

Truro - Colchester
Public Hearing of Joint Council

October 16, 2000

A joint meeting of Truro Town Council and the Municipality of Colchester Council was held at the Best Western Glengarry Motel on Monday, October 16, 2000 at 7:00 p.m.

Present:

Town Council - Mayor W. R. (Bill) Mills, Councillors B. Kinsman, D. Cook, C. Cox, S. Byers

Colchester County Council - Warden M. Smith, Councillors C. Blair, R. Merriam, R. Cavanaugh, H. Matheson, R. Elliott, Deputy Warden W. Johnson, K. Baas, B Taylor.

In Attendance

G. MacIsaac CAO, Colchester County, J.K. Langille CAO Truro, Town Planner, P.A. Nelson, Solicitor Gary Richards, County Planner Paul Smith, County Solicitor Peter Rogers, Mr. Chris Wong from First Professional and Mr. Chris Lowe of SGE representing the First Nations Millbrook Reserve. Chief Lawrence Paul and members of the Millbrook Reserve also in attendance and several residents of the community.

Development Agreement

Warden Smith chaired a joint Council hearing on the proposed development agreement between the Town, County and First Truro Shopping Centres Limited on property in the vicinity of Exit 13. The Warden noted that the draft development agreement, background studies and a related staff report had been circulated to Council members and have been made available to the public. The Warden asked the CAO for Colchester County and the CAO for the Town of Truro if the guidelines of the Municipal Government Act regarding advertising had been complied with. The Warden then questioned if any written submissions had been received. Warden Smith then reminded both Councils that only those Councillors present throughout the public hearing could vote on the agreement when it is eventually considered by Council. Warden Smith also noted that this public hearing is Councils' opportunity to hear the application and concerns expressed by area residents. He reminded Councils that each municipal unit would have an opportunity to debate the merits of the development agreement when a motion is presented to their respective Councils following the Public Hearing. The Warden advised that staff were available to answer any technical questions that may arise as a result of the public's input. Warden Smith then asked Planning Staff to introduce the draft development agreement and their report.

Planning Report

Mr. Peter Nelson reviewed the Planner's Report and noted a typing error that showed the full development at 138,500 square feet when it should have shown the total development at 238,500 sq. ft. Mr. Nelson stated that this application for a development agreement was for the purpose of allowing a commercial development on a 38 acre parcel of land in the vicinity of Exit 13 off Highway 102. The parcel of land in question straddles the boundary between the two municipalities and will involve two lots of land. Mr. Nelson provided a summary of the proposal and outlined the service requirements for those present. Mr. Paul Smith reviewed the relevant policies from the Truro Colchester Inter-Municipal Planning Strategy for Inter-Jurisdictional Properties given the nature of this application. Mr. Peter Nelson

addressed the traffic implications of this development and other off site impacts of this development. Mr. Nelson also stated that the developer has agreed to cover the cost of a sidewalk to be constructed on Wynn Road. In concluding the review the Planners' report, Mr. Smith stated that this application is complete with schedules and other criteria required by the Inter-Municipal Planning Strategy and Land Use By-law. Mr. Paul Smith recommended several amendments to the development agreement which planning staff considered non-substantive.

Paragraph 6a) REPLACE

"...Schedules "B" and "C"... with "...all Schedules referenced at the end of this agreement and attached hereto..."

Paragraph 6b) ADD

- vi) the construction of an extension of Wade Road between the existing Wade Road and the Lands, as depicted on Schedules to this Agreement;*
- vii) realignment of the on/off ramps of the northbound lanes of Highway 102 in accordance with the plans as referred to as "Option 2" in correspondence from iTrans Consulting Inc. to the Nova Scotia Department of Transportation and Public Works dated August 10, 2000 or in accordance with such other plans as may be agreeable to the Department;*
- viii) the construction of pedestrian islands, turning lanes and other improvements at the Truro Heights Connector/Abenaki Road/Wade Road intersection depicted on Drawing 11 attached to correspondence from iTrans Consulting Inc. to the Nova Scotia Department of Transportation and Public Works dated August 10, 2000 or in accordance with other such plans as may be agreeable to the Department;*
- ix) improvements to the "Existing Watercourse" depicted on Schedule "G" of the Agreement and any other such improvements required by the Nova Scotia Department of Environment and Labour;*
- x) such other off-site capital improvements as may be lawfully required by a technical or regulatory authority referred to Paragraph 13(b) of this Agreement as a condition of obtaining the approval of such authority.*

Paragraph 9 ADD

The provisions of Section 6 - Signs - Town of Truro Land Use Bylaw shall apply to the entire site including portions located in the Municipality and are hereby incorporated by reference into this Agreement.

