

Meeting Minutes



Bennery Lake Watershed Management Committee

Date: October 14, 2021

Meeting Time:
10:00 am

Adjourned:
11:30 pm

Location: Virtually via Microsoft Teams

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

1. Attendance / Introductions

Meeting called to order by Chair, Trevor Creaser

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| Notes | Regrets conveyed (see above). Quorum noted. |
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2. Review and Approval

a. October 21, 2021 Meeting Agenda

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| Discussion: | The need to create GIS coordinates of hunting blinds and alert WSP staff of their locations added to the Landowner Q&A section of the Agenda – Item 7.a.i. |
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| Decision: | Approve Agenda with additions described above. |
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| Motion by BG to approve the Agenda with the addition described above. | Seconded by CW. | All in favour. |
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| b. March 11, 2021 Meeting Minutes | | |
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| Discussion: | Review and approval of March 11, 2021 DRAFT meeting minutes. | |
| Decision: | Approved with no changes. | |
| Motion by BG to approve March 11 2021 Meeting Minutes as presented. | Seconded by PP seconded. | All in favour. |

3. Old Business

a. Aerial Tour of the Watershed

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| Discussion: | <p>AM provided the following update:</p> <p>Originally suggested by Dawn MacNeill (DM) of NSECC, a helicopter tour of the watershed was to be scheduled for Committee members to provide context of the watershed from the air. However, Covid restrictions postponed the tour.</p> <p>BG suggested removing this item from the Agenda and revisiting it when Covid and logistical conditions improve.</p> <p>There are talks of conducting a helicopter tour for the Pockwock Watershed Management Committee through DNRR. BG will inquire if the Bennery Lake Watershed Advisory Committee members could piggy-back on that tour, if it takes place.</p> | | |
| Decision: | <p>BG will inquire as to whether a helicopter tour of the Bennery Lake watershed can piggyback on a helicopter tour of Pockwock watershed, if it occurs.</p> <p>Remove from agenda until tour conditions are favourable and arrangements can be made.</p> | | |
| Action Items: | Person Responsible | Deadline | |
| BG will inquire about piggybacking on a Pockwock helicopter tour for Bennery Lake. | BG | Pending conditions. | |
| Remove from agenda in meantime. | AM | Complete | |

b. Shubenacadie Lakes Floodplain Study Presentation (Discussion)

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| Discussion: | <p>AM provided background on the Shubenacadie Lakes Floodplain & Sackville Rivers Mitigation Studies commissioned by HRM. As discussed at previous meetings, the Bennery Lake Watershed Management Committee (BLWMC) wants to review the Studies to assess whether a presentation to the Committee is warranted; i.e., does it apply to the Bennery Lake watershed area.</p> <p>There has been no progress on this since our March 3, 2021 meeting. The study will not be accessible to the public, at least until HRM Council has heard the presentation.</p> <p>It is unclear where the study sits. TC offered to check on its status.</p> | | |
| Decision: | TC to check on the status of the study with HRM staff. | | |
| Action Items | Person Responsible | Deadline | |
| 1. Follow up with HRM to see what the status is of the Floodplain Studies. | TC | March 10, 2022 | |

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| 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 |
| c. Water Quality | | |
| <i>i. Manganese Study Report</i> | | |
| Discussion: | CW advised that the Manganese “study” was not that; rather it was an internal exercise to optimize the water treatment plant process. There is no impact to the watershed. CW suggested that this item (3.c.i.) be removed from the agenda. | |
| Decision: | The Committee agreed to remove this item from the agenda. | |
| Action Items | Person Responsible | Deadline |
| Remove from agenda. | AM | Complete |
| d. Viewpoint Consultation | | |
| Discussion: | <p>MA advised that there has been no movement on this item since our last meeting. The province shares its GIS staff across various branches within the department. Tasks are completed based on staff availability and priority. GIS staff are finishing up on work regarding the <i>Coastal Act</i> and moving on to fulfill the request by the Middle Musquodoboit Watershed Advisory Committee; i.e., to share watershed layers with the Department of Agriculture (DoA) and the Federation of Agriculture (FoA). GIS staff are hoping to complete the DoA and Viewpoint tasks at the same time, since they are both related to source water protection.</p> <p>The process for sharing information outside of organizations is cumbersome. In this case, the information being shared with the FoA, which is an arms-length organization of the DoA, first must be reviewed and cleared by the DoA. NSECC are then hoping that they can send the pertinent information about regulated <i>Protected Water Areas (PWA)</i> to Viewpoint Realty.</p> <p>MA indicated that this is a priority for the GIS staff member assigned to the task and will be completed as soon as possible.</p> | |
| Decision: | Keep on the Agenda. | |
| Action Item: | Person Responsible | Deadline |
| Show properties with <i>PWA</i> regulations attached to them on Viewpoint Realty . | MA | Pending |
| e. Covenants with Deed | | |
| Discussion: | <p>BG advised the Committee that investigating which <i>Bennery Lake Watershed Protected Water Area (BLWPWA)</i> properties have been registered with the Registry of Deeds, as per the <i>Environment Act</i>, was not previously completed due to limited resources.</p> <p>Halifax Water is considering commissioning a planning student intern from Dalhousie University’s Community Design Program to do the investigative work. Plans are in place with Dalhousie University to post the position and identify candidates.</p> | |

