

# DRAFT Meeting Minutes



## Bennery Lake Watershed Management Committee

Date: March 10, 2022

Meeting Time:

Adjourned:

Location: Virtually via Microsoft Teams

1:30 pm

3:31 pm

Member name and position		Agency/Representation
Attendees	Mike Allen (MA), Watershed Planner	NS Environment and Climate Change (NSECC)
	Barry Geddes (BG), ( <i>Vice Chair</i> ), Watershed Manager	Halifax Water
	Jan Jachimowicz, Private Land Representative	Watershed Private Landowner
	Anna McCarron (AM), ( <i>Secretary</i> ), Source Water Planner	Halifax Water
	Neil Morehouse (NM) (for Dawn MacNeill (DM)), Manager Protected Areas & Ecosystems	NSECC
	Sanjeev Tagra, Manager Water Supply Plants	Halifax Water
Regrets	Trevor Creaser (TC) ( <i>Chair</i> ), Planning & Development	Halifax Regional Municipality (HRM)
	Bernie Matlock (BM), P. Eng., Environmental Engineer	NSECC
	Paul Parusel (PP), Community Representative	Brookhill Estates
	Colin Waddell (CW), Senior Manager Water Services	Halifax Water
Guests	Madison Forward (MF), Intern Watershed Student	Dalhousie University Intern Student

### 1. Attendance / Introductions

Meeting called to order by Vice-Chair, Barry Geddes, in the Chair's absence.

Notes

Regrets conveyed (see above). Quorum noted.

### 2. Presentation on Review of Properties for PWA Regulations

Presented by Madison Forward (MF), Community Design Intern: *Bennery Lake Watershed Protected Water Area Deed Designation*

Presentation /Discussion:

15 slides presentation – see separate attachment  
Purpose of Internship:

The purpose of the Internship was to examine each of the 99 PIDs (Premises Identification) within the *Bennery Lake Watershed Protected Water Area (BLWPWA)* to determine whether the PID is registered at the Registry of Deeds, as a property that falls within the *BLWPWA* designated area, per the [Environment Act](#) on [Property Online](#) [an internet browser application that provides online access to land ownership and related information collected through the province's Land Registration Offices and other sources].

The *BLWPWA* Designation status was assessed as to whether it was registered in a covenant and/or as a textual qualification, or at all, and recorded in a spreadsheet. Other details recorded included the interest holder and type, mailing address, registration type, year and document number, and municipal land use bylaw zone.

Project goals:

The longterm goals for this project are:

- a) to create awareness for property owner(s) about the legal obligations associated with properties within the *BLWPWA* Designation by registering them under the *Designation*; and
- b) to facilitate compliance with section 106(2)(b) of the [Environment Act](#), by recording the notice of designation "at the registry of deeds and the land registration office in the county or counties in which the area is located".

Findings:

- 46.5% of the 99 *PWA* properties are registered with the *BLWPWA* Designation, of which:
  - 95.7% contain the 427 document, which is a legal document under the Registry of Deeds that describes the *BLWPWA* Designation and Regulations, and the year that document was registered (in this case 2004); and
  - the remaining 4.3% are registered under the "Textual Qualifications on Title" section of the Land Registration View of the PID on Property Online, which provides a textual reference of the *PWA*, but no specifics on the regulations or designations.

BG asked MF whether the properties with the 427 document registration were with the newer developments. MF replied that the majority of the newer properties did not have the 427 document registration; rather, it was attached to older, larger properties with no development.

Other findings were as follows:

- 39.4% of properties were registered with restrictive covenants – some registered as a burden and some registered as a benefit, which are local subdivision bylaws enforceable by the developer or the applicable subdivision members;
  - 23% of these properties with covenants mention the *Bennery Lake Watershed Water Supply Area Designation*
- Of the 21 "new" community development parcels [Phase 7 of Brookhill Estates – a subdivision (File # 11402) of Lands of Hartland Developments Ltd., 2004], only 1 had the 427 document registration online, while only 33.3% of the covenants in

this new development mention the *PWA* designation, which is very low considering it is a newly developed area.

