



Peterborough Architectural Conservation Advisory Committee

05 July 2013

Mr. Kevin Jones
Consultant Project Manager
AECOM Canada
Email: kevin.jones@aecom.com
(Copy sent by email and paper copy mailed)

Mr. Robert Dunford,
Senior Project Manager, Utility Services Department.
City of Peterborough
500 George Street North
Peterborough, ON

Re: PACAC Response to Parkway Corridor Class Environmental Assessment

Dear Mr. Jones, Mr. Dunford,

Thank you for the presentation regarding the Parkway Class E.A. held on May 28, 2013.

The Peterborough Architectural Conservation Advisory Committee (PACAC) reviewed the package of information regarding the Parkway class E.A. at its meeting on June 19th, 2013. At that time, the committee underwent an exercise to rate its levels of concern with various aspects of the proposed project. The following is a summary of these concerns and comments regarding the Jackson Park / Parkway E.A.

PACAC also set out to further research the history of Jackson Park to offer insights and comments regarding the bequeath of Charlotte Jane Nicholls, and the Nicholls Parks Trust, and how this also plays a major role in the usage of the Jackson Park Lands.

Parkway Corridor EA

Area 1 – South End

As PACAC we respect the opinions expressed by the environmental experts regarding the wetlands at the south end of the city.

Area 2 – North End

The committee expressed the most concern about the impact alternative 1 and 2 would have on the social uses of the current space. The effects on recreation, pedestrian and cycling uses need to be taken into account when the corridor design is undertaken. Innovative walking and cycling trails need to be an integral part of this new development. The use of improved pond design for storm water management should also be considered to create a park like setting.

Area 3 – Connector Jackson Creek Valley Area

The committee expressed equally weighted concerns regarding Alternative 1a and 1b, Parkway Row. This alternative would have negative effects on open spaces, and recreation, pedestrian and cycling uses. From a cultural standpoint, the effect on known or potentially significant archeological resources would also be high. The effect on built heritage resources, and cultural heritage features and landscapes, would also be significant.

The committee also strongly expressed the need to be included as a consulting body if the bridge was ultimately chosen as the go-forward solution. The committee feels that the bridge should be constructed in such a way as to minimize the alteration of the landscape, and that it should be of a high architectural design reflecting and ultimately adding to the great wealth of architectural heritage in the city.

The committee felt that Alternative 2, the widening of Parkhill and Fairbairn, poses the least amount of impact. Although, with this option the committee would require input on the design and placement of the retaining wall due to its proximity to the historically designated pagoda bridge. Under the Provincial Policy Statement, 2005, Section 2.6.3 *"Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."*

This alternative would also eliminate the access to the park from Fairbairn St. This current access point does allow for all residents, regardless of mobility concerns, to enter the pathway and pond area with ease. A new and improved access point to the pond area could be developed, perhaps from south of the Parkhill Road bridge.

Nicholls Parks Trust

During its research into the creation of the Jackson Park, PACAC unearthed some very pertinent information regarding the gift of the land to the City of Peterborough, and it's

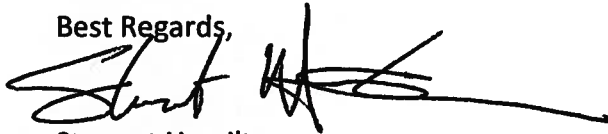
permitted uses. Located in the Peterborough Museum and Archives, City By-Law 1961-103, a By-Law respecting The Nicholls Parks Trust., passed on October 2, 1961, pertains directly to the Jackson Park Lands. See attached copy of said By-Law. The City Clerk's office confirmed for the committee that this By-Law has never been amended or repealed.

PACAC believes the City should honour the original intentions for how this property was to be used in perpetuity. Charlotte Nicholls was this city's greatest benefactress and her intent was to provide parks as places of recreation and enjoyment for the citizens of Peterborough.

