

**STAFF REPORT: ADMINISTRATION**



**REPORT TO:** Council  
**MEETING DATE:** March 14, 2011  
**REPORT NO.:** A.11.06  
**SUBJECT:** Ministry of Natural Resources  
Work on Shoreland Permit  
Application - Berczi  
**PREPARED BY:** Corrina Giles, Clerk

**A. Recommendations**

THAT Council receive Staff Report A.11.06, "Ministry of Natural Resources Work on Shoreland Permit Application - Berczi" and provide direction to the Clerk regarding comments to be provided to the Ministry on the subject Application.

**B. Background**

Corporate Policy POL.COR.07.04, Delegation by Council of Powers and Duties, as revised, includes the following delegated approval:

*Review and comment on Ministry of Natural Resources Work on Shoreland Permit Applications be delegated to the Clerk or designate (Deputy Clerk), such Applications to be presented to Council for review and consideration where concerns with the Application are noted by Staff.*

Ministry of Natural Resources Work on Shoreland Permit Applications are circulated to municipalities and other agencies for comment. Final approval of such Applications is the domain of the Ministry of Natural Resources.

The Town received an Application for a Work on Shoreland Permit for works in Nottawasaga Bay fronting on Lot 2, Plan 346 and Lot 20, Plan 931, civic address 133 Lake Drive, the subject property shown on Attachment 1.

The Applicant proposes to remove a portion of existing rock breakwall, dredge a boat channel and a mooring slip and clean up a portion of the beach area. The Applicant also proposes a 45 metre long, raised dock boardwalk on steel posts extending to the mooring area. These shoreline works are shown on Attachments 2a and 2b.

There is a section in the Ministry of Natural Resources Work on Shoreland Permit Application where adjacent landowners may indicate approval or conditional approval with their signature and notes applied to the Application, or they may choose not to sign the Application.

In this case, the adjacent landowner to the east indicated no objection to the proposed works, subject to no access to Nottawasaga Bay on or across her property related to the proposed works.

The adjacent landowner to the west indicated no objection to removal of a portion of breakwall or dredging or clean-up of the beach area. However, concerns were noted with visual impairment and physical encroachment on public lands, as well as limited ability to access and use public lands following installation of a 45 metre long platform.

The landowner further noted he would like to see alternative design options to minimize impacts. Concerns with work during the months of July and August were also noted regarding quality of life impact during the summer months.

It should be noted the proposed dock boardwalk would require a Building Permit if it exceeds 10 square metres in area.

The proposed shoreline works raised concerns with the Clerk and are now presented to Council for review and consideration in accordance with the Delegation Policy. Draft sample comments to the Ministry are shown on Attachment 3 for Council's consideration and any direction provided by Council in this matter will be included in the comment section regarding this Application.

### **C. The Blue Mountains' Strategic Plan**

*"Preserving and enhancing natural and environmental features and cultural heritage of the community."*

### **D. Environmental Impacts**

Possible ecological impact on fishery habitat from debris lodging along the raised dock walkway extending metres into Nottawasaga Bay and/or damage or destruction of the raised dock walkway as a result of ice or wave action.

Aesthetic and recreational impact from a raised dock walkway extending metres into Nottawasaga Bay in an area of existing and historic cottage and residential development.

### **E. Financial Impact**

None

### **F. Attached**

Attachment 1, property fronting the proposed shoreline works.

Attachments 2a and 2b, Application excerpts detailing the proposed shoreline works.

