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Item No. 14.2

Halifax Regional Council

May 23, 2023

June 20, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: May 17, 2023

SUBJECT: Ownership and Conservation of Historic Kemptown Road

INFORMATION REPORT

ORIGIN

Regional Council September 28, 2021. Moved by Councillor Lovelace and seconded by Councillor Russell THAT Halifax Regional Council request a staff report to: 1. Confirm municipal ownership of the historic Kemptown ROW (Right-of-Way) from Pockwock Road to Clay and Green lakes west of Wright's Lake; 2. Outline the necessary steps to: a. create a formal trail with trailhead from Pockwock Road to Pockwock Water Falls on the Old Kemptown Road; b. restrict the bait trapping and OHV (off highway vehicle) activity on this ROW; and, c. protect and conserve this historic route for future sustainable person-powered use.

LEGISLATIVE AUTHORITY

The *Halifax Regional Municipality Charter*, S.N.S. 2008, c. 39, s. 61(1) and s. 61(3) provide:

Powers of Municipality regarding property

61 (1) The Municipality may acquire and own property granted or conveyed to the Municipality either absolutely or in trust for a public or charitable purpose.

61 (3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.

BACKGROUND

The Old Kemptown Road is a 2.2-kilometre-long corridor that is about 20 - 25 metres wide. It is owned by HRM and is designated as right-of-way land, and currently functions as a place for hiking and off-highway vehicles. It is not passable for regular vehicles. The corridor became HRM property as part of the 2006 road transfer from the Province of Nova Scotia to HRM. The lands on either side of the road are generally forested. There are no residences. Figure 1 illustrates the corridor.

One end of the corridor is near 1238 Pockwock Road and the other is inland at a parcel owned by Nova Scotia Power at the northern end of Wrights Lake. While not the subject of this report, the corridor extends on the other side of the northern end of Wrights Lake on Nova Scotia Power land and then again becomes

HRM right-of-way that eventually connects to resource roads that connect into HRM streets in Tantallon. Figure 1 illustrates the further connections west from Old Kemptown Road.

Old Kemptown Road starts in the community of Upper Hammonds Plains. The Upper Hammonds Plains community is a historic African Nova Scotian community established in 1815. The ancestors of this community were Black Refugees from Chesapeake, Virginia. They fought in the War of 1812 as freed refugees and were granted lands in this area for the development of a community that became known as Upper Hammonds Plains (*Diversity and Inclusion. 28 February 2018. Community Profiles. Halifax.ca*). Community members believe that there are community homes that used to exist off the Old Kemptown Road. Based on initial conversations with community members, the Road has historic cultural significance to the community.

There have been a number of issues in recent years related to the Old Kemptown Road. These include:

- There is a waterfall on private property off the road that has become a hiking destination for people from outside the community. This has led to people parking their cars at the intersection of Pockwock Road and the Old Kemptown Road. Because this is at a corner, there have been sightline issues that have impacted road safety according to community members. While HRM did install no-parking signs, this continues to be a challenge.
- There has been conflict between some area residents and the people parking at the end of the Old Kemptown Road coming to hike to the waterfalls.
- There has been illegal dumping of construction waste abutting the Road. HRM has regularly had to remove this waste. No dumping signage is being installed in spring 2023.
- The corridor serves as an Off-Highway Vehicle (OHV) corridor. It is a way for OHV users to access trails on private property abutting Old Kemptown Road and to connect with roads and streets to the west in Tantallon. Community members report OHV use on the shoulders of Pockwock Road which is deteriorating the shoulder.
- There is only one way in and out of Upper Hammonds Plains. Some community members see Old Kemptown Road as a potential emergency egress route.

There is an approximately nine-acre parcel of HRM land that is near the intersection of Pockwock Road and Old Kemptown Road and is identified in Figure 2. This parcel currently has no planned municipal uses. Relative to the subject of this motion, it may be a suitable area for a trail head and parking, however, it does not connect directly to Old Kemptown Road and property acquisition would be required to enable this. Other potential uses identified by community members include housing and park land.

There are two community associations which have been consulted for this report. The *The Upper Hammonds Plains Community Development Association (UHPCDA)* owns and operates the Upper Hammonds Plains Community Centre and works to advance other community priorities. They have identified issues such as road safety, the need for trailhead parking, and the need for more community park space. The *Upper Hammonds Plains Community Land Trust (UHPCLT)* also works toward overall community improvement, but with a particular focus on improving access to affordable rental housing and home ownership. They have a particular interest in the future uses of the HRM-owned parcel at 1366 Pockwock Road.

There is also a process underway to update the Municipal Planning Strategy and Land Use By-law in response to community concerns. This is outlined in a Regional Council report entitled "Case 23617: Review of the Upper Hammonds Plains Land Use Designation and the GU-1 Zone" that Council considered at their January 10, 2023, meeting.

