

**Things Don't Always Turn Out as Planned:
Commercial Development along the Highway in
Sackville, New Brunswick (1990-2002)**

Final Report submitted by

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for ENST 4951

January 2003

INTRODUCTION

I have lived in Sackville for all but 2 years of my life. During those 2 years I lived in Halifax, Nova Scotia. Living in the city made me realize just how much I missed living in a quiet, naturally beautiful town like Sackville. I longed to come back. However, with every return trip home I had to pass through the recently developed highway commercial area, which is a most un-welcoming sight. The character of Sackville has been compromised by this development. The increased development of that area is a growing threat to the integrity of Sackville's environment and natural landscapes. Needless to say, when the opportunity came along to do a study of that area, I was very excited.

While others in the class want to tackle such issues as improving the aesthetics of the area, or controlling waste disposal, my immediate concern was how did all of this development come about? When the first proposals for commercial developments were made over 10 years ago, there was tremendous public outcry against it. People were concerned that these developments would clash with the town's heritage and character, and would have environmental impacts on the nearby marshes, waterfowl park, and residential neighborhoods. However, once the first development was approved, the public outcry seemed to fade with each additional proposal. It became generally accepted that the area would be developed extensively.

I view this project as a way to revisit those initial feelings of opposition that people had. It is a chance for people to reflect on what has happened over the last 10 years, and to consider the impacts. I would argue that the current state of that highway area is not what many citizens in Sackville wanted, and not even what some town councillors wanted at the time. This project offers Sackville a chance to take a collective deep breath, and learn from past mistakes, in order

to improve the current condition of the area, and develop a plan for the future of the area.

For my contribution to this project, I have developed a history of our subject area. I have documented the transition of the area from a residential area to the current highway commercial area. The Sackville Tribune Post covered this story extremely well over the years, and it has been my prime source of information. All of the quotes associated with various people in this paper are from the newspaper articles that I have referenced, unless otherwise indicated. This document includes a chronology of the key events, discussion of the key players and decision makers, discussion of public concerns, and discussion of environmental concerns. A portion of this document is devoted to discussion of the town's development of design guidelines, and the signing of development agreements between the town and the developers.

Another key part of my report is a set of aerial photos that depict the highway area. I have obtained a photo from 1982, and a photo from 2001, which offer a nice visual aid to my historical document. The tremendous change that has taken place is clearly visible on these photos, and a study of the photos allows for a unique perspective on what has taken place, the impacts it has had, and what may take place in the future.

The ultimate goal of my report is to present a before and after perspective, with an analysis of the events and decisions that drove the changes in between. This analysis will aid the class in its discussion of environmental issues, and whether or not environmental concerns were properly addressed in the development process.

CHRONOLOGY OF KEY EVENTS

1. The Crosswinds Hotel

The next time you walk through the Sackville Waterfowl Park, look toward the Baughan's Trucking property, and imagine what the area would look like if a three storey hotel and a two storey mall were built there. As shocking as that image might be, it almost became a reality in 1990.

I begin this chronology with the story of a development proposal that never came to be, but that still offers some valuable insights into public opinion and the motivations of town council. In April of 1990, Sackville town council received one of its most controversial highway development proposals ever. Douglas Group Holdings (DGH), headed by Sackville resident Scott Johnson, announced plans to build a \$3 million, 51 suite hotel on the Baughan's Trucking property (Sackville Tribune Post, April 25, 1990). In order to move ahead, the project required the re-zoning of the Baughan's property from residential/highway commercial, to central commercial. Baughan's would subsequently move its operations to the industrial park on Crescent Street. According to Johnson, The Crosswinds Hotel would be built in a colonial style, in order to suit the architectural style of Sackville. He also claimed to have received the support of Ducks Unlimited to build the hotel so close to the Sackville Waterfowl Park (Sackville Tribune Post, April 25, 1990). Sackville's chief administrative officer, Alan Mitchell, and Mayor Will Campbell, both welcomed the development proposal, saying that it would bring badly needed jobs to town, and contribute \$55,000 to the local tax base (Sackville Tribune Post, April 25, 1990).

Just prior to the announcement of this development proposal, the Tantramar Planning District Commission (TPDC) had been organized to aid Sackville with its Municipal Plan and zoning issues. The TPDC was assigned to review the DGH proposal, and report back to town council so that they could vote on it at the next council meeting. Their recommendation to town council was that the proposal should be rejected due to insufficient information from the developer. They also recommended that if town council did decide to go forward with the re-zoning process, they should set up a development agreement with the developer to control how and what went up on the site (Sears, June 13, 1990). However, when council voted on these recommendations, there was a 4-4 tie. Mayor Will Campbell then broke the tie, by voting in favour of rejecting the TPDC recommendations and moving forward with the re-zoning process. This vote sparked a controversy throughout the town, with many people, including Deputy Mayor Pat Estabrooks, questioning why Sackville would pay to have a planning commission, but then not adhere to its recommendations (Smith, June 20, 1990).

