



Escarpment moving, resident testifies

OMB hearing expected to wrap up today

Posted October 27, 2011

The North Bay escarpment is eroding at a much faster rate since residential development pushed forward on the ridge between Airport Road and Laurentian Ski Hill, a longtime Riddle Crescent resident told the Ontario Municipal Board Thursday.

"I admit there will always be a gradual movement of this land," said Mike Skinner, who bought his house new in 1979 and has had to rebuild his rear-yard retaining wall three times since. "But the movement has progressed at a much faster rate" to the point he had to trim a piece of his deck, while cracks appeared in his house foundation after rock blasting commenced.

Skinner lives off Ski Club Road just west of the hydro easement and south of the most developed section of Laurentian Heights Ltd.'s partially completed 151-lot subdivision plan.

He was among a dozen members of the public making presentations this week as Laurentian Heights asks the OMB to remove a key condition of its subdivision plan.

Laurentian president John Wallace opened the hearing Monday, testifying that he no longer wants to dedicate an 11.5-hectare swath of steep slope to the city as part of the official subdivision agreement. Wallace said he'd rather "gift" the property — referred to as Block 156 — to the city or North Bay-Mattawa Conservation Authority at a time of his own choosing.

Wallace said he changed his mind claiming the city "extorted" a portion of the property in 2008 as part of the Surrey Drive Phase 1 agreement, despite coming to terms with a parkland dedication timeline in the Kenrita Drive Phase 1 agreement a year earlier.

The Kenrita plan adopted by city council in 2007, he said, includes a clause that states parkland dedication will progress in stages as the south lots of Kenrita are registered. Most of Block 156 abuts Kenrita Drive.

Wallace, however, soon switched his development focus to Surrey Drive after those lots were assessed for higher levels of property taxation.

City staff testified Thursday they asked for the entire Block 156 — promised to the city since before the development's draft plan was first approved in 1997 — after Laurentian cut about 100

trees on public property without permission in 2007.

Discussions over the trees being cut, staff said, shed light on the difference of opinion with the developer about how much tree line is appropriate.

Wallace said the people who buy his lots want to see city lights, the lake and curve of the earth, a "viewscape" he said was accepted until recently. He told the OMB during the week-long hearing that staff subsequently narrowed the view to only include part of Lake Nipissing and where the sun actually sets on the horizon.

Phillip Penna, who lives on Ski Club Road two kilometres east of the Laurentian Heights development, presented to the OMB several letters on behalf of Greening Nipissing members, as well as one from himself, Thursday.

Penna said he voiced his opposition to the development more than 10 years ago when the OMB denied an appeal by concerned residents.

He said Wallace achieved his rezoning approval partially because of his insistence that North Bay uphold the former township of Widdifield's approval of the plan prior to amalgamation in the late 1960s. Penna said Laurentian Heights' offer to designate Block 156 as parkland to achieve the subdivision plan's initial approval should also be honoured.

Wallace's lawyer, Ira Kagan, told Penna they have similar views about agreements. Kagan said they also want the city to enforce its 2007 agreement about how the parkland would be conveyed as the Kenrita Drive lots are registered.

Kagan asked Penna to assume that Wallace is right, that the city breached its agreement, but he refused to participate in that line of questioning.

"Both parties have to honour the agreements . . . if you're going to discuss the matter, discuss the whole matter," he said, later adding, "this is a question for mediation, it shouldn't be here at the OMB."

The OMB hearing wraps up today with final witness testimony and summation by the appellants and defendants. A decision isn't expected immediately.

ddale@nugget.ca

Copyright © 2011 The North Bay Nugget