



23 Herrell Ave
Barrie, Ontario
L4N 6T5

November 1, 2022

Grey Sauble Conservation Authority
237897 Inglis Falls Road RR4
Owen Sound, Ontario
N4K 5N6

Attention: Jake Bousfield-Bastedo, Watershed Planner

Re: Application for Zoning By-Law Amendment and Consent
372 Grey Road 21
Roll No: 424200000302300
Town of the Blue Mountains

Response to Comments provided by Grey Sauble Conservation Authority (July 29, 2022) GSCA File No. P22339

Following submission of the Environmental Impact Study (EIS) completed by Birks Natural Heritage Consultants, Inc. (Birks NHC; March 14, 2022), comments were received from the Grey Sauble Conservation Authority (GSCA; July 29, 2022) to be addressed as part of the GSCA Permit Application Submission. The EIS was required by the Town of the Blue Mountains (Town) as part zoning by-law amendment and consent application. Furthermore, an application for a permit from the GSCA was submitted for the proposed works within lands mapped as regulated by Ontario Regulation 151/06 *'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses'*.

Site specific data was collected by Birks NHC staff during the 2021 field season and involved comprehensive surveys to characterize important natural heritage features associated with the property, including Silver Creek Provincially Significant Wetland (PSW), Significant Woodland, candidate Significant Wildlife Habitat, fish habitat, and potential habitat for Threatened and Endangered Species.



A conference call with the project team and Justine Lunt (Environmental Planner) was organized on October 4, 2022 to provide clarification regarding the conclusions presented within the EIS and the Agency's concerns in that regard. The discussion has been formalized herein and has been structured to provide additional information relating to GSCA's Natural Heritage Comments (Section 2.1 of the July 29, 2022 letter) which pertain to the EIS and ecology review comments. For convenience, the original comments received from the GSCA are included in this letter followed by Birks NHC responses.

GSCA Comment #1

The study proposed a delineation of the existing wetland and a 30m setback from the wetland. The setback was identified to have been taken from the Grey County Official Plan. The GSCA is generally supportive of a 30m setback to the wetland.

Birks NHC

Acknowledged.

GSCA Comment #2

The study also supported a reduction in the setback for portions of the development. An "average" setback of 25.25m is shown following the encroachment; it is not clear how this average was provided although it appears to have been calculated using the distances shown in Figure 3. We would not consider these to be accurate distances as they are shown as straight line distances, where natural heritage setbacks are typically applied as buffers (as has been done with the mapped 30m setback). The GSCA is generally understanding of some reduction in the setback given the practicality of providing rectilinear lots, and of the justification provided that the disturbed portions of the lot are of limited ecological function. However, the rear lot line appears to have been derived from the westernmost point of the 30m setback which has not been clearly justified.

Birks NHC

The orientation of the lot fabric was contemplated within the project team in consideration of numerous moving parts: flood hazards, wetland habitat, existing disturbances, lot size requirements, and future expropriation of lot frontage in anticipation of widening of Grey Road 21. The EIS identified an average wetland setback of 25.25 metres (EIS Figure 3 attached), with the narrowest distance from wetland to lot line (setback) being 15.8 metres and the widest resulting setback being 40 metres. The GSCA is correct in assuming that the averaged wetland setback value was obtained by calculating the average of the distances indicated in Figure 3 of the EIS (March 2022)



The total buffer area of the 30 m setback is 7,498 m² of which 3,555 m² (or 47%) has been historically altered from a natural state (Figure 3 of the EIS). Of this, 1,130 m² of the disturbed area is proposed to be incorporated into the lot fabric of the proposed severances. This is equivalent to 15% of the total setback/buffer area that could be applied.

A minimum setback of 15 metres has been deemed appropriate by municipalities and conservation authorities in instances, like this application, where disturbances to natural habitat have already occurred, in low relief areas, in proximity to low density development and within lands subjected to ongoing disturbances external to the subject property. Thus, consideration for a reduction of a standard setback (in this case reduction of the standard 30 metre setback, in accordance with the County of Grey) is warranted and in keeping with the policies of the County's Official Plan.

