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February 2, 2011

Mayor Ellen Anderson
& Council
The Town of The Blue Mountains

mayor@thebluemountains.ca

**Re: O.M.B. Case No. PL050815
OPA & Zoning By-Law Amendment, Approval of Proposed Plan
Of Condominium – 53 and 63 King St. East – Lots 118 and 120,
Parts of Lots 122, 123, 124 and 153, Registrars Compiled Plan 1023,
Town of the Blue Mountains (formerly Town of Thornbury)
Our File g15328**

Dear Mayor Anderson & Council:

As you are aware, we act for Gary and Anne Bochna who are neighbours of the above mentioned project.

After the fact, we were provided an outline of the deputation given by Mr. Travis to the Mayor and Members of Council at a deputation on January 24th, 2011. We understand that this matter will be further considered by Council on February 7th and Mr. Bochna would like the following points noted. Mr. Bochna will be asking for a deputation personally to deliver these comments and to answer any questions.

With respect to the items set out on page two of the letter of Mr. Travis, which outlines his concerns with Mr. Bochna's objections, we point out the following:

1. Mr. Bochna has maintained from the outset that the original plan did not meet the Zoning By-Law. The redline revision has corrected most of the issues however there is still, in our opinion, a non-conformity in the northwest corner of the property. This has been "massaged" by calling the building that has been constructed there a "triplex" for which the setback would be met when in fact that building is a townhouse.
2. Mr. Travis has correctly stated this particular issue.

3. Mr. Bochna has not alleged that the lot coverage exceeds that required by the Town's Zoning By-Law. What he did point out is that the lot coverage for the redlined plan is greater than the prior lot coverage.
4. Although technically the adjacent commercial block is not "part of the approved draft plan" the marketing materials for the developer clearly indicate this section as "future residential expansion". For that reason, Town Council should be considering it when considering the plan overall.
5. Mr. Bochna is not an environmental expert. However, he does have legitimate concerns as to whether or not Town Council has adequately peer reviewed the environmental reports and has properly considered the fact that these lands had a prior use for the production of solid fertilizers and substantial storage and disposal for liquid fertilizers along with both gasoline and diesel fuel tanks.
6. The concern with respect to fill has been the distance from the Mill Pond. As we understand it, there is a 15 metre setback from the Mill Pond for any fill. As Mr. Bochna views the property, fill has been placed too close to the Mill Pond. We are still awaiting confirmation from the Grey Sauble Conservation Authority in response to a letter that we have forwarded to them. Any new permits that are issued should conform to the Grey Sauble Conservation Authority's rules regarding cold water streams which the mill pond is one.
7. With respect to trees, Mr. Bochna clearly remembers the visual presentation provided by the proponent and which showed preservation of virtually all of the trees on the property. Most of these trees are now gone. In our understanding, whether the trees are dead or alive, a permit should have been obtained to remove or trim same and we question whether or not that permit was in fact in the hands of the developer, in particular the removal of any growth within the 15 metre setback should not have taken place.

As mentioned above, Mr. Bochna will be in attendance to present these comments and answer any questions. As you must understand, this development impacts directly on the home that he has enjoyed for many years. We hope that his concerns will be taken seriously by Council and perhaps sent back to your staff for further review and clarification.

Yours very truly



E. Marshall Green

EMG/sor

c.c.

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Grey Sauble Conservation Authority

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