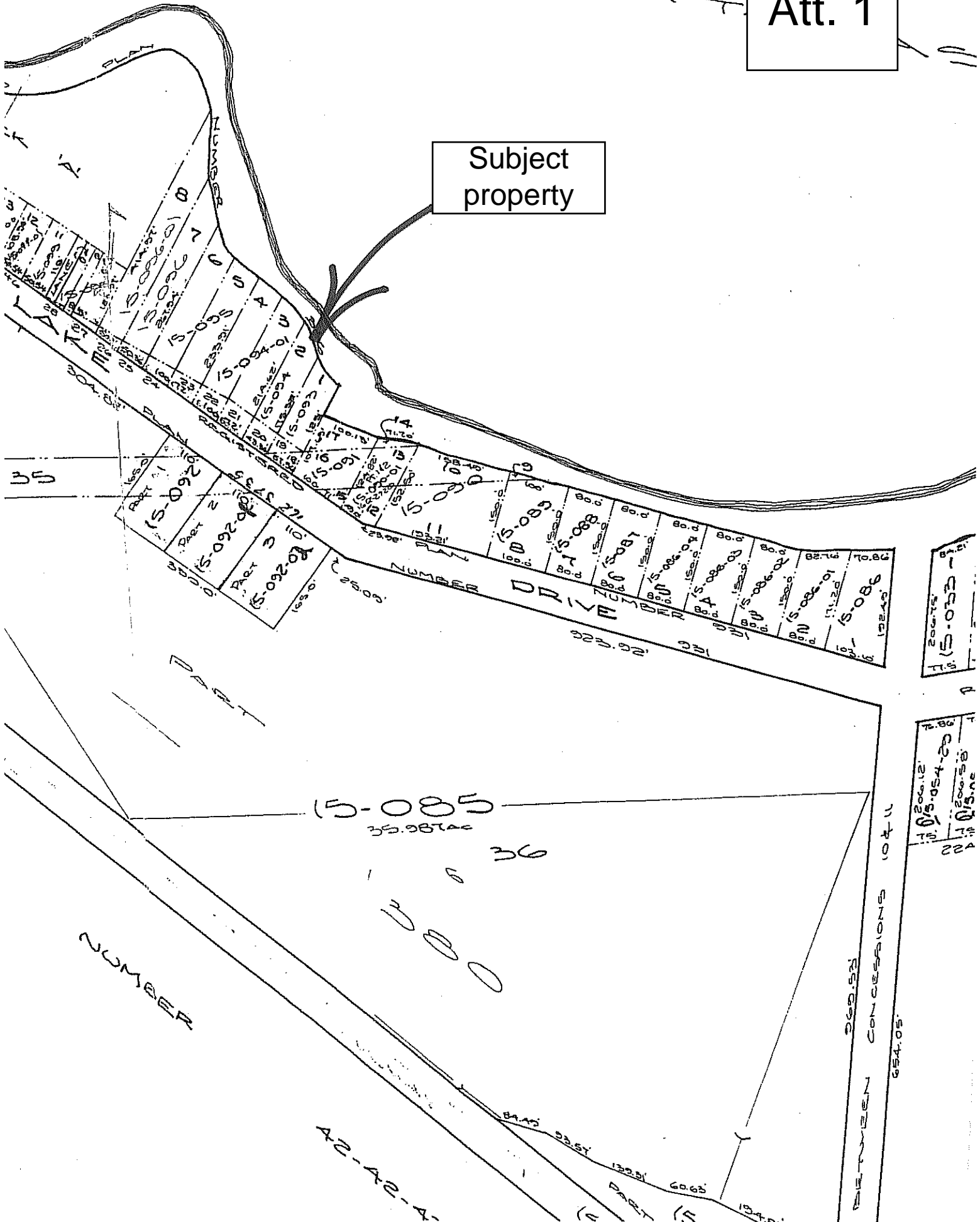
Attachment 3, sample Work on Shoreland Permit Application comments to the Ministry of Natural Resources.