As discussed within Section 6 of the EIS, potential direct impacts to the wetland habitat include erosion and sedimentation into natural heritage features, including identified wetlands as well as changes to hydrology and water quality entering sensitive features. Various sediment control measures are to be implemented to protect the wetland habitat from migrating sediments, along the length of the wetland setback as shown on the attached Figure 3 of the EIS and described in Section 7.2 of the EIS. These measures are to remain in place until site works have been completed, stabilization of bare soils has occurred, and the risk of sedimentation is no longer a concern. These measures include but may not be limited to:

- Revegetation and stabilization of all disturbed soils following construction and re-grading activities, using a selection of native species suitable to the location and habitat conditions;
- Installation of control fencing along the limits of the wetland setback. Fencing shall be maintained during the entire construction period;

Further, given the maintenance of permeable areas on the proposed lots, the low relief and the proposed re-naturalization of the disturbed lands it is expected that the setback area will adequately filter runoff from the proposed residential lots and slow the movement of water such that no negative impact to the wetland habitat would occur.

Of all potential impacts to the wetland, increased anthropogenic disturbances likely pose the greatest long-term incidence of disturbance to the PSW. Our EIS has considered this and has recommended the construction of a permanent fence along the southern and rear lot limits to protect wetland habitats from long term anthropogenic use. Further, once the Town creates



the pedestrian path along County Rd 21, pedestrian traffic will organically be directed to the Georgian Bay Rail Trail located south of the property.

GSCA Comment #3

Of specific concern is lot four: the majority the building envelope (as per zoning setbacks) is shown to be within the 30m setback. We understand that the minimum lot frontage requirements prevent the narrowing of the lots to reduce this encroachment, and as such we are of the opinion that this lot is not consistent with the section 2.1 policies of the PPS.

Birks NHC

In identifying Lot four as an area of specific concern, Birks NHC presumes that the proximity of development to the PSW is the driving cause of concern. The policies specifically relating to wetland habitats within the PPS are outlined below:

Section 2.1.4

Development and site alteration shall not be permitted in:

- a) *significant wetlands in Ecoregions 5E, 6E and 7E; and*
- b) *significant coastal wetlands*

Section 2.1.5

Development and site alteration shall not be permitted in:

- a) *significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;*
- b) *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- c) *significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);*
- d) *significant wildlife habitat;*
- e) *significant areas of natural and scientific interest; and*
- f) *coastal wetlands in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b)*

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 2.1.8

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of



the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

In accordance with Section 2.1.4 and Section 2.1.5 of the PPS, the application does not propose development within Provincially Significant Wetland nor natural heritage features identified in Section 2.1.5, as outlined within *Section 5 – Key Natural Heritage Features and Key Hydrologic Features and Function* and summarized in *Table 3. Key Natural Heritage Features and Key Hydrologic Features and Functions Summary* of our EIS (March 2022). Lot 4 is entirely contained within the existing disturbed lands of the property (Figure 3 of the EIS) which provide no significant ecological function, nor has this portion of the Study Area been identified as a Key Natural Heritage Feature or Key Hydrologic Feature.

Section 2.1.8 of the PPS establishes the requirement to assess the impact of the development on adjacent natural heritage features to ensure that ecological functions persist post development and into the future. The EIS is the mechanism by which Birks NHC has evaluated the function of the adjacent lands. Through orientation of the lots adjacent to an established travel route and within disturbed lands, direct impact to natural heritage features and functions can be avoided. Large tracts of naturalized lands will be maintained within the retained portion of the property and contiguous naturalized habitats will not be fragmented. The application of sediment and erosion controls, erection of permanent perimeter fencing, a proposed minimum setback of 18.2 metres to Lot 4, and proposed setback enhancements are more than sufficient to mitigate for indirect impacts of the construction and use of a single residential dwelling in this location.

