

AON deal needs your attention

On Tuesday, Port Hope council is poised to say yes to the biggest development in its history. Much of the deal has been negotiated in secret. Before it's too late, read on.

THERE are certain moments that define a community, and this is certainly such a time for Port Hope.

AON Inc. of Peterborough is about to get approval to build nearly 2,000 homes at our western door. That's enough to satisfy the town's growth for the next 40 years, and will increase our population by half. Some feel it's a good thing. The town needs to grow and prosper. Others urge caution. Why approve it all now? Is it too much density? The wrong kind of housing? Will it change the character of our town?

Whichever way you lean, pro or con, the time for engagement is now. You can start by showing up with your neighbours when town council votes this Tuesday at 7 p.m. Avail yourself of the facts. Compare what

each side says, then make yourself heard.

Doing nothing will leave power in the hands of the so-called "experts," whose interest is not always in keeping us fully informed. Since the last public meeting more than a year ago, much has changed, including AON's plans. The town, torn between a desire to grow and a fear of becoming another Whitby or Ajax, set certain conditions on its approval, then relaxed many of them, and now seems ready to accede to AON's key demands rather than defend itself against the developer at the Ontario Municipal Board in September. A small but vocal citizen's group has mobilized to urge the town to slow down and fix a deal that will see some of the housing built at three times the density allowed in the town's official plan.

A war of claims and counter-claims has been fought by all three parties for too long, and the temperature of the public debate has reached the boiling point. Most of us have been left in the dark. So much for leaving things to the 'experts.'

A different spirit is needed now. Every citizen needs to take responsibility for being informed. This special issue of *The Crier*, delivered to every door in town, is an attempt to encourage that. We have posed what we feel are reasonable questions to all sides, based on material that has been made public. We hope it helps you make up your mind about what is, most certainly, a very complicated question.

What makes Port Hoppers special is their lively sense of civic spirit. We aren't telling you what to think about this development, but we are telling you this: Armed with the facts, you have always done the right thing before.

That's how you've preserved the character and diversity of the best small town in Ontario.

The Crier promised to return if the town ever needed us again. We think you do now

EDITORIAL

YOU ARE READING a newspaper that has only one motive for existing — service to our community. Our volunteer, non-profit paper captured Canada's imagination when a small group of Port Hope citizens launched it in 1999. We did it to stress our displeasure with the declining quality of our local daily newspaper, which had fallen under the control of media baron Conrad Black.

The Crier illustrated a community's ability to resist the corporatization and homogenization of our mass media. In 15 months of publishing, we delivered quality journalism with few resources, winning national and provincial awards for our local commentary and reporting.

When Black put all his newspapers up for sale in mid 2000, we closed *The Crier* rather than stand in the way of a new owner who might rejuvenate the *Evening Guide*.

We leave it to you to determine whether that has happened. We are back because our last editorial said we'd be back if you ever needed us again. In our judgment, you do now. This is a special, one-time edition that aims to inform the community about an urgent public issue — one that we think has not been adequately covered or explained.

We hope you find it of service.

We trust you will know what to do.



"WHERE COMMUNITY DEVELOPS"—Despite his company's slogan, Ross Smith is striking out at his critics and refusing to answer our questions. See page 6



Q & A with Mayor Austin

■ Mayor Rick Austin was interviewed in his office. He initially agreed to let the interview be tape-recorded, but after consulting with the municipal solicitor, he changed his mind. This is from verbatim notes taken by John Miller.

Q Who is doing the negotiating for the town on the AON development?

A Senior management of the town, the director of planning services, Spencer Hutchison, and the town's solicitor, Doug Mann

Q How does staff get direction from council? How do you approve what they're doing?

A Mr. Mann will come to council and say we've negotiated this and I need council's direction. It's solicitor-client privilege, done in camera. That's how it's done.

Q It's been more than a year since the last

"Do we really want to drive a bargain that makes Mr. Smith walk away?"

public meeting. Why are you taking a vote on the plans of subdivision in the middle of summer, when people are away? Given the public interest in this development—it's the biggest in the town's history—doesn't that look bad?

A Well, council is off all of August. Staff's recommendation is that plans should come forward now rather than in September. When is the OMB hearing? September 15? They should come now rather than the Tuesday before the OMB hearing. The mayor's going to be away the first week in September.

Q Mr. Mann said at the OMB pre-hearing that you are in substantial agreement with AON. That was two months ago. Are there any major outstanding issues?

A I think there are some outstanding issues left. The major one is the dedication of trails. The developer wants any trails to be counted as part of the parkland dedication, and the town doesn't. That's a major one.

Q Why is it necessary to agree on everything before the OMB hearing? Isn't it all going to be decided there?

A It all goes back to council's resolution last Oct. 15. If we can get it all decided now ... Well, if we get all our conditions settled now, there will still be an OMB hearing. Future-Watch is objecting, and AON is taking us to the OMB because of what they say is the town's failure to act.

Q But if you're agreeing with AON on everything now, why would they still take you to the OMB, forcing you to spend tens of thousands of taxpayer's dollars?

A Well, there are still the walking trails, which the developer is paying for. I don't think that will be resolved unless Mr. Smith has a change of heart, and I can't see that happening.

Q More than a year ago, on May 29, 2002, Spencer Hutchison said that several specific changes would be written into the agreement, including a school site and another park. Has that been done?

A I'd have to check on that. I've not seen a school site, but that doesn't mean it isn't there.

Continued on page 7



VIRGIN LAND: Arrow shows where Phase 5 of development will be. You'll pay up to \$400,000 to live in adult condos here.

CRIER PHOTOS: KEITH BRANSCOMBE

By Amy Quinn THE CRIER

ADULT lifestyle communities seem to be all the rage now and they are popping up like mushrooms all over Ontario. Our town is faced with the prospect of one of these "childless" communities being attached to the edge of town, and ours is not a small one. They want to increase the size of the town by half (up to 7,000 more people) and they want adults only.

For developers, this is a dream. They don't have to worry about schools, parks or recreation centres for children. It seems that whenever a developer builds a subdivision, citizens have to fight for basic things like sidewalks and parks. Here we are fighting for a neighbourhood that is as complete as any other in our community — one for all ages.

What is wrong with children? What is wrong with the neighbourhood where families and people of all ages live on the same street?

I worry that we live in an anti-child society and somebody has to speak about the benefits of mixing children,

adults and seniors. If we want a healthy, vital town, we cannot exclude children from the future growth of Port Hope.

Children add life and vitality to a community that no other person can. They bring us soccer, hockey, music, art and questions that need answers about life and Popsicles. Children bring us humour to the everyday tasks of life. Children bring us a future. Some will grow up and move away, but many will come back home to raise their families. That is, if we plan our town properly.

With children come their parents; they add life to the community as well. They usually help out with the swim team, the soccer team or volunteer at the schools when they are not working. Parents and children are quite often seen together at the Public Library, the park or just shopping together downtown. Parents care about the community that

their children are being raised in.

Families with children are an economy for this town. Families shop at the grocery stores,

just by association help children with socialization skills. Sometimes their home can be a place of refuge. Children give life to seniors and vice versa.

their right to learn and benefit from the wisdom of the elders, it would be a sin and a waste of that knowledge.

We have to ask questions.

Why would we want to have one-third of our town cut off from the rest of us? Is this what we want Port Hope to become, a small town with a gated adult lifestyle community like an appendage on the west end? If we build these homes to house only adults, what happens in 25 years when the baby boomers are dead and dying? How do you fit a family of five into a two-bedroom house? Where are the schools and the parks? If that happens, we will be creating a nightmare for the future citizens of this town.

I think we all want a town that is alive with people of all ages. We do not want to become just another bedroom community where nobody knows who lives two doors down, and too many are seniors who have no need to create an economy here.

● Amy Quinn is a lifelong resident of Northumberland County. She and her son Sam live in Port Hope.

OPINION

Imagine a whole town without children

the retail shops, and they create the demand for theatre, music and art. Children need food, and clothes constantly. Children are a positive economy.

Seniors in particular are the biggest asset for children; they offer a wealth of knowledge and experience to someone who is too young to know what a hula hoop or an Edsel is. Seniors can

Many of my hobbies were learned from people much older than myself, when I was a child. That's where I got my interest in our environment, whether it's built or natural.

We must include families in any future growth of the town and we must include seniors in the streetscape with the families. If you deny our children

Why 3 town councillors changed their minds

By John Miller THE CRIER

Four of Port Hope's six town councillors changed their votes on key conditions of the AON deal since last October, and have never explained why publicly.