Not long after the controversial vote, TPDC director Hap Stelling released details on why he recommended rejecting the hotel proposal. According to his report, the developer had not provided enough information to the town regarding the site plan, parking location, traffic impact, environmental mitigation, or landscaping and buffering (Smith, June 20, 1990). He then went on to make several recommendations, and noted that in order to respect the town's Municipal Plan, the property should be re-zoned to highway commercial, not central commercial. He suggested that a development agreement be drawn up for the developer, and that this agreement should include a limit on the height of the hotel to three storeys, sufficient landscaping and buffering to minimize effects on adjacent properties, a traffic impact assessment study, a performance bond to ensure the developer met all the terms, and provisions to ensure that there was no negative impact on the local environment, particularly the Sackville Waterfowl Park.

Deputy Mayor Pat Estabrooks argued that it was wrong for council to have voted to proceed with the re-zoning process without having addressed the contents of the TPDC report. She also noted that she did not oppose the construction of a hotel on the site, but that what she opposed was the re-zoning to central commercial, which could lead to types of development that are unsuitable for Sackville, such as a shopping mall. She pointed out that the Municipal Plan was designed to discourage this type of development, and pointed to places like Amherst and Moncton as examples of what can happen when this type of mall development takes place (Smith, June 20, 1990).

In July of 1990, the controversy heated up considerably, when two provincial newspapers published reports on July 9 that DGH had plans to build a shopping complex adjacent to the hotel (Smith, July 11, 1990). Residents packed in at the town council meeting that night angry over this information. After this meeting, Mayor Will Campbell wrote a letter to Hap Stelling of the TPDC to ask whether a mall would be feasible for Sackville. Stelling responded by saying that such a development would be inconsistent with the town's Municipal Plan, and that section 27(a) of the New Brunswick Community Planning Act prohibited any development that was inconsistent with a town's Municipal Plan. Stelling went on to say that if DGH wanted to build a mall on that property, they would have to present a formal application, and the town would have to start a new set of public hearings to debate an amendment to the Municipal Plan. Nevertheless,

Mayor Will Campbell initiated a market study in cooperation with the Sackville Economic Development Corporation (SEDCO) to determine if a mall would be a viable proposition for Sackville (Smith, July 11, 1990).

On the same day that all of this was reported, DGH president Scott Johnson issued a news release to the Sackville Tribune Post to announce his plans to build a 70,000 to 90,000 square foot office/retail complex next to the Crosswinds Hotel. It would be called the Crosswinds Trade Centre, and with its addition, the total value of the development would be \$8 million (Smith, July 11, 1990). Johnson also stated that in all, this development could bring 250 - 300 jobs to the Sackville area. Also within this press release, he claimed that it was town council that directed him to build on the Baughan's site, and that any local complaints that this development would be detrimental to Sackville's downtown were nothing more than "sensationalized fear mongering".

In light of this new announcement, public opposition to the development increased. David Hawkins, a partner in Sackville Town Square Developments, stated that there was not sufficient market potential for both this hotel/mall development and Sackville Town Square's recently announced \$6 million to \$10 million downtown renewal project (Sears, July 11, 1990). Then, on July 25, it was announced that about 100 Sackville residents had formed the "Preserve Sackville Concerned Citizens Committee" to formally protest the construction of a mall near the highway (Richard, July 25, 1990). The group took out a full page ad in the Sackville Tribune Post up until the next council meeting in order to voice their concerns and call for others who were opposed to write to the TPDC (see Appendix A). Members of this group were concerned about the potential negative impacts of this mall on the local business community, tourism industry, and environment.

In September of 1990, the results of the market study conducted on behalf of Sackville and SEDCO came back. They showed that a mall would be a viable option in the Sackville area (Smith, September 12, 1990). Even though SEDCO publicly questioned the validity of the study, the stage was now set for the next council meeting. This information may be all Mayor Will Campbell needed to vote in favour of the mall development.

At the September 17 council meeting, first and second readings were passed for two proposed by-laws to amend both the Municipal Plan and the original re-zoning by-law (Smith, September 19, 1990). Once again, council was split, 4-4, and once again, Mayor Will Campbell broke the tie in favour of DGH's development proposal. The meeting was attended by over 125 residents, and took over 5 hours. Sixty-nine letters had been received by the TPDC, with 67 of them being in opposition to the mall development. The chief concerns expressed in these letters were about the negative impact it could have on the downtown area, and the potential environmental risks to the Waterfowl Park. Mayor Will Campbell explained that his vote was based on economics, and that the town would be getting a written commitment from DGH for a study into the environmental and traffic impacts of the development (Smith, September 19, 1990).