Thus, in our opinion, the lot fabric as proposed is in conformity with the natural heritage policies (Section 2.1) of the PPS.

GSCA Comment #4

The EIS provided specific recommendations related to erosion and sediment control; a detailed plan should be prepared which reflects the recommendations of the EIS.

Birks NHC

A sediment and erosion control plan will be prepared Tatham Engineering. The plan will be circulated to approval authorities when complete.



GSCA Comment #5

The EIS proposed an enhancement area to compensate for the reduction in the wetland setback. A detailed planting plan should be prepared by an ecologist to support the proposed development.

Birks NHC

A restoration and setback enhancement plan for the setback area will be prepared by Birks NHC within the Enhancement Area shown on Figure 3 of the EIS (March 2022). The plan will involve removal of waste materials, remediation of the soils, removal of invasive and/or exotic species, planting of native herbaceous vegetation, shrubs and trees and monitoring of the planting area to ensure success. The plan will be circulated to approval authorities when complete.

GSCA Comment #6

The EIS proposed a permanent fence be constructed to ensure that the adjacent woodlands and wetland setback remain protected from future encroachment. Such a fence should be shown on a site plan.

Birks NHC

Acknowledged.

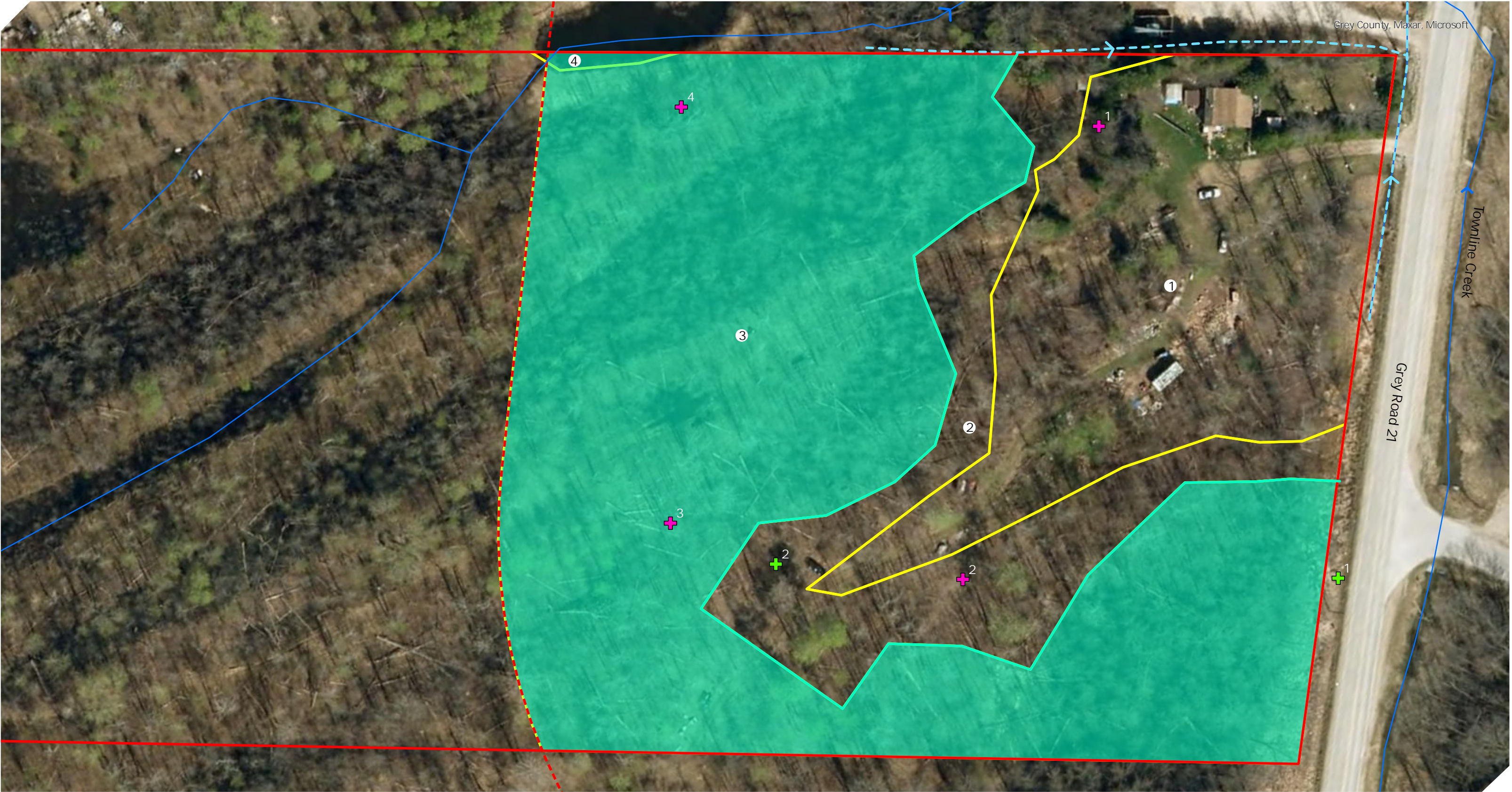
Closure

We trust the information provided above will be sufficient to address the comments from GSCA staff. The information provided herein should be considered in conjunction with the reports and background information submitted to date.

If you have any questions regarding this project, please do not hesitate to contact us.

Yours truly,
Birks Natural Heritage Consultants, Inc.

Melissa Fuller, H.B.Sc
Ecologist



372 GREY ROAD 21 - EAST
PARCEL

Town of the Blue Mountains

- Property Limit
- 120m Study Area
- Watercourse (Birks NHC/LIO)
- Seasonal Indirect Drainage Feature

- Wetland Area (Birks NHC)
 - Wetland Limit (Birks NHC/Tatham)
- Survey Locations
- Amphibian Calling
 - Dawn Breeding Bird

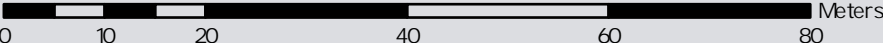
- Vegetation Communities
- 1 Cultural/Maintained
 - 2 FODM7- 2 Fresh-Moist Green Ash-Hardwood Lowland Deciduous Forest
 - 3 SWDM2- 2 Green Ash Mineral Deciduous Swamp
 - 4 MAMM1- 2 Cattail Graminoid Mineral Meadow Marsh