Councillors Jeff Lees, Larry Hall, Julie Mavis and Dave Watson cast key votes last Oct. 15 when council set seven conditions on its approval of the 2,000-unit AON development. They insisted on density that conformed to the official plan, three-year sunset clauses on all phases of the development, and phasing that required AON to start building at Penryn and move west.

But all voted differently when council "amended" its resolution last month. They said they would accept density that was 40 per cent greater than the official plan, allowed AON to build west to east

as it wanted, and relaxed the sunset clause to five years on the first phase.

The Crier asked each councillor to explain his or her switch.

LARRY HALL: "There comes a point where you're only holding up the works. You go so far. They all want it and to resist anymore is beating a dead dog... There are a number of things I'd like to change personally; sometimes you have to walk away and leave what you personally want on the shelf. It's as simple as that. Some time I'm going to need the support of them (other councillors) on something else. That's political life."

DAVE WATSON: "We got most of what we wanted. I got what I wanted — protection of agricultural land in the west end. I don't have to (explain). I made a decision so I made a decision."

JEFF LEES: It's called negotiations. I don't know if you're familiar with that. You don't seem to be happy unless you always get your way. I'm one of those people who like to see development here. I've lived here all my life. I think there's too many people moving in here and they think things should stay the same because they've graced us with their presence. Maybe they should spend a few years here before they speak up about things. It (development) is going to come here and I know it and you know it. I'm not 100 per cent behind it (the AON development) and I'm not 100 per cent against it. Not everything is perfect but I think we've reached the best deal we can. It's better than them going to the OMB and getting everything they wanted. That's the way it was going."

JULIE MAVIS: Refused to comment. "I feel very uncomfortable talking about this because it's before the OMB," she said. When asked why the OMB's procedural order would prevent a town councillor from talking to the press, she said: "I don't feel comfortable talking to The Crier."

THE CRIER

■ This special issue is published as a public service by The Crier Corporation, a volunteer, non-profit organization of interested citizens. It was distributed to every household in Ward One and to businesses and postal box holders. It is financed by advertising offered to the Town of Port Hope, AON Inc. and Future-Watch, and by donations from 14 public-minded citizens who wish to remain anonymous.

EDITOR: John Miller DESIGNER: Keith Branscombe
CONTRIBUTORS: Amy Quinn, Dorothy Thomas
Comments welcome: Box 231, Port Hope or box231@eagle.ca

Here's how YOU can have YOUR SAY

Whether you're in favour of this development, or concerned about it, here are several ways you can get more information or get involved.

Contact the town: Town council meets at 7 p.m. this Tuesday and may give final approval to AON's plans of subdivision, covering the entire five phases of the project. If AON then withdraws its appeal to the OMB, that would end public discussion. You can attend the council meeting, which starts at 7 p.m. at Town Hall, ask to speak to council, or write a letter. Minutes of past meetings are available on the town's website. **905-885-4544**

admin@town.porthope.on.ca
www.town.porthope.on.ca

Contact your councillors
Mayor Rick Austin: **885-9262**
Aldo D'Agostino: **885-4824**
Linda Thompson: **797-2514**
Jeff Lees: **885-8977**
Larry Hall: **885-2315**
Julie Mavis: **885-4866**

Dave Watson: **797-2298**

Contact the developer:
AON Inc. is a family firm located in Peterborough. It specializes in building and managing retirement residences and nursing homes. Three of its facilities are in Peterborough and one in Millbrook. The company also manages 300,000 square feet of commercial space, most in downtown Peterborough. Examples of its buildings can be found on the website. Ross Smith is CEO and president, and his son Brad is executive vice-president. **705-742-3801**

info@aoninc.com or
bsmith@aoninc.com
www.aoninc.com

View documents: Best way is to go to the second floor of the Port Hope Public Library and ask to see the AON documents. They are in several binders and

fill an entire shelf. The librarian is very good at locating particular documents. There is a copying machine, and you pay per copy. Documents, like the West Secondary Plan, can be purchased from the town. The usual charge is \$15.

Ontario Municipal Board is an independent tribunal that hears disputes involving municipal planning. Its decisions are binding on all parties. You do not have to be a party to the dispute

to attend the public hearing of evidence. The OMB has scheduled up to three weeks of hearings in Port Hope starting at 10 a.m. on September 15. It will be held at Town Hall, 56 Queen Street. At least one evening session is scheduled at which the public is invited to speak. Evidence and expert testimony

will be presented by the three main parties to the dispute: AON Inc., the town of Port Hope, and Future-Watch.
www.omb.gov.on.ca

Contact Future-Watch This citizen's group was incorporated 14 months ago and does not oppose the development, but believes it is too big to approve all at once. It is seeking new members and donations to enable it to present evidence at the OMB hearings. Write: Future-Watch, P.O. Box 371, Port Hope L1A 3Z3

Give us your feedback: This is a one-time-only comeback issue of *The Crier*, but we'd be interested in what you think of our volunteer effort.

box231@eagle.ca

Write
P.O. Box 231, Port Hope, L1A 3V9

'I don't think it's troublemaking to ask them to uphold the official plan'

Q & A with Future-Watch

Q What role do you feel Future-Watch is playing in the debate over this development?

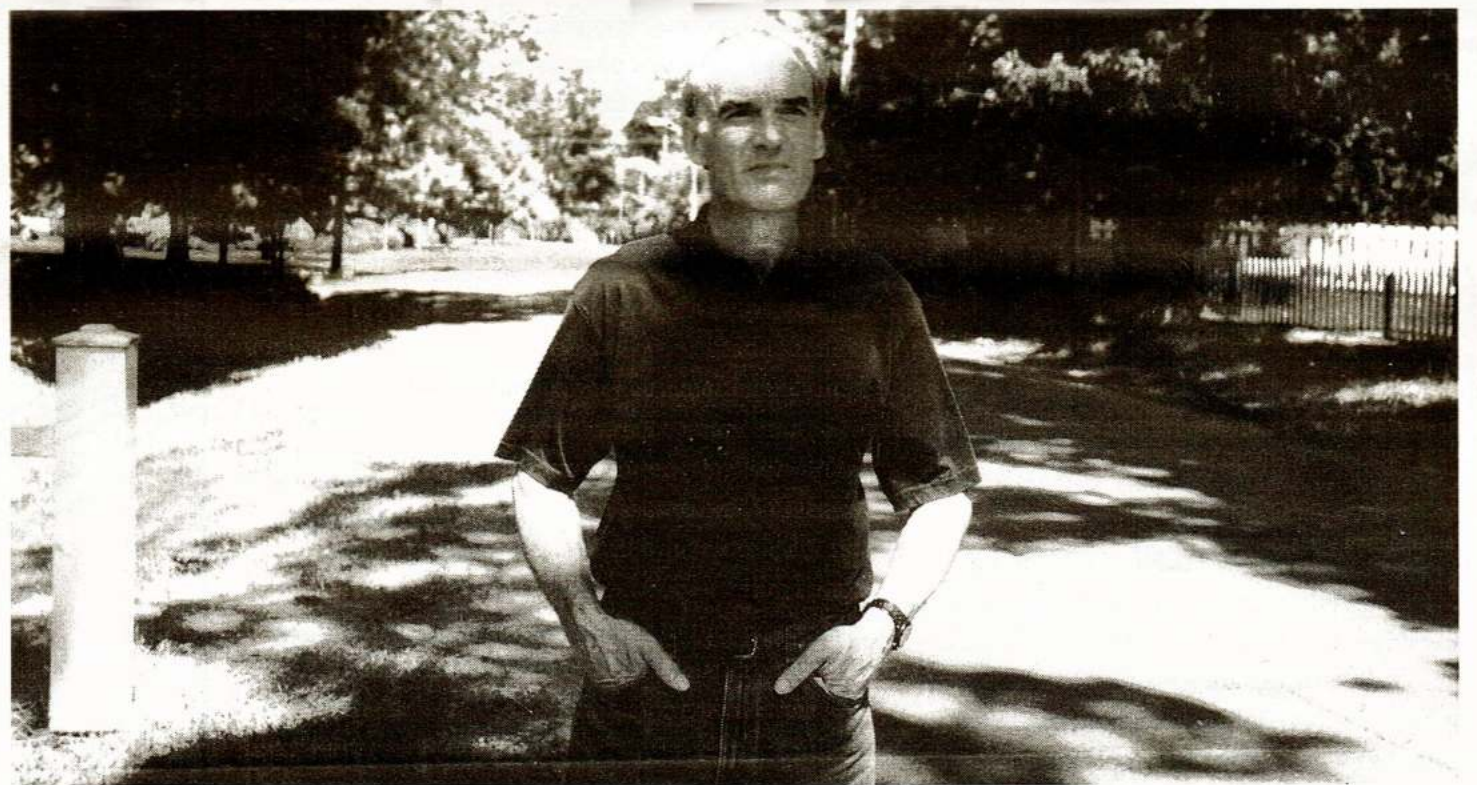
A We understood the planning process to be that a developer might propose a development, the municipality might work on that proposal, but then it would be presented to the public at the public meetings, with the expectation that if there were reasonable objections and if there was a sufficiently large group of people who objected to the project, that the project could be redesigned, or changes made, to meet their concerns. We felt that's what we were doing. Through the course of the three public meetings, even though we and other members of the public brought essentially the same points up – the size, the lack of infrastructure, the problems of the construction route – all those things, it was clear that the municipality wasn't listening.

