

Williams Lake
Conservation Company

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To the Nova Scotia Utility and Review Board,

January 17, 2022

Re: M10373 Planning Appeal – John Tawil – Appeal of a Decision of Halifax and West Community Council to Refuse a Rezoning Application 48 & 50 Old Sambro Road (PL-21-16)

We request that the Williams Lake Conservation Company (WLCC) be granted intervenor status in the above noted case. Our primary concerns in this rezoning are the ramifications of another increase in the density in our immediate Watershed, so close to our key water sources. For contact purposes please phone Kathleen J Hall, [REDACTED]

The law in Nova Scotia on intervenor status is very clear. In *Specter v Nova Scotia (Fisheries and Aquaculture)*, 2011 NSSC 333 at paras 56-72 [Specter] Justice LeBlanc stated that the key question to be asked is “whether a potential applicant has an economic, commercial, legal or personal interest in a decision that is sufficiently delineated from the concerns of the general public so as to make them a ‘person aggrieved’.”

The properties under consideration for rezoning are within the Watershed of Williams Lake. We refer the Board to the attached WLCC Waterflow Report pdf which contains a map displaying the boundaries of our Watershed as well as the many residential and commercial developments that have occurred over the past 20 years.

WLCC is a non-profit organization which was founded in 1968. Our members and friends are a diverse group of Haligonians comprised of local residents, users of the lake and other advocates. The objects for which the Company was established include to preserve, for recreational, aesthetic, health, and other purposes, 'the lake known as Williams Lake' and make representations to public and other authorities on behalf of the membership of the Company in order to further its objects. Please see the WLCC website for “Articles of Association” and “Memorandum of Association” <https://williamslakecc.org/our-mission/>

WLCC has taken a variety of roles in our work advocating for Williams Lake & Watershed:

- In 1994, WLCC obtained intervenor funding in order to participate in the Federal - Provincial Environmental Review Panel hearings relating to the location of the primary sewer plant for Halifax.
- Initiated the design of an engineered wetland with HRM for stormwater from Parkhill Road down the Williams Lake Rd

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- Initiated a community driven planning process with a local Developer (which was adopted by Council) for the creation of the Ravenscraig development master plan incorporating a residential development, two settling ponds for protecting and maintaining the water quality of Williams Lake and creating a public trail and wildlife corridor that extends to the Frog Pond and Dingle Parks
- WLCC was granted intervenor status and later became a party in a case heard by the NSUARB concerning a rezoning appeal (WLCC v Kimberly-Lloyd Developments Ltd. NSUARB-PL-03-05 2004 NSUARB 109)
- Participated in the Purcell's Cove Road Sewer and Water feasibility study initiated by HRM
- Advocated for, raised funds for and then supported HRM in the acquisition of 379 acres of land from Clayton Developments on Williams Lake forming what is now the 'Shaw Wilderness Park'
- Advocated for an HRM Staff report on a 136-acre parcel of land owned by the Church of Christ Development Corporation which borders Williams Lake
- WLCC commissioned and published a professional study of the Plant Communities in areas of our watershed: <https://williamslakecc.org/assessment-backlands-plants/>
- The "Reports" section of our website contains the charts displaying water levels, water quality from 2008 and bacterial levels from 2001 to the current year. A professional report on the consequences of road salt from the increasing residential and commercial density of our urban Watershed is also on this page <https://williamslakecc.org/reports/>
- WLCC is currently funded by HRM Community Grant Program to conduct a year-long local survey of birds. WLCC is working with the Urban Farm Museum Society of Spryfield and the Backlands Coalition to encourage: cooperation among local organizations serving Spryfield, nature conservation, bird watching and ethical use of wetlands. The areas considered have included wetlands throughout our watershed including the Old Sambro Road area at Dunbrack and the Catamaran Ponds

There is little doubt the economic consequences of the degradation of water quality or quantity are profound. One kilometer of the shoreline of Williams Lake is owned by the Halifax Regional Municipality and it is an urban wilderness park known as Shaw Wilderness Park. Thousands of Haligonians use the park to access the lake for a variety of water activities, including swimming. Any adverse effect on the quality or quantity of water in the watershed also impacts citizens who own lakeside property. As well, it is common knowledge that the Royal Nova Scotia Yacht Squadron (RNSYS) uses Williams Lake as its sole source of water. Any degradation of the water in the lake results in serious financial costs to the RNSYS.

