



Bennery Lake Watershed Management Committee Meeting Minutes

Bennery Lake Watershed Management Committee

Date: October 25, 2023		Meeting Time: 10:00 a.m.	Adjourned: 12:00 p.m.
Location: Virtual via Microsoft Teams and in-person at Park Ave.			
Member name and position:		Agency/Representation	
Attendees:	Mike Allen (MA), Watershed Planner (virtual)	NS Environment and Climate Change (NSECC)	
	Trevor Creaser (TC) (<i>Chair</i>), Planning & Development (virtual)	Halifax Regional Municipality (HRM)	
	Greg Cummings, Watershed Planner (virtual)	NSECC	
	Barry Geddes (BG), (<i>Vice Chair</i>), Watershed Manager	Halifax Water	
	AnM McCarron (AnM), (<i>Secretary</i>), Source Water Planner	Halifax Water	
	Jean-Charles Finnigan (JC), P. Eng., Environmental Engineer (virtual)	NSECC	
	AIM Murray (AIM), Manager Water Supply Plants	Halifax Water	
	Heather Olivella (HO), Protected Areas Coordinator (virtual)	NSECC (Central Region)	
	Ria Steenweg (Ria), alternate for Paul Parusel (PP)	General Public – District 2	
Regrets:	Paul Parusel (PP), Representative	General Public – District 2	
	Vacant	Bennery Lake Watershed Private Landowner	
	Colin Waddell (CW), Acting Director Operations	Halifax Water	
Guest:	Anne Totten (AT), Planner III (virtual)	HRM	

1. Attendance / Introductions:

Meeting called to order by Chair, Trevor Creaser:

Notes:	<p>Attendance/Introductions:</p> <ul style="list-style-type: none"> • six (6) attending virtually (noted above); • Ria Steenberg introduced as the alternate for Paul Parusel – District 2 representative; • Anne Totten attending as a guest presenter for Case 22009 – Aerotech Business Park Rezoning; • Regrets conveyed (noted above); • Quorum noted; and • The Committee was reminded that the meeting is being recorded via Teams for minute taking purposes. Once the minutes are approved, recordings are deleted.
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2. Case 22009 – Aerotech Business Park Rezoning Presentation (Power Point via Teams)

Discussion:	<p>The following is an overview of Anne Totten’s (AT) presentation, followed by discussion points and action items.</p> <p>AT advised that HRM is facing a shortage of industrial lands. Expansion of the Aerotech Business Park was recommended in two studies – Part I of the Business Parks Functional Plan (BFPF), and in 2021, the Industrial Employment Lands Strategy (IELS) – as a means to accommodate increasing demand for industrial lands in HRM. Aerotech Business Park policies were originally developed in the 1980s. The area was originally zoned to support an aerospace and technology campus, which subsequently limited what is permitted on this land.</p> <p>HRM is updating the policies and zoning for the Aerotech Business Park to enhance the protection of the Bennery Lake watershed and a number of wetlands that border the area, while considering service expansion in the area.</p> <p><u>Proposed changes under the Regional Plan (RP) Review Process:</u></p> <p>HRM is proposing to redesignate the Aerotech area from <i>Rural Commuter (RC)</i> to <i>Urban Settlement (US)</i>. Urban Settlement will allow service expansion to the area that is not allowed under the RC designation. To facilitate this change, studies that consider infrastructure needs, servicing capacity, and environmental impacts are needed. In the meantime, a new <i>Urban Settlement-Employment (US-E)</i> zone is proposed for this area until the studies are completed. The <i>US-E</i> designation would limit area uses, in accordance with the studies, to utilities, conservation and public parks, while stipulating that future use will be for industrial and employment, not residential uses.</p> <p><u>Proposed changes under the Secondary Municipal Planning Strategy (SMPS) – Shubenacadie Lakes Plan (Planning Districts 14 and 17):</u></p> <p><i>HRM is proposing to expand the WS designation by combining the former designations; i.e., Airport Industrial, Resource and Protected Areas, adopted in the 1990s before the Bennery Lake Watershed Protected Water Area regulations were enacted; and applying the WS designation to all areas currently under provincial regulations. New policy will also be added to guide Council on any expansion of the Bennery Lake system.</i></p> <p><u>Proposed changes to Land-use Bylaws (LUB):</u></p> <p>Expanding the WS designation will allow HRM to apply the <i>PWS</i> zone to the whole provincially regulated area and align the <i>PWS</i> language to the provincial <i>Bennery Lake Watershed PWA Regulations</i>; i.e., 100 m setback from Bennery Lake and 30 m setback from all other watercourses; single unit dwellings permitted with NSECC and HW permission; and removal of the 80,000 sq. ft. minimum lot size because it is not mentioned in the <i>Bennery Lake Watershed PWA Regulations</i>.</p> <p>AT advised that the RP is currently under review and that any designation and/or bylaw changes within the Aerotech Business Park will be proposed to Council before the Regional Plan Review changes go to Council. First reading of the Aerotech Business Park bylaw changes are scheduled to be presented to Council in November.</p> <p>BG advised the HRM staff attending that any impacts the zoning changes have on Halifax Water infrastructure is beyond the scope of this Committee and that HRM must discuss such changes with the appropriate Halifax Water staff.</p> <p>AT advised that Halifax Water will be consulted throughout the review process.</p>
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AIM will follow up with Halifax Water operations and approvals to make them aware of the proposed changes and potential impacts on Halifax Water infrastructure.