Figure 2:
Existing Conditions & Survey
Locations



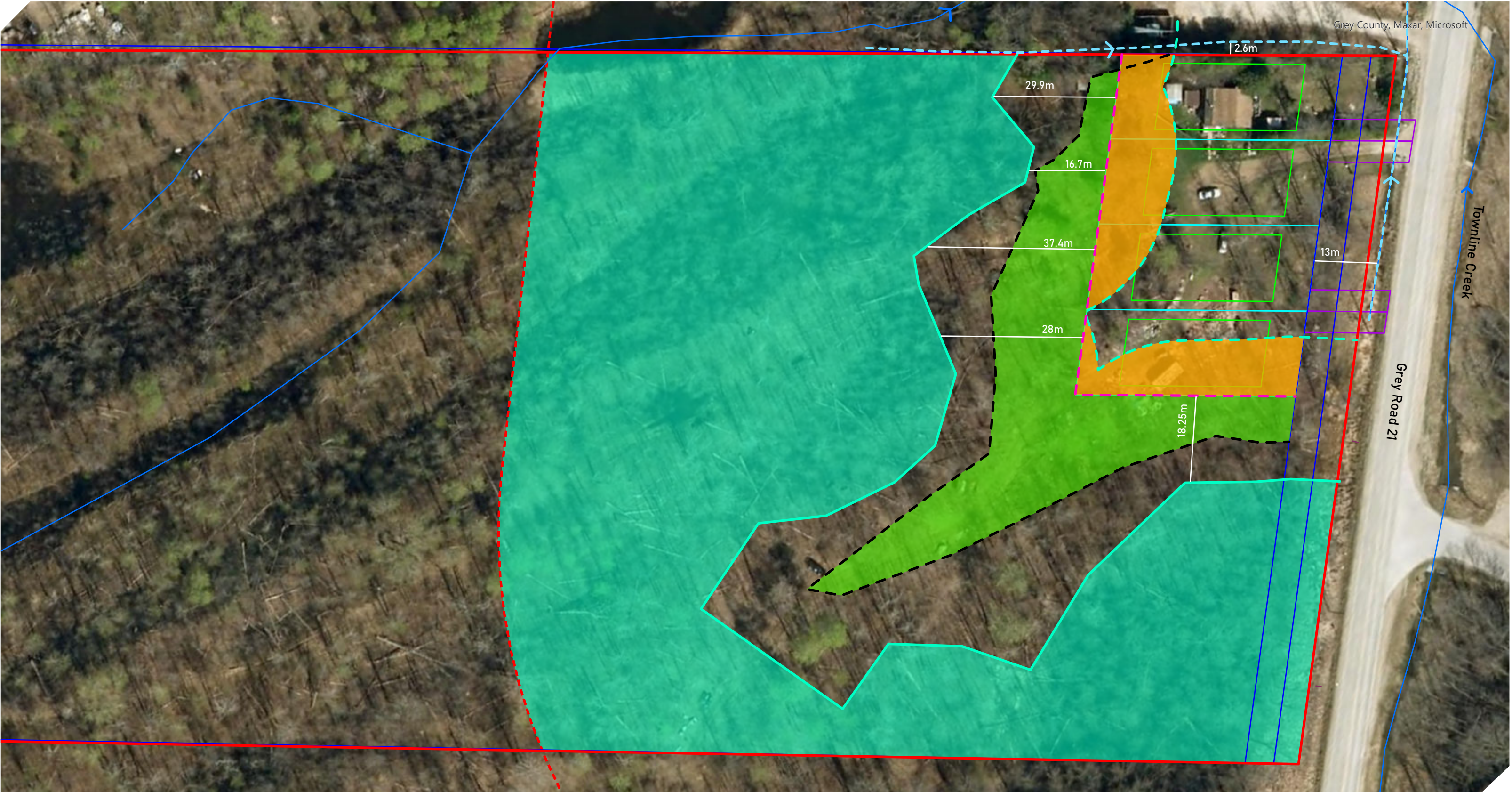
MAP DRAWING INFORMATION:
DATA PROVIDED BY: ESRI CANADA

MAP CREATED BY: SB
MAP CHECKED BY: MMF
MAP PROJECTION: NAD 1983 UTMZONE 17N



FILE LOCATION:
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PROJECT: 04-010-2021 STATUS: DRAFT DATE: 11/02/2022



372 GREY ROAD 21 - EAST
PARCEL

Town of the Blue Mountains

Figure 3:
Proposed Severance Plan

- | | | |
|------------------------------------|---|---|
| Property Limit | Future Municipal Trail and Right-of-Way | Proposed Wetland Setback |
| 120m Study Area | Proposed Lot | Limit of Maintained Area |
| Watercourse (Birks NHC/LIO) | Building Envelope | Proposed Enhancement Area (2,425m ²) |
| Seasonal Indirect Drainage Feature | Driveway | Proposed 30m Setback Encroachments (1,130m ²) |
| Wetland Limit (Birks NHC/Tatham) | | |
| Wetland Area (Birks NHC) | | |
| 30m Wetland Setback | | |



MAP DRAWING INFORMATION:
DATA PROVIDED BY: ESRI CANADA
MAP CREATED BY: SB
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MAP PROJECTION: NAD 1983 UTM ZONE 17N



0 10 20 40 60 80 Meters

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PROJECT: 04-010-2021 STATUS: FINAL DATE: 14/03/2022