It is important for the Board to understand the very clear message in the attached WLCC Waterflow Report mentioned earlier. The report identifies many developments that have already taken place and it is imperative that an understanding of the consequences of further development is appreciated. Noted in the report on page 5 **"The amount of development which has already taken place in the Watershed and directly on the lake has had a severe effect. A tipping point has been reached. Any further development would likely push the lake**

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past its capacity to survive as a lake which would support wildlife and recreational activities.”

The requested zoning change from R2 to R3 creates an additional increase in density that becomes critical in light of the ‘emergency room status’ of Williams Lake outlined in the WLCC Waterflow Report. The application to proceed with building under R3 zoning will significantly increase the density on the subject properties. The proposed building will have underground parking which will require significant blasting as the property was the site of a quarry in the past. The very real effects on the Watershed will not be reversible.

The extent of the increased density over the past 50 years is clearly illustrated by the contrast between photo 1 of the area (circa 1969) and photo 2 (Google maps January 2022).



PHOTO #1 Circa 1969

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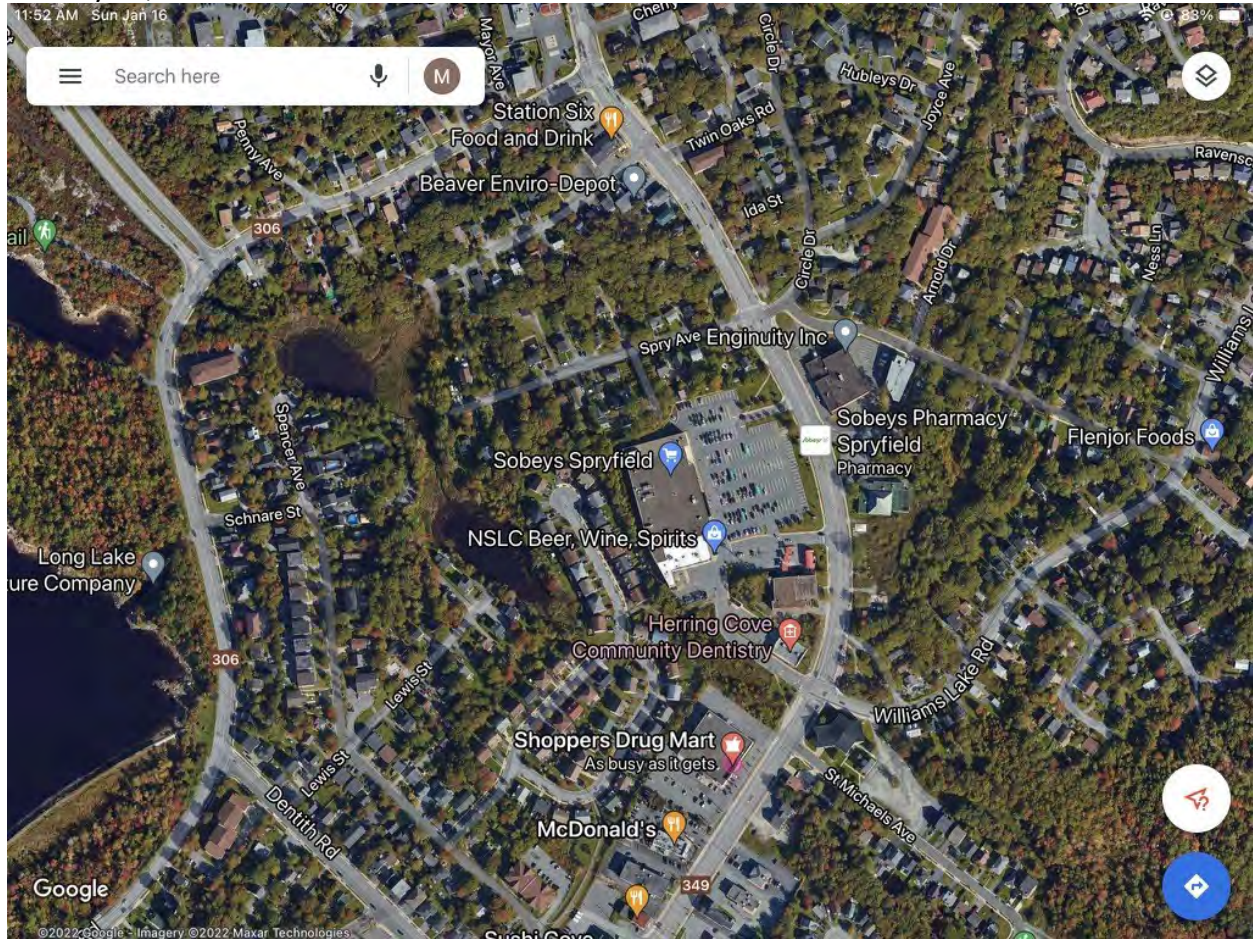


