



**REPORT OF DEVELOPMENT
COMMITTEE**

For City Council – July 9, 2018

From: Office of the City Clerk

Date: Friday, July 06, 2018

Title: Summary of Presentations from the Development Committee Meeting

Description: A summary of what was presented at the Development Committee meeting is being provided to Council

The Development Committee, at its meeting held on Tuesday, June 26, 2018 listened to presentations from concerned citizens regarding their views about the large, mature trees in Officers' Square. Additionally, other individuals had sent their concerns in writing. Attached is a summary of what was said. Council will be able to ask questions, request information, and provide additional input, which staff can bring back to Council at a future date.

There is no resolution as this item is for information purposes.

Dr. Nadine Ives

Dr. Nadine Ives presented the committee with a PowerPoint presentation titled "**Why Our Trees Matter**". Key points highlighted in the presentation include:

- Cares greatly about the City of Fredericton
- Has a PHD in hardwood tree ecology.
- Trees count as an important part of nature.
- Does not feel in all the consultation the benefits of trees have been taken into account.
- Frederictonians love their trees.
- Residents reported grief from loss of trees after Hurricane Arthur.
- She believes the City has done a great job in taking care of the trees.
- The trees in Officers' Square are land marks and features of our community.
- Trees provide environmental and health benefits including absorbing carbon dioxide, helping to decrease noise, and increasing property values. They give back more than what they cost.
- She notes how people would rather spend time in Officers' Square than at the Walmart.
- The trees in the downtown should be valued like trees in other countries around the world. Their economic value should be determined.
- She notes the Tree Commission has done a comprehensive assessment.
- The estimated replacement value of the trees is 1.2 million dollars.

- She feels the City should consider trees as lifetime companions like the City of Montreal.
- She requests the City cease activity harmful to the trees, revise plans to protect the trees, commit to a comprehensive tree policy and celebrate the trees.

Beth Biggs

Beth Biggs presented the committee with a PowerPoint presentation titled “**Public Consultation**”. Key points highlighted in the presentation include.

- Acknowledged being on the traditional unseeded territory of the Wolastoqiyik people.
- She is speaking as a member of the Save Officers’ Square community group and will try to explain how the consultation got derailed.
- Found the Garrison District Master Plan on Google search.
- She did not think there were any major changes in the plan between 2015 and 2016.
- She thinks the Garrison District Master Plan is a really good document although she does not agree with everything.
- She quoted the sections of the plan that were highlighted in her presentation including:
 - Shaping its public realm in a coherent way by recreating a sense of history with modern conveniences.
 - Reinforce it as a district historic campus like setting.
 - Enhance and reinforce the unique sense of place.
 - Revitalize in a way that its heritage is more proudly displayed.
 - Strategic removal of some sections of the old fencing will allow improved access.
 - Create conditions for the large trees to thrive and mature.
 - Full assessment of the existing tree canopy should be conducted.
 - Protect the Garrison District’s strong existing tree canopy.
 - Construction will not occur until stakeholders and the public are consulted.
 - The traditional open lawn frames and highlights the surrounding built heritage and provides an unrestricted view of the Saint John River.
 - Numerous other studies will be required.
 - Joint Committee will be a unified organization body.
 - Construction will not occur until the public have detailed design. She believes the public is still waiting and hopes to be consulted before any further construction takes place.
- She would like to know the names of those on the Garrison District Joint Committee.
- She does not feel the Square can handle the 40 trees the City is suggesting be put there.
- Something has gone terribly wrong with the consultation process through no intentional means.
- She does not have an issue with the plan itself, just the implementation of it as changes have been made after the plan.
- She does not feel the artist’s rendering is accurate.
- She requested the Committee put a motion to immediately halt all construction in Officers’ Square and bring this matter to City Council where she will present a petition of over 6500 signatures.
- Councillor Bruce Grandy advised she could provide the petition to the Clerk but she chose not to.

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Chris Durant

Chris Durant, Lawyer, Lamrock's Law began his speech by acknowledging the presence of Grand Chief Ron Tremblay. Mr. Durant wanted to dig into the law which led him to the *Heritage Preservation Act* [Clerk note - believe he is referring to the *Heritage Conservation Act*]. He noted the Garrison District and Officers' Square are a Provincial Heritage place and therefore no person can alter the character defining elements without a Provincial Heritage Permit.