Figure 1: Map illustrating connections to and from Upper Tantallon and Old Kemptown Road

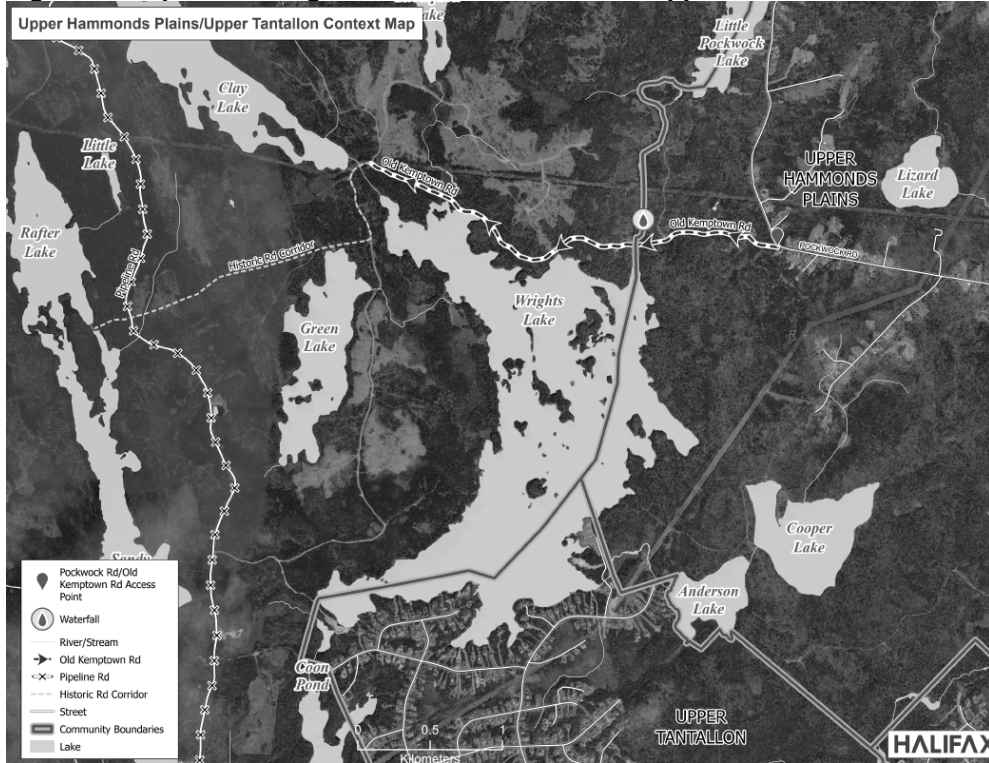


Figure 2: Old Kemptown Road Map



DISCUSSION

There are multiple, overlapping issues related to the future of the Old Kemptown Road and related to broader Upper Hammonds Plains community objectives. Related to the issues raised in the motion, there are some immediate next steps, which are described below. For some of these issues and for other issues raised during the research for the report, a formal community engagement process is required to understand the priorities and opinions of community members.

The primary next step is that HRM staff from the African Nova Scotian Affairs Office, Planning & Development, and Active Transportation will conduct community engagement in Upper Hammonds Plains and will receive advisory support from the Parks & Recreation's Community Developer group. Ideally, this will happen in spring or fall 2023. The goal of this engagement will be to obtain community perspectives and to inform next steps that HRM business units would take to support community priorities. The engagement would also include a formal survey of abutting property owners.

Other next steps include:

- 1) Staff in Public Works will conduct a formal condition assessment and consider options for ongoing management. HRM ownership of the Old Kemptown Road has been confirmed. The community's vision for the future of the corridor will help inform the plan going forward.
- 2) Development of a formal trailhead will depend, in part, on community engagement and their vision for the road and nearby HRM land. It also depends on the wishes of the private owner of the waterfalls as a formal trailhead should not be built unless there is formal public access.
- 3) Further review and confirmation of land ownership on and near the road. There is at least one parcel that requires a title search. Also, given the historic challenges with land title in African Nova Scotia communities, this issue will require attention. The scale of this work will be determined following community engagement.
- 4) Regarding restriction of OHV use, this would be incorporated into the engagement to better understand community perspectives. It may also depend on any laws defining use of this type of HRM right-of-way.
- 5) Managing illegal activity such as bait trapping and dumping will require ongoing attention and, to the degree possible, enforcement. New signage is being installed regarding dumping.
- 6) Consideration of preservation of the corridor and whether or not it should be non-motorized would be part of the community engagement. A clearer understanding of the history and role of the road in Upper Hammonds Plains will be documented and inform future steps.

Next steps on other related community priorities will also be addressed in the engagement and then by appropriate HRM staff through Community Action Planning. These include:

- 1) Future uses of the HRM-owned parcel of land at 1366 Pockwock Road.
- 2) Emergency access and egress to and from the community.
- 3) Community interest in additional park land.
- 4) OHV use on Pockwock Road

Following the engagement process, and through Community Action Planning, HRM staff will solicit additional direction from Regional Council, as required or incorporate priorities into their work planning.

FINANCIAL IMPLICATIONS

There are no direct financial implications related to this report. Costs related to community engagement can be covered by existing budget and staff resources.

COMMUNITY ENGAGEMENT

Staff discussed the matters raised in this report with community members involved in the Upper Hammonds Plains Community Development Association (UHPCDA) and the Upper Hammonds Plains Community Land Trust (UHPCLT). They support additional community engagement in Upper Hammonds Plains.

ATTACHMENTS

n/a

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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