Paragraph 22 ADD just after Clause b) the following:

c) the developer agrees to contribute to the Town of Truro the actual cost of the development of a sidewalk connection along Wynn Road to Wade Road to a maximum amount of \$50,000.00.

Mr. Nelson also noted that signage requirements as per section 6 of the Town of Truro Land Use By-law would apply to this development both within Truro's boundary and that portion of the development which is located in the County.

Mr. Chris Wong - First Truro Development

Mr. Chris Wong representing the developer presented a background on his company and their holdings and activities. He requested a change in the north elevation diagram to allow for a McDonald's drive-through window in the drawing. Mr. Wong stated that the actual design of the exit/entrance ramps for the 102 Highway are still subject to the approval from the Provincial Department of Highways. Mr. Wong acknowledged the commitment of staff and their efforts to keep this project moving forward.

Report - Peter Rogers

Peter Rogers noted that in advance of March 29, 2000, the iTrans Report of March 2000 had been distributed to each Council member for review and consideration. Following that public hearing, there were some further reports or materials concerning transportation and traffic issues including materials filed in connection with an appeal to the UARB that he wished to expressly bring to the attention of Joint Councils for consideration at the current hearing. He noted that each Councillor had before him or her excerpts from the traffic documents as follows:

- (1) Materials from iTrans Report of March 2000 circulated to Councils prior to March 29, 2000 hearing (Exhibits 6, 7, and 8 of iTrans Report);
- (2) Materials from iTrans' letter to the Department of Transportation and Public Works dated August 10, 2000 (p.2, pp. 4-5, diagram of Option 2, Drawing 11);
- (3) Materials from Geoplan Consultants Report of August 14, 2000 prepared for Millbrook First Nation for use at UARB appeal (Figures 5 and 6 and pp. 14-17);
- (4) Materials from SGE Report of August 15, 2000 prepared for Millbrook First Nation for use at UARB appeal (Exhibit 4.2.2, 4.2.3, 4.3.1 and pp. 19-20).

Mr. Rogers reviewed these materials from Joint Councils, noting that p. 2 of the August 10, 2000, letter from iTrans to the Department of Transportation proposed a realignment of the north-bound Exit 13 ramps depicted on the Option 2 diagram. The text on p. 2 indicated the realigned intersection will operate at an overall level of service "A" during the weekday p.m.. And Saturday peak hours, with the north-bound left operating at a level of service "E" or better and having a volume to capacity ratio of .41 or better. At the bottom of p. 2, iTrans discusses a revised layout for the Truro Heights Connector/Wade Road/Abenaki Road intersection, depicted on Drawing 11 with lane configuration and pedestrian refuge islands. Mr. Rogers noted that on p. 4 of the iTrans August 10, 2000 letter, the authors' report on the results of a traffic count taken at James Street/Truro Heights Connector intersection and comment on the level of service expected in 2006 assuming full build-out of the development. It was noted that on p.5 of the iTrans letter, the authors' comment on pedestrian safety issues noting that the developer still does not contemplate extending a sidewalk along Truro Heights Connector between Lower Truro Road and the Abenaki Road intersection.

Mr. Rogers reviewed the traffic impact diagrams in the Geoplan and SGE Reports noting that the traffic estimates differed from those contained in the original iTrans Report which were provided for comparative purposes. He noted that the differences were from various factors including different computer software and different trip generation theories or models, noting that Councillors should compare for themselves the order of magnitude of the differences.