At the town council meeting on October 17, Mayor Will Campbell broke a 4-4 tie once again by voting in favour of DGH, and therefore passing the third and final reading for the re-

zoning by-law and the Municipal Plan amendment (Smith, October 19, 1990). At the meeting, a local resident inquired about whether environmental and traffic assessment studies would be conducted prior to construction, and Mayor Will Campbell responded by saying that he had received a letter of commitment from the developer. When asked if it was advisable to go ahead with such a project based on a letter which none of the other councillors had seen, he responded with a curious comment of “ I happen to trust Mr. Johnson, even if some of you don’t ” (Smith, October 19, 1990).

In late October, one final attempt was made to stop the project from going forward. Atlantic Wholesalers Ltd, who had an office in Sackville at the time, filed a lawsuit to have the zoning agreement quashed on the basis that town council did not follow proper procedure (Smith, October 31, 1990). Although Atlantic Wholesalers did not comment publicly on the motivation behind their lawsuit, many people, including DGH president Scott Johnson, felt that their lawsuit was filed to block the potential competition to their business interests that would result from a grocery chain opening up in the new mall (Smith, October 31, 1990). In November, that lawsuit was dismissed (Smith, November 21, 1990).

With the lawsuit dismissed, DGH planned to begin construction in the spring of 1991. The remaining hurdle for the developer was to have an environmental review carried out by a consulting firm (Sears, December 19, 1990). However, after this announcement, there were no more announcements concerning the DGH development. At some point, the developer backed out and the hotel/mall complex was never built. I was not able to find a concrete reason for the fizzling out of this project. One theory is that the developer did not have the money to back his project. In any case, Sackville was arguably better off without this huge development.

2. Tim Horton's

The next highway development proposal came along in April of 1992, with the announcement that an application had been made to the town of Sackville by Tim Donut Ltd. to build a Tim Horton's restaurant on a property at 87 East Main Street (Smith, April 15, 1992). The proposal called for the re-zoning of the property from R1 residential to highway commercial. The announcement also indicated that the proposal had been submitted to the provincial Department of Transportation for their comments on potential traffic problems.

At the July 13 council meeting, town council tabled the decision on the Tim Horton's development for another month, due to lack of sufficient information (Smith, July 15, 1992). By this point, the town had received 10 letters from local residents opposing the development, and 2 supporting it. Most of the letters of opposition were from people who lived in the immediate neighborhood where the restaurant was to be built. They were concerned about noise, traffic, and the setting of a precedent that would lead to more development of that nature in the area. The developer, Jon MacEachern, noted that it would not be feasible to operate such a restaurant downtown, or at the other highway entrance. He also pointed out that the East Main Street highway entrance would become the main entrance to Sackville when the four lane highway was built. His one concession to the citizens was that he promised to allocate space on the Tim Horton's sign to advertise the town of Sackville (Smith, July 15, 1992).

On August 10, 1992, the Tim Horton's restaurant proposal passed first and second readings (Smith, August 12, 1992). Unlike the split vote on the hotel/mall complex in 1990, council voted 7-1 in favour of the Tim's proposal. Mayor Pat Estabrooks noted that the town did make efforts to convince the developer to build downtown, but had little success. She then went on to explain why council voted in favour of this development. She said that council saw the East Main Street area as the most natural area for highway commercial expansion, considering that this would be the main entrance to Sackville once the four lane highway was built. She also noted that the town was still making an effort to move Baughan's to the industrial park. She attempted to alleviate fears of impacts to the downtown by suggesting that if the town built some boardwalks and hiking trails, the highway area could very easily be linked to the downtown area (Smith, August 12, 1992). This seemed to suggest that she was interested in connecting the downtown area with the highway development area by extending boardwalks and trails from the Waterfowl Park and linking them directly to the Harper Lane/East Main Street area. Notably, this boardwalk/trail plan has never been implemented.

On September 14, 1992, the Tim Horton's proposal passed third and final reading with another 7-1 vote. Councillors were asked to explain why they supported the proposal, with most citing economic reasons. Councillor Hazel Steeves made the most interesting comment, saying that "If we lose another one of these proposed developments, I don't think anyone else will try to get in here" (Smith, September 16, 1992).