Q So has the role of Future-Watch changed since those early days?

A We have now been put into a position, because the developer took the Town of Port Hope to the Ontario Municipal Board, and the town has essentially given the developer most of what they want, we are now the only people with cogent, serious criticism of this project to present at the OMB. We are the people who are trying to bring the best independent planning advice we can find to bear on this, so that the concerns we have raised consistently over the past two years are addressed.

Q What do you want to see happen?

A Well, I want to make it absolutely clear that we are not anti-growth. And we are not against this development. What we're against is approval of the whole enormous scheme which even the developers and the town admit might take 20 to 30 years to sell. The normal planning horizon is five years, and at the outside 10.... By approving this enormous scheme up-front, the possibility to adjust this project, to keep it under public control if circumstances change... is lost. We're happy to see the first two phases go ahead, if those phases are Penryn, which is adjacent to existing services and which was approved for AON nine years ago, and the next phase (Redner). And we're also in favour of that being the type of housing they envision, which is sen-



RON WRIGHT is a well-known author who founded Future-Watch with other concerned residents of Port Hope.

iors and other so-called adult lifestyle – in other words, people without children and mainly older people. We think, yes, there's a need for that type of housing in Port Hope. But what is not fine is committing 2,000 units to this one demographic sector. That seems to all of us at Future-Watch as folly.

Q The town might say that the phasing and the approval process of this development will do what you want done in that regard. In other words, at each stage of approval the town has the chance to say this isn't appropriate, or we have some more conditions. What's your answer to that?

A The kind of approval they are contemplating is in fact approval of the whole project, without certain key elements of infrastructure being in place. There's no requirement for schools, there is far too little parkland, there is no construction route being required as far as we know. There is no attempt to make the density conform to what is in the official plan for this area. And those things can't be changed, even if there are holding provisos on each phase. So the essential character

of this development is being set right at the beginning.

Q You would think that, given the size of Port Hope, the tax base, and the fact that there hasn't been much development, you'd think that this would be good news. Why has it been such a contentious project?

A I think what people object to now is that there is only one vision for this entire piece of land. AON Inc. controls most of the unbuilt residential land in the west secondary plan area. It's not normal housing, it's not mixed housing, it is retirement, seniors and nursing homes.

Q Are you saying there's not that much of a demand for that type of housing?

A I can't predict what the demand is likely to be. Our planning consultant, John Bousfield, said that this project is more than twice the size of any other project in the GTA. The next biggest one has only been selling at about 100 units a year. So if you do the math, 2,000 units, if it sold in Port Hope at 100 a year, which is doubtful, that's 20 years. So the demand seems to be a question mark.

Q Isn't that the risk the developer takes? Why should the public be concerned?

A The problem is, the town cannot require the developer to sell the housing to any particular demographic. So if the town approves something that violates the official plan and is without the infrastructure for a normal mixed community, without the schools, without adequate parkland, perhaps worst of all without the new road pattern required for this area as it expands, if families moved into this high density housing, this would be completely inadequate.

Q In the West Secondary Plan, there was a goal of creating some low-income housing. Do you see that in the proposal?

A I see no evidence of that at all. Garden homes – essentially two-bedroom, 1,500 square foot row houses on quite narrow lots – are expected to sell for \$350,000 each. That just seems absurd. I would think it might be double the reality.

Continued on page 8

THE DEVELOPMENT: *Homes for th*

WHAT IT IS: AON Inc. proposes to build 1,952 "adult lifestyle" condominium units on 360 acres of land in Port Hope's west end. This includes 360 nursing or retirement home units. AON also will expand the Port Hope golf course to 36 holes, including a new, private 18-hole championship layout, and a 200-room country inn and conference centre.

WHERE IT IS: This development covers 50 per cent of the land that Port Hope annexed from Hope Township to provide for the future growth of the municipality. Building would start in Ferguson Farm South (labelled "South" on the map at right). Phase 2 is Penryn near Victoria Street South. The Redner lands south of Lakeshore Road would be Phase 3. Ferguson Northeast and Northwest would be developed last, including the Little Creek ravine.

HOW BIG? This would be the largest "adult lifestyle" community east of the GTA. Construction would take 10 to 15 years. It would satisfy all of Port Hope's growth expectations for the next 40 years. AON Inc. earlier said it could be home to 6,000 to 7,000 people, although Port Hope's town planner now estimates around 4,000.

TYPE OF HOUSING: Port Hope's official plan says all housing on this land should be low density, which means single family homes and semis. AON wants to build mainly row houses and apartment buildings, and is seeking density that is 40 per cent more than the official plan allows. Since AON expects seniors and couples to live there, it is not providing a school site or community centre.

SELLING PRICES: AON says apartments would sell for \$189,000, row houses for \$350,000 and single-family homes for \$400,000. The average selling price for a home in Port Hope last year was \$160,000.

BENEFITS TO TOWN: The developer says the country inn and retirement residences could generate 413 full or part-time jobs. The town would collect \$10 million in development charges. The developer would pay for a new pumping station to serve the west end. New residents would pay taxes and add to the local economy.

STATUS OF DEVELOPMENT: AON Inc. has taken the town to the Ontario Municipal Board, saying it has not acted on its development plans. Public OMB hearings are scheduled for Sept. 15 in Port Hope, and everything is on hold until then. Should the town approve AON's plans of subdivision before then, the developer could withdraw its appeal, but the OMB would have to concur. The OMB is an independent, impartial tribunal that reviews planning and development disputes and determines what constitutes good planning. A number of citizens, including the group Future-Watch, have registered as parties or participants at the hearings.

ISSUES BEFORE OMB: All parties agreed in May on the issues they want the OMB to decide. They include:

- Is it appropriate to rezone all of the lands at this time? AON does not own some lands needed for its roads.
- Is it good planning to build the development from west to east (as AON proposes) or should it

start from existing services and proceed from Penryn west?

- The official plan says housing density should be only 20 units per hectare (2.5 acres). Should AON be allowed to exceed that?
- Should the entire development be devoted to one type of housing – "adult lifestyle"?
- The Little Creek valley, an environmentally sensitive area, will be closed to the public and conveyed to the condominium owners. Is that appropriate?
- Should the town accept substantially less parkland from the developer than is required in the official plan?
- Should farmland be rezoned to allow AON to build a private golf course?

POSITION OF THE TOWN: It's changed. Last Oct. 15, council imposed seven conditions on its approval, including density that conforms to the official plan. As the OMB pre-hearing neared in May, the town solicitor, Doug Mann, said the Oct. 15 resolution was final. But on May 9, a press release said council had given new directions to its negotiators at an in-camera meeting: It would agree to higher densities and relax many of the conditions in return for lower density in Phase 5. Mann told the OMB the town and the developer were in "substantial agreement."

POSITION OF FUTURE-WATCH: Future-Watch does not oppose development; it has offered agreement for a first phase of construction on the Penryn Park and Redner lands, building from east to west. It opposes approval of the entire development now on the grounds that a large "adult lifestyle" community will change the character of Port Hope, that AON does not own the lands for its internal road system, and that plans call for minimal parklands and no school.

