



BEDFORD WATERSHED ADVISORY BOARD
Wednesday, November 9, 2005
Minutes

- PRESENT:** Mr. Don Lowther, Chair
Ms. Elaine Loney
Dr. Sankar Ray
Mr. Cedric Pilkington
Mr. Kevin Dean
Ms. Kate Hadden
Councillor Len Goucher
Mr. Rick Hattin
Mr. Anthony Reeder
- REGRETS:** Mr. Lem Murphy
Ms. Deborah Gillis
Mr. Lawrence White, Vice Chair (Absent)
- STAFF:** Mr. Angus Schaffenburg, Planner II
Ms. Thea Langille-Hanna, Planner II
Ms. Stephanie Parsons, Legislative Assistant

TABLE OF CONTENTS

1.	CALL TO ORDER	3
2.	APPROVAL OF THE MINUTES	3
3.	APPROVAL OF THE AGENDA, ADDITIONS AND DELETIONS	3
4.	BUSINESS ARISING OUT OF THE MINUTES	3
4.1	Status Sheet:	3
4.1.1	Infilling of Moirs Pond	3
4.1.2	Kearney/Quarry/Paper Mill Dams	3
4.1.3	Bedford West Water Quality Monitoring Program	3
4.1.4	Halifax Regional Municipality Lake Sampling Program	4
4.1.5	Storm Water Management: Union Street Area	4
4.1.6	Paper Mill Run	4
4.1.7	Case 00833 - Application by Full Gospel Church	4
5.	CORRESPONDENCE, PETITIONS AND DELEGATIONS	5
5.1	Correspondence - None	5
5.2	Petitions - None	6
5.3	Presentations	6
5.3.1	Blue Mountain/Birch Cove Assessment Study	6
6.	REPORTS	6
6.1	STAFF REPORTS	6
6.1.1	Case 00670 Amendments to the Bedford MPS and LUB for the Crestview CCDD site	6
6.2.	SUBCOMMITTEE REPORTS	8
6.1.1	Water Quality Inventory Committee - Paper Mill Lake Watershed Water Quality Program	8
6.1.2	Paper Mill Lake Advisory Committee	9
7.	ADDED ITEMS	9
8.	NEXT MEETING	9
9.	ADJOURNMENT	9

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

The Chair introduced Mr. Anthony Reeder who was appointed to the Bedford Watershed Advisory Committee at the November 2, 2005 meeting of North West Community Council.

The Chair requested that the Legislative Assistant provide an updated membership list.

2. APPROVAL OF THE MINUTES - October 12, 2005

Amendment page 6 paragraph 7

That the minutes reflect that Ms. Loney inquired as to what are the possible future uses planned for the property.

MOVED BY Mr. Pilkington, seconded by Mr. Dean that the minutes of the October 12, 2005 meeting be approved as amended. MOTION PUT AND PASSED.

3. APPROVAL OF AGENDA, ADDITIONS AND DELETIONS

Additions:

- 7.1 Meeting schedule 2006
- 7.2 Port Authority Application
- 7.3 Gateway Investments

In response to item 7.3, Mr. Schaffenburg advised that the Development Officer is reviewing the Gateway Investments Development Agreement.

The agenda was accepted as amended.

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

4.1 Status Sheet

4.1.1 Infilling of Moirs Pond

Councillor Goucher advised that meetings between the Province, HRM and Sobey's are ongoing.

4.1.2 Kearney/Quarry/Paper Mill Dams

The Chair advised the Committee that Quarry Dam is completed. Kearney Lake Dam will be completed in 2006 and Paper Mill Lake Dam in 2007.

4.1.3 Bedford West Water Quality Monitoring Program

Mr. Pilkington advised the Committee that QEII will be repeating the test. In response to Dr. Ray he advised that one set of tests has been completed, another test is scheduled for the winter.

Mr. Hattin commented that the Bedford Watershed Advisory Board has been taking the lead in regards to Water Quality Testing, that the responsibility needs to be transferred to the municipality.

Councillor Goucher commented that staff has been supportive of the Boards work and that the Board has been able to provide a comprehensive water testing program due to its expertise. He suggested that if the Board decides to discontinue the testing, that the Board maintain the program for at least one year on an ad-hoc basis to ensure continuity.

Mr. Pilkington advised that the Board had agreed to monitor the program for three to five years.

4.1.4 Halifax Regional Municipality Lake Sampling Program - No update.

4.1.5 Storm Water Management: Union Street Area

Councillor Goucher advised that a final report would be available soon.