Key take aways:

- The majority of Bennery Lake PIDs do not have the *BLWPWA* registered in the Registry of Deeds, according to Property Online.
- For those registered in the “*Textual Qualifications on Title*” section for property online, the *PWA* was referenced, but there was no mention of a provincial designation or regulations.
- Therefore, the following scenarios may apply:
  - Landowners with the 427 document registered to their deed should be aware of Designation and restrictions, but might not have the most recent version of the Regulations.
  - Landowners with only the textual qualification reference of the *PWA* registration on their deed, may be aware of the *PWA*, but have no reference defining the Designation or applicable Regulations.
  - Landowners with covenants that mention the *BLWPWA* but don’t include the Regulations may be aware of the *PWA* but may not understand what their legal responsibilities are as a landowner of property in the *PWA*.
  - Landowners with a covenant that does *not* mention the *BLWPWA* may be misled into thinking that the covenants are local subdivision bylaws, and therefore may be unaware of their obligation to uphold the provincial Regulations that apply to their property.
  - Landowners of properties with no mention of the *PWA* may not be aware of their regulatory obligations.
- The outcome of this assessment indicates that Property Online information (or lack thereof) promotes advancement of non-compliant activities and/or misunderstanding of what landowners are obligated to do on their property(s) per the *BLWPWA* Regulations.

BG asked MA: Why does only 1 of the 21 properties in the newly developed area (i.e., Cindy Drive / Hartland Drive) have the 427 document attached to its deed, if the original (parent) property had the 427 document attached to it? That is, why was the 427 document not carried forward to all the subdivided parcels besides the one?

MA replied that he was not sure, because it is typically the responsibility of the municipality to have the *PWA* designation registered for each property. One would assume that the legal designation (document 427) would be carried forward as a legal burden/benefit, similar to other easement right of way (ROW) agreements. This could be a property migration issue. The process of migrating properties is fairly new and could perhaps be creating the problem. Maybe not all items/burdens are being migrated with the original property.

BG expressed concern about the process, whereby the province requires properties to be registered but it’s the municipality’s (utility’s) responsibility to complete the task. It undermines the point of having the 427 registered when it is not carried forward as properties change hands, or are subdivided. If the municipality (utility) completes the task, as required, should it not be automatically carried forward? If this is not the case could this be a province-wide issue?

MA replied that normally it should be carried forward as a burden for those areas inside the PWA.

BG virtually displayed the newly developed area off Cindy and Hartland drives; which included the parent parcel and associated infant parcels. The parent parcel (PID 00512186) references the *BLWPWA* under the *Textual Qualifications on Title* heading, however, there appears to be inconsistent references as to how the *PWA* is documented in the subdivided infant parcels, if at all. Therefore, despite being created at the same time (referring to infant parcels) through a subdivision development, there appears to be no consistent protocol to follow how, why, and if the burden is to be carried forward. For instance, some infant parcels reference the *PWA* through covenants, some do not reference the *PWA* at all, and one references the 427 document with respect to the *BLWPWA* Regulations under one parent parcel.

MF has completed the majority of the foundation workload. What remains is to register the *PWA* with the parcels that should have the Designation, which is similar to the process MA described when designating a new *PWA*; i.e., it's the municipality's (utility's) responsibility.

BG asked MA to find out whether once the parcel is registered, should the burden be carried forward. Is this an isolated incident of the *BLWPWA* burden not being carried forward or is this a province-wide concern for all municipalities / utilities?

MA responded that for newer designations, the municipality is required to complete the process. The older designations were brought in before this process was refined and may be in the same position as Halifax Water. You raised an issue that needs to be investigated further, not only with older designations, but as parcels are subdivided or change hands, especially in areas where there is much growth as in HRM and East Hants.

MF continued her presentation by sharing a detailed spreadsheet of the *PWA* status of each property reflecting the above discussion(s), which further demonstrated the inconsistencies of the *BLWPWA* statuses attached to each deed.

BG asked MA what year the province required the *PWA* to be attached to the deed. Could it have been around 2004 (referring to the year the 427 document was registered to the properties inside the Bennery Lake PWA)?