The conclusions and recommendations in the Geoplan Report were referenced and a passage from the bottom of p. 15 of the Geoplan Report was quoted in full. Mr. Rogers then proceeded to review and summarize each of the points numbered 1 through 6 in the Geoplan Report, noting that:

- C In regards the James Street intersection, the Development Agreement is not requiring the Developer to install traffic signals in the James Street/Lower Truro Road/McClures Mills intersection areas, which appears to be favoured by the authors;
- C The authors felt that additional sidewalk should be constructed along the Truro Heights Connector to Abenaki Road for safety reasons but that this was not a feature of the Development Agreement as proposed;
- C The authors had concerns regarding the serviceability of the existing north-bound left turn off Highway 102 interchange (it was noted that the interchange configuration commented upon by the authors was prior to the August 10, 2000 design of "Option 2" by iTrans);
- C The authors of the report favoured a computer simulation model because of the complexity of the project area with the possibility of multiple signal installations, but this had not been done and was not a feature of the Development Agreement;
- C The authors favoured some jurisdiction accepting overall responsibility for the maintenance of signals along the Truro Heights Connector. This was likewise not a feature of the development as it was being presented to Councils for their consideration;
- C The authors express concern in para. 6 on p. 17 in regards the design of the Abenaki/Wade Road intersection.

Mr. Rogers reviewed the 8 recommendations on pp. 19-20 in the SGE Report:

- C The authors favoured taking additional traffic counts to obtain more accurate or confident data regarding existing traffic volumes. It was noted that this had not been done.
- C Traffic signals to be installed at the McClures Mills Connector/South-bound ramps off Highway 102 was a feature of the development as proposed to Councils.
- C The authors of the SGE Report were noted as having concerns with the left turn movement from the north-bound off-ramp of Highway 102.

- C The authors of the SGE Report also had comments on the functional design of the McClures Mills connector/Wade Road/Abenaki Road intersection and in particular expressed concerns about the east-bound left-hand turn lane and its storage length.
- C The authors favoured installation of traffic signals and consideration of realignment of the intersection at the McClures Mills Connector/Lower Truro Road/James Street. It was noted that neither of these features is incorporated as an obligation on the Developer in the Development Agreement as proposed.
- C The authors of the SGE Report favoured close monitoring of the traffic volumes at McClures Mills/Willow Street intersection with possible intersection modifications required in the future.
- C The SGE Report authors, like those of Geoplan, favoured an extension of sidewalk along the McClures Mills connector between James Street and Abenaki Road. It was also noted that the authors favoured a pedestrian safety audit of the McClures Mills interchange.
- C The authors favoured timing and financial responsibility of the required transportation infrastructure improvements being explicitly stated in both the Traffic Impact Study and the Development Agreement. Mr. Rogers noted that at least the Development Agreement addressed some of these matters.

JPAC Recommendation

Mayor Mills advised that the Joint Planning Advisory Committee had met on October 12 and were recommending that Truro and Colchester enter a development agreement with First Truro Shopping Centres Limited including the amendments as detailed on pages 16 and 17 of the Planner's Report.

Presentation - Chris Lowe, First Nations Millbrook Reserve

Mr. Chris Lowe from SGE Consultants, representing the Millbrook Reserve advised Councils that his clients were in agreement with the draft Development Agreement but requested Councils to stop the process at this point and consider all of the proposals. Mr. Lowe suggested that the developer should be responsible for more of the costs associated with this proposal and that taxpayers in Colchester and Truro should not incur any costs on this project. Mr. Lowe stated that Walmart is the third largest retail department store in the world and the local business community should not have to absorb any costs resulting from this project. He requested Councils to have staff prepare a report detailing all costs to be the responsibility of the local municipalities. Mr. Lowe was of the opinion that the Developer did not need a subsidy from the municipalities in this project.