On July 26, 1993, it was officially announced that the proposed development would not only consist of one, but two restaurants: a Wendy's and a Tim Horton's (Smith, July 28, 1990). Just like in 1990, the developer waited until the last minute to spring a change in plans on town council. Nevertheless, town council passed first and second reading of an amendment to the initial re-zoning by-law to allow for both restaurants to be built. First reading was also given to a by-law which would allow for the signing of a development agreement between the town and the developer. Second reading on this by-law was postponed so that changes could be made to plans for the building's exterior wall facing Harper Lane. These changes would help the building better complement the aesthetic of the Waterfowl Park. The TPDC also recommended that the re-zoning by-law should only be passed on the condition that the developer provided a landscape plan compatible with the adjacent residential properties, including tree planting in front of the bare wall facing Harper Lane, and buffering of parking lots with hedges and fencing. They should also be required to submit a lighting plan that would prevent lights from shining directly on nearby residents. According to Mayor Pat Estabrooks, no more letters of opposition had been received by town council concerning this development (Smith, July 28, 1990).

Finally, in August of 1993, third and final readings were passed for both the re-zoning by-law and the development agreement by-law (Smith, August 11, 1993). Construction of the 5,000 square foot building was to be completed by December of that year, and the restaurant would eventually employ 50 - 60 people. It was also announced at this time that approval was granted to a motion by councillor Ken Sears and his community development committee that would allow them to develop a set of guidelines and recommendations for future development in the East Main Street and Harper Lane area. In particular, these guidelines would stipulate that a detailed conceptual design plan be presented to the town prior to any approval of a development agreement. With the announcement that design guidelines would be developed, it is clear that

Sackville councillors recognized that this area was going to be highly coveted by developers. This proved to be the case, as a series of development proposals were on the horizon.

3. McDonald's / Irving / Patterson's

In March of 1994, Gerilyn Enterprises of Amherst filed an application to re-zone parcels of land at 64 and 68 East Main Street from R1 residential to highway commercial (Sackville Tribune Post, March 2, 1994). The developer, Gerry Moore, planned to build a restaurant/convenience store/gasoline pumps combination, which would eventually employ about 100 people (Richard, April 6, 1994). This application would mark the beginning of a crucial time for Sackville town council, as it would be the first of three consecutive development applications.

In addition to this application, work was being completed on a document containing design guidelines for the highway development area. These guidelines were an effort by the town to exercise some control over the proposed highway commercial developments. The town recognized that there was going to be a lot of interest in developing near the highway, and they wanted to prevent this development from detracting from Sackville's unique character. The idea was that each development proposal would be reviewed carefully, and the guidelines would be used to negotiate with the developer to ensure that the development suited the character and natural environment of Sackville. Some of the suggested guidelines were (Richard, April 27, 1994):

- The area of highway commercial services be developed in a park - like setting
- The exclusion of developments which involved the bulk handling or storage of hazardous materials from a zone within 100 metres of the Sackville Waterfowl Park to minimize the risk of environmental damage
- The use of hedgerows and trees as buffers to soften the visual impact of development
- Highway signage that would focus on Sackville as a full service highway commercial area, eliminating the need for each business to erect large and expensive signs
- A limit of one free standing sign per business to be located in the landscape setback
- Encouragement of buildings that complement the unique historical architecture of the town

These guidelines would apply to all proposed developments within the newly outlined Highway Development Area.

The town's highway development plans, including a draft of the design guidelines (see Appendix B for draft copy), were presented to the public on May 16 at the town council meeting (Richard, May 18, 1994). Many residents who lived in the highway area indicated that they wanted to sell their land, as highway commercial development in the area seemed inevitable. Many people also supported the town's efforts to develop and implement the design guidelines, and made some further suggestions, including a request that a study be done on the environmental risks inherent in the establishment of fast food restaurants and increased traffic.

One notable objector to the design guidelines was David Baughan of Baughan's

Trucking. He said that restricting business signage was ludicrous, and that the shrubbery buffers described in the guidelines were too expensive to require such a large amount committed to buffering. He also said that environmental protection for the Sackville Waterfowl Park should not be used to hinder development (Richard, May 18, 1994).

While the debate over the design guidelines continued, things continued to progress on the development side of things. On June 13, the McDonald's/Esso proposal passed first and second readings at the town council meeting with a unanimous vote (Richard, June 15, 1994). There were no reports of public opposition to this motion. Then, on July 11, 1994, first and second readings were passed for a proposal by Irving to re-zone land at 83 - 85 East Main Street and 1 Harper Lane, from residential to highway commercial. The proposal was made to allow the construction of a 24 hour gas bar/convenience store, which would ultimately employ about 15 - 18 people (Richard, July 13, 1994). The developer hoped to have the gas station up and running by the end of 1994.