Through the *Right to Information and Protection of Privacy Act* process, Mr. Durrant received the heritage permits. He notes in 2016 the City received general permission from the Minister for making alterations to Officers' Square. He noted the activity was approved subject to the approval of final plans and specification of the project. On June 14, 2018 a permit was issued and permission was received to remove trees number 11 to 15 inclusive and to remove and replace the wall and the ornamental fencing. He noted the work on Pointe Saint Anne began before June 14, 2018. He noted it is not illegal to contract for the work when you don't have permission but he questions if it is good governance. He wonders what would have happened if the Minister did not give the permits.

Chris Durant asked that Council not be presumptive in dealing with this project. Mr. Durant asked for clarification on if work has already been done to service the skating rink which may not be consistent with the preservation of the character defining elements of the park. He is concerned money is being spent on projects that may not have the approval that is required.

In closing, Chris Durant asked the Committee to be mindful of the fact that Officers' Square is heritage and belongs to all people of New Brunswick and to also be mindful of the fact that there are legal entanglements that could end up costing money if these issues aren't stick handled properly.

Marcus Kingston

Mr. Kingston was not in attendance at the meeting but had submitted a letter – highlights of the letter include-

- In his first apartment on King Street he had a tall vibrant ash tree to shade his view of Kings Place.
- He loved picnicking along the green and reading under the oaks but the might Elms spoke to him the most.
- A major reason why he loves Fredericton is because of its heritage which began long before the Europeans with the settling of the First Nations.
- When this priceless heritage is erased, so are the stories that remind us of where we come from.
- Tourists flock to all the heritage sites like Legislature, Old Government house, Garrison District.
- His favorite elements are the historic trees and ornate iron fence.
- He does not feel the plans are working and they need to be modified or changed with more public consultation.
- All he is asking is that their voices be thoughtfully heard, their questions truthfully answers and a compromise be made.

G. Wayne Brooks

Wayne Brooks began his presentation by informing the committee that the First Nations has reclaimed the river from Saint John to Woolastoq. He advised the committee that the Mayor acknowledged this at the recent Powwow.

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Mr. Brooks is here on behalf of his relations. He noted that his people have lived in Fredericton for millennia and through oral history he was taught by his mother and father, which he taught to his sons and grandsons. His ancestors burials can be found on both sides of the river.

There are Provincial and Federal guidelines in place to protect the ancestral artifacts and ancestral burial sites. The remains go back 13 000 years. They never gave up their land and never gave up their rights to the land. He asked the committee to respect the words of Senator Lovelace Nicholas. He alleges the city is not protecting their ancestral rights. Mr. Brooks asked the committee to respect their ways and honour their people.

G. Wayne Brooks concluded his speech by stating that the ancestral remains of his relations are still buried at the Block House and if need be they will be there to stop the work.

Grand Chief Ron Tremblay

Grand Chief Tremblay started off his speech by speaking in his native tongue. He then indicated he would translate. His grandfather taught him to always speak his language first. Language is how to communicate with land, trees and with all of creation.

Grand Chief Tremblay came to talk about indigenous philosophy, science and spirituality. We can't continue destroying earth, trees, water and air. He explained that the word 'skicin' derives from 'skiciw' which means on the surface. Everyone is connected to this earth.

Grand Chief Tremblay pointed out that everyone needs to take time and be patient before moving ahead with any projects as we could be destroying something that may eventually harm our children and grandchildren in the future.

He said that this generation is all about technology and being fast paced that it has taken us away from nature. People need to be thankful for Mother Nature, earth, water and land. Mother Nature produces trees at Officers' Square that helps us to breathe. He loves to sit and watch concerts there. We need to stop destroying nature, clear cutting and spraying. The creation story explains that life is all webbed together. Humans who were created last are the most destructive.

Indigenous people's struggles come from trying to protect the land, not only for them, but for all people which is why they want to protect the sacred site. Indigenous people have the right to be consulted due to the UN Convention on the Rights of Indigenous People that Canada fully supported. They say "No" to the plans for Officers' Square.

Jason Jeandron

Mr. Jeandron handed out sample artifacts. Jason Jeandron thanked Christy Rust for the creation of the Save the Trees group and Senator Sandra Lovelace Nicholas.

Mr. Jeandron recounted the history of Officer Square. The British first had a garrison here in 1784 which grew to fifty buildings of which only four remain. Royal Canadian Regiment first formed in December of 1883 as the Infantry School Corps. He referred to the famous winter march of the 104th regiment which started from Officers' Square. Loyalists settled along a portion of the river. Fredericton became the capital city in 1785. Acadians had settled by 1732. Mr. Jeandron noted he only reviewed the past 326 years. The area was inhabited by Wolastoqyik for over 8,000 years. Items left behind tell a story of how they lived.