BG inquired whether the HRM zoning setbacks will include wetlands, which are included in the *Bennery Lake PWA Regulations*.

AT advised that existing LUBs don't require a setback on wetlands. HRM is proposing to apply a 30 m setback for all watercourses and wetlands in the new Regional Plan.

AnM requested HRM further consider adding language to the SMPS and the LUB to specifically protect wetlands within the Bennery Lake watershed to establish their importance within the watershed.

HRM (AT) will draft wording in the LUB to include wetland setbacks in the Aerotech PWS zone and send it to the Committee for its review.

The Committee discussed the limitations of the current LUB and suggested adding wording to inform developers in advance of issuing a permit about the watershed area protection needs. AT advised that there is already wording in the policy about protecting Halifax Water's source water areas, which should be sufficient. Ultimately, it's Halifax Water's responsibility.

MA advised that the *PWA Regulations* work parallel to LUBs; they do not need to be duplicated. *PWA regulations* are meant to fill gaps, not repeat legislation, which causes confusion regarding enforcement.

The Committee discussed lot size in relation to on-site sewage disposal systems (OSSDS) and phosphorus loading. Currently, the minimum lot size in the PWS Zone is set at 80,000 sq. ft., which HRM is considering reducing. However, there is concern about reducing the minimum lot size and the subsequent impact on the watershed and water supply. What is the minimum lot size requirement for OSSDS? Enhanced OSSDS are being approved on smaller lots, which increases density and potential phosphorus loading.

JC advised that OSSDS/lot size scenarios vary. NSECC assumes that the lot size is taken into consideration during OSSDS design. There are occasions where older lots may not be able to meet setback requirements, which are not common. However, it would be up to the qualified person (QP)/engineer to design a system that best fits the situation. Lot size is not the only limiting factor; watercourse setbacks, private well setbacks, slope, soil type and wetlands are some of the factors that are also considered. JC would be open to workshopping this topic to provide answers to various scenarios.

Without scientific evidence to justify reducing lot sizes below 80,000 sq. ft. on unserviced lots, taking into consideration the various scenarios on each lot, including backyard suites, which would increase the sewage load per lot, the Committee advises retaining the 80,000 sq. ft. minimum lot size under the PWS zone.

The Committee requested that HRM reinstate the 80,000 sq. ft. minimum lot size for the PWS zone to protect the water supply. BG asked whether HRM required an official set of comments from the Committee. AT advised that the notes she has been taking are sufficient. A copy of the approved minutes will help.

Halifax Water will send a copy of the Bennery Lake Watershed Management Committee Oct. 25, 2024, meeting minutes after they have been approved at the next meeting.