"Can anyone explain how this development will enhance anything but the developer's pocket?" -AINSLIE SURETTE

"Those whom the gods wish to destroy they first make mad! If this AON proposal goes ahead as its promoters would like, it will succeed in destroying the very things that make people want to live in Port Hope: Our town's beauty and historic character, its ideal size." -FARLEY MOWAT

"I had been without The Guide for several months. I renewed my subscription and there was AON taking most of the front page. Is this our future? It will include a lot of houses on a little bit of land. What about beautiful Port Hope? Is it going to become usual - and poorer? Is that really what AON and Council want?" -DR. JOHN ALDIS

"Over the years, Port Hope has gained the reputation of a 'close-the-gate' community. Once somebody moves here they want to close the gate and not let anyone else in. This practice must stop - we must grow and adapt to orderly change." -DAVE HENDERSON

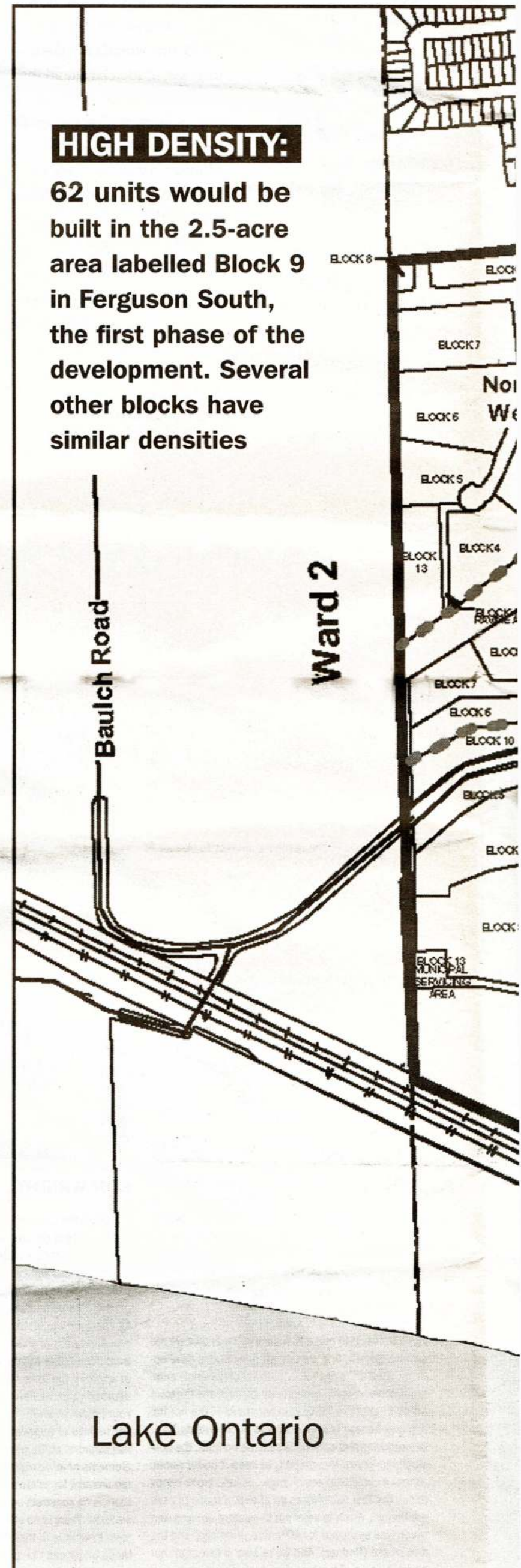
"I love the idea of having a seniors' complex, not having to worry about children racing through your garden, or breaking branches off your new tree." -N.H. LAURIE.

Thanks to the staff and contributors of The Crier for informing citizens who still may not fully comprehend the enormity of the impact this project has on our future. I still believe our council wants to do what is best for the town, but whether they are overworked, threatened, cajoled or simply fail to understand the consequences of their decisions, I feel our quality of life is not being safeguarded.

-CLAY & CAROL BENSON & FAMILY

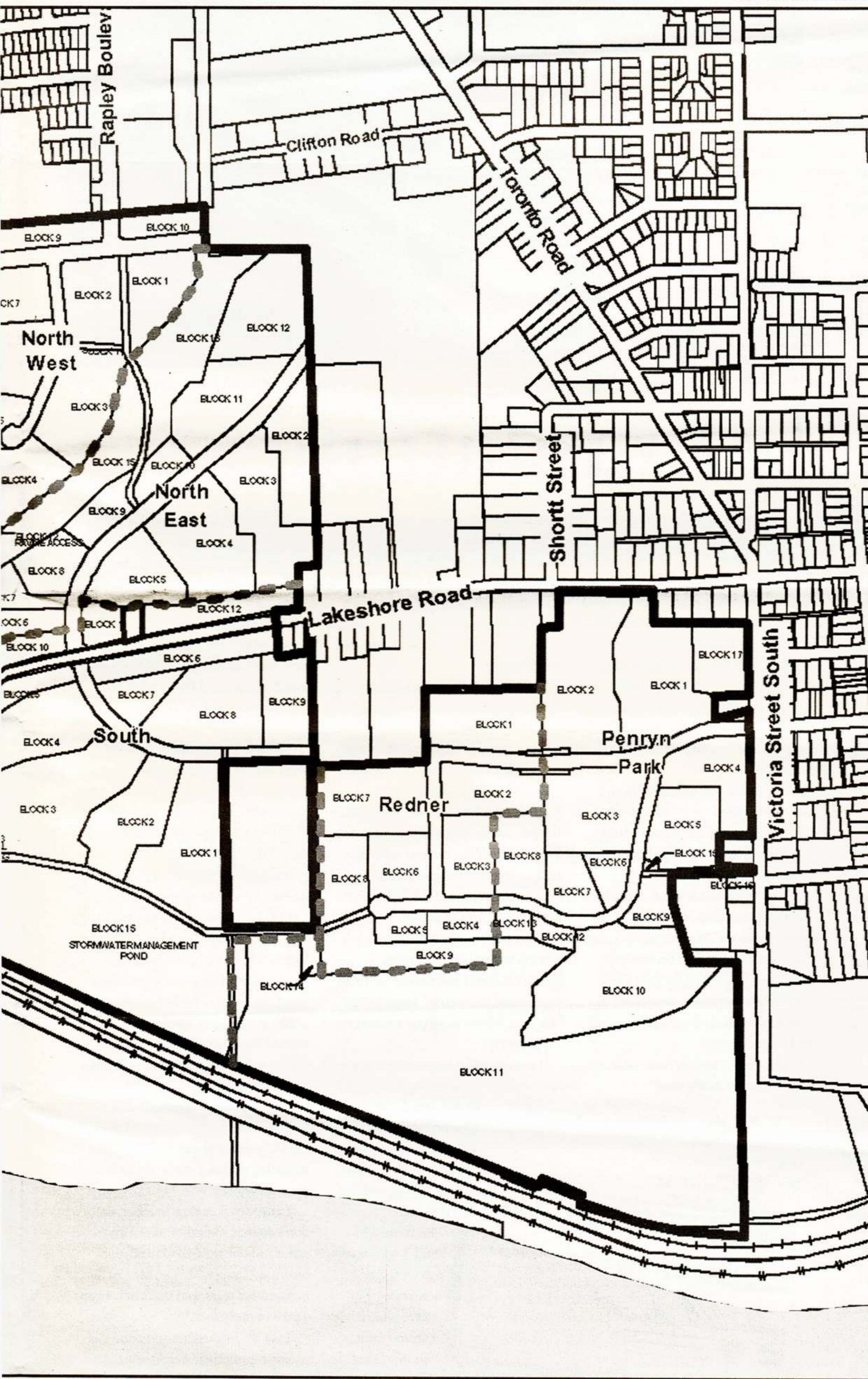
HIGH DENSITY:

62 units would be built in the 2.5-acre area labelled Block 9 in Ferguson South, the first phase of the development. Several other blocks have similar densities