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Archeology is the study of the past through material remains. These remains are in the forms of artifacts and features; like fire pits, etc. Archeology steps in to provide a more detailed account of the past. He notes written record only existing for 2.5% of history. He believes without archeology excavation history will be destroyed.

He referred to a Parks Canada statement – archeological sites should be preserved in situ, in place. In situations where preservation is threatened, a controlled archeological investigation should be undertaken. Mr. Jeandron read out restrictions to development and opined that they have not happened in this case. He also quotes provincial legislation that states monitoring will not be conducted on an area under development which has not undergone manual testing. He alleges the city is responsible for the destruction of history. In his opinion, the only way to identify these archeological remains is to unearth artifacts, not truck them away in the back of a dump truck. At the provincial level they list discovered and yet to be discovered resources associated with past use of the site as a military compound. Provincial legislation requires it to be conserved. Conservation can only be done through detailed manual excavation not with big machines.

He noted the current Municipal Plan states Council will seek and encourage conservation of heritage resources. He doesn't believe it is being done in Fredericton. Decision making about the heritage site will be Council's legacy. He demands deeds not words. Council has a responsibility to its residents, to the province and to country. Council must respect the past.

Chris Smissaert

Chris Smissaert informed the committee that he graduated in 1984 with a Bachelor of Science in Forestry and has been a Professional Forester for 35 years. Mr. Smissaert has focused his career mostly as an arborist in the City of Stately Elms and Noble Daughter of the Forest; Fredericton, NB. He pointed out that the City wants to cut 19 of 23 trees down in Officers' Square. He claims people come from all around to sit under the trees in Officer's Square. He notes the City itself cites Officers' Square as our Premier Heritage Green Space, the #1 place to visit while in Fredericton. He feels the City is misguided. He suggested that civil disobedience may be warranted to save Officers' Square.

Mr. Smissaert alleged that the City is not conducting adequate consultations or following heritage and archeological rules or even bylaws. The Garrison District Master Plan refers to the "Character defining elements of the Garrison District and Officers' Square". In the spirit of the reconciliation with indigenous friends and neighbours, he notes the City could have consulted with Indigenous neighbours and proper archeological undertakings should be conducted in order to verify highly expected indigenous occupation, which he estimates to be over a span of 8000 years. Perhaps to be inclusive leaders, the City should broaden their group of stakeholders and perhaps even the Garrison District Joint Committee.

Chris Smissaert referred to sections of the Garrison District Master Plan from 2016 where he notes 'new development should respect historic character'. He wants to know what tangible things have been done to conserve the character defining elements of Officers' Square. He does not see tender loving care being given to Officer's Square and criticized the City's parks and trees staff. He also referred to the section where it states "Construction of any component of the plan will not occur until stakeholders and the public are consulted in both schematic and detailed design phases." He stated that conceptual designs have been seen, however detailed design plans have not. He continued by saying that it seems the permits obtained from the Provincial Minister were all last minute.

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Mr. Smissaert notes that the Garrison District is situated on Woolastoq River flood plain ground and the soil is a deep and rich alluvial soil ideal for growing trees. He feels the trees in Officers' Square allow it to be described as a premiere heritage green space in our City. In his opinion if proper respect was given to our trees, development work could have worked around them. He acknowledged the fence and stone work are in need of repair but he believes they could have been taken apart and repaired. Trees could have been better taken care of and their rooting zones not disturbed.

In conclusion Mr. Smissaert asked what the City has really done to conserve our beloved heritage green space and more importantly what changes will the City now do to conserve the character defining elements of Officers' Square.

Margo Sheppard

Margo Sheppard began her presentation by stating that she is dismayed by the changes and there was a lack of detail provided by the City of Fredericton. As this is the first of many stages of the Garrison District Master Plan she suggests the City learn from this experience. She foresees aspects of the Garrison District Master Plan that will cause extreme upset and controversy unless handled properly. She feels the City needs to be better at sharing information to the public for this historic site and in addressing the concerns of citizens at a minimum. She states the skating rink, fill, destruction of stone wall and tree cutting appear nowhere in the details provided by the City. The City needs to get a mandatory heritage permit from the Province before bulldozers arrive on site.