The Committee discussed its options to address concerns with the discharge of phosphorus through enhanced septic systems. The Committee has the power to amend

	the <i>PWA Regulations</i> to prohibit their use within the <i>PWA</i> . No follow-up action item was drawn from this discussion. HO advised that if HRM wants any comment from the NSECC Protected Areas Branch to please submit a separate formal written request.		
Decision:	See action items below. AT left the meeting.		
Action Items:	Person Responsible	Deadline	
1. Follow up with Halifax Water operations and approvals to make them aware of the proposed bylaw zone changes and the potential impact they will have on Halifax Water infrastructure.	AIM	Immediately	
2. Draft wording for the LUB to include wetland setbacks in the Aerotech PWS zone and send to Committee for review.	AT	Immediately	
3. Retain the 80,000 sq. ft. minimum lot size for the PWS zone.	AT	Immediately	
4. Send a copy of approved Bennery Lake Watershed Management Committee Oct. 25, 2023 meeting minutes to HRM to verify that consultation with the Bennery Lake Watershed Management Committee occurred.	BG	Once approved (next meeting)	

3. Review and Approval		
a. October 25, 2023, Meeting agenda:		
Discussion:	Review and approval.	
Decision:	BG moved to approve the Agenda as presented; seconded by AnM. All in favour.	
b. April 19, 2023, Meeting notes:		
Discussion:	Minutes reviewed.	
Decision:	Approved with minor edits.	
c. October 26, 2022, Meeting minutes:		
Discussion:	October 26, 2022, Minutes were not circulated for review with the Oct. 25, 2023, meeting package. Circulate these with next meeting package for approval.	
Decision:	Leave on agenda. Present for approval at next meeting.	
Action Items:	Person Responsible	Deadline
Approve October 26, 2022 at next meeting.	BG	Next meeting

4. Old Business:		
a. Shubenacadie Lakes Floodplain Study Presentation (Discussion):		

Discussion:	BG reported that HRM appointed Helen Langille as the new project lead for the Shubenacadie Floodplain study. Helen informed Halifax Water in late August that the study was reopened. HRM is in the process of developing an action plan. The first order of business is to develop an interactive mapping tool similar to the one for the Sackville Rivers floodplain (Sackville Floodplains Halifax).		
Decision:	Wait for the report to be released. Keep on the agenda.		
Action Items:		Person Responsible	Deadline
1. Send Floodplain Study Report to members for consideration once it becomes available.		AnM	Pending
2. Review the Study Report to determine whether it warrants a presentation to the Committee.		All	Pending
b. Water Quality Updates			
Discussion:	AIM reported that the July (2023) record rainfall impacted water quality. The plant saw increased levels of colour, organics and turbidity, but they were able to treat it. Water quality has since improved.		
Decision:	Keep on Agenda		
Action Items:		Person Responsible	Deadline
Keep on agenda.		BG	Next meeting
c. Covenants and Deeds:			
Discussion:	See March 10, 2022, minutes for presentation, <u>Review of Properties for PWA Regulations</u> , presented by Madison Forward, Dalhousie University Intern student. See October 26, 2022, for background information. MA advised the Committee that NSECC is waiting for the outcome of the <i>Lake Major Watershed PWA Regulations</i> before any updates may be shared where deeds and covenants stand.		
Decision:	Action items stand. Waiting for outcome of NSECC discussions with Provincial Registry.		
Action Items:		Person Responsible	Deadline
1. Register the <i>BLWPWA</i> designation and regulations on all applicable PIDS as a burden, consistently.		HW	Pending
2. Investigate whether a <i>PWA</i> 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.		MA	Pending
3. Halifax Water and NSECC to discuss with their respective legal advisors about the process and how to handle it best.		MA/BG	Ongoing
d. Membership status:			
<i>i. Terms of Reference changes:</i>			

Discussion:	BG confirmed that changes to the Terms of Reference (ToR) were made in consultation with Halifax Water Corporate Legal Services. The ToR with the changes will be sent out to the Committee members for review, following this meeting.		
Decision:	Terms of Reference review and approval will be conducted via email.		
Action Items:	Person Responsible	Deadline	
Send out draft ToR for review and approval via email.	BG	Immediately	
<i>ii. Private Landowner Representative vacant position:</i>			
Discussion:	BG advised that once the changes are made to the ToR, the ad for the vacant position will be circulated. ToR changes are required to reflect the changes in recruitment methods; i.e., via social media rather than newspapers.		
Decision:	Put out call to recruit volunteer landowner position once changes to ToR have been approved.		
Action Items:	Person Responsible	Deadline	
Make changes to ToR to reflect new method to recruit for private landowner.	HW	ongoing	
Seek new membership based on outcome of ToR changes	HW	ongoing	
<i>e. Case 22009 – Aerotech Business Park Rezoning:</i>			
Discussion:	See agenda item 2. – HRM presentation		
Decision:	See agenda item 2.		
Action Items:	Person Responsible	Deadline	
See agenda item 2.	All	Next meeting	