Thousands in our west end

MAP: MUNICIPALITY OF PORT HOPE



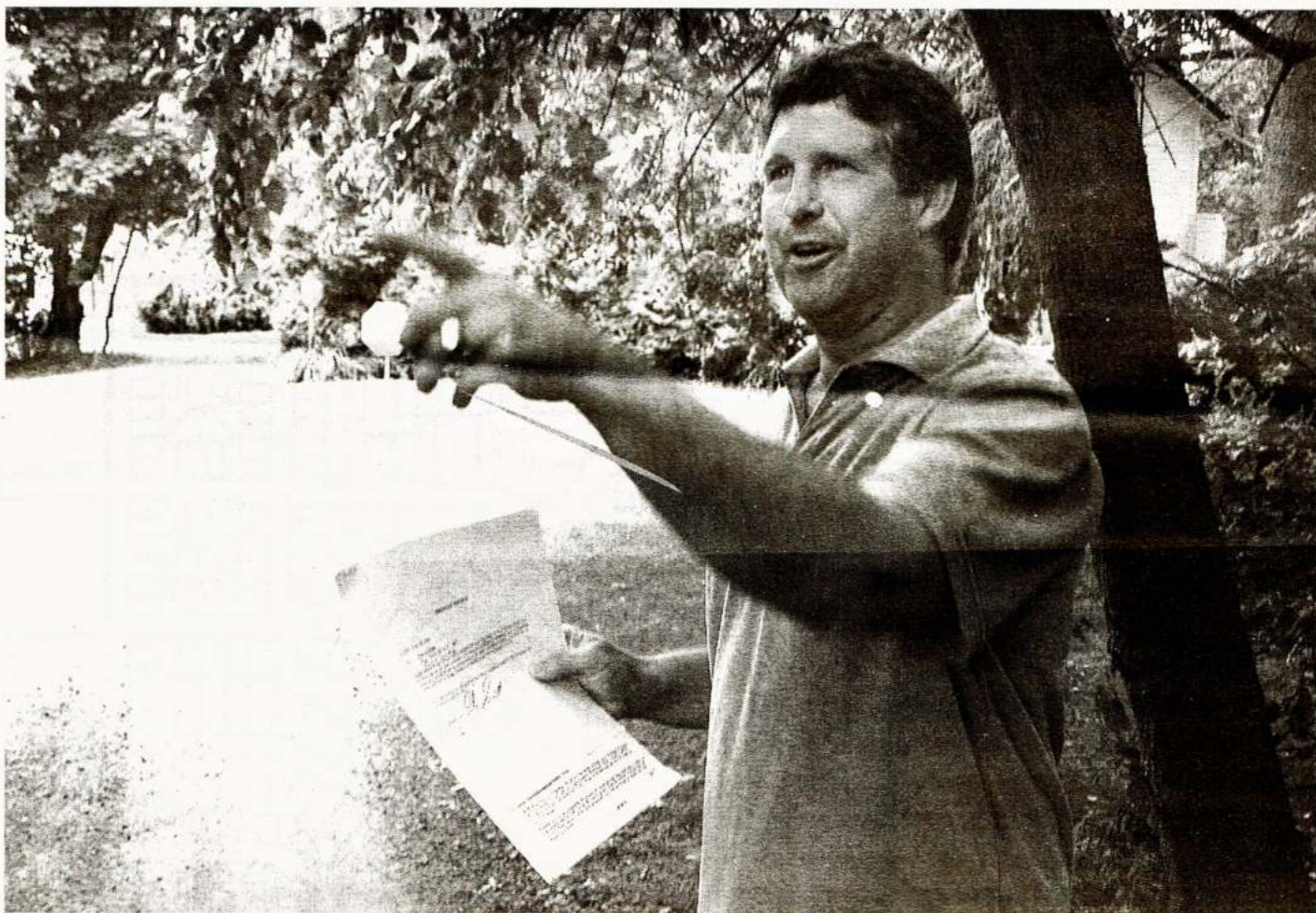
KEY DATES

- 1988** Ross Smith buys Penryn Park from A.K. Sculthorpe.
- 1989** Port Hope annexes 700 acres on its western boundary from Hope Township, paying \$800,000.
- 1994** Port Hope approves a West Secondary Official Plan, allowing for housing for 6,000 to 7,000 people on that land. Ninety-one per cent of the housing is designated low density.
- 1994** Town approves plan of subdivision for Penryn, including a 200-room country inn and 402 condominium apartments and townhouses.
- 1997** Smith buys the 200 acre Ferguson Farm.
- 1999** AON Inc. asks town to amend the West Secondary Plan to allow a subdivision on Ferguson land.
- 2000** AON files its first appeal to the Ontario Municipal Board on the town's refusal to act.
- 2000** Smith buys 23-acre Redner property.
- 2001** AON makes public its plans for a much larger development, including a new private golf course, and 2,400 units of medium density housing.
- 2001** Town holds three public meetings on AON's plans over 18 months.
- 2002** Future-Watch is formed by concerned residents.
- 2002** Responding to public concerns, town council sets seven conditions on its approval of the project.
- 2003** Meeting in-camera, council directs its staff to amend the conditions. AON takes the town to an OMB pre-hearing for its failure to approve the project. The town's lawyer tells the pre-hearing that the town is now in "substantial agreement" with the developer.

AON refused to answer 23 questions

Ross Smith, president of AON Inc. referred The Crier to his Toronto lawyer, Gordon Petch, who initially refused to participate but then asked that all questions be submitted in advance. When he saw these questions, he refused to answer them.

- 1 Why Port Hope? What makes this community the ideal location for a development like this?
- 2 How will it benefit the town?
- 3 Did the opposition to this project surprise AON?
- 4 What do you think motivates citizen groups like Future-Watch who say it is too big, and want it scaled back or approved piecemeal?
- 5 What evidence do you have that public opinion in Port Hope favours this development as you have proposed it?
- 6 AON calls it an "adult lifestyle" development, geared mainly to older people who will not be moving in with children. Won't such a project geared to one demographic group alter the character of this community, which is largely oriented to mixed housing?
- 7 This is by far the largest such "adult lifestyle" community north or east of the GTA, is it not? It will be twice the size of Wilmot Creek when it is finished. Why does it need to be that big?
- 8 Why is there no school site or community centre in the project?
- 9 Although it's marketed as "adult lifestyle," what will you do if families with children want to move in? Is there any way you can prevent that?
- 10 AON has had approval to build 400 townhouses on Penryn since 1994. Why didn't the company build them and start with that?
- 11 More than half the housing units you want to build will be "garden homes." What, exactly, is a garden home?
- 12 What makes you think that thousands of people will pay \$350,000 to live in a row house (garden home)? The average selling price of a house in Port Hope is \$160,000 now, and many of those are single-family detached.
- 13 AON's planner, Robert Dragicevic, has said that "the density on individual blocks may vary slightly" from the Port Hope West Secondary official plan, but the overall proposal does not "significantly depart" from it. Does that accurately sum up the company's position in regards to density?
- 14 Documents made public by Port Hope's planner show some blocks with three times the density permitted in the official plan. The overall density now is 28 housing units per hectare, and that is 40 per cent more than the plan permits. Do you dispute that?
- 15 Some supporters of the development say it conforms to the official plan and should be approved by the OMB. Yet AON is asking for three official plan amendments and five rezonings. Don't they constitute significant changes?
- 16 One rezoning would allow you to turn a public golf course into a private course. Why do you want to do that? Many people in Port Hope enjoy having open access to your course.
- 17 This is a big project. AON estimates it will take at least 15 years to complete. If you get approval to start building where you want to, at the western part of your property, aren't you ensuring that Port Hope will be a construction site for 15 years?
- 18 Why can't you keep all construction traffic off Lakeshore Road?
- 19 You want to go ahead before you own the land needed to complete your road system. Are you asking the town to expropriate that land?
- 20 Let's look at parkland. You and the town appear to have agreed on 8.6 acres, which is significantly less than the West Secondary Plan requires. Why is that?
- 21 Some people wonder if AON intends to build all of this development. Land approved at medium density is very valuable. Is it not possible AON will choose to sell off some of this land to another developer who might build something else?
- 22 Last Oct. 15, town council passed a resolution approving your development, subject to certain conditions. Why were those conditions unacceptable to you?
- 23 At the last public meeting, a town councillor (Larry Hall) criticized AON for not communicating very well with the town or its residents. If you had it to do it over again, would you do anything differently?



GATELESS: First Ross Smith took down the gate, then he served Don Roger (above) with a trespass warning.

Intimidation? Smith takes aim at his critics

One day last month, Don Roger got a phone call from his next-door neighbour, Ross Smith

Relations between them had been strained since Roger, a lawyer who lives on Victoria Street South, joined Future-Watch. The citizen's group is questioning the size of the 2,000-unit development that Smith's company, AON Inc., is proposing to build on 360 acres in west Port Hope, including the Penryn lands that border Roger's property on three sides.

"He called me up and said, 'Don, I have something I want you to see,'" Roger remembers. He invited Smith over, thinking that perhaps Smith wanted to discuss the situation.

"I went to shake his hand... and he hands me this thing." It was an official notice under the Trespass Act, warning Roger that if he set foot on any land AON owns, including the Port Hope Golf Course, a public tennis court, or even the woods next to Roger's house, he'd be prosecuted.

Smith, he remembers, was "almost incoherent, really, really mad."

He handed Roger the notice and said "You're a lawyer. You know what this is about... He also said 'If you want to see how far I'll go, just watch me.'"

It was the latest move in a legal skirmish Smith has directed against two key members of Future-Watch, Roger and Ron Wright.

The Crier tried to contact Smith to get his side, but he refused to comment. An e-mail from his son Brad said: "Your request... appears to be more misinformation and no comment is required."

Roger has no doubt about what Smith is up to. A few weeks before the trespass notice, Roger helped present Future-Watch's case at an Ontario Municipal Board pre-hearing. AON is taking the town to the OMB, but the citizen's group plans to present evidence.

Roger said he asked Smith why he's serving him with the warning. "He said he can't believe I'm involved with Ron Wright and those guys," Roger recalls. "He said, 'I don't want you to come on my property.'"