Jackson's Park would be eligible for designation under the Ontario Heritage Act as a Cultural Heritage Landscape. The conservation of heritage resources is a matter of public and provincial interest. The people of Peterborough recognize that our cultural heritage tells us who we are, where we have come from, and what we have accomplished.

PACAC believes that the preservation of a community's heritage, including Jackson Park, is a critical part of healthy growth and change.

Best Regards,

A handwritten signature in black ink, appearing to read 'Stewart Hamilton', with a long horizontal flourish extending to the right.

Stewart Hamilton,
PACAC Committee Chair

cc: Mr. Ken Doherty, Director of Community Services

cc: Mr. Dean Pappas City Councillor (PACAC Council Representative)

cc: Mr. Len Vass City Councillor (Chair of Transportation)

cc: PACAC file

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BY-LAW NUMBER 1961 - 103A BY-LAW RESPECTING THE NICHOLLS
PARKS TRUST

WHEREAS Charlotte Jane Nicholls late of the Town of Peterborough, in the County of Peterborough, Widow, who died on or about the 16th day of May, 1890, by her last Will and Testament dated the 28th day of August, 1888, directed the Trustees of her said Will to set aside certain monies for the purpose of purchasing and improving public parks and recreation grounds in the said Town of Peterborough and authorized and directed them out of the said fund from time to time and at such times as they deemed it expedient to do so to purchase in different portions of the said Town of Peterborough suitable land for such parks and recreation grounds and to lay out, plant and render fit for the purposes intended and to hold them in trust for the inhabitants of the said Town forever and to give them such names as would perpetuate the memory of her late husband Robert Nicholls and herself in the said Town.

AND WHEREAS the said Trustees purchased the lands and premises hereinafter described and laid out, planted and rendered such lands and premises fit for the purposes intended by the late Charlotte Jane Nicholls.

AND WHEREAS the said lands and premises became vested in other Trustees who became associated with the Trustees of the said Will under the name of the Trustees of the Nicholls Parks Trust.

PETERBOROUGH CENTENNIAL MUSEUM
AND ARCHIVES

Ref:

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AND WHEREAS the revenue derived from the investment of the trust funds by the Trustees of the Nicholls Parks Trust has now become insufficient for the purpose of properly maintaining the said lands and premises in the way it was intended they should be maintained and the said Trustees have offered to convey such lands and premises to the Corporation of the City of Peterborough as representing all of the inhabitants of the said Town of Peterborough provided the Council of the Corporation will agree to accept and maintain the said lands and premises as a public park and recreation ground and for no other purpose.

AND WHEREAS it is expedient for the Corporation to accept and take charge of the said lands and premises for the purposes above mentioned.

NOW THEREFORE THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF ENACTS AS FOLLOWS:

1. That the Corporation accept the lands and premises described in the schedule attached hereto as a public park and recreation ground for the use of the inhabitants of the City of Peterborough and that the said lands and premises be held and maintained by the Corporation for such purposes only according to the terms and conditions relating thereto contained in the Will of the said Charlotte Jane Nicholls, probate whereof was registered in the Registry Office for the Registry Division of the County of Peterborough on the 17th day of September, 1890, as Number 663 G.R.

PASSED this Second day of October, A.D. 1961

IN the foregoing to be a true copy-law Number 1961-103 of the (Sgd.) S. A. McBride
tion of the City of Peterborough MAYOR
as passed through all three
by the Council thereof at a (Sgd.) E. A. Outram
held on October 2nd, 1961. CLERK

ough, October 3rd, 1961.