MA replied that he was not sure, but NSECC guidance documents go back that far, which is one of the things that is required. That could be the failure point for *PWAs* prior to that time for *PWAs* to be carried forward.

BG shared another finding about Lake Major's and Pockwock's *PWAs*, which were created prior to 2004, as follows: MF's project included assessment of about half of the *Lake Major Watershed PWA (LMWPWA)* PIDs on Property Online. MF found no mention of the *LMWPWA* in any of those property deeds.

Pockwock is not a priority because all lands within the *PWA* were expropriated by the province in the 1970s and designated for the purpose of protecting the watershed. The province and Halifax Water work closely together to manage the *Pockwock Lake Watershed PWA* lands, therefore, there is little concern with the lands being mismanaged in that area.

AM asked MA what is the difference is between a burden and a benefit.

MA replied that the quick and easy way to remember the difference is that a burden is defined as conditions set against a property and a benefit is a condition in favour

	<p>of the property. For example, a water access easement, where a property has access to water across another property, is considered a benefit to that property, while the property the water access crosses is considered to have a burden.</p> <p>BG asked MA: if the municipality/utility does all the work to make sure the burden/benefit is registered with the deed and it is not carried forward when the lands are sold or subdivided, who is at fault?</p> <p>MA replied that this is a high priority on his list for this and other municipal watersheds. He will investigate to see if it is an issue elsewhere and whether it needs to be addressed and how.</p> <p>BG added that this is a high priority for Halifax Water to address as well, so it can effectively manage the watershed(s). For example, if the burden / benefit is dropped every time a new landowner assumes ownership, then it may get overlooked by HRM and NSECC during the planning and permitting process as well, subsequently leading to implications that could have adverse effects on the watershed and supply, which otherwise could have been avoided.</p>						
Decision	<ol style="list-style-type: none"> <li>1. Register the <i>BLWPWA</i> as a burden on all applicable PIDs, consistently.</li> <li>2. Investigate whether the <i>BLWPWA</i> burden is being carried forward once parcels are sold and/or subdivided as they relate to Bennery Lake PWA and/or PWAs across the province.</li> </ol>						
Action Items:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Person Responsible</th> <th style="width: 40%;">Deadline</th> </tr> </thead> <tbody> <tr> <td data-bbox="940 951 1227 1039">1. Register the <i>BLWPWA</i> designation and regulations on all applicable PIDS as a burden, consistently.</td> <td data-bbox="1227 951 1476 1039">HW December 31, 2022</td> </tr> <tr> <td data-bbox="940 1039 1227 1230">2. Investigate whether a PWA designation is supposed to be carried forward as a burden once parcels are sold or subdivided, as standard practice across the province, and whether the omissions in this regard in the <i>BLWPWA</i> are unique to the <i>BLWPWA</i></td> <td data-bbox="1227 1039 1476 1230">MA September 2022 Meeting</td> </tr> </tbody> </table>	Person Responsible	Deadline	1. Register the <i>BLWPWA</i> designation and regulations on all applicable PIDS as a burden, consistently.	HW December 31, 2022	2. Investigate whether a PWA designation is supposed to be carried forward as a burden once parcels are sold or subdivided, as standard practice across the province, and whether the omissions in this regard in the <i>BLWPWA</i> are unique to the <i>BLWPWA</i>	MA September 2022 Meeting
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<b>3. Review and Approval</b>		
a. March 10, 2022 Meeting Agenda		
Discussion:	No additions or changes	
Decision:	Approved as presented	
Motion by AM to approve the Agenda with the addition described above.	Seconded by JJ.	All in favour.
b. October 14, 2021 Meeting Minutes		
Discussion:	Review and approval	
Decision:	Approved as presented	
Motion by AM to approve October 14 2021 Meeting Minutes as presented.	Seconded by JJ	All in favour.

**4. Old Business**

**a. Shubenacadie Lakes Floodplain Study Presentation (Discussion)**

Discussion: Deferred due to TC’s absence.