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| | <p>The project will investigate which applicable PIDs have been registered as a <i>Protected Water Area (PWA)</i> within the Registry of Deeds. Once the unregistered applicable properties have been identified, the process to register these properties will begin. This will provide current property owners, or new ones, with an increased awareness of the <i>PWA Regulations</i> and the legal obligations associated with them.</p> <p>Some properties have covenants that indicate which activities within the watershed are not allowed, but at the subdivision level. This process will attach the <i>PWA regulations</i> to the deed, thereby increasing legal awareness.</p> <p>Q: What is the process? (AM) A: With new <i>PWAs</i>, it's the utility's responsibility to ensure the <i>PWA</i> designation is linked to the properties at the Registry of Deeds, so when property searches are conducted, the designation will appear. It is my understanding that updating the older <i>PWAs</i> that do not have their properties registered is a similar process.(MA)</p> | |
| 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 as per <i>Environment Act</i> requirements. | BG | Ongoing |
| f. Minor Tree Cutting in Bennery Lake watershed | | |
| i. Landowner Development Plan | | |
| Discussion: | <p>BG updated the Committee regarding the 301 Sky Boulevard minor tree cutting incident, whereby <1/3 of an acre was cut inside the <i>PWA</i>. The landowner was contacted and informed of the <i>Bennery Lake Watershed PWA</i> designation and their legal obligation to abide by the regulations that apply within the <i>PWA</i>. Cutting stopped and no development occurred.</p> <p>In the summer, the landowner called Halifax Water to see if it had received an approved Lot Grading permit for a parking lot for 301 Sky Boulevard. Halifax Water had not received the permit and contacted HRM. HRM confirmed the Lot Grading permit was issued for 301 Sky Boulevard. HRM recinded the permit until the plan could be resubmitted and reviewed by Halifax Water and the Bennery Lake Watershed Management Committee (BLWMC).</p> <p>TC advised that this application was missed because of the new permitting process for the Lot Grading bylaw; HRM's development section did not have a chance to see it and it was not tagged for any specific use.</p> <p>The landowner was informed by Halifax Water that he must complete a wetland study for his property and to provide the necessary information to Halifax Water.</p> <p>The landowner was made aware that once his plans are submitted to HRM, they will be forwarded to Halifax Water and the Bennery Lake Watershed Management Committee (BLWMC) for futher comments.</p> <p>Q: What is the status of the plan? (AM)</p> | |

| | A: We haven't received any correspondence from the landowner since July (2021). We requested revisions and clarification. The zone restricts the size of vehicle holding areas. (TC) | |
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| Decision: | The permit from HRM is on hold until the landowner prepares a plan describing the intended development of the lands. BG informed the landowner that the plan must be submitted first to HRM, who will then forward it to Halifax Water for further comment. | |
| Action Items | Person Responsible | Deadline |
| Committee to review and provide comments and recommendations regarding this development application after the required information is provided by the landowner and received by Halifax Water and HRM. | All | Pending receipt of the development plan. |

4. New Business

a. 211 Sky Boulevard

| Discussion: | <p>BG advised the Committee that the landowner at 211 Sky Boulevard wants to develop lands within the <i>Bennery Lake Watershed PWA</i> for commercial use. The landowner approached Halifax Water to see how much land he could develop before going to HRM. A wetland study was completed and submitted to Halifax Water. The wetland study and initial plans showed that the footprint of the disturbed area lies within wetlands in the <i>PWA</i>. Wetlands within a <i>PWA</i> are considered "Wetlands of Special Significance" per the Nova Scotia Wetland Conservation Policy (p. 12) and require Ministerial approval to disturb. In the summer, Halifax Water completed a site visit and confirmed that water from the wetlands stayed within the <i>PWA</i> boundary and therefore could not support any wetland alteration.</p> <p>Halifax Water expressed concern about the impact that this development could have had on the <i>PWA</i> if the wetlands had been allowed to be developed. The Committee did not feel it could support the wetland alteration as it meant destroying wetlands, which act as a natural filter for the water flowing through this area of the <i>PWA</i>. Further, the water flowing from this area also could have posed a negative impact on the Bennery Lake Nature Reserve, had the wetland been removed or compromised.</p> <p>BG recommended the landowner submit the development application to HRM for further comment as part of the process.</p> <p>TC confirmed that HRM did not receive any application for 211 Sky Boulevard.</p> | |
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| Decision: | Information item only. | |
| Action Items | Person Responsible | Deadline |
| No action required at this time. | | |