PHOTO # 2. Google Maps January 2022

If the Board is not persuaded that the WLCC should be granted intervenor status, then it is asked to consider the applications of two private citizens in the alternative.

Laurie Walsh resides at 34C Old Sambro Road, Halifax. This is her mailing address and address for personal service. Her phone number is [REDACTED]; her email is [REDACTED]. Laurie built her house 14 years ago. She has a patio deck overlooking Catamaran Ponds. She is able to share this deck with her neighbours and numerous family members who live in the area.

An important case that identifies criteria for establishing intervenor status at the Board level is Ashcroft Homes Inc (re), 2016 NSUAR 166 at paras 24-26. In the Ashcroft case a “real and substantial interest” had to be established with regard to the zoning application. Specifically, the geographic area at issue was paramount.

Laurie Walsh lives across Catamaran Ponds from the subject properties and are well within her direct view. Laurie is very concerned about the proposed building as the site is a former quarry and a significant amount of blasting would be required to allow for underground parking. The

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slope of the land between the subject properties and the ponds is extremely steep, and although efforts might be made to stop sediment from entering the pond, it is hard to imagine that this would not happen. Another serious concern raised by Laurie is her belief that there was a construction company on this site in the 1960s. This might mean the soil has been compromised by inadvertent spills of oils or other toxic chemicals. The effects of blasting on the foundations and walls of houses in proximity to the properties is also of concern.

Laurie is deeply distressed about the impact this development will have upon wildlife in the ponds and marsh area. She reported that she has identified that essentially the subject properties serve as a wildlife corridor from the very near Long Lake Provincial Park to the Catamaran Ponds. The wildlife includes mammals such as deer, fox, and rabbits. The variety of birds that visit the ponds is significant. She regularly reports that the kingfisher, white egrets, great blue heron, eagle, and many other smaller birds come to the ponds to rest and feed. The ponds support a variety of ducks, amphibians and fish. It is entirely predictable that serious impact on the water quality would have a concomitant effect on the species living on, or feeding in, the ponds. In addition, for safety reasons, it would be essential that a solid fence be erected on the property boundaries. A fence would completely eliminate the wildlife corridor.

Laurie worries about increased traffic in the area. Currently she has difficulty exiting her driveway onto Old Sambro Road. The addition of a driveway on a dangerous curve very close to her home, and accommodating thirteen additional households, will exacerbate this problem.

Finally, Laurie is anticipating an increase in her property taxes should the zoning application be approved. This impact will be felt by all home owners in the area.

Kathleen Hall resides at 11 Halls Road, Halifax. This is her mailing address and address for personal service. Her phone number is [REDACTED]; her email is [REDACTED]. Kathleen owns two properties within 500 feet of the subject properties. She shares all of the concerns expressed by Laurie Walsh.

It is hoped that the arguments which appear above support a finding by the Board that the WLCC be granted intervenor status, and that in the alternative, Laurie Walsh and Kathleen Hall be granted intervenor status.

Sincerely,

Murray Coolican, President WLCC
Kathleen J Hall, WLCC member
Martha R Leary, WLCC member

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attachment: WLCC Waterflow Report pdf

<https://williamslakecc.org/wp-content/uploads/2020/12/WLCC-Water-Flow-Report-Nov-2020.pdf>