

From: Diana Shahmoon  
President, SEDA Holdings

To: Members of the Agglomeration council, the CMM, and the City of Beaconsfield

Re: Motion to Exempt Angell Woods from the TOD

Date: October 28, 2014

We are writing to register our objection to the current agglomeration proposal for the implementation of the PMAD in Angell Woods, under which the Beaufort train station will be exempted from its TOD designation and the agglomeration will assume the Interim Control Bylaw that is currently in force from Beaconsfield. With these proposals, the city of Beaconsfield is confident that most of the Angell Woods' green space will "remain private land, just zoned for conservation" [The Suburban, October 1, 2014]. In fact, they will make Angell Woods the only area to be exempted from the TOD designation imposed by the PMAD on the whole Island of Montreal. We submit that these proposals, which were meant to guide the implementation of the PMAD, in fact violate them. They do not satisfy the PMAD and they do not satisfy the law.

#### THE PMAD

1. In the PMAD, Angell Woods was designated both as an area to be preserved, but also as a TOD by virtue of the Beaufort and Beaconsfield train stations. The large red circle that is drawn around the Beaufort train station encompasses most of Angell Woods. We challenge the agglomeration's authority to exempt a legally defined transportation hub with a simple declaration that it is no longer so.

2. If the Beaufort train station is exempted as a transportation hub, all that will remain eligible for development in Angell Woods is a slim sliver just above Elm on Yale's property, and nothing at all on Seda's property. According to the PMAD, the amount of area to be developed as a TOD was not specified, but inclusion of the TOD designation was mandated, not voluntary. The single slim sliver does not satisfy the intent of the PMAD requirement for a mix of conservation and TOD. Angell Woods will be exactly as the city claims it will be, "zoned for conservation." This also represents a violation of the law. Property that has been zoned developable property for the 55 years that we owned it cannot legally be turned into conservation property by simple fiat of the zoning law.

3. The interim control bylaw that the agglomeration proposes to take over from Beaconsfield constitutes another violation of the PMAD, negating the requirement that the regulations of the PMAD be implemented by 2014. It also violates the bylaw itself which, by definition, is supposed to be interim only, but which is already into its fourth year. If the agglomeration takes it over, it will be extended even further. We have already instituted proceedings against Beaconsfield regarding the bylaw, with a date early in November to set the date for the hearings.

4. Finally these agglomeration proposals are intended to represent the will of the local population as to the implementation of the PMAD. Beaconsfield's most systematic effort to tap the will of the population took the form of "an advisory committee" that it sponsored in 2011, approximately one year after they implemented the Interim Control Bylaw. The group was made up of three main constituencies—landowners, several conservation entities, and concerned citizens—all of whom were to "give their input on the future of Angell Woods." They met three times and their proceedings led, as they had been designed to do, to the development of three taxpayer-funded scenarios. All these elements projected an image of a true democratic process, but it was not. Right from the outset it was announced that no official minutes would be kept and recordings by participants were prohibited. And at the end of it all, despite repeated protests, the three taxpayer-funded scenarios, each of which called for a mix of conservation and development, were suppressed by the city and never publicly circulated. The current agglomeration proposals for near total conservation represent the will of only one constituency, that of APAW and the conservationists.

#### THE LAND

The justification for elevating preservation at the expense of the TOD is the claim of Angell Woods' higher ecological value. However, Beaconsfield has yet to provide credible evidence to support their claim.

--At its April meeting, the Beaconsfield city council passed a resolution requesting recognition of exceptional forest ecosystems in Angell Woods. At its May meeting, they passed a resolution requesting further protection of the wetlands in Angell Woods. Both requests were denied by the ecological ministries from which they were sought.

--Even the Biofilia study, one of three the city used as a basis for its unsuccessful ecological resolutions this past spring, was equivocal as to Angell Woods' ecological value: "we recognize that there are groupings of vegetation or portions of them with relatively weaker ecological functions for which the integral conservation is not absolutely necessary to the maintenance of sensitive habitats of Angell Woods."

--William Pollock, a forest engineer who examined the southernmost portion of Seda's property in 2008 relative to an expropriation of a 7 meter strip by Hydro-Quebec, was even more equivocal: "There are very few trees of any value on this 7 meter stretch of land."

--William Pollock also contradicted the city's repeated claim of Old Growth in Angell Woods, stating "Most, if not all, of the 7 meter strip is the result of an abandoned agricultural field. It may have been abandoned between 10 and 20 years ago." We submit that ALL the woods of Angell Woods are not Old Growth at all, but woods that have resulted from farmland that was abandoned some decades ago, a situation that was characteristic of land use generally in the parish of Pointe Claire.

