no net impact in storm water on the watercourse.
4. A provision that if a culvert is to be used that specific measures be in place to deal with sediment issues relating to the construction of the culvert.

5. That a temporary pond be built to handle run off during construction.

In response to the Committees concerns Mr. Bone advised of the following:

1. Although the area is part of Bedford West, the application meets current Bedford Plan Policies, such that an application can be made to rezone institutionally. Ms. Thea Langille Hanna advised that the Bedford West Planning Strategy does not apply to this property as it is currently in draft form. The restriction under the Bedford Plan is only on residential development.
2. The study has indicated that the culverts will not restrict the water flow as it will be sized for a 1:100 flood plain, which is a requirement of the development agreement.
3. The septic fields are set back about 100 feet which meets provincial standards. An appropriate tank would have to be selected according to soil conditions. Septic fields are the responsibility of the NS Department of Environment and that HRM has no jurisdiction regarding the issue. He further advised that there is a risk of malfunction with any system and further that the Committees concerns will be forward to the province.

Mr. Bone further advised the Committee that the plan requires a environmental study and that the Phase I Environmental Site Assessment dated August 2004 was submitted at the time the property was acquired and provides a general site assessment.

The Environmental Impact Study dated August 2005 was submitted in support of the application. The conclusions in the report are as follows:

- The proposal is not suspected to be impacted by flooding.
- That mitigative measure be put in place.
- That the buffer zone be adequate to filter sediment runoff from post construction.
- That before the site is cleared that the sewage disposal and water systems be sited, designed and approved prior to development.
- That the plan include an erosion and sediment control provision.
- That an adequate sized culvert for the watercourse crossing be designed for a 1:100 flood plain.

The afore mentioned issues would be included in the development agreement. He further advised that a Public Information meeting will be held on November 3, 2005 at 7:00 at the Basinview Elementary School.

Mr. Bone advised the Committee that there are two separate issues:

1. **The rezoning of the property** - There is nothing that can be requested of the property owner in a rezoning application. It is a yes or no question. Is there any thing that would preclude a rezoning? What are the issues relating to the design of the site and the impact of crossing the watercourse? Ms. Loney asked what the planned future uses of the site. In response, Mr. Bone commented that the development agreement would be specific to the site design, to decline the rezoning application there must be a valid reason to do so.

- 2. Development Agreement** - If the property is rezoned the Committee can make recommendations as to what would be in the agreement to allow the development to take place.

Mr. Bone advised the Committee that if a review of the application for zoning is not complete within four months it is deemed to be denied without reason, as such the applicant has grounds for an appeal. Generally, the rezoning application and development agreement are approved and negotiated at the same time, however if there are time constraints the negotiation of the development agreement can take place after the rezoning application is dealt with.

MOVED BY Mr. Lem Murphy, seconded by Ms. Elaine Loney that the Bedford Watershed Advisory Committee request that staff provide a response/clarification to the following:

- 1. Determine the source of the brook/stream coming onto the property and into the wetland. Is it a natural stream or just a result of surface water from rain events.**
- 2. Determine the amount of water that would accumulate in the parking lot and off the roof during a 1/20 rain event. Would a oily water separator handle this volume and would it increase the current high water mark of the wetlands. Would all of the storm water be directed to the wetlands? If not where would it be directed?**
- 3. Given that as many as 600 people could be in attendance at one time within the property, what type of septic field would be required to handle the volume of waste that could be generated? If a 1/20 storm event occurred at the same time could the field safely handle the volume without any threat to the wetlands? What would be the direction of flow from the bed? For example would it stay on the property and be sufficiently filtered to enter the wetlands with any damage to the wetland water quality?**
- 4. Determine if any blasting will be required in clearing the land for construction of the building of the and parking lot?**
- 5. Clarify the effect of the development on the Bedford West Strategy.**
- 6. What is the distance between the high-water mark at the location the roadway is to come onto the property. Is this location a part of the wetland or the stream/brook?**
- 7. Provide a map showing the 1:20 flood line along with clarification as to where the 100 foot setback and the 1:100 flood line is.**

MOTION PUT AND PASSED UNANIMOUSLY

4.1.4 Halifax Regional Municipality Lake Sampling Program

No update.

4.1.5 Storm Water Management: Union Street Area

The Chair advised that a final report would be available soon.

4.1.6 Paper Mill Run

No update.

5. CONSIDERATION OF DEFERRED BUSINESS - None

6. CORRESPONDENCE, PETITIONS AND DELEGATIONS - None

7. REPORTS

7.1 STAFF REPORTS

7.1.1 Case 00833 - Application by Full Gospel Church to rezone PID#41140989 from Residential Reserve (RR) Zone to Institutional Zone (SI) and develop the site as a church by development agreement

See page 4.

7.2 SUBCOMMITTEE REPORTS

7.1.1 Water Quality Inventory Committee - Paper Mill Lake: Watershed Water Quality Program

No discussion.

7.1.2 Paper Mill Lake Advisory Committee

The Chair advised the Committee that there were two infractions on Paper Mill Lake. He is currently trying to schedule a meeting to discuss the issue.

2. APPROVAL OF MINUTES - September 21, 2005

With a quorum present the following motion was placed:

MOVED BY Mr. Lem Murphy, seconded by Mr. Kevin Dean , that the minutes of September 21, 2005 be approved. MOTION PUT AND PASSED UNANIMOUSLY.

8. ADDED ITEMS

At this time the Committee agreed to discuss the following:

Gateway Investments

Mr. Dean advised that under section 2.7 of the development agreement the property requires a 20 foot buffer zone and vegetation. Further that this has not been adhered to.

The Committee members raised concern that development agreements are not being enforced by HRM.

Mr. Schaffenburg advised that he would review the development agreement.

Shore Drive Bridge

The Chair advised the Committee that the Department of Fisheries and Oceans placed a stop work order on the construction of the Shore Drive Bridge due to the salmon run, two weeks after issuing the permit to start construction. Citizens have raised concern in the event of an emergency that emergency response vehicles will have to detour to Dartmouth Road for the next six weeks.

9. NEXT MEETING - November 9, 2005

10. ADJOURNMENT

The meeting adjourned at 9:06 p.m.

Stephanie Parsons
Legislative Assistant