Ms. Sheppard also recommended that the City prepare and consult on discrete but integrated detail design reports that document phases of the Garrison District Master Plan over the next few years. Failing this she suggests there will be a continued state of war. She wants to focus on the proposal of the artificial skating rink in Officers' Square. She is assuming that is what the 1.5 meters in depth is for; however she is not sure as there are no reports indicating that.

She believes the skating rink will be constructed from pipes that underlay over top the concrete, a compressor and circulating pumps that will have chemicals flowing through the pipes. She acknowledges that climate change have caused natural rinks to be problematic. She lists potential contents of the fluid used to keep the surface cooled. She notes that Officers' Square is part of the Wellhead Protection Area under the *Clean Water Act* and Regulation. This regulation is supposed to protect our water supply from harmful industries. Officers' Square is considered in the B zone by the province. She spoke of the potential leaks of the fluid and notes that the city could ask the province for an exemption under the Act but she thinks that is a bad precedent.

Margo Sheppard asked if the City has received any information on insuring the equipment needed to keep the oval frozen. Measures will be needed to guard it from the inevitable floods to come. She would like to know what costs are involved in this annual insurance and maintenance and can we afford them. She suggested removing the rink from Officers' Square and relocating it to a site outside of the Wellhead protection area to which there are many.

In closing, Ms. Sheppard shared a statement from Karen Hines a concerned citizen. Ms Hines appreciated that outdoor skating is suffering as a result of global warming and the plan in Officers' Square is to include a refrigerated rink. She thinks it is important to acknowledge (1) large trees keep an area cooler than no trees (2) larger trees have carbon dioxide in them which will release when they are cut (3) concrete surfaces heat up an area where sod keeps it cool and (4) energy will be required to keep the rink cool.

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Richard Bird

Richard Bird advised he represents Fredericton Heritage Trust. The Town plat was set up by Dugald Campbell in the 1780's. The land was reserved for military purposes. Only a few buildings of the military compound remain but it is advertised as the Historic Garrison District. The character of the site has changed over time with the construction of the normal school and the library. Holding concerts in Officers' Square is a great idea so long as it doesn't damage the site. Fredericton Heritage Trust was formed after the opposition of building a shopping center in the Garrison District. The compound is now declared a National and Provincial Historic site. Officers' Square is really the only intact area of the compound. In his opinion, National and Provincial historic sites do not need revitalization, they need conservation.

Mr. Bird also spoke about the wall and protecting the heritage of the site. He acknowledged that he did attend a meeting about the plan before it was presented to City Council. He says he was told the wall had to come down to widen Regent Street, because the police department does not like places that have a lot of people without some sort of protection from, he gathers, terrorists and the Fire department doesn't like enclosed spaces because they want people to get out safely if there is a fire. He alleges it is all being done for concerts and concerts could go elsewhere. First and foremost it should be a heritage site.

Mr. Bird referred to other examples of heritage. He noted that when the proposal to demolish two century old houses came forward to City Council, Fredericton Heritage Trust did not take issue; but it was disappointing to see a Councillor give thumbs up once the motion was passed. Richard Bird went on to say that he heard the next infrastructure up for destruction is the Playhouse. This Council could become known as the "Wrecking Ball Council".

In conclusion, Richard Bird asked the committee to reconsider and think about heritage, conservation, and preservation, not revitalization. He noted that the National Trust Canada was holding their annual general meeting in Fredericton in October and he feels there will be heritage destruction.

Floyd Jackson

Floyd Jackson attended the original Officers' Square meeting and the more recent meetings and feels it was a low point. He sent a letter to the Editor in the Daily Gleaner with the starting line - It's about more than the trees! Mr. Jackson stated that we are likely to see a band aid solution to a mortal wound. He feels the trees are a symptom and the plan is the disease. In his opinion the solution to cure the disease is to axe the plan and save the trees. He went on to say very little has been heard from the Province. Before the City purchased the land the mayor made sure in the agreement with the Province there was assurance they were accepting of the plans. We know the City is for the plan, and the people at the meeting are against the plan but no one has heard from the Province, who has an obligation.

Mr. Jackson noted the national body has a say and read a section from a document he attributed to Parks Canada regarding conserving culture resources and natural historic sites. He stated that the document may be a toothless document and is not sure how much weight it carries. He said that the City was handed a gift from the past and it is up to them to protect it.

In conclusion, Floyd Jackson noted the plan received 3rd reading and the City could go ahead on this plan for Officers' Square. He gave an antidote about John Maynard Keynes, a modern economist who was challenged one time that what he was saying today was not the same as yesterday. John Maynard Keynes

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explained that when his information changes, he alters his conclusions. Council has received new information and Mr. Jackson encouraged them to do the same and alter their decision.