Mr. Jeff LeBlanc, also with SGE Consultants, and representing the Millbrook Reserve expressed concern over the cost of the Sidewalk on Wynn Road. He stated that the sidewalk according to his estimates would cost about \$175,000 and it was scheduled to be completed during the first phase of this project. Mr. LeBlanc stated that this sidewalk construction does not appear on any schedules so that there is no guarantee that it would be constructed. Mr. LeBlanc also requested a study to be completed to determine the need for a pedestrian crossing and sidewalks west of Highway 102 on the McClures Mills Road. Mr. LeBlanc informed Councils that his office had requested a copy of the August 10 letter from the Provincial Department of Transportation responding to a

study and recommendations from iTrans Consulting. He stated that his company representatives had met with Mr. Kevin Caines from DOT but to date had not received a copy of the letter. Mr. LeBlanc stated that the stop in the flow of traffic on the McClures Mills Road may cause an increase in traffic using the new overpass at the Abenaki Road. He also stated that the draft agreement does not include a provision for a controlled intersection at the James St. intersection. Mr. Chris Lowe stated that the developer is only spending 2.9 million on this project and should be responsible for all of the off-site costs associated with this project. Warden Smith stated that Councils could not be held responsible for the information released by the DOT and noted that all information requested from Municipal Staff was provided. Councillor R. Merriam stated that although the Department of Transportation should have made the letter available, Councils are not in a position to legislate the cost to purchase property. Mayor Mills questioned the cost estimate of 175,000 to construct the sidewalk. Mr. Peter Nelson stated that the cost estimate provided by the Town Staff was \$99,300 which included improvements over the emergency access road area. Mr. Nelson suggested that the estimates were different as a result of this project being completed by municipal staff. Warden Smith noted that all sidewalk work is scheduled within the Town of Truro and Colchester County was not required to install sidewalks at this time. Mr. David Argue, Transportation Engineer with First Professional Development Limited stated that although his company recommended traffic signals at Wynn Road, Town Staff did not feel it was necessary with the changes in turning lanes and other traffic adjustments included in the proposal. He stated that he did not have a request from SGE for a copy of the August 10th letter and he did not know why DOT would not provide SGE with a copy. Mr. Argue stated that the stops were designed into the entrance/exit ramps for highway 102 to help slow the speed of traffic entering the Town of Truro and this was agreed to by municipal staff. He stated that he did not expect this would cause any additional traffic to the Millbrook interchange. Mr. Argue stated that with the construction of Wade Road this street would serve as the truck route. Mr. Chris Wong stated that every development is different and associated costs of development are also different in every project.

Presentation - Bill Whiffen

Mr. Bill Whiffen, a resident of Oakwood Drive stated that safety was his main concern. Mr. Whiffen stated that large trucks turning right onto McClures Mills Road could be a safety concern. He also expressed concern that he would now have to pass five major intersections in order to travel to Truro. Mr. Whiffen asked if any consideration had been given to using an access other than Exit 13. Mr. Peter Nelson stated that it would not have been possible to create another exit from the 102 Highway because of DOT standards. Mr. Nelson advised Councils that all safety issues relating to traffic and pedestrians had been considered by staff and the recommended proposal does take these concerns into consideration.

Presentation - John Lynds

Mr. John Lynds noted that most traffic lights are sequenced to allow for better traffic flow. He suggested that Truro has the reputation of being closed for business development and it was his opinion that this project should be permitted to proceed. Mr. Lynds stated that a new Valley Bridge should help greatly with truck traffic problems and that he would like to see more business development in Truro.

Presentation - Doug Kirby

Mr. Doug Kirby, the business development officer with the Town of Truro stated that he had first contacted Walmart in 1992 and he was referred to First Professional Development in 1994. Councillor Merriam confirmed the comments from Mr. Kirby and stated that politicians should be willing to champion development causes.

Presentation - Margaret Ryndress

Ms. Margaret Ryndress, a resident of Wynn Park, informed the Councils that she was anxious for Wade Road to be constructed because it would make travel for her much easier.

Request - Dept. of Environment

Councillor Cook asked if the Provincial Department of Environment had approved the development plans for First Professional Developments Limited. Mr. Chris Wong stated that nothing had been received to date from the department and that the project would not be permitted to start until approval is received from the Department of Environment. Councillor Cook questioned the plans to locate more trees within this development. Mr. Wong stated that there is a landscaping plan included in the proposal and that terracing of the phases of the project would help in this regard. Warden Smith asked if there were any other comments from the audience or questions from either Council.

Adjournment

There being no further comments from the attendees or questions from Councils, Warden Smith adjourned the public hearing at approximately 9:45 p.m.

Gary MacIsaac
Chief Administrative Officer