SCHEDULE

ALL AND SINGULAR those certain parcels and tracts of land and premises situate, lying and being in the City of Peterborough, in the County of Peterborough and Province of Ontario and being composed of:

FIRSTLY: That part of the original allowance for the road or highway lying west of and adjoining Lot Number One west of the Communication Road in the Township of Smith, in the County of Peterborough and now within the limits of the City of Peterborough and lying south of a line being the projection westerly of the northern limit of said Lot Number One;

SECONDLY: All that part of Township Lot Number One west of the Communication Road in the Township of Smith, now within the limits of the said City of Peterborough, lying west of Fairbairn Street, formerly Mill Street, running through the said Lot, SAVE AND EXCEPT that part thereof now used by the Grand Trunk Railway Company for a right-of-way through the said Lot;

THIRDLY: Part of Park Lot Number 20 in Lot 13 in the Thirteenth Concession of the Township of North Monaghan, now in the said City of Peterborough, which may be more particularly described as follows: Commencing at the north-west angle of the said Lot; Thence southerly along the western limit thereof, 180 feet; Thence easterly parallel with the southern limit of the said Lot, 150 feet; Thence northerly parallel with the western limit of the said Lot to the northern limit thereof; Thence westerly

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along the said northern limit 150 feet more or less to the place of beginning, and

FOURTHLY: Part of Park Lot 20 in Lot 13 in the Thirteenth Concession of the Township of North Monaghan, now within the City of Peterborough described as follows: Commencing at the south-west angle of the said Lot; Thence easterly along the southern boundary thereof three hundred and one feet, seven inches; Thence northerly parallel to the western limit of the lot to the northern boundary thereof; Thence westerly along the said northern boundary one hundred and fifty-one feet, seven inches; Thence southerly parallel with the western boundary, one hundred and eighty feet; Thence westerly parallel with the southern boundary one hundred and fifty feet, more or less, to the western boundary of the Lot; Thence southerly along the said western boundary to the place of beginning.

BY-LAW NUMBER 1961-104

A BY-LAW TO AUTHORIZE AN AGREEMENT
BETWEEN THE CORPORATION AND THE
TRUSTEES OF THE NICHOLLS PARKS TRUST

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE
COUNCIL THEREOF ENACTS AS FOLLOWS:

1. That the Mayor and Clerk are hereby authorized and instructed on behalf of the Corporation to execute and affix the seal of the Corporation to the agreement set forth in the schedule hereto between the Corporation and Ross L. Dobbin and Thomas Thyne Rodger, Trustees of the Nicholls Parks Trust, which agreement is hereby incorporated in and shall form part of this By-law.

PASSED this Second day of October 1961.

(Sgd.) S. A. McBride
MAYOR

(Sgd.) E. A. Outram
CLERK

I CERTIFY the foregoing to be a true copy of By-law Number 1961-104 of the Corporation of the City of Peterborough which was passed through all three readings by the Council thereof at a meeting held on October 2nd, 1961.

Peterborough, October 3rd, 1961



City Clerk



A G R E E M E N T

made the day of A.D. 1961.

BETWEEN:

ROSS L. DOBBIN, Gentleman, and THOMAS THYNE RODGER,
Gentleman, both of the City of Peterborough, in
the County of Peterborough, Trustees of the Nicholls
Parks Trust

hereinafter called the TRUSTEES of the FIRST PART,

- and -

THE CORPORATION OF THE CITY OF PETERBOROUGH

hereinafter called the CORPORATION of the SECOND PART,

WHEREAS Charlotte Jane Nicholls late of the Town of Peterborough, in the County of Peterborough, Widow, who died on or about the sixteenth day of May, A.D. 1890 by her last will and testament dated the twenty-eighth day of August, A.D. 1888 (Probate of which will was registered in the Registry Office for the Registry Division of the County of Peterborough on the seventeenth day of September, 1890 as number 663 for the General Register) directed the Trustees of her said will to set aside certain monies for the purpose of purchasing and improving public parks and recreation grounds in the said Town of Peterborough and authorized and directed the said Trustees out of the said monies from time to time and at such times as they deemed expedient to do so to purchase in different portions of the said Town of Peterborough suitable land for such parks and recreation grounds and to lay out, plant, and render fit for the purposes intended and to hold them in trust for the inhabitants of the said Town forever and to give them such names as would perpetuate the memory of her late husband Robert Nicholls and herself in the said Town.