"I interpret that to mean that he considers me an enemy. I have no doubt in my mind that's why he gave me the notice. I have no doubt that he's trying to intimidate me."

Problems with Smith began nearly two years ago, shortly after Roger involved himself with Future-Watch. Smith suddenly re-

moved a gate that has always stopped golfers from cutting through a right-of-way directly in front of Roger's house.

Since Smith took the gate down, golfers have been using the road again, causing a nuisance. When he asked Smith why, "he told me 'You're involved with that Ron Wright, and that Future-Watch group. And I'm entitled to.'"

About two months ago, Smith complained about some leaves that were dumped in his woods next to Roger's property. "It was only compost, but I understood that, and I made sure nothing ever happened again," Roger says. Next thing he knew, Smith arrived at his door with the trespass notice.

Smith also resorted to legal measures on June 26 when local radio station CHUC broadcast a short interview with Wright, one of the founders of Future-Watch. The day after the interview, news director David Craig received a faxed letter signed by Smith asking for copies of the tapes. The next day, a letter arrived signed by Peter Jacobsen, a lawyer with the Toronto law firm Paterson MacDougall.

Jacobsen said he represented AON Inc. and Ross Smith, and asked that CHUC prepare to hand over all tapes, including material not broadcast and reporter's notes.

"I wrote back saying, in effect, we don't do that and this material, the notes and outtakes, is none of your business," Craig said. "I've been in this business for years, and that's never happened to me before."

"I got the impression someone was trying to push their weight around."

TRESPASS NOTICE

DATE: June 18, 2003

TO: DON ROGER
VICTORIA ST S.
PORT HOPE

TAKE NOTICE that you are hereby notified that your presence at Port Hope Golf and Country Club and the lands commonly referred to as the Penryn, Redner and Ferguson lands, more specifically set out on Schedules A, B, and C attached hereto, located in the Municipality of Port Hope, Ontario is prohibited as per this Trespass Notice.

If you are found on the said premises, you will be charged pursuant to the Trespass to Property Act, R.S.O., 1990, C.T. 21.

SERVED BY: *[Signature]*

TO: _____

DATE: _____

TIME: _____

Q Can you understand why some people think this development is too big to approve all at once?

A Oh sure, I can understand that. It's probably a combination of people who have lived in Port Hope all their lives, and like it as it is, and people who have moved here from Toronto, who want to get away from urban sprawl. But years ago, Port Hope annexed that land for development. We can't go south because the lake's there. We can't go north because we want to protect the agricultural land. So we have to go west. If it's done in 20 years, I don't think seven or eight thousand more people are going to make that much of a difference. Some businesses are hanging on by a thread. There isn't that much business, so we need to grow... Things change. I used to live on a quiet street, but now that TCS is going junior, I can't get out of my driveway some days.

Q You appear to be a strong supporter of this development. Why does Port Hope need this, and why is it the best deal the town can get?

A I go back to my previous answer. Port Hope annexed that land years ago for development and paid a high price (\$800,000 to Hope Township for 695 acres). So we've got a lot invested. If we can do it in a manner where they (the developer) has to come back for approval at every stage, the municipality will be protected.

Q What role do you think the citizen's group, Future-Watch, has played?

A I think... I don't want to say they're opposed to this development because they say they're not. I may not agree with their views, but I respect them. Any organized group of people keeps us on our toes. At no point have I refused to talk to them. The only reason I put my press release out (on June 30, challenging Future-Watch to document some of its claims) is that there was some information that I thought was wrong.

Q Can you name one thing you've changed because of Future-Watch?

A There are two big things—too much density is one. Another one, they had real concerns about protecting Lakeshore Road and so we set up a committee to decide how to protect Lakeshore. I think the committee's solution will be adopted. Almost all the trees will be protected. Someone on Lakeshore called all concerned and I went up with the town engineer with a tape measure, and I gave this person a letter saying this is where the curb will be. That person was quite happy.

Q AON's development wasn't an election issue. Will it be this time?

A No, I don't think it will be a big election issue. All I'm hearing is "When is it going to start?"

Q But you indicated you were making it an election issue. You said this is one of the things you wanted a mandate to see through.

A Well, this has been on the books for a while and we need it. Lots of people have had to move to Cobourg because there are no condominiums here... Since Ottery (subdivision) went in, the Home Hardware says this is the busiest year they've had.

Q Both the town and the developer say this development conforms to Port Hope's West Secondary Plan. Does it really?

A I think it does... It's certainly over a little bit on the housing density, but if you include the golf course, it would certainly conform...

Q In this memo, Mr. Hutchison says the housing density conforms. But, see, he shows some blocks having double or triple the density allowed. Even overall density, by his own figures, is 40 per cent greater than the official plan. Isn't that a substantial variance?

A (Looking at memo, which was presented to council on June 2, 2003). I'd have to ask Spencer about that. A lot of it is apartment buildings.

Q I'm going to show you the land-use map approved with the west secondary plan. This white area is all supposed to be low density (single family housing or semis), and it includes all of the lands AON now owns. There isn't supposed to be any medium or high density housing there, but there is. Isn't that a significant deviation?

A (Looks at map). Spencer must have been held up at that meeting. He said he would try to make it here. I'll have to ask Spencer on that.

Q The only places designated for medium or high density are north of AON's property, aren't they? Can you explain that?

A (Still looking at map) It could be, there's no doubt about that. This official plan is a guide-line. It's up to the council of the day to decide. They're doing a new official plan for the whole municipality now, and I haven't seen it.

Q But the AON lands were exempted from the new official planning process, right?

A Yes, that's right. They may just leave it (like this).

Q So what AON is proposing is substantially different from what it says in the town's official plan.

A I think it is and that's why he (Ross Smith) is asking for several official plan amendments.

Q And the town is willing to go along?

A I think we are. Council has said it's willing to accept what Mr. Smith proposes.

Q Is the town driving a hard enough bargain here?

A There are different ways of looking at it. Do we want to really drive a bargain that makes Mr. Smith say "I'm going to walk away?" AON does good work. I've been through his townhouses and apartments in Peterborough, and they build quality. The last plan for this area was house after house after house. This is better. I've been through AON's senior citizen home in Peterborough. You wouldn't know it was a seniors' home at all. You couldn't smell a thing.

Q But why are you deviating so much from what was allowed? What are you getting in return for what you're giving up?

A I don't think we're giving up anything. The density... if we were to go to all low density, we'd give up a lot of green space. If we have medium density, and then the golf course, we're getting more green space.

Q I'm not sure I understand. The developer wants to make the golf course private. People won't be able to enjoy that green space unless they pay thousands of dollars a year to join.

A I hadn't heard that.

Q It's right there in one of the official plan amendments they want you to pass.

A I'll have to ask Spencer.

Q Some people might say that instead of house after house after house, this development is townhouse after townhouse after townhouse.

A That's going to be in the third phase—it's years away. He (the developer) may see that it shouldn't be townhouses, it should be more low density. He may change it.

Q Have you ever seen a developer plead for lower density?

A Ottery subdivision has made a few changes. They're not major...

Q Let's talk about parkland. What formula exists in the West Secondary Plan?

A It's by legislation—five per cent of the land is supposed to be designated for parkland in a housing subdivision.

Q Well, when I read the West Secondary Plan, I see a different formula. Doesn't it say that there "shall be" 2.6 hectares of park for every 1,000 new residents?

A (Pauses) I think they're talking about 8,000 residents, but that may be before he reduced it. Certainly 6,000 to 8,000 new residents. So you're saying 2.6 hectares per thousand? (Begins to work out the math).

Q Let's take the lowest possible figure. Mr. Hutchison estimates only 4,000 residents in the completed AON development. That means there should be 10.4 hectares (or 26 acres) of park. How many acres are you proposing to accept? A little over 8, isn't it?

A (Long pause) I'll just see if Eugene's over there. (Mayor leaves to try to find Eugene Todd, director of parks and recreation, but returns with one page from the official plan). I'll have to check. If it's that much (26 acres) maybe we weren't aware of it, and we still have time to negotiate.

Q So it's roughly one-third of what you should have. Why did you settle for so little?

A I'll have to check. (In a later interview, Spencer Hutchison clarified this. The Planning Act requires five per cent of subdivision land to be parks, although municipalities can negotiate more. AON is providing substantially less—only 8.6 acres, giving cash in lieu of the 5.7 acres it's short. The West Secondary Plan requires an even higher percentage, however, leaving any shortfall up to the municipality. The deal with AON will require Port Hope to pay for at least an additional 12 acres of parkland.)

Q I attended the three public meetings. Most people had serious concerns about the project. Do you think that reflected public opinion?