Decision: Deferred until information is available.

Action Items	Person Responsible	Deadline
1. Follow up with HRM to see what the status is of the Floodplain Studies.	TC	Next meeting
2. Send Floodplain Study Report to members for consideration once it becomes available.	AM	Pending
3. Review the Study Report to determine whether it warrants a presentation to the BLWAC.	All	Pending

**b. Water Quality Updates**

Discussion: The Bennery Lake Water Supply Plant (WSP) is experiencing complications with the treatment process due to high total organic carbon (TOC) levels. This has been an issue since the heavy rainfall events started in late summer (2021). No public health risks or “out of compliance” levels were reached.

In February 2022, Halifax Water staff conducted ice sampling for the first time. Samples were collected at 5 different sites within a 1.5 km stretch of the lake, starting at the most southerly end where Sullivan Lake Brook runs into Bennery Lake and ending where Dark Lake Brook runs into Bennery Lake (Google image was displayed). All 5 sample points had very noticeable, but different, organic concentrations.

BG showed the Committee pictures of the colour differentiation – tea colour variations – between three of the water samples, which were taken just below the ice. Halifax Water is awaiting third party lab analysis results of the samples collected. The ice above the samples was also tea coloured, which indicated that high concentrations of TOC may be locked up in the ice. The theory is that the high rainfall events that occurred last fall, washed high amounts of organic carbon into the lake, which then quickly froze before the carbon had a chance to settle out and/or flush out of the system. Halifax Water is concerned that it may carry through into the summer, once the ice thaws, releasing the frozen concentrations. This phenomenon is not isolated to Bennery Lake. We are observing similar phenomena in other water supplies.

Also, the ice was thicker this year on Bennery Lake – 11-14 inches compared to 4-6 inches observed in the previous 5/6 years.

JJ asked if there was a limited water draw over the past 2 years at the airport because of Covid restrictions and if so, could that have had any impact on the water quality.

BG replied that demand for water was down but Halifax Water continued to draw water from the lake to meet chlorine levels and was not sure if this was a contributing factor.

BG explained that in addition to the rainfall events, other factors could be contributing to the rise in TOC, including local bedrock, soil, and wetland and vegetation cover. Moving south to north, these natural features historically have had a negative impact

	on the supply with the thicker mineral soils to the south and large organic wetland complexes to the north. Adjustments to the process are ongoing and water quality monitoring will continue.		
Decision:	Information only.		
Action Items		Person Responsible	Deadline
Keep on Agenda for emerging information.		AM	Ongoing
<b>c. Viewpoint Consultation</b>			
Discussion:	MA advised that since the last meeting, staff was assigned to complete the task of advancement of data sharing with Viewpoint. Due to restrictions around sharing info, only the <i>PWA</i> shapefiles can be shared. Viewpoint pulls the info it needs from Google. Google references the <a href="#">Nova Scotia Geodatabase</a> . If we update the Geodatabase with the data, then it should make its way into Viewpoint via this process; if Viewpoint chooses to upload it. MA will send confirmation when the information is uploaded to the Geodatabase.		
Decision:	Ongoing		
Action Item:		Person Responsible	Deadline
Show properties with <i>PWA</i> regulations attached to them on <a href="#">Viewpoint Realty</a> .		MA	Pending
<b>d. Covenants with Deed</b>			
Discussion:	As per the presentation by Madison Forward.		
Decision	Ongoing item.		
Action Items		Person Responsible	Deadline
Investigate which properties within the <i>Bennery Lake Watershed Protected Water Area</i> are registered as a designated <i>PWA</i> at the Registry of Deeds per <i>Environment Act</i> requirements.		BG	Complete Next actions described under presentation