Respectfully submitted,

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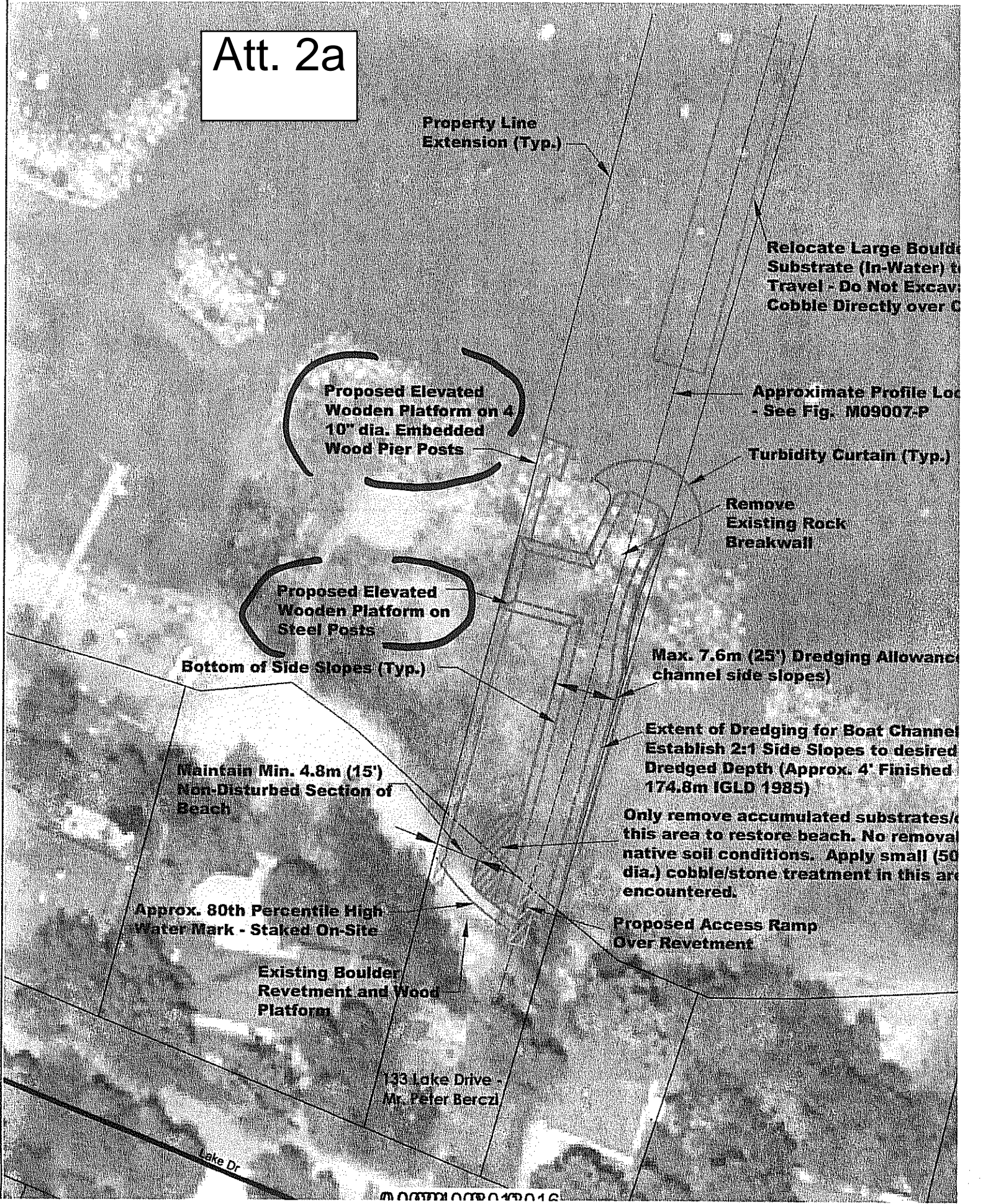
Corrina Giles, Clerk  
519 599 3131 ext 232  
1 888 258 6867  
[cgiles@thebluemountains.ca](mailto:cgiles@thebluemountains.ca)

Subject property



# Grey County Web Mapping

Att. 2a



Property Line Extension (Typ.)

Relocate Large Boulder Substrate (In-Water) to Travel - Do Not Excavate Cobble Directly over C

Proposed Elevated Wooden Platform on 4 10" dia. Embedded Wood Pier Posts

Approximate Profile Location - See Fig. M09007-P

Turbidity Curtain (Typ.)

Proposed Elevated Wooden Platform on Steel Posts

Remove Existing Rock Breakwall

Bottom of Side Slopes (Typ.)

Max. 7.6m (25') Dredging Allowance channel side slopes

Maintain Min. 4.8m (15') Non-Disturbed Section of Beach

Extent of Dredging for Boat Channel Establish 2:1 Side Slopes to desired Dredged Depth (Approx. 4' Finished 174.8m IGLD 1985)

Only remove accumulated substrates/ this area to restore beach. No removal native soil conditions. Apply small (50 dia.) cobble/stone treatment in this area encountered.