At the town council meeting in August of 1994, highway development issues dominated the agenda. The McDonald's proposal and the Irving proposal both passed third and final readings (Sackville Tribune Post, August 17, 1994). However, both developments were put on hold, as the town would not issue building permits until development agreements containing minimum standards and requirements were agreed to. These agreements would be consistent with the design guidelines that had been developed. The design guidelines by-law itself passed first and second reading at this meeting as well. It was also announced that local resident Danny Patterson had put in a request to re-zone lots at 14 - 16 Harper Lane from residential to highway commercial, so that he could build a family restaurant on the site.

At the September 12 council meeting, third reading of the design guidelines by-law was delayed, as Baughan's threatened legal action if the by-law was passed in its current format (Richard, September 14, 1990). Baughan's concern was that they could not possibly comply with the guidelines, and that they should not be subject to them. The Baughan's property had been re-zoned to central commercial in 1990 for the hotel / mall complex proposal, and this zoning would make them subject to the guidelines as they were in the designated Highway Development Area. Baughan's complained that the guidelines were flawed in many areas, such as the buffer zone requirements.

With the threat of legal action by one of the most important local businesses, and a strong desire to get the guidelines in place, town council made several amendments to the design guidelines in order to appease Baughan's (Richard, September 28, 1994). First of all, an amendment was made to exempt central commercial zones in the highway development area from the scope of the guidelines. Secondly, guidelines for buffer zones for environmental protection were changed to deal with maximums instead of minimums. A third amendment saw the town remove the second paragraph of section 2.2.2, which said that modern finishes such as precast concrete, panels and aluminum are inappropriate (see Appendix B).

With these amendments in place, Baughan's dropped their threat of legal action, and the guidelines were passed by council. While it was notably a slow, difficult process to get these

guidelines in place, Sackville's director of community development, Barb Campbell, explained the town's weakening on the design guidelines by saying that the town was striving to balance the need for economic development with a desire to protect the Waterfowl Park and the town's unique architecture. McDonald's developer Gerry Moore said that the development agreements and design guidelines made his bid to build in Sackville a "trying" experience, and warned that in the future, such a process may discourage needed development (Richard, September 28, 1994).

Finally, on October 26, 1994, it was announced that building permits would be issued for the McDonald's/Esso development, the Irving development, and Danny Patterson's family restaurant, once development agreements were signed by both parties. These development agreements were to contain such details as landscaping specifications, building design and parking specifications, traffic and pedestrian safety, as well as provisions for environmental impacts (Sears, October 26, 1994). So, by the end of 1994, construction was beginning on three new projects in the highway development area, in addition to the Tim Horton's/Wendy's restaurant that was now operating.

4. Co-op / Coastal Inn

In April of 1996, the Sackville Direct Charge Co-op, which had been recruiting members for some time, announced plans to build a retail grocery store and gas bar on a parcel of land directly behind the McDonald's restaurant. This would require re-zoning the land from residential to central commercial. According to the developers, they had looked at several downtown properties before deciding on the highway location, however one was on the flood plain, and the others were too small or shaped wrong (Sackville Tribune Post, April 10, 1996). The land behind the McDonald's was owned by Gerilyn Enterprises at the time of this announcement.

During the re-zoning process for the Co-op store, Mayor Will Campbell made some comments in the local paper regarding his frustration with the town's re-zoning procedures. He said that Sackville had gained a reputation as a hard place for development, because citizens often opposed re-zoning, and because of the lengthy re-zoning process encountered by past developers (Malloy, May 8, 1996).

Despite his opinions, developers seemed to keep calling, because in June of 1996, Mayor Will Campbell announced that a hotel/motel complex may be built in the near future, just behind the proposed site for the Co-op. With this in mind, he announced that town council had agreed to pay for the construction of a road to service these two lots. It was also announced that the re-zoning by-law for the Co-op store had passed first and second reading at town council (Sears, June 12, 1996).

In July of 1996, town council declared an emergency meeting, and passed all three readings for a proposal to re-zone land behind the Co-op site from residential to highway commercial. This would allow for the construction of a 50 unit, two storey motel / hotel on the site to begin immediately (Richard, July 31, 1996). Some people questioned why this development constituted an emergency. The Mayor's response was that the developer,

Friendship Inns of Moncton, requested a speedy approval, and that the town feared the developer may back out if they did not comply. The only real opposition to this development came from the owners of the Marshlands Inn and Borden's, as they were concerned that they would lose business, and that such a large hotel would not be viable in Sackville. Apart from this, the Coastal Inn and the Co-op would go on to be built with no public opposition.