**5. New Business**

**a. 143 Cindy Drive New Build**

Discussion:	BG/AM came across a new build at 143 Cindy Drive on March 3, 2022 while conducting watershed site visits. BG spoke with the on-site contractor who was unaware of the <i>BLWPWA</i> . The landowner/developer was contacted while on site, via site contact info. They were unaware of the <i>PWA</i> as well. [It was subsequently confirmed that the <i>PWA</i> was not on the deed; however, there is mention under the list of “Burdens on the Registered Interests” on Property Online that “this lot will be subject to restrictive covenants when the deed out is recorded.” Which restrictive covenant that refers to is not known; there are other restrictive		
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	<p>covenants associated with the parent developer, Hartland Developments Ltd., to which the restrictive covenants could be referencing rather than the <i>PWA</i>.]</p> <p>The current landowner/developer was informed that the <i>PWA</i> regulations would be sent via email to make them aware of the legal obligations associated with that property. They indicated they were building a house for a buyer.</p> <p>Site visit observations were as follows:</p> <ul style="list-style-type: none"> <li>• on-site sewage disposal system (OSSDS) yet to be built – planned C2 modified;</li> <li>• portable toilet on site – no concerns;</li> <li>• power on site – no concerns;</li> <li>• portable generator was on site, in an enclosed trailer with spill kit – no concerns;</li> <li>• no garbage observed;</li> <li>• unable to confirm the date the driveway was put in;</li> <li>• watershed signage was in the area and clearly visible;</li> <li>• 30 m vegetative buffer was respected except for drainage channel cut through to wetland for drainage tile from house. Spoke with owner who acknowledged the channel would be reclaimed and allowed to return to natural conditions; and</li> <li>• HRM was contacted while on site, who confirmed that no building permit was previously sent to Halifax Water. HRM sent the building permit via email while on site. The permit was issued November 23, 2021.</li> </ul> <p>This is another example of the importance of Halifax Water receiving the applicable permits and approvals. This is an ongoing discussion with Halifax Water, HRM and NSECC.</p>
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Decision:	Send landowner information to increase awareness of the <i>PWA</i> and legal obligations.
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Action Items	Person Responsible	Deadline
Send <i>BLWPWA</i> Regulations to landowner to raise awareness of the property owner’s legal obligation	BG	March 31, 2022

**b. Source Water Protection 2021 Annual Report – Bennery Lake Excerpt**

Discussion:	BG shared the SWP Annual Report Bennery Lake Excerpt with the Committee.
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Decision:	The Committttee to review the report and have comments to BG by March 21.
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Action Items	Person Responsible	Deadline
Committee to review and provide comments	All	March 21, 2022

**6. Municipal Planning Update**

**a. Oakfield Estates Subdivision**

Discussion:	TC not available to comment due to his absence.
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Decision:	Deferred.
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Action items:	Person Responsible	Deadline
Defer to next meeting.	AM	



b. Notification of new builds		
Discussion:	<p>Halifax Water is trying to maintain the notification processes about development activity in its <i>PWAs</i> to facilitate Halifax Water’s ability to meet its <i>PWA</i> obligations. For instance, the way the 143 Cindy Drive new build was discovered (see 5.a. above) is an excellent illustration of the need to establish better communications between HRM, NSECC and Halifax Water about new development permits and approvals.</p> <p>One way to improve communication is outlined in section 6. <i>c. HRM GIS Mapping trigger for PWA development</i> below.</p> <p>Another way, which had been established to alert Halifax Water of new builds that might otherwise have escaped the scrutiny of HRM and Halifax Engineering, was for BG to be notified by NSECC of OSSDS applications.</p> <p>MA confirmed that NSECC notifications had stopped being sent to Halifax Water, at Halifax Water’s request.</p>	
Decision:	<p>BG will have Halifax Water re-establish NSECC notifications.</p> <p>Further discussion regarding improved sharing of development permits, applications and approvals between Halifax Water and HRM, to facilitate Halifax Water’s ability to meet its <i>PWA</i> obligations was deferred due to TC’s absence.</p>	
Action items:	Person Responsible	Deadline
Halifax Water to contact NSECC to re-establish notifications of OSSDS applications.	BG	September 2022 meeting
c. HRM GIS Mapping Trigger for Development in PWA		
Discussion:	<p><u>Background:</u> TC to consult with Kurt Pyle (HRM GIS coordinator) and his group regarding GIS mapping options to generate a trigger to the reviewer when a development application falls within the HRM drinking water supply areas. A trigger would provide a notification standard within the permitting process that would alert the reviewer about watershed boundary locations, so developments within the <i>PWAs</i> are afforded the regulatory regime required to protect water supply areas from potential impacts on them, particularly in the Bennery, Major and Pockwock lake <i>PWAs</i>.</p> <p>Further discussion deferred until TC is available to comment.</p>	
Decision:	Deferred until TC is available to discuss.	
Action Items	Person Responsible	Deadline
Consult with Kurt Pyle and his group at HRM to discuss notification via triggers when developments fall inside the Bennery Lake Watershed <i>PWA</i> (as well as Lake Major’s and Pockwock’s) through GIS mapping of the water supply areas; and consider making the watershed boundaries a custom position on the permit.	TC	Consultation completed. Awaiting HRM’s response.
d. 211 Sky Boulevard		
Discussion:	<p><u>Background:</u> A wetland study has been completed; and the landowner indicated they were going to submit an application to HRM.</p>	