A No, I don't think so. There are people who are on Lakeshore who have businesses and are in favour. They just don't want to step forward and say so. There is a small percentage of the population who look at it critically, but a larger segment say we need this development.

Q What evidence do you have that most people are clear about the project and support it?

A When I'm out on the street, people are saying "When is AON going to start?" We need condominiums. We don't have anything like that for that age group. I'm a baby boomer, and I have a big yard to take care of. Some day it'll be too much. It's too big for the wife to do. I don't have people coming up to me and saying we need to stop this.

AON Inc.®
Where community develops.

The developer
refused to
advertise here



The Municipality of
Port Hope also refused
to advertise here

Q At the OMB hearings in September, what is the town's position?

A AON is saying we didn't make a decision. Sure, we should have made a decision sooner, but I think the decision we make will be a good one. If we'd had to make it one and a half years ago, Mr. Smith may have got 2,400 units (instead of about 2,000). I know the OMB hates it when a municipality just says no.

Q Who is going to represent citizens who wish to see further changes? Will the town do that at the OMB?

A We're going there to defend our position against AON on items that couldn't be resolved. Future-Watch will be there—they have concerns, and it will be up to the OMB to hear that and make a decision. I can't see us (the town) at anytime saying that some citizens have a complaint.

Q Last October, council listed several important conditions that had to be met before it okayed the AON development. Since then, the town has changed its mind on most of them, has it not? Why did you deny it in your press release the other day?

A (Finds a copy of his June 30 press release, in which he says it's "not true" that council reversed its official policy on AON) I don't think we reversed it. We approved the development in principle last Oct. 15. If he met those conditions, that's what council wants. A lot of those conditions have been met. We didn't reverse anything.

Q What conditions have been met?

A The nursing homes were moved off Lakeshore Road.

Q But they weren't part of the Oct. 15 resolution.

A Well, he has taken 400 housing units off the 2,400 he wanted.

Q But the resolution said he had to meet the density allowed in the West Secondary Plan, and he hasn't.

A He probably hasn't met it according to the official plan, but if you take the golf course lands, he's probably pretty close.

Q The Oct. 15 resolution said he has to build the development east to west. That's been reversed, has it not?

A Yes. But if we're going to make him put in a pumping station... If I'm a developer, I'd probably say put it in yourself. The advice of our lawyers is that he'd probably win that at the OMB.

Q So you definitely changed your mind on that.

A Yes. I think it was part of the negotiations and it was brought to council. They agreed.

Q According to Mr. Mann, council changed those conditions at an in-camera meeting on May 6, on the eve of the OMB pre-hearing. You were present at that meeting, were you not?

A No, I don't think... let me think back. It wasn't on the eve. I think it was the week before. Mr. Mann brought it forward in-camera.

A I assume he urged councillors to relent on the density and the sunset clauses and the phasing. Why was that?

A He came and said AON was willing to change this and this and he needs direction. What do you want to agree to? There certainly was consensus to do that.

Q Council has had an extraordinary number of in-camera meetings this year and last. This year, you've met as often in secret as you have in open session. How many had to do with this AON development?

A I would say it was a very small number. I'd say, and I'm only guessing, if AON came up once in every five in-camera meetings, I'd be surprised. My council really questions whether we should be in-camera. Then we have to get a legal opinion on whether we should be. They don't pay me enough money where I'm going to get into a position where I'm going to break the law.

Q Why did you direct Mr. Mann to ask the OMB to order Future-Watch to post a \$25,000 security—a move that probably would have forced them to withdraw from the pre-hearing?

A It costs us a lot of money to get ready to go to an OMB hearing. If Future-Watch's allegations were frivolous, and there's no money set aside, how is a judge going to award costs? It was nothing against Future-Watch.

Q But you must have suspected that a citizen's group couldn't come up with that kind of money.

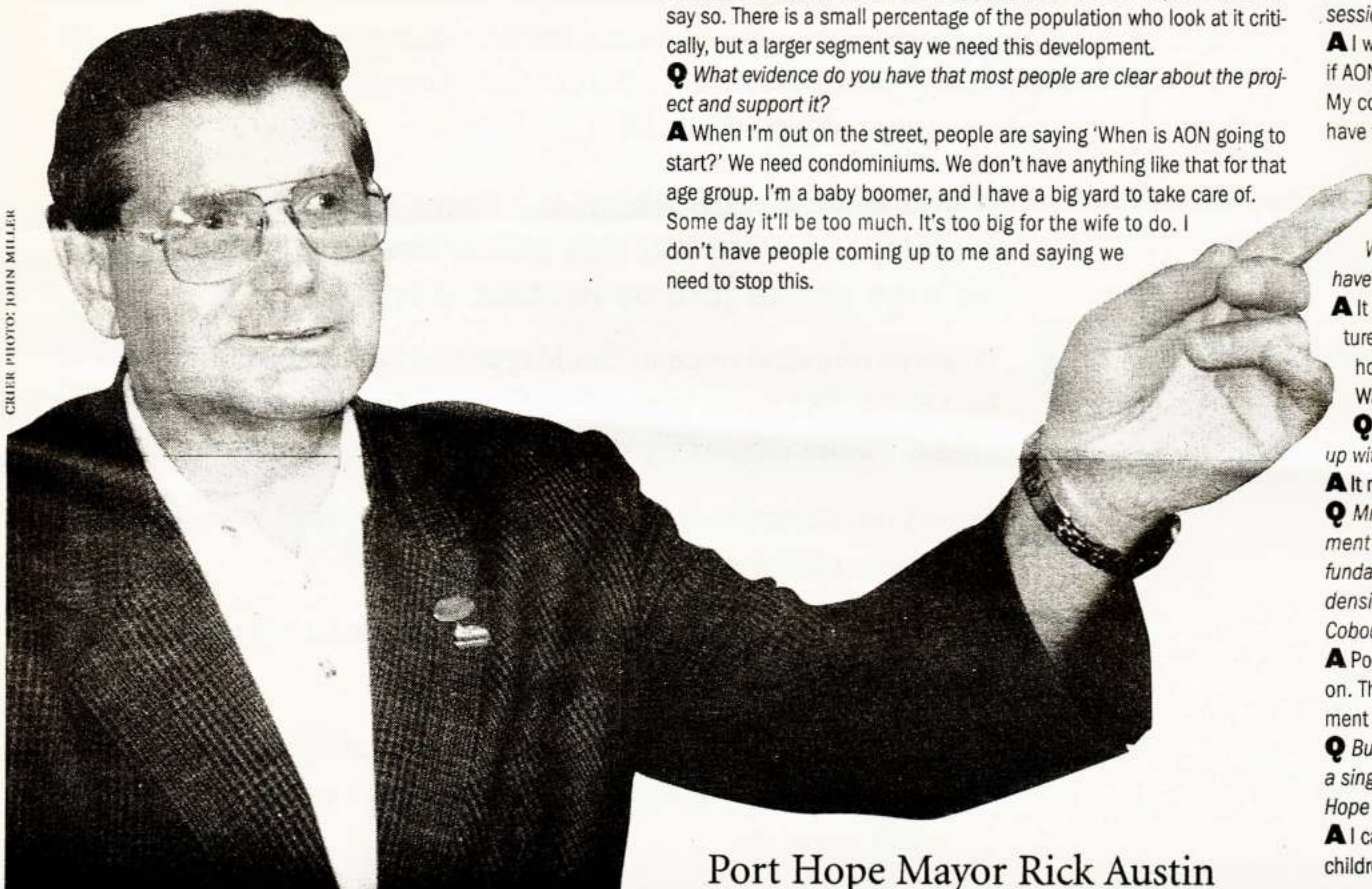
A It never crossed our mind.

Q Mr. Hutchison has given council figures showing that this development is so heavily weighted to medium density row housing that it will fundamentally alter the housing mix in the whole town. It will reduce low-density housing from 75% of the total to less than 50%, far lower than Cobourg and Lindsay. Won't this affect the character of Port Hope?

A Port Hope has its core—heritage homes on Dorset or Augusta, and so on. The character of the main municipality won't change. This development is in the former Hope Township.

Q But if you look at this development, it's like a new town. It's geared to a single demographic—adult lifestyle. Older adults and no children. Port Hope is a mixed housing community now. Won't this change it?

A I can't say there won't be children there. A lot of families aren't having children until later in life...



Port Hope Mayor Rick Austin

Q But that was verified by a report the town commissioned by Barry Lyons. It said they could probably sell 130 homes a year at that price.

A I don't know what data the Barry Lyons consulting firm is using. I think perhaps he should look at what's on offer in town. For \$350,000 you typically get a large upscale Victorian house on a large lot in a desirable neighbourhood. I find it hard to believe that people would be willing to pay the same amount for a 1,500 square foot row house.