AND WHEREAS the Trustees of the said Will of Charlotte Jane Nicholls were authorized and empowered to associate with themselves if they should deem it expedient for them to do so in the management and control of the said parks and recreation grounds such other persons as they might consider advisable.

AND WHEREAS the Trustees of the said Will became associated from time to time with other Trustees, under the name of the Trustees of the Nicholls Parks Trust.

AND WHEREAS Ross L. Dobbin and Thomas Thyne Rodger, the parties of the first part, are the sole surviving Trustees of the Nicholls Parks Trust.

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AND WHEREAS the revenue derived from the investment of the trust funds by the Trustees of the Nicholls Parks Trust became insufficient for the purpose of properly maintaining the parks and recreation grounds acquired from time to time by the said Trustees in the way it was intended they should be maintained and such parks and recreation grounds have been conveyed to the Corporation for the sole and only use forever of the inhabitants of the City of Peterborough as public parks and recreation grounds according to the conditions and provisions relating thereto provided for in the Will of the said Charlotte Jane Nicholls.

AND WHEREAS the said trust fund is the sole remaining asset of the Nicholls Park Trust as set forth in the audited statement of Edward Humpage, C.A. dated May 17, 1961 and subject to additional receipts and disbursements to date.

AND WHEREAS it is desirable that the trust fund be transferred and assigned to the Corporation in order that the intentions of the said Charlotte Jane Nicholls and the provisions of her Will may be more effectively carried out.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and for other good and valuable consideration, the parties hereto hereby agree as follows:

1. The Trustees will forthwith transfer and assign unto the Corporation all of the trust fund of the Nicholls Parks Trust including the cash presently on deposit with the Toronto-Dominion Bank, George and Simcoe Streets, Peterborough, and the following securities:

Dominion of Canada	Perpetuals	3%	\$29,000.00
" " "	February 1, 1962	3%	500.00
" " "	October 1, 1975	5½%	11,000.00
Province of Ontario	July 15, 1964	5%	5,000.00
" " "	October 1, 1975	5½%	500.00
Hydro Commission	July 2, 1964	3%	1,000.00
" "	November 1, 1969	3%	2,000.00
" "	June 15, 1973	3%	<u>1,000.00</u>
Total Face Value -			\$50,000.00

2. It is agreed that the Corporation shall hold such trust fund for the purpose of purchasing and improving public parks and recreation grounds in the City of Peterborough and may out of the said fund from time to time and at such times as it is deemed

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expedient to do so purchase in different portion of the City of Peterborough suitable land for such parks and recreation grounds and lay out, plant and render fit for the purposes intended and hold them in trust for the inhabitants of the City of Peterborough forever and give them such names as will perpetuate the memory of the said Charlotte Jane Nicholls and her late husband and shall invest the surplus of the said fund not immediately required for the purchase of the said parks and recreation grounds and the laying out and beautifying the same until required for the purchase of additional parks and recreation grounds and the laying out and beautifying the same and apply the income derived from such investments in the meantime in the improvement and maintenance of the parks and recreation grounds already purchased by the Corporation as aforesaid or previously purchased by the Trustees or towards the purchase of further land for a similar purpose.

3. The Corporation covenants and agrees to indemnify the Trustees and save them harmless from all claims, suits and demands which may be made or brought against them or either of them by any person by reason of them entering into this agreement.

IN WITNESS WHEREOF Ross L. Dobbin and Thomas Thyne Rodger have hereunto set their hands and seals.

SIGNED, sealed and delivered
in the presence of

)
)
)

"R.L. Dobbin"

"T.T. Rodger"

IN WITNESS WHEREOF The Corporation of the City of Peterborough has hereunto affixed its Corporate Seal attested by its proper officers.

MAYOR

CLERK