Approx. 80th Percentile High Water Mark - Staked On-Site

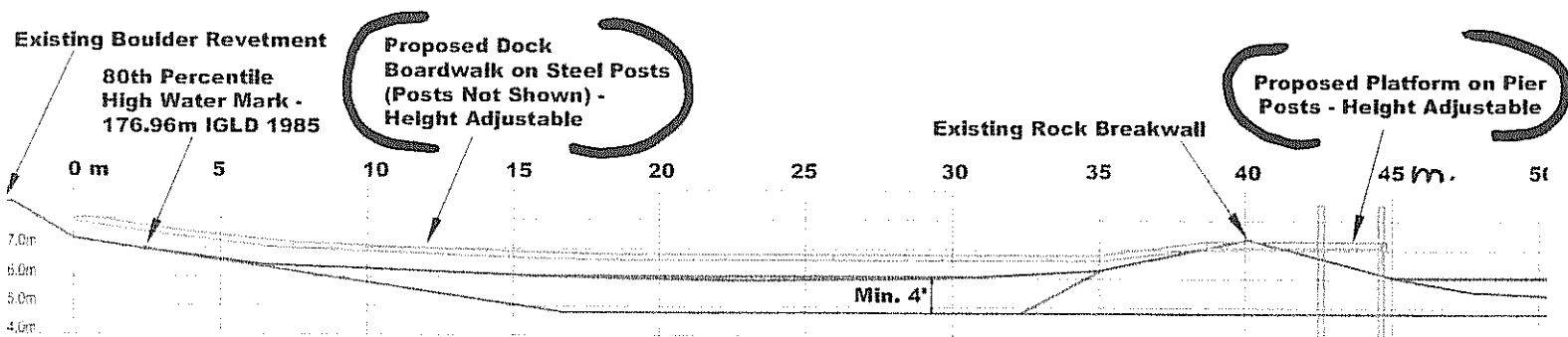
Proposed Access Ramp Over Revetment

Existing Boulder Revetment and Wood Platform

133 Lake Drive - Mr. Peter Berczi

Lake Dr

# Att. 2b



- - Existing Land & Lake Bed Surface
- - Proposed Dredge Profile (Top of Cobble Veneer where Required)
- - Current Water Level (April 1, 2010) - 176.0m IGLD 1985

**Note: Proposed Docking Boardwalk and Platform are to be seasonally removed to accommodate fall, winter and spring storms**

- Notes:
- All works shall comply with the following as applicable:
1. Fish Habitat and Fluctuating Water Levels on the Great Lakes  
<http://www.dfo-mpo.gc.ca/regions/central/pub/factsheets-feuilletsinfos-on/t2-eng.htm>
  2. Fish Habitat and Shoreline Stabilization Fact sheet  
<http://www.dfo-mpo.gc.ca/regions/central/pub/factsheets-feuilletsinfos-on/index-eng.htm>
  3. The Dock Primer  
<http://www.dfo-mpo.gc.ca/regions/central/pub/dock-quais-on/index-eng.htm>
  4. The Shoreline Primer  
<http://www.dfo-mpo.gc.ca/regions/central/pub/shore-rivaques-on/index-eng.htm>
  5. Operational Statements  
<http://www.dfo-mpo.gc.ca/regions/central/habitat/os-oo/provinces-territoires-tenitoires-on/index-eng.htm>
  6. Fish Habitat and Dredging: Best Practices During Low Water Periods
  7. Fish Habitat and Determining the High Water Marks on Lakes
  8. Navigable Waters Protection website -  
<http://canadagazette.gc.ca/rp-pr/p1/2009/2009-05-09/html/notice-avis-eng.html#d103>

**Attachment – MNR Work Permit Application  
Peter Berczi, 133 Lake Drive  
Lot 2, Plan 346, and Lot 20, Plan 931**

**Att. 3**

1. The equipment for this project shall access the project through the proponent's property or via the Bay (barge).
2. The equipment will be stored on the proponent's property during construction or within the property's side property line extensions (barge only)
3. No trees shall be cut on lands other than private lands owned by the applicant and if trees are damaged on adjacent lands as a result of the proposed works, the applicant shall replace such trees with similar nursery stock trees.
4. Entrance to the site will require a mud mat and any tracked equipment shall be off-loaded on private property to limit damage to existing road surfaces. Load limits will be posted from March 1 to some time in May.
5. If dredged material is to be removed from the site, the applicant shall ensure trucks are not draining water onto public streets as they leave the site. Load limits will be posted from March 1 to some time in May.
6. Work time shall be as noted in the Town Noise By-law.
7. It should be noted that the adjoining land owner to the east has indicated no objection subject to construction in accordance with the site plan, subject to no access on or over her property.
8. It should be noted that the adjacent land owner to the west has indicated no objection to the dredging or clean up of beach, however, concern is noted with the visual impairment and physical encroachment of a 45 metre long platform on steel posts. Concern is further noted with substantial works being completed in the summer months of July and August. The landowner has indicated he would prefer to see alternative design options that will minimize impact.
9. The raised dock boardwalk will require a Town Building Permit if it exceeds ten (10) square metres in area.
10. Town Officials are not qualified to comment on the short or long term impact on habitat or water quality following the removal of the existing rock breakwall, dredging of the boat channel and the clean up of the beachfront. The Town will rely on the Ministry of Natural Resources to consider this matter.
11. Upon issuance of any Permit by the Ministry of Natural Resources, the Ministry shall cause the said Permit to be posted fronting the street, visible to passersby for the duration of the work.

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Corrina Giles, Town Clerk

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Date