4.1.6 Paper Mill Run - No update.

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

The Chair advised that Mr. Bone has not received a response from the developer in regards to the Boards concerns.

Councillor Goucher advised the Committee that Mr. David Plummer, who is representing the Community of Blue Mountain and Kearney Lake Road gave a presentation at a public information meeting last week. Ms. Loney, Mr. Dean and he suggested that he give a presentation to the Bedford Watershed Advisory Committee.

C A copy of the Community of Blue Mountain and Kearney Lake Road Summary of Concerns and Statement of Strong Opposition to Case 00833 - dated November 9, 2005 was circulated to the committee for information.

Mr. David Plummer advised the Board of the residents concerns as follows:

C The scale of the development will impact the ecosystems that the Regional Plan is trying to protect. Development is being proposed without regard to the impact it will have on

- the environment, fisheries and wildlife in the area.
- C The Community opposes the re-zoning and is of the opinion that any future development is done within carefully controlled guidelines of the Regional Plan.
 - C The parcel of land contains multiple watercourses.
 - C The residents of Kearney Lake Road currently have flooding problems resulting from the runoff waters, some of which is man made. Given the fact that HRM has previously and intentionally directed water onto the lands, the flooding problems can only be exacerbated with the clear cutting of lands required to develop these properties.
 - C Changes to the natural water course and run off from Blue Mountain will increase the water flow velocity and reduce any possibility of natural absorption.
 - C The recent road repair completed by HRM to repair washed out sections of the road caused by dumping of stormwater from the Kingswood area continues to increase dramatically.
 - C A comprehensive strategic Stormwater Management Plan is required. If the application is, approved water will be driven onto adjacent lands, this water will cause problems downstream.
 - C In addition, he advised that the proposed septic field is minimal given the type of facility that is proposed, there maybe a serge during peak times of attendance.

Ms. Loney commented that the Board raised similar concerns. The information provided to the Board by staff indicated that there was minimal flow.

Mr. Hattin commented that the community has the right to bring forward their concerns to the engineering consultant that prepared the report. If the community has additional data that the consultant has not covered in their report, they are ethically bound to consider it, include it in the report and provide reasons for agreement or disagreement. He further suggested that Mr. Plummer put forward their concerns in writing and explain why they disagree with the report. The consultant must render a professional decision regardless if it is in opposition of what the client desires. It appears that the consultants report is based on the 100 ft set back requirement and 1:100 floodplain boundaries and that the community's argument against the development is that the lines on the topographical map do not represent the accurate hydrology of the area. He further suggested that he review the consultant's site assessment and impact study.

In response to questions and comments by the Committee Mr. Schaffenburg advised of the following:

- C The application will not go before the PAC, until such time that the Board has rendered their recommendation. The decision of the Board will be included in the staff report.
- C There is a re-zoning and development agreement because the development is within a water course. The property needs to be re-zoned for the development to occur.
- C The MGA Act requires that a response to a re-zoning application be made within a specific amount of time. Otherwise the application has been denied without reason, as a result the developer can appeal the decision to the Nova Scotia Utility and Review Board.

The Chair thanked Mr. Plummer for his presentation.

5. CORRESPONDENCE, PETITIONS AND DELEGATIONS

5.1 Correspondence - None

5.2 Petitions - None

5.3 Presentations

5.3.1 Blue Mountain/Birch Cove Assessment Study

- C A copy of the Blue Mountain/Birch Cove Assessment Study Request for Proposals dated September 9, 2005 was circulated to the Committee for discussion.

Mr. Brian White, Planner Environment Design and Management Limited advised the Committee that Environmental Design and Management Limited was the successful respondent to the Request for Proposal. As part of the process they are conducting extensive consultation sessions with community organizations. The scope of the project includes the following:

- C An inventory map of the areas trails, waters routes and existing natural values.
- C Identify zones of current recreational activities.
- C Propose a strategy to move ahead with the development and management of a proposed Regional Park.

He advised the Committee that his intent is to obtain feedback and input from the Board regarding potential cultural and recreational uses of the area. He further advised that he is available to come back to the Board and/or meet with members of the Board individually.

Mr. Hattin advised Mr. White that the Board is concerned with water quality. Therefore, any plan has to consider where the water starts, how it is stored, filtered and distributed. He commented that the area is densely populated and that if a 100-ft boundary is placed around the watercourse there will be limited land available for development, in addition the topography of the land will make it difficult to develop.

The Board agreed that they could not make a constructive comment at this time, further analysis and data are required. Mr. White agreed to come back at a later date with additional information.

The Chair thanked Mr. White for his presentation.