5. Municipal Planning Update

a. Oakfield Estates Subdivision

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| Discussion: | TC advised the Committee that he had nothing new to report since the last meeting. Originally, the Oakfield Estates development plan was rejected by HRM. It |
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| | is currently undergoing an appeal process with Nova Scotia Utilities and Review Board (UARB). | | |
| Decision: | Ongoing | | |
| Action items: | Person Responsible | Deadline | |
| No action at this time. | | | |
| b. Notification of new builds | | | |
| Discussion: | TC did not have a chance to discuss with planning staff. No update | | |
| Decision: | Report at next meeting | | |
| Action items: | Person Responsible | Deadline | |
| No action at this time. | | | |
| c. HRM GIS mapping - trigger for PWA development | | | |
| Discussion: | 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 PWAs are afforded the regulatory regime required to protect water supply areas from potential impacts on them, particularly in the Bennery, Major and Pockwock lake PWAs. | | |
| Decision: | Ongoing | | |
| 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 PWA (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. | |

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| 6. Landowner Q&A | | | |
| a. Community representative | | | |
| Discussion: | <p>PP had nothing new to report. It has been a quiet year. PP has noticed that the new signs appear to have reduced traffic.</p> <p>BG updated the Committee on the improved security and public safety items, advising that Halifax Water has purchased orange boundary flagging tape, stamped with the wording "Watershed Boundary" to mark the location of the watershed boundary. This should help to improve public awareness about where the <i>Bennery Lake Watershed PWA</i> designated boundary is.</p> <p>Halifax Water installed a new security gate, camera and "No Trespassing" signs at at the new entrance to the water treatment plant access road.</p> | | |

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| | <p>BG added that “No Trespassing” signs will be posted at main access points along the pipeline road for public and staff safety. The road is meant for treatment plant deliveries and staff access. These access points will no longer be open for public use. Other areas of the watershed, off Hartland Drive and Brookhill Estates are still accessible by foot.</p> <p>Q: <i>What does this mean for hunters, considering hunting season is about to start? According to the hunting regulations, anyone can hunt anywhere in NS. (PP)</i></p> <p>A: Hunters can access forested land unless it is posted with “No Trespassing” or “No Hunting” signs, or they are informed they are trespassing. No person(s) can knowingly trespass or disobey posted signage. Once that person(s) is informed that they are trespassing, they could be charged if they were to return. (BG)</p> <p>In other areas where we experience public disregard for posted signs, Halifax Water has installed additional fencing to deter the problem. If trespassing becomes a problem, we will consider installing additional fencing to create a defined boundary. We then monitor it over a year and reassess to see if more fencing is needed.</p> <p>TC reviewed the hunting regulations which state: <i>Without permission or consent of the occupier, one cannot enter onto a premises that is enclosed in a manner that is intended to keep person(s) off the premises or animals on</i>, which means that the fencing at the main entrance is intended to keep the public out.</p> | |
| Decision: | Information item. | |
| Action Items | Person Responsible | Deadline |
| No action required. | | |
| i. GIS coordinates of hunting blinds to alert WSP staff | | |
| Discussion | <p>PP did not get a chance to get the GPS locations of the blinds (from last year). He is waiting for hunting season to start to see if the stands are still there.</p> <p>BG reported that he found 3 blinds on the west side of the lake: the two old ones found on Halifax Water lands, which were removed; and one blind, which remains located outside of the PWA and off Halifax Water private lands. BG will continue to monitor it to see if anything changes there.</p> | |
| Decision | PP will report the locations of the hunting blinds when he is in the area next. | |
| 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. Watershed Private Landowner | | |
| Discussion: | Representative name changed from “Large Landowner” to “Watershed Private Landowner” | |
| Decision: | Nothing to report | |
| Action Items: | Person Responsible | Deadline |
| Nothing to report. | | |
| c. Nature Reserve | | |

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| Discussion: | Name change from Crown Land to Nature Reserve | | |
| Decision: | Nothing to report | | |
| Action Items | Person Responsible | Deadline | |
| Nothing to report. | | | |

7. Education Updates

a. Template of education and awareness

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| Discussion: | BG discussed creating an advertisement similar to those issued for the Pockwock and Lake Major protected water areas, which outlines in a table the recreational restrictions pertaining to the PWAs and illustrates 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. | | |
| Decision: | Create an ad to be posted in local newsletters (e.g., The Laker) to increase awareness of the <i>Bennery Lake PWA</i> recreational restrictions and where all Halifax Water PWAs and Halifax Water private lands are, similar to the Lake Major newsletter creation. | | |
| 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 | |

8. Election of Officers

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| Discussion: | Chair – Trevor Creasor to remain as Chair for next 2-year term (2023) Vice Chair – Barry Geddes to remain as Vice Chair for next 2-year term (2023) Secretary – Anna McCarron to remain as Secretary for the next 2-year term (2023) | | |
| Decision: | Complete | | |

9. Next Meeting: 10:00am – 12:00pm - March 10, 2022 via MStTeams.

10. Adjournment: BG moved to adjourn

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