--Even the most ardent conservationists who purport to be dedicated to preserving all of the woods for their ecological value, don't treat it that way. APAW, with the support of Beaconsfield, has permitted, and even encouraged, hordes of trespassers and their dogs over decades. This is not an approach that one takes towards land to be conserved, but rather towards parkland for recreational use. Over the years, it has served to massively defile and degrade the woods.

— The current proposal for Angell Woods remains similarly equivocal between conservation and recreation. The Montreal study from 2005, (the second of the three studies the city used this spring as a basis for its unsuccessful ecological resolutions) and which carries the name of Daniel Hodder himself, suggests that the value of preserving the woods is "strategic ... not only on the ecological level but *equally* on the recreational level" (emphasis added); it recommends making Angell Woods a park, and even suggests: "Leave a gap between the south end of Angell Woods and Elm Street for hospitality facilities (cottage, bicycle parking, etc.) for the recreational corridor." If the intent is really to conserve the land as ecologically sensitive, the question remains: Would Beaconsfield residents support conserving woods that they could not use? Would Beaconsfield find the will to restrict the recreational use that they themselves have supported for decades? And if they would continue to allow recreational use, then the ecological claims for preserving it are a fraud. The Biofilia study explicitly states, recreational use severely degrades the ecological value of the land.

--The third of the three studies the city used as a basis for its ecological resolutions was done by APAW. The city has refused to release that study to us, and an access to information request has not yet been decided. However, the fact that a study done

by APAW, a group with a clear conservation agenda, was used at all severely diminishes the city's ability to claim objectivity in asking for total conservation.

--The administration itself anticipates a further steep acceleration in the degradation of the woods by the sheer number of ash trees which they expect to become infected with the Emerald Ash Borer, leaving open the question of what exactly will be conserved through the conservation process.

#### THE NEGOTIATIONS

Both Montreal and Beaconsfield are claiming that negotiations to purchase Angell Woods from the landowners are currently taking place. All these claims are untrue. No negotiations are taking place. We have received no offers to purchase our land from either Beaconsfield or Montreal in the current administration. No one from either Beaconsfield or Montreal has even reached out to begin to negotiate with us. At the same time, our phone calls and emails to officials have not been returned. We can only assume that those who wish to acquire our land will attempt to negotiate with us only after its commercial value has been severely reduced by deeming it "conservation."

The simple fact is that Angell Woods is extraordinarily valuable land that cannot be acquired in total for green space with the available funds. The people of Beaconsfield have indicated that they favor a real compromise of preservation and development that will allow the city to acquire it legitimately. Instead, the city has acceded to the loudest voices who refuse any and all suggestion of compromise. The city would have its constituents believe that these kinds of agglomeration proposals, combined with a punitive approach to the treatment of ash trees, can bully the Angell Woods landowners into unloading their land for pennies on the dollar. This is wishful thinking. It is also a violation of our property rights under the law, and eventually must end up either in the courts or on the backs of the Beaconsfield taxpayers.

#### CONCLUSION

By virtue of Beaconsfield's claim to its exceptional ecological value, the agglomeration has singled out Angell Woods as the sole area on the Island of Montreal that deserves to be exempted from the TOD designation mandated by the PMAD. However, neither in their resolutions nor in their studies, has Beaconsfield met the high ecological standards that they claim. The agglomeration proposals are both legally and ethically skewed. They have advocated in favor of a distorted interpretation of the PMAD and dubious claims about the ecological value of every inch of the woods, while totally ignoring the clearly defined rights of the landowners.

As landowners, we have always asserted the right of Beaconsfield to preserve precious green space, but we also assert the rule of law as it applies to our rights. We have been paying taxes on Angell Woods as developable property for over 50 years, even as the city has actively encouraged its residents to see it as a public park. The claim by the city—that most of Angell Woods will "remain private land, just zoned for conservation"—goes to the heart of it. The agglomeration proposals are a cynical effort to subvert the law in order to reduce the value of our land, continuing a pattern of using the Angell Woods property as public while never acquiring it legitimately for public use. We submit that this is nothing less than disguised expropriation, and we will continue to pursue its contestation.

Diana Shahmoon  
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# WILLIAM S. POLLOCK

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October 27, 2008

Me. Alfred Belisle  
Godard, Belisle, St. Jean,  
3 Préfontaine East,  
Ste-Agathe-des-Monts, Qc.