5. The Tourist Bureau

In February of 2000, it was announced that the town had purchased land on Wright Street, just beyond the Co-op and the Coastal Inn (Scott - Wallace, February 16, 2000). The land would be the new location for the town's tourist bureau. The reasoning behind the move was that this would be a good way to draw more people in off the highway and to promote the town of Sackville. To date, the tourist bureau has not been moved, however the plans to do so are still in place. Town council announced in November of 2002 that the tourist bureau would be moved from its current location in the Mount Allison University parking lot on King Street to the new location on Wright Avenue in the fall of 2003 (LeBlanc, November 27, 2002). It is expected that in the future, when more visitors start going to the tourist bureau, a new, larger building will be built. Other future plans include the planting of trees for aesthetics and to act as noise buffers.

6. Baughan's Expansion

In August of 2000, it was announced that Baughan's Transport Ltd. wanted to expand their operations, increasing the number of trucks in their operation from 60 to 80 (Scott-Wallace, August 16, 2000). The company had operated in Sackville for over 5 decades. The building that housed their office, truck garages and warehouse bays had been in use since 1973, and was no longer adequate (MacGregor, February 7, 2001). In order to expand, they applied to have their property re-zoned from central commercial to industrial, and to change their property's designation in the Municipal Plan from highway development area to industrial. At the August 14 council meeting, their re-zoning application passed first and second readings. Council then considered declaring the re-zoning by-law an emergency matter, just as they had done with the Coastal Inn proposal, in order to get the third reading passed immediately. However, the TPDC suggested that the situation was not an emergency, and that there should be a 48 hour waiting period before the third reading was undertaken.

Councillor Virgil Hammock raised the concern that the expansion may lead to the danger of hazardous waste runoff on the site, which will be closer to the Waterfowl Park. Andre Charron of the TPDC noted that there was the possibility of leakage of hazardous wastes from transport containers. She also noted that there may be a concern because materials resting on the site, whether they were toxic or not, had the potential of leaking into the Waterfowl Park, as all surface water drainage travels to a ditch surrounding the property, which then runs into the Waterfowl Park. Nevertheless, the expansion proposal passed, and the expansion was completed in 2001. Baughan's vice president of financing and marketing, Alan Mitchell, noted during construction that the company was following suggestions and guidelines put forth by the TPDC in order to avoid negative environmental impacts on the Waterfowl Park (MacGregor, February 7, 2001).

7. Bankruptcy / Liquor Store

The latest developments in the highway development area occurred in 2002 and 2003. In the fall of 2002, Baughan's Trucking Ltd filed for bankruptcy. At the present time, no new details are available concerning the future of the company, or more importantly, the future of the company's property. Decisions regarding what happens on that site are very important for the integrity of the area. It is a highly visible site, and it is directly on top of the Waterfowl Park. The property is currently zoned industrial. It will be interesting to see what happens on this site in the future.

Finally, in January of 2003, the exodus to the highway development area continued, as the New Brunswick Liquor Commission opened a new liquor store on the Co-op store property. The store is directly linked to the Co-op. The former store on Lorne Street has been closed.

DISCUSSION / ISSUES

The result of all of this development is a highway entrance that is arguably not representative of the town of Sackville. A nice residential area has been converted to an essentially urban area. People's first view of Sackville is no longer of trees and green space, it is of huge parking lots, heavy traffic and large corporate signs. I obtained two aerial photos of the subject area that show the dramatic changes quite well (see Appendix C). The first photo is from 1982, before any of the development began. The second photo is from 2001, after everything was developed, with the exception of the new liquor store. As a lifelong Sackville resident, I am extremely upset that all of this has happened. In fact, many residents that I have spoken to feel the same way.

Public Opposition

This raises the question of what happened to the public opposition? Recall from the chronology that in 1990, citizens were very strongly opposed to the idea of a mall being built near the highway. Hundreds of citizens went to council meetings, and an official citizens' opposition group was formed to formally protest the mall. Citizens argued that the town could not support heavy commercial development outside of the downtown area, and that commercial development in the highway area could have negative impacts on Sackville's unique character and environment. Citizens argued that Sackville should enhance its economic future by investing in natural, cultural and lifestyle resources, such as the Waterfowl Park and the spinoffs it creates (PSCCC, July 25, 1990). These are very valid arguments, and represent the way that many citizens still feel today. So what happened? Why was there so much opposition to the mall, but virtually no opposition to McDonald's, Tim Horton's, Irving, etc... ? Are these developments really much different from a mall? I would argue that they are not. The series of commercial developments that have been built in the highway area are having the same impacts that people feared a mall would have. It would be interesting to do a survey of residents now, and find out what their opinion of the highway commercial area is.