Decision:	Leave on agenda until TC is available to provide update.	
Action Items	Person Responsible	Deadline
Defer to next meeting.	All	
<b>e. 301 Sky Boulevard (GP-2021-02738)</b>		
Discussion:	HRM has put this development on hold.	
Decision:	Deferred until there is something to report or it is decided to remove from agenda.	
Action Items	Person Responsible	Deadline
Defer to next meeting.	All	

<b>7. Landowner Q&amp;A</b>		
<b>a. Community representative</b>		
<i>i. GIS coordinates of hunting blinds to alert WSP staff</i>		
Discussion	<p><u>Background:</u> PP reported at last meeting about seeing hunting blinds directly across from the WSP.</p> <p>BG reported that he found 3 blinds on the west side of the lake –two old ones found on Halifax Water lands, which were removed, and one blind, which remains and is located outside of the PWA and off Halifax Water private lands. BG will continue to monitor it.</p> <p>PP not available to provide an update on his sightings due to his absence.</p>	
Decision	Deferred until PP is available to provide an update.	
Action Items	Person Responsible	Deadline
Send GPS coordinates of hunting blinds encountered during hikes in the watershed.	PP	Next time in the area for a hike
<b>b. Watershed Private Landowner</b>		
Discussion:	Nothing to report	
Decision:	Nothing to report	
Action Items:	Person Responsible	Deadline
Nothing to report.		
<b>c. Nature Reserve</b>		
Discussion:	Nothing to report	
Decision:	Nothing to report	
Action Items	Person Responsible	Deadline
Nothing to report.		

**8. Education Updates**

**a. Template of education and awareness**

**Discussion:** Background: Plan is to create an advertisement similar to those issued for the Pockwock and Lake Major protected water areas, outlining in a table the recreational restrictions pertaining to the PWAs and illustrating the PWA and Halifax Water land areas on a map.  
 AM displayed the most recent Lake Major Newsletter (Vol. 13 Issue 1) to demonstrate. The Committee agreed it was a good idea to issue such an advertisement.  
 This action item was not acted upon, therefore, complete this action item before creating new items.

**Decision:** Create an ad to post in local newsletters (e.g., The Laker) to increase awareness of the *Bennery Lake PWA* recreational restrictions and where all Halifax Water PWAs and Halifax Water private lands are, similar to the Lake Major newsletter.

Action Items:	Person Responsible	Deadline
1. Create a Q&A one-pager for the area that is seasonally appropriate. PP to work with BG and AM regarding the information, by sending a list when prompted by BG/AM.	AM/PP	Pending
2. Create and submit an ad in the local newspaper to increase awareness of PWA recreational restrictions	BG/AM	Next Meeting

**9. Election of Officers – Fall 2023**

**10. Next Meeting: 1:30pm – 3:30pm – September 29, 2022 via MS Teams.**

**11. Adjournment: BG moved to adjourn**

Minutes Respectfully Submitted by: Barry Geddes, Vice Chair (Acting Chair) and Anna McCarron, Secretary of the Bennery Lake Watershed Management Committee.