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Fight over Sandy Beach intensifies as trails closed to public

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Pictures taken by Carole Reed on March 13 attached.

The owners of the land at Sandy Beach in Hudson appear to have wanted to make one thing very clear earlier this month: The waterfront land is "private property. Do not enter." They posted that very short and direct message on signs and installed concrete blocks at the entrance of the walking paths on their land.

The message was received by all those who enjoy a stroll along the beach or walk their dogs in the surrounding woods. The question it sparked, however, was: Why? And, more specifically, why now?

The answers trace a line straight to a hearing before the Tribunal Administratif du Québec held in late February where Nature Hudson, a grassroots environmental group fighting a proposed 214-unit housing project along the waterfront site, was seeking to gain third-party intervener status in an appeal process that is set to decide whether Quebec Environment Minister Benoit Charette's move to revoke the land owners' permit to backfill part of the area along the Lake of Two Mountains should stand, effectively blocking the housing project.

In a decision rendered by the tribunal on Feb. 26, Nature Hudson was denied the privilege to participate in the appeal on the basis that its representative, retired lawyer Robert Horwood, one of the group's directors, was simply an impassioned observer who would merely duplicate arguments presented by the ministry.

But, according to Horwood, it was during that hearing, when he attempted to refer to a biological study the group had commissioned, that the lawyers for landowner Nicanco Holdings objected.

The Nicanco lawyers referred to the study as "illegal," Horwood said in an interview with The 1019 Report, as they argued that the authors did not have permission to access their land to conduct their ecological assessment. It was clear, in Horwood's estimation, the lawyers did not want the tribunal to consider the report prepared by TerraHumana Solutions that outlined the list of endangered species and fauna on the site as well as the area's ecological importance.

Horwood countered by arguing that the study's authors were not trespassing, as the signs in the area posted by the town of Hudson clearly invite people to walk along the trails that wind their way through the area.

Nicanco's lawyers could not refute that context at the hearing. But immediately after, Nicanco decided to change the public messaging at the site.

"I don't think it was a coincidence," Horwood said, explaining that in his opinion, the signs and concrete blocks barring access to Nicanco's land were installed as a direct result to his representations to the tribunal.

Horwood admits he did not anticipate the reaction at the time, but he is not surprised. Nor is he apologetic towards those who lament the loss of access to the walking trails.

"People think they lost (access to Sandy Beach) because of the barriers. The barriers have become a physical reminder of what's at stake," he said. "What this has done is reminded people this is not a public space," he added.

For residents who have turned to social media to lament the barriers, assuming that the land owners had been provoked in some manner, Horwood said: "We poked the bear when we prepared the report," referring to biological assessment that dates back to 2021. "The report, we believe, is very important in getting us to where we have the revocation."

Nature Hudson had previously submitted the report to the provincial Environment Ministry.

The town of Hudson, which owns land next to the Nicanco site, has since installed trail markers to inform visitors where they can walk to access the wooden footbridges near the waterfront, which are owned by the municipality.

Hudson Mayor Chloe Hutchison said residents can still access some of the area, but confirmed that the beach area is "no longer accessible using the established footpaths."

Hutchison said the town will pursue permission to establish trails on land it owns leading to the beach servitude it continues to hold. This will require permission from provincial authorities, as they would trace through sensitive areas of the wetlands.

The town received a letter from Nicanco's lawyers last week, the mayor added, informing it of the installation of the barriers.

Hudson continues to await the ruling from the Tribunal Administratif on whether the revocation of Nicanco's permit to backfill on the site will stand.

That ruling is expected this spring.