Part of the problem is that the development of the highway area was done in small increments. The development proposals generally came in isolation of each other, and it seems as though people did not consider them to be as serious as they did the mall. Perhaps if residents had been asked to consider how they felt about several developments going up in that area, there would have been more public opposition along the way.

I also believe that even though the DGH 's hotel/mall complex was never built, the fact that town council approved it in spite of heavy public opposition sent a powerful message to local citizens that no matter how much they speak up, town council will do what it thinks is best. You could see this happening from the very second that people knew council would vote in favour of the hotel/mall complex. Hayden Smith reported that “ when it was clear during the first reading of the proposed by-law to amend the zoning by-law that Campbell was going to vote in favour of DGH's application, many in the gallery left their chairs and began filing out...” (Smith, September 19, 1990). People recognized that certain members of council, notably Mayor Will Campbell, were determined to get the hotel/mall complex built, no matter what citizens said.

I believe that these are the reasons why a series of highway commercial developments have gone up over the past decade with virtually no public opposition (with the exception of some downtown business owners). Citizens were given the message that town council had decided to develop a highway commercial zone, but were not shown a comprehensive plan, and were not given the message that their input was being considered adequately. This leads to the question of why town council wanted to develop in this area? What were the driving forces behind this decision?

Motivations / Driving Forces

By the 1990's, Sackville was searching for a way to create jobs and get its economy jump started. The years of the foundries were gone, and nothing had ever really come close to filling that void. It was also around this time that two big infrastructure projects were announced for the region. The Trans Canada Highway, which runs right through Sackville, was going to be twinned, and the Confederation Bridge was going to be built between New Brunswick and Prince Edward Island. It became apparent to town council, and to business developers, that Sackville had the potential to benefit greatly from these projects. The new highway would make the East Main Street entrance the prime entrance to Sackville from the highway. Sackville would also have the potential to become a great service stop for people going to and from the Island on the new bridge. For people traveling to the Island, Sackville would be the last main stop between Moncton and the bridge, and for people traveling in the other direction, Sackville would be the first main stop when they got off the bridge.

This was an opportunity that town council did not want to miss. The potential benefits of this situation were echoed by Ron Corbett, the director of the TPDC at the time. He noted that Sackville could benefit tremendously from its location and layout, as it is the only community between Moncton and Truro where travelers can get off and back on the highway with little effort (Richard, March 16, 1994). Mayor Pat Estabrooks and several other councillors made similar comments in 1992 when justifying their vote in favour of Tim Horton's. They decided that highway commercial development would be one of Sackville's best opportunities for job creation and tax revenue. Council had clearly made highway commercial development part of its

long term plan for economic growth in Sackville.

Ron Corbett, though, also offered a piece of cautionary advice. He commented that Sackville should take care to see that any local development enhances the downtown area, protects the environment, and is economically viable. He noted that the town wouldn't want to create a "fast food alley" like other communities have in the past (Richard, March 16, 1994).

Design Guidelines / Development Agreements

With this in mind, Council decided that if they were going to go ahead with commercial development of the highway area, they needed guidelines to ensure that new developments suited the character of Sackville, and did not harm the natural environment. A standards committee was formed to develop these guidelines, made up of both councillors and citizens. The setting up of design guidelines had the potential to allow Sackville to control the nature of development in the highway area, but only if the town made strong, appropriate guidelines, and held to their convictions of maintaining Sackville's unique character and environment. However, this is not what happened at all.

The committee produced a draft document called "Design Guidelines : Highway Commercial Development" (Appendix B). While some of these guidelines seemed quite good, such as the landscaping and buffering guidelines in section 1.1, overall the guidelines seemed much weaker than what was anticipated. One well respected member of the standards committee walked away from the process, because he felt that what they ended up working on was a waste of time. Clearly the town had backed down on its promise to carefully control the nature of the highway developments. In fact, the document in Appendix B is stronger than what was eventually passed by council. Recall from the chronology (page 6, 7) that Baughan's threatened legal action when this draft document was presented at council, and several amendments were made to appease them, weakening the document further.

Nevertheless, with these weak guidelines in place, the town began to use them to negotiate with developers. The process is as follows. A developer comes to the table with their plans, and the town comes to the table with their plans and the design guidelines. The guidelines are not mandatory, so what happens is the town negotiates with the developer to essentially get them to comply with as many of the guidelines as possible. The negotiated terms of development are then written up in a development agreement. This agreement is then presented to town council, and voted on. If both parties agree to the terms of the agreement, the development can go ahead.

