

## Halifax Needs a Tree-Retention By-law: *the Sandy Lake Story*

2019

Sandy Lake is surrounded by mature Acadian forest with rich flora and fauna. As is so often the case for special places, there is a long history of concerned citizens protecting Sandy Lake and its surroundings. Sandy Lake would not be the beautiful area it is today without those decades of effort.

By 1971 plans were underway to preserve this unique area as a regional park to serve the growing city. The Regional Plans have continued to list priority for creating the regional park there, but without the citizens knowing it, the plan for critical parts of the watershed was somehow switched to allow housing development.

Residents awoke one June morning in 2013 to the sound of tree removal near the lake. We learned that a developer owned 550 acres, including part of the lakefront, and had a license to put in a road. He planned to build a housing development for 16,000 new residents. This large area was being advertised on-line and in roadside signs as a “green” housing development “coming soon”. However, the city had received no application. There was no Master Plan, no watershed study, no public process. The website claimed the land was being “selectively cut”, but other than green buffers (we measured buffers along streams varied from 8ft to 20 meters) it was being clear-cut.

We learned the city was taking legal action to have the misleading, and premature, sign removed. The city was not happy with the cutting, but seemed unwilling or unable to do anything to stop it. We spoke to representatives of the company. We begged the company to stop until the issues we were finding could be settled. What happened to the plan to put a regional park there? They said they had every right to take the trees off their land. Turns out they did.

We contacted the city, the Department of Natural Resources, anyone who might help and inform us. Over 100 hectares of Acadian Forest were being cut without any permits and prior to a watershed study taking place. In the context of the forestry industry, the cut size was double the maximum clear-cut area allowed by Department of Natural Resources. Natural Resources was not overseeing this clear-cut because no forestry permit had been applied for. HRM was not overseeing this clear-cut because no application for development had been applied for. We learned that property owners can do whatever they want with their land, including clear it of all vegetation. The developer said we should be happy that they left buffers along streams, although some were only 8 feet wide.

Thanks to what is known as the Five Acre By-Law there had been a ten-year moratorium on development around the lake, the result of hard work by an earlier organization. It turned out that developers had been buying land, and the zoning on that side of the lake had been changed. The by-law wouldn't apply to their lands.

Our local councilor said he had no knowledge that there was ever supposed to be a regional park at Sandy Lake. So, we set about finding the historical documents others from previous organizations

assured us existed. We found them, and provided them to the city. We were told that huge amounts of documentation had been lost during amalgamation, and we were thanked for our contribution to the city's archives.

We found city records that showed this and other developers had been buying up land in the area. We learned that the community organization had retired after years of effort once the regional park seemed sure. So, no-one was watching when developers were buying land and working to convince the city first to zone for development, and then to allow development to happen as soon as possible. Letters from 2012 show that in hopes of ensuring early development at Sandy Lake he paid \$1million in an agreement with Halifax Water to upsize the Bedford West wastewater pipes to handle the future needs of his Sandy Lake development.

By August, the tree stripping machines were nearing the lake, and our concerted and nearly frantic efforts to get this stopped had failed at every turn. With the help of the Ecology Action Centre we held a protest on the Hammonds Plains Road and the media covered it well.



The cutting stopped the next day and the developer agreed to meet with us. He told us his mother had seen the media coverage and told him to “stop upsetting those people”. He explained that he had two sons graduating from university and wanted them to have this project if he could get the city to allow it to proceed. He told of how he had lost his argument with the city's head planner in June, and stood on the steps of City Hall and made a phone call, “Cut the trees.” He said he did it out of anger. He has since sold the land to another developer, but the damage is done.



The city needs a tree retention by-law that will prevent unnecessary damage to single trees and to prevent larger cuts such as were done at Sandy Lake, along the Purcell's Cove road, and in other areas. It is time to see urban trees as valuable infrastructure, as assets that contribute to cities, as is discussed in this article: <https://www.climate-kic.org/opinion/trees-as-infrastructure-pt-1/>

We are aware of a successful and inexpensive self-regulating program in New Hampshire. It is based on education and community advocacy. Something similar could protect trees here.

Other places rely on by-laws, for example, Toronto, Calgary and Ottawa.

The August 24, 2009, media release from Ottawa:

*“The City of Ottawa’s Urban Tree Conservation By-law, which places restrictions on the cutting of trees on private property in urban Ottawa, takes full effect on September 1, 2009.*

*Under the by-law, owners of urban properties larger than one hectare are required to produce a City-approved tree conservation report to remove a tree 10 centimetres or greater in diameter. This portion of the by-law came into effect when the by-law was passed by City Council on June 24, 2009.*

*As of September 1, owners of urban properties one hectare or less in size must obtain a permit from the City to remove a tree that is 50 centimetres (20 inches) in diameter or greater. There is no permit fee.*

*The by-law does not apply to rural properties, with the exception of a small area in the city's east end between the urban boundary and Ted Kelly Lane, nor does it apply to normal farming practices, orchards, tree farms, golf courses and cemeteries anywhere in the city.*

*The goal of the by-law is to protect the city's urban forest. Before enactment of the by-law, the City had no process in place to prevent the clearing of forests in suburban areas before development occurred, nor could it regulate the cutting of large, distinctive trees that stand out in the city's urban communities.*

*Unauthorized removal or destruction of the trees covered under the by-law could result in fines ranging from \$500 to \$100,000, with the exception of the contravention of a stop work order, where the fine is not limited to \$100,000."*

Part of the role of a park is to protect the Watershed. Even single urban trees are assets. We are encouraged that the first Annual Review of the Halifax Green Network Plan (HGPN) mentions the intention to improve this issue. However, as the HGPN is written now, there is no concrete action or regulation being proposed. At Sandy Lake the 300 clear-cut acres now has young plants that aren't functioning completely yet. They are beginning to protect the lake again, but we need to foster them and let them grow. It needs to be in our modeling plan to let them grow. Protect them within the park plan, and make legislation to ensure it doesn't happen again anywhere in HRM.

We request that the city provide the needed protection to the urban forest in the RP+10 review.

- *Sandy Lake Conservation Association*  
*([www.sandylake.org](http://www.sandylake.org))*