6. REPORTS

6.1 STAFF REPORTS

6.1.1 Case 00670 Amendments to the Bedford MPS and LUB for the Crestview CCDD site

- C A Memorandum dated October 25, 2005 submitted by Thea Langille- Hanna Planner II was before the Board for consideration.

Ms. Langille-Hanna advised that an application has been submitted O.L.L. Leasing and Holding Limited to amend the Bedford Municipal Planning Strategy and Land Use By-Law for the Crestview CCDD site. The application is to enable residential development in the remaining commercial component of the Crestview site. The application also includes a request for reduction in the watercourse setback requirement from 100 ft to 50 ft in accordance with Policy E- 8.

Prior to amalgamation there was a development agreement approved by the Town of Bedford in 1995. The development agreement permitted two multiple unit buildings with a total of 72 dwellings, natural open space, private recreation space and a commercial component which may include residential or institutional uses. Commercial development has not occurred in regards to the agreement. The existing property owner has indicated that commercial development is not viable in the undeveloped Phase II area. Regional Council has authorized staff to initialize the process to amend the Bedford Municipal Planning Strategy and Land Use By-law. She further advised that

- C The developers submitted a concept plan to have one building with 48 units.
- C The challenge is that
 - C there are two dwellings on the site not owned by applicant
 - C there is a private road on the property used to access other homes on the rear portion of the lot
 - C there are significant trees
 - C There is a water feature of the site that has been identified as Wyatt Brook.

Mr. Joseph Fakhri, advised that Wyatt Brook collects stormwater from upstream which is conveyed down to Bedford Highway, there is no inflow in the brook. The brook runs along the side the road. The shape of the property makes it difficult to maintain the 100-ft buffer. The property slopes down, in a north east direction toward the Bedford Highway Many environmental measures have been incorporated to ensure there is no net loss in effectiveness. It is recommended that a sediment fence be included. The bedrock is shallow which should help prevent any sediment from going into the brook.

Councillor Goucher advised that there are two houses below the site on well and septic. It is likely that there will be site disturbance and that their wells may be affected. He suggested that consideration be given to extending municipal services across the road so that those homes can have access to those services.

Mr. Dean inquired as to whether or not it has been proven that the property cannot be reasonably developed without entering the buffer zone and secondly what mitigation measures are necessary. In response to Mr. Dean, Ms. Langille-Hanna advised that there have been several proposals for the site all of which reduce the buffer. The current Development Agreement requires commercial development. Mr. Dean commented that it was must be demonstrated why it is not viable in respect to any proposal and inquired as to what has been done with respect to calculating no net flows before and after construction.

Mr. Hattin commented that the Crestview Development Public Participation Committee had discussions regarding the original application, which include the following:

- C lot coverage
- C distribution of the type of units
- C where the buildings would be built
- C what would be placed on the commercial site

Councilor Goucher also commented that there were discussions regarding the use of the property for high density, residential. Mr. Hattin advised that the comment at the time was that they could put a 48 residential unit on the property. The intent was to construct a commercial building of 10,000 square. by the Committee was to have a commercial strip along the Bedford Highway. It was well known that Wyatt Brook was considered part of the green space. Reducing the buffer would impact the green space requirement and parkland space requirement. He further advised that the main stormwater services on the Bedford Highway is a two and half foot culvert that goes under the Bedford Highway and under the train tracks. It is covered with 10 ft of rock, therefore the water has no place to go.

After further discussion the Board requested the following:

- C That a Stormwater Management Plan be included in the agreement.
- C Confirm where the storm water piping is along the Bedford Highway and identify its impact on existing wells. Identify where the Storm Water from the proposed site would flow to given that the culvert is filled in.
- C Demonstrate that the land cannot be reasonably developed without reducing the buffer.
- C That the Environmental Impact Assessment provide pre and post flow calculations.

6.2 SUBCOMMITTEE REPORTS

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

No discussion.

6.1.2 Paper Mill Lake Advisory Committee - No update.

7. ADDED ITEMS

7.1 Meeting Schedule - No discussion.

7.2 Port Authority

Mr. Hattin advised that he received a letter form Mayor Kelly indicating that his application to the Port Authority was received and will be considered.

In reference to the Concept Plan - Northgate Duke Street Bedford Mr. Hattin asked for an update. Mr. Schaffenburg advised that the concept is in keeping with the existing zone, Terrain Group may come forward at a later date with a residential application. As of right the property can be sued for institutional and industrial uses.

8. **NEXT MEETING** - December 14, 2005

9. **ADJOURNMENT**

The meeting adjourned at 8:45. p.m.

Stephanie Parsons
Legislative Assistant