Dear Alfred,

You had asked me to inspect a property at Beaconsfield, Quebec known as part of lot 1 416 442 owned by Seda Holdings Ltd. You explained that Hydro-Quebec planned to expropriate a 7 meter band by the full width of the lot (about 185 meters) at its south end. You had asked me to prepare an evaluation of the trees with respect to this expropriation.

On October 23, 2008 I visited the property and examined the portion to be expropriated and am able to report the following:

The land on the 7 meter stretch is quite dry and thus suitable for trees. It is also very stony thus making it somewhat unsuitable for agriculture. There are very few trees of any value on this 7 meter stretch of land. The east and west sides of the property were not clearly marked, but the existence of old loose stone walls were assumed to be the boundaries. At the west end there are some large Carolina Poplars and a few Elms. Smaller trees include a few maples and ash. There are many shrub species including buckthorn, hawthorn, willow, sumac, chokecherry and apple.

During this past spring or summer, a bulldozer or other machinery had pushed rocks, shrubs and downed vegetation away from the hydro line to create a rough roadway as shown in the photo to the left. The pickets mark the center line of the expropriated area. The building in the distance is just outside the property.







There is a trail running east-west roughly parallel to the 7 meter strip. The distance from the 7 meter strip varies between 5 and 10 meters. It is used mainly as a walking and biking trail but is wide enough for snowmobiles and all-terrain-vehicles. This picture shows the trail looking westward. In the foreground to the left is an area recently bulldozed to access a hydro pole. As can be seen most of the vegetation is brush. There was no sign of live mature trees having been pushed out by the roots and piled to the north side of the 7 meter strip.

It appeared as though the hydro poles had recently been replaced. Older, shorter poles remained standing beside new ones in some locations.

It occurred to me that all the bulldozing was done in order to access the old poles so that they could be replaced and actually had been replaced in the spring or summer of 2008. The existence of patches of crushed stone along the rough road and around some of the poles further re-enforces this theory.



Most, if not all, of the 7 meter strip is the result of an abandoned agricultural field. It may have been abandoned between 10 and 20 years ago. As one can see from the photo to the left the vegetation is extremely dense and almost impenetrable with lots of brambles and thorny brush species.

On the north side of the trail there are many piles of metal, wood and roofing debris suggesting that the area was used for dumping garbage after the field was abandoned. One of the larger piles of debris is shown in the photo to the left.



To the right is another picture typical of the vegetation. The trees are mostly ash and elm. The hydro line is to the left.

Since this was an exploratory visit to the site, no tree measurements were taken. I spent my time examining the vicinity of the expropriated area and the east and west lot lines.



If my theory holds true and the hydro line has already been installed and that the expropriation was for that purpose, then it is likely that no further work will be done which will affect the vegetation. Any vegetation that has been destroyed or affected is of little value both economically and aesthetically. The compensation of \$6,500.00 for the servitude overwhelmingly covers any damages. However, damages from a real estate point-of-view might prove otherwise.

I briefly inspected the rest of the property. With the exception of the abandoned fields the rest of the property contains a good quality mature mixed hardwood forest with sugar maple, red maple, hickory, butternut, white birch, basswood, elm, poplar, ironwood, black cherry, white ash and other species. The north end of the property is quite wet, but contains cedar, black ash, silver maple and other species. There are a number of marked walking trails through the property which are quite heavily used.

Respectfully submitted,

W.S.Pollock,  
Forest Engineer



## BEACONSFIELD

Beaconsfield March 21<sup>st</sup> 2011

Seda Holdings  
PO BOX 488  
3 Bayberry Lane  
Remsenburg  
NY 11960

**SUBJECT:** Your property located in Angell Woods in Beaconsfield

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Dear Madam, Sir

Please find enclosed a copy of an article that was published in the March edition of our municipal publication. This article is an invitation to all major owners, citizens, associations or any interested parties to participate in an advisory committee that will give their input on the future of the Angell Woods.

The City Council will nominate a representative group for this task. As an owner of a major property in the Angell Woods, we are inviting you to participate in this committee. This exercise will lead to the production of scenarios for the future of the Angell Woods that will be publicly debated.

If you wish to participate, please confirm to myself in writing at the address enclosed in the article or by email. You can also state your opinion in writing if you do not wish to participate in the advisory group.

Please feel free to call me if you have any questions.

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