Q Is there anything good about this development?

A I think if they started with the Penryn phase one as approved in 1994, and that was a proposal to put about 400 seniors housing units on the golf course, and also a 200-room hotel. They were approved, and for reasons known only to themselves, AON never built any of that. What they did was buy up more land and come back and say give us approval for something six times as big. What we think would be appropriate is for AON to build that first phase of Penryn ... and let's see how they do. If it's a great development and there's demand, well then sure, let's let them continue with the next phase.

Q The criticism that's been levelled at Future-Watch is that you're a bunch of fairly well-off people, mainly living along Lakeshore Road, and you don't want any more traffic by your front yards. How do you answer that?

A First of all, anyone who says that should drive out along Lakeshore Road. They'll see there are only about 35 houses in this neighbourhood. Future-Watch has nearly 200 members, from all over Port Hope. The concern is not just a neighbourhood issue. The concern is felt throughout the municipality that too much is being approved too far in the future all at once and in too much of a hurry. I think people are worried about the character of the town, and it has a remarkable character. It's one of the few towns that has a strong sense of identity and a gradual growth that allows new people to move here but without a huge impact, such as you see in other towns around Toronto like Ajax or Whitby. We haven't had that here. People are concerned that this could be the beginning of that kind of thing.

Q But not everyone agrees with you. The Chamber of Commerce, for example, supports the development.

A I'm not sure that the chamber has been well informed. I say that because we offered to come and give them a presentation showing where our concerns lie, and they wouldn't even let us come and speak. So they've only been hearing one side of the story. We know that the developer has spoken to them on a num-

ber of occasions. Anyone who thinks that any development is good development is sadly mistaken. The idea that any development will lower taxes is also a fallacy. If that were true, then Toronto's taxes would be a fraction of what they are in Port Hope. If it's done right, we can support it. If it's done right, it will benefit the town. But if it's not done right, you're going to see Port Hope hollowed out like so many towns have been. You get uncontrolled sprawl, you get the big box stores moving to the outskirts and the downtown starts to die. And one of the great places Port Hope has is a thriving downtown.

Q What evidence do you have that Future-Watch's message is getting through to people?

A The turnout at the public meetings has been enormous. I think we had about 250 at the first one, before Future-Watch was properly organized. At the second one there were about 400 people, and the third one drew 450 to 500. Those would be big numbers for a public meeting in Toronto. For a town of Port Hope's size, that is a very significant proportion of the population. People are concerned.

Q Let's talk about the role of a citizen's group. At some point, don't you say to yourselves, well, we elected our councillors to look out for the town, so why not let them work out the best deal with the developer. They're accountable at the polls, since it's an election year. What keeps you going?

A One of the things that surprised me was to discover that the council actually had not been well-informed about the project. We assumed that the council was in possession of the facts, but it became clear from our early presentations to council and the kind of reaction we got, which was usually silence, that they were not.

Q Can you give me an example?

A Well, the density. After the debate had gone on for a year or so, we were still being asked by council how does this development depart from the official plan of Port Hope. We were able to say, well look, here's the opinion of a qualified planner (Phillip Carter). The official plan says no more than 20 units per hectare, which is about eight houses per acre, and AON wanted twice that.

Q What's your personal motivation in carrying on this fight?

A I'm a Lakeshore Road resident. When this started, I was very concerned about having 10, 15, 20 years of construction traffic because the developer had not acquired any other roads for it. Anyone who lives here was concerned that not only would they have to put up with the noise and dust, but they might not be able to

sell their property if they decided to move. In actual fact, since Future-Watch began, I have sold my house, and so I don't have a personal financial motive for continuing this fight. But I want to see good things for Port Hope. I've lived here two decades, it's a wonderful community that deserves to be developed wisely and deserves to get to keep its special character. I don't want to see that thrown away through carelessness, or lack of imagination, lack of wisdom, lack of caution. Really what our point is to the council, is be careful.

Q I get the feeling that town council thinks you're a troublemaker.

A I do not think it's troublemaking to ask them to uphold the official plan and to have cautious, gradual phasing in of a huge development like this. If one is

we realized that they really hadn't been properly informed. And so we then saw our duty as being to inform them and to work with them and to bring them the advice of not only amateurs such as us but also the best professional advice, which is why we hired one of the leading planners in Ontario.

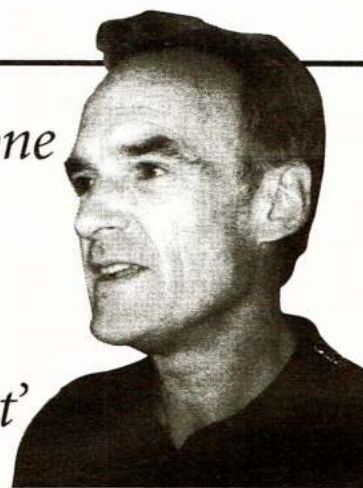
Q How is Future-Watch able to afford this?

A We're financed purely by individuals. Anyone can send us money, and they can send money anonymously if they want to. We're not beholden to any corporation. It's not easy, and we now need to raise twice what we raised last year to make sure that our experts go the distance at the OMB hearing in September.

Q What do you think is going to happen in September?

A I think that if the OMB looks at both sides, dispassionately and fairly, it will seek some sort of middle path. It will say yes, it is too much too soon, but at the same time Port Hope needs some development so let's approve some of it but not all of it. And really, that's all Future-Watch has been trying to do. We have always been willing to negotiate. The problem is that there has been so little movement on part of the developer and on the part of the municipality that we feel the public's legitimate concerns haven't been dealt with, and that the best hope of them being ad-

'If it's not done right, you're going to see Port Hope hollowed out'



cautious, nothing bad will happen. The public meetings are not there just for window dressing. They're there for the public to be listened to, especially when they turn out by the hundreds. Yet most of that input from the public has been ignored. And if it takes a so-called troublemaker to bring this stuff out in front of people, well fine, because it should be. Too much of this project has been worked away at in the background, and I don't think properly presented to the public or to the elected representatives of the public.

Q Looking back on your two years of activity... is there anything Future-Watch should have done differently?

A Yes, we were all learning from scratch. None of us, with the exception of one or two people who had experience in planning, knew this stuff. I think the biggest mistake we made was to assume that our elected representatives had been given the facts ... so we got a little too strident, we got mad at town council. Gradually

dressed is to put them before the OMB.

Q Was Future-Watch taken by surprise when the town turned on it, and demanded security for possible costs at the OMB pre-hearing? Did you see it as a pressure tactic to get Future-Watch to withdraw?

A That's what it looked like. It was actually unsound in law. We didn't take the town to the OMB, the developer did. In theory, the town and Future-Watch were on the same side, both seeking to make changes to the developer's proposals. When the town's lawyer chimed in and said, yes, the town would like a bond against costs from Future-Watch, I think at that point, it was clear that the town's lawyer was on the side of the developer instead of the side of citizens. Our lawyer said he'd never seen that in 20 years of practicing before the OMB. He'd never seen a municipality turn on its own citizens that way.

(This advertisement was paid for by Future-Watch)

Send town council a message!

**TO: PORT HOPE FUTURE-WATCH INC.,
PO BOX 371, PORT HOPE, ONTARIO L1A 3Z3**

NAME _____

ADDRESS _____
POSTAL CODE _____

TELEPHONE _____

E-MAIL _____

Renewal or new membership:

\$10 individual, \$20 family: \$ _____

OMB APPEAL FUND DONATION: \$ _____

TOTAL \$ _____

Port Hope Council is about to vote approval of AON's 2,000 unit, adult lifestyle community in the town's west end, a thirty-year development at Port Hope's current growth rate, and the largest adult lifestyle project in Ontario. The project will change the balance of Port Hope's population, and place most of the town's expected growth in the hands of a single development company for decades to come. From council, the plans go to appeal before the Ontario Municipal Board commencing on September 15.

If you have doubts about the scale and nature of this project, as we do, you can still make your voice heard. We urge you to join us in these ways:

- 1** Write or e-mail at once to The Mayor and Council, Municipality of Port Hope, 56 Queen Street, Port Hope, Ontario L1A 3V9 (e-mail: admin@porthope.ca) to express your concerns;
- 2** Attend the Council meeting at Town Hall on July 29 when the AON proposals will be debated and voted on;
- 3** Attend the Ontario Municipal Board appeal hearing from **September 15 at Town Hall.**
- 4** Send us your new or renewed membership in Port Hope Future-Watch Inc., and a donation to help sustain our expert witnesses at the OMB hearing.