5. New Business

a. Environment Canada and Climate Change (ECCC) water sampling

Discussion:	BG advised that Halifax Water and Environment and Climate Change Canada (ECCC) entered into a 2-year water monitoring project. A continuous water monitoring station has been installed on Crown land at the Bennery Lake outlet that is managed by ECCC. The monitoring station is mounted on a small cement foundation (30 in. x 30 in.) powered by a small solar panel with 24-volt battery, housed in a locked electrical cabinet. The probes were installed in the stream. In-water work was not required; therefore, no NSECC permit was required. A QR code is located on the housing box for anyone to access information from the ECCC website about the project. The equipment was installed using a boat; no issues were encountered. DNRR issued a 3-year letter of authorization for the site. There is nothing to report since the project is just getting started. A Google Earth® image showing the location, pictures of the installation and the following webpage were shared with the Committee: Real-Time Hydrometric Data Search Results – Water Level and Flow – Environment Canada (ec.gc.ca) .		
Decision:	Update as necessary. Information only. Remove from agenda.		
Action Items	Person Responsible	Deadline	

Remove from Agenda	AnM	Next meeting
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6. Municipal Planning Update

a. Notification of new builds

Discussion	TC reported that no permits were issued since the last meeting.
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Decision	Standing agenda item.
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Action items:	Person Responsible	Deadline
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Keep on Agenda	BG	Next meeting
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b. Oakfield Estates Subdivision

Discussion:	TC advised that the Oakfield Estates Subdivision application is scheduled for a hearing with the Utility and Review Board in November (2023). Normally a decision is made within 90 days of the hearing. There should be a ruling in early 2024.
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Decision:	Keep on agenda. TC will follow up with HRM legal counsel for an update.
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Action items:	Person Responsible	Deadline
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Follow-up with HRM legal counsel for an update.	TC	Next meeting
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7. Landowner Q&A

a. Community representative

Discussion:	Nothing to report.
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Decision:	Standing agenda item.
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Action items:	Person Responsible	Deadline
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Contact PP to discuss property assessment for wind damage.	BG	Next Meeting
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b. Watershed Private Landowner

Discussion:	Position is vacant – nothing to report.
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Decision:	Standing agenda item.
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Action Items:	Person Responsible	Deadline
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Fill vacant position.	HW	ASAP
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c. Nature Reserve

Discussion:	Nothing to report.
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Decision:	Standing agenda item.
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Action Items:	Person Responsible	Deadline
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Keep on agenda.	AnM	Next meeting
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d. Halifax Water:

Discussion:	AIM advised that the Bennery Lake WSP settling pond is scheduled for routine maintenance this fall (2023). The pond is where backwash water from the treatment process is released, to allow particles to settle out before being released back into the environment. It is normal practice to clean the ponds every 10-years. Cleaning involves dredging the pond using a small floating barge. The material is then dewatered using a centrifuge machine and trucked off-site to an approved facility. Information only.		
Decision:	Standing agenda item		
Action Items:	Person Responsible	Deadline	
Keep on Agenda	AnM	Next meeting	

8. Education Updates

a. Template of education and awareness:

Discussion:	BG advised that Halifax Water Corporate Communication is currently restructuring its communication strategy which includes education with respect to source water protection. Education activities are on hold until the strategy has been developed.		
Decision:	Leave on agenda		
Action Items:	Person Responsible	Deadline	
1. Create a Q&A one-pager for the area that is seasonally appropriate. PP to send a list of content when prompted by BG/AnM.	AM/PP	Pending (On hold)	
2. Create and submit an ad in the local newspaper to increase awareness of PWA recreational restrictions.	BG/AM	Next Meeting (On hold)	

9. Election of Officers – Fall 2023

Discussion	2023 Election of officers held. All current members agreed to remain in their positions		
Decision	Motion moved by AIM to approve the Officers; seconded by RS. TC remains as Chair, BG remains as Vice Chair and AnM remains as secretary. Next election is scheduled for Spring of 2025.		

10. Next Meeting: 10:00am – 12:00pm – March 20, 2024 (hybrid; in-person 2 Park Avenue).

11. Adjournment: BG moved to adjourn

Respectfully Submitted by: Barry Geddes, Vice Chair; Bennery Lake Watershed Management Committee.