Barb Mackinnon

Barb Mackinnon thanked the Mayor and Council for holding the meeting and is sensitive to their quandary. She is honoured to be presenting before the Committee among such a great collective of speakers. She feels democracy is alive and well. She stated that her credentials are that she is a communicator and translator of factual information to audiences for easy understanding.

Barb MacKinnon said that the City has a problem sharing information and with communication. Many people who she spoke to were not aware of the public meetings which took place. She would like to know who attended.

Ms. MacKinnon recommended, since there are only 200 people in the room, the City should find a home on the City's website and lay out the requests from people and provides answers in order to stop the gossip and misinformation. The City should let media know where to go to find answers and where to send people. The City should let the public know what the City is going to do.

Jill Hargrove

Jill Hargrove advised the cutting of 19 of 23 trees got her attention. Ms. Hargrove was shocked, devastated and sad and couldn't believe the plan. She said that she did not know about the meetings and probably would not have gone because she has a certain level of trust in her elected officials but has learned her lesson. She studied the plan and was further devastated as all she sees is the destruction of a National Historical Site. It will be an urban park.

She concluded her speech by saying that a staff member said Officers' Square is known as the jewel of downtown. She feels it is the very heart and soul of Fredericton and does not need to be turned into an Urban Park. She feels we have not loved it to death but have neglected it to death. She would like the City to fix the fence that was removed and make cosmetic changes to Officers' Square and maintain it as a historic site.

The following is a summary of the written submissions received by the Clerk's Office -

Andrea Francis

- Went to Queen Street to look at what the City was doing in its 'infinite wisdom' and witnessed a gut-wrenching site of a bulldozer crushing the wall surrounding Officer's Square.
- She alleges the iron was built in the 1800's.
- She says there are laws to protect nesting birds and the workers were tearing down trees housing nesting birds.
- Alleges the parks and trees crew working near the Victoria Health Center also were not checking for nesting birds.
- Alleges there was non-adherence to the *Migratory Birds Convention Act*.

Doug Dewar

- Officers' Square is iconic. People go there as a respite from the hurry and heat of the street.
- In his opinion, the wall can be repaired without tree removal.
- He believes the tree on the corner of Regent and Queen Street does not have its roots entwined with the wall's foundation.

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- Trees remove carbon dioxide and lower the temperature in the City. It would take time for the new trees to do that.
- Raising the square would allow people to see the street, which is what they don't want.
- Raising the square may cause a ripple effect during a flood and may cause damage further downstream like Waterloo Row.
- Partially covering the square with concrete or asphalt is unwise.
- Concerned about the archeological issues.
- Concerned about the material that may be used on the sidewalk in the square.
- Would like to know the restrictions on the Square from a national and provincial heritage site perspective. He is concerned about the legality of what the city is doing and believes they are ignoring items.
- Says the Garrison District Master Plan has many questionable things in it.

Vivian Unger

- Any plan should work around the trees and make every effort to preserve them.
- She believes that the winters are cold and the current skating rink is perfectly fine.
- She believes the City would regret putting in a refrigerated skating rink

Cheryl Gillespie

- It would be a travesty to cut down the trees.
- Great characteristic of Fredericton is its natural environment of old elms, green space and the St. John River.
- Thinks the green space should continue to be preserved for the sake of its ecosystem, its rich history and its beauty.

Cheryl Patterson

- Believes City Council and staff are lying or incompetent.
- The renderings in the plan show shade being provided by mature trees.
- Should have asked the citizens if there were willing to trade the 19 trees for a tourist attraction.
- She says there was absolutely nothing crooked about the eastern wall.

Anne Lively

- The historic nature and beauty of Officers' Square must be maintained and cutting down numerous trees, removing the wall, building an ugly stage, a refrigerated oval rink, a splash pad and paving half the square would obliterate the history and natural beauty.
- She has enjoyed the summer concerts for many years and a big part is the ambience and sense of history.
- Officers' Square certainly needs to be maintained with repairs to the historic wall, new sidewalks and a portable stage which would suffice for summer concerts.

E.L.K. Schenke

- Save the trees downtown and start planting the mixed variety now to be better prepared for disease.
- Don't waste hard earned dollars on a splash pad and a skating rink. Not healthy and poor planning.
- Sad beyond words and 'your' greed for tourist dollars and popularity seems to override everything.