One of my goals for this report was to analyze the contents of the development agreements for the establishments in the subject area, and present specifically what guidelines and standards the town ultimately imposed on the developers. Unfortunately, for reasons that were never clearly articulated the TPDC would not permit me to see any information contained in these agreements. The only document I was able to get from them was a shell of a development agreement, a blank model of an actual agreement (Appendix B). This particular model is from King's County, Nova Scotia, however I was told that it is the exact format used in Sackville. Section 26 of this document states that signed development agreements are to be registered at the Registry of Deeds. Therefore, I went with a couple of classmates to the Registry

of Deeds in Moncton to search for the agreements there. Not one of them was registered. Without the agreements, the only course of action is to compare what has physically been done in the highway development area with the design guidelines.

Judging from the current state of the subject area, the town was able to get the developers to agree to some of the minor details in the guidelines. Some of the things they seem to have negotiated for and got are the trees left standing around the Irving station, the shrubbery and landscaping details added around the parking lots, and the colonial style lamp posts. However, overall, the area looks and feels just like any other highway commercial area I've ever been in. The most interesting thing about it all, is that if you look at page 5 of the design guidelines (see Appendix B), there is a sketch of what the standards committee labeled as a typical highway commercial area with no design guidelines. This sketch represents the type of "fast food alley" that the town wanted to avoid, a worst case scenario. Remarkably though, if you compare what has been built up there with the sketch, they are almost exactly the same. Sackville has pretty much ended up with what the standards committee described as the worst case scenario !

Environmental Issues

The fact that Sackville ended up with a near worst case scenario is why this class chose this topic as a case study. There are environmental issues that need to be addressed. Without access to the development agreements, it is difficult to know exactly what steps were taken by the town in terms of environmental protection. Environmental concerns were raised by citizens on numerous occasions throughout the building process, but town council never seemed to address these concerns through studies or actions. According to Ron Corbett, former director of the TPDC, the majority of environmental standards that must be followed by the developers are set by the provincial government, such as standards for gas tanks and pumps, etc... (pers. communic., 2002).

Nevertheless, there are several environmental problems that exist in the highway commercial area, such as noise pollution, litter from fast food packaging, emissions from increased vehicle traffic, loss of green space to large parking lots, infringement on the Waterfowl Park, and polluted surface water runoff into the Waterfowl Park. There is also the issue of the Baughan's property. Substantial trucking operations have been carried out there for over three decades, so there is potentially pollution in the ground and soil there. There may have to be some remediation of the site before any new plans can be made for its use. It is likely that other members of this case study will address some of these environmental issues in their projects and reports.

The fact is, many of these problems were not preventable. Aesthetic problems, loss of green space, and noise and light pollution are problems that are inherent with this type of commercial development. When the town decided to allow this type of development, they essentially brought all the environmental problems of an urban environment into this small area. The only way to have prevented these problems would have been to focus new development downtown in existing buildings.

CONCLUSIONS

As much as the town continues to say that they want to protect and enhance the downtown area, there seems to be a concerted effort to move everything out to the highway. This is arguably a questionable plan, as there are groups in town, such as Renaissance Sackville, who are interested in taking action to preserve and enhance the downtown, so that Sackville can maintain its unique, historical character. However, with the recent move of the liquor store, and the forthcoming completion of the new civic centre on East Main Street, there will be two more reasons for people not to come any further into Sackville than a few hundred metres from the highway. The damage that has been done to Sackville's natural landscapes is essentially irreversible, and the continued increase of traffic and activity in this area will only serve to magnify the environmental problems discussed in the previous section.

Looking back now, the decisions of town council in the early 1990's appear to be a real turning point. Arguably, their decision to focus new development on the highway area appears to be a result of questionable judgement. Some may argue that hindsight is 20/20, but you have to consider the fact that town council did have other options at the time. In 1990, there was a strong movement in Sackville to revitalize the downtown area. The New Brunswick government and the Federal government had just made an announcement of a \$ 40 million urban economic development pact, from which Sackville had the opportunity to apply for funding (Richard, September 19, 1990), and the Sackville Town Square Development group had just announced a \$6 million to \$10 million downtown renewal project (Sears, July 11, 1990). The opportunity was there for town council to really focus on developing the downtown area. However, they chose to focus on the highway area, and squandered this opportunity. In addition, their decisions alienated several downtown businesses, including Hawk Communications, whose president was an important partner in the Town Square Development group. His company ended up leaving Sackville, as did Atlantic Wholesalers, another vital downtown business.

An interesting project to do along with this study of the Sackville highway development area would be a study into the history of Amherst's development. Amherst has gone through a period of extensive highway commercial development over the years, and their downtown core has suffered greatly. It is frightening to think that Sackville may be headed in the same direction that Amherst has gone, with all new development being focused on the highway area. Perhaps there could be something to learn from Amherst's story that could change the outcome in Sackville.

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