

21 December 2016

Monsieur David Heurtel, ministre
Développement durable, Environnement et Lutte contre
les changements climatiques

Minister,

I am writing to you concerning the "Management Plan for the Massawippi River Flood Zone - Village of North Hatley," adopted by the MRC of Memphrémagog at its regular meeting of December 14, 2016 and filed with your Ministry for an opinion. I would like to draw your attention to certain elements of the document that may affect your opinion.

1. It is primarily socio-economic reasons that are used to justify the development of the management plan (Section 4.1, page 9): declining population, aging population, precarious financial situation of the municipality, high level of taxation, etc. To counter these trends – and in particular, to attract young families (page 7) – “a major investment project in the heart of North Hatley” (page 7) is being proposed in a flood-prone area.

If the municipality's financial situation is indeed of concern and the burden of property taxes excessively heavy, the question remains whether the construction in a flood-prone area of 210 units is an appropriate and adequate response. Thus:

- The municipality has so far carried out no serious financial studies of the effects of such a construction project and therefore cannot know with certainty whether the revenues from the construction of such a project will not be largely offset by the expenses the municipality will incur as a result of it;
- Nothing in the document indicates specific measures enabling young families to access property;
- The presence on municipal land of a wooded area of 18 hectares (page 5) makes unnecessary the construction of 210 dwellings in a risk area.

2. That the North Hatley flood zone is indeed an area that is increasingly at risk is clear from Table 1 (page 9), where twelve flood events are indicated for the period between 1994 and 2014, of which six have been in the last seven years (2008-2014). There is no reason to believe that this trend – increased frequency and severity of episodes – will be reversed in the future.

3. Point 4.2 of the document argues that the sector for which development is being proposed corresponds to the second criterion of the “Protection policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains,” namely: “additional development in built-up urban areas (net density greater than 5.0 structures per hectare ...),” a sector being “considered built-up if 75% of the lots are occupied by a main structure”[Emphasis added].

Table 2 (page 11) shows for the area subject to the management plan a density of 5.4 and a construction rate of 76.7%.

Considering the methodology used – presented two paragraphs after the table itself – one finds that two lots in the south-east sector, on which there were only out-buildings and not main constructions, have been considered ‘built-up’ even if they do not meet the criterion used in the document (criterion stated on page 11: “A lot was considered built-up if there was a residential or

commercial building on it.”) Furthermore, it is not mentioned in the document that in the north-west sector lots have been considered ‘built-up’ although they are not, or are no longer, occupied by a ‘main structure.’ These include the municipal-garage lot and at least one lot (there may be others) on which there is an abandoned house for which a demolition permit has already been requested. The permit has been granted by the municipality, since the building is no longer habitable and constitutes a public danger.

By eliminating these four lots from the calculation of the density and the rate of construction, the area falls short of the standards of the “Protection policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains,” with a density of 4,88 and a rate of construction of 70%.

4. Allowing the construction of three buildings in areas R1, M1 and M2 for a total of 210 units in 0-20 and 20-100-year flood zones will have several adverse effects:

- The new buildings will prevent the free flow of water by blocking, by their mere presence (with a footprint of more than 7,700 m²), the normal and usual course by which water evacuates during periods of flooding. The location of the building in sector M2 (Figure 12, page 27) will channel the waters west and north, and the minimal spaces between the buildings (M2, M1 and R1) risk forcing water to flow towards the properties along Capelton Road. Although the document refers to the need to “do no harm to neighbouring properties” (page 24), it is difficult to see how the existence of such large buildings with such a large footprint would not affect the flow of water during flooding, further harming property owners who are already suffer damage when there is flooding.
- The document recognizes the need to flood-proof buildings at a level 32 cm higher than “the recurrence level of the high-velocity flood zone (20-100 years)” (page 24), that is to say at a level of 162.88 m. For the proposed underground parking lots, there is a need to demonstrate the possibility of evacuating residents in the event of a major flood (recurrence 250 years – higher, presumably than 162.88 m). (Page 31) On the other hand, the access path between sectors M1 and M2 must be “maintained at the current topographical level.” (Page 33) Since the levels of the evacuation routes – Capelton Road and Main Street – and all the area covered by the management plan, including the access road between M1 and M2, are lower than the level established for the flood-proofing of buildings (lower than the flood levels accepted in the document as possible), there is a good chance that the emergency evacuation of residents from 210 units will be compromised. Sudden floods, sometimes at night, in recent years (Magog, Coaticook, etc.), and the possibility that such incidents will increase in the future, only confirm the danger facing residents of buildings situated in such a location.

5. The management plan proposes 210 units for sectors R1, M1 and M2. The proposal – 210 units; three buildings, one of which is five storeys; land use at 50% – strongly resembles the agreement in principle with the developer Richard Laliberté, owner of most of the lots in the areas covered by the development project, which the Municipal Council adopted at its meeting on 03 March 2014, even before any expert studies had been done, or a management plan or a specific urban plan elaborated. In addition, on 24 and 30 August 2014, the Council organized, *in collaboration with Mr Laliberté*, a public information open house on the “Proposed new development in the village centre,” i.e., on the project which was the subject of the agreement in principle and which, almost unchanged, is included in the present management plan. From all this a reasonable person can only conclude that the management plan has been developed for the specific purpose of making possible a specific pre-existing project, and that any public consultation – at the level of the MRC or the municipality – will not lead to any significant changes, even if they are desired by many residents (reduction of the number of units to 130 and the number of storeys to three, in particular: see the petition with 357 signatures, including 178 people who give their address as ‘North Hatley’: <http://www.gopetition.com/petitions/bonne-idée->

[mais-cest-trop-cent-trente-trois-et-beau.html](#) . See also the Facebook page of Action North Hatley: <https://www.facebook.com/ActionNorthHatley/>).

6. The management plan refers in passing, on page 24, to the modernization of the marina, but without providing specific details. Because the marina is located along the Massawippi River in the area governed by the management plan, and that modernization work would constitute work in the littoral zone, prohibited in principle by the “Protection policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains,” no work should be permitted or undertaken without having first been detailed and approved in the management plan.

I would be grateful if you were to take these different considerations into account in your opinion on the Management Plan for the Massawippi River Flood Zone - North Hatley Village.

Sincerely,

Paul St-Pierre

c.c. Monsieur Martin Coiteux, ministre, Affaires municipales et Occupation du territoire, Sécurité publique.