

Technical Memorandum

Project: SEC 22-067 Polish Avenue
Date: August 4, 2022
To: Grace Kidd, Broker of Record at Realty Executives on the Bay Inc. Brokerage
From: Cassandra Fligg, Environmental Consultant at Sumac Environmental Consulting Ltd.
Re: Zoning By-Law Amendment Application at 69 Polish Avenue, Penetanguishene

Background, Purpose and Authorization: Sumac Environmental Consulting Ltd. (Sumac) was retained by Grace Kidd to address Item No. 1 of the attached letter from the Town of Penetanguishene (Attachment 1 – Town Letter). This letter was received in response to a Zoning By-law Amendment Application at 69 Polish Avenue, Penetanguishene (hereinafter referred to as the “subject property”). The proponent wishes to re-zone the subject property to permit an accessory dwelling unit in the basement of the existing dwelling which is currently under construction.

Report Summary: Orthographic imagery, background mapping provided by the Natural Heritage Information Centre and site conditions observed on August 2, 2022 were reviewed to gain a preliminary understanding of natural heritage with the potential of occurring on the subject property. Woodland and intermittent stream were confirmed present on the subject property at the time of Sumac’s site visit (Attachment 2 – Site Photos). Species at risk habitat and significant wildlife habitat have the potential of occurring on the subject property. The limits of confirmed natural heritage features have been mapped for reference (Attachment 3 – Existing Conditions).

The proponent has communicated that the request to re-zone will not increase the development footprint (comprising the house, driveway, well, septic tank/leaching bed, *etc.*) and that this information will be confirmed by the appropriate qualified professional. As such, the proposed re-zoning is not anticipated to pose greater negative impacts to natural heritage features or their ecological functions than the existing and approved use of the subject property.

We recommend the following mitigation/avoidance strategies for the development of the subject property:

- No tree clearing/vegetation removal during the active nesting window of migratory birds (*i.e.* April 1 – August 31).
- Deleterious substances should never be deposited and/or enter aquatic features, including watercourse. A response plan should be prepared prior to the onset of site works and an

emergency spill kit should be kept on-site during site activities. All machinery should be kept in a clean condition and free of fluid leaks. Washing, fueling and servicing machinery should not be completed in or near (*i.e.* up to 30 m) of aquatic features.

- Any wildlife encountered during site clearing or subsequent construction activities should be allowed to exit the site on their own, via safe routes. Construction staff should not attempt to capture or handle most kinds of wildlife, unless an animal is in imminent peril or is injured and cannot wait for rescue by qualified personnel. Improper handling can result in injuries to both workers and wildlife, and may in some cases contravene provincial or federal legislation. Removal and relocation of mammals, in particular, should only be done by qualified wildlife service providers working in accordance with applicable laws (*i.e. Fish and Wildlife Conservation Act, 1997*).
- In efforts of protecting the watercourse, a silt fence should be erected near the northern corner of the subject property, along the western limits of the subject property, up to and along the edge of the boulders that are situated next to the watercourse, and south of the mature sugar maple at the western edge of the subject property. The recommended location of the silt fence has been depicted for reference (Attachment 3 – Existing Conditions). The silt fence should be erected prior to the onset of siteworks and must remain in place for the duration of all construction activity. We recommend diligent monitoring of said fence throughout the entirety of the development to ensure the integrity of the fence does not fail.
- In efforts of protecting the woodland, tree preservation hoarding should be erected along the woodland dripline. Additional tree preservation hoarding is recommended at the dripline of a mature two-stem sugar maple located at the southern limits of the subject property. The recommended location of the tree preservation hoarding has been depicted for reference (Attachment 3 – Existing Conditions). The tree preservation hoarding should be erected prior to the onset of siteworks and must remain in place for the duration of all construction activity. We recommend diligent monitoring of said fence throughout the entirety of the development to ensure the integrity of the fence does not fail.
- All recently disturbed areas located north of the woodland dripline and within the dripline of the aforementioned mature two-stem sugar maple should be re-vegetated with native seed fall of 2022. All disturbed areas on the subject property should be re-vegetated with native seed following the completion of site works. The silt fence should not be removed until all disturbed areas have been re-vegetated.

Conclusion: It is in our opinion that the request to re-zone the subject property to permit an accessory dwelling unit in the basement of the existing dwelling as described herein will have no greater negative impacts on the natural heritage features or their ecological functions than the existing and approved use of the subject property. Furthermore, the recommendations provided herein should be carried out accordingly in an effort to mitigate/avoid impact(s) to natural heritage where possible.



July 14, 2022

Grace Kidd
Broker of Record
Realty Executives On The Bay Inc. Brokerage
578-A Bay Street
Midland, ON L4R 1L3

by email: gracekidd@rogers.com

Dear Ms. Kidd:

**RE: Notice of Incomplete Zoning By-law Amendment Application
69 Polish Avenue**

The Town is in receipt of your Zoning By-law Amendment application for the property located at 69 Polish Avenue (hereinafter referred to as "the Subject Lands") received on Thursday, July 7 2022. The application requests to rezone the Subject Lands to permit an accessory dwelling unit in the basement of the existing single detached dwelling which is currently under construction.

Town staff have completed a preliminary review of your application submission. Based on our review, we have deemed the application incomplete. The reasons for this determination relate to the following:

1. The Subject Lands are dually designated Shoreline Area and Environmental Protection Area in the Town Official Plan (OP). The Environmental Protection Area identifies natural heritage features to ensure that these ecological functions are protected for the long term. Section 3.10 of the OP notes that prior to a change in land use, an Environmental Impact Study (EIS) shall be completed for lands within or adjacent to natural heritage features. Notwithstanding, section 3.10.8.1.5 of the OP states the following with respect to an EIS: *"In circumstances where there is a low likelihood of impact on the natural environment, and intervening development between the land subject to the planning or building permit application(s) and the feature triggering the EIS requirement, the Town may waive the requirement for the EIS"*. Town staff recognize that a building permit was issued to construct a single detached dwelling on the Subject Lands and that the request will not increase the gross floor area of the building, nor will it decrease the setback to the natural heritage feature (watercourse) identified on the Subject Lands. Town staff are of the opinion that the preparation of a full EIS is not warranted at this time. However, a letter from an ecologist confirming that the request will have no



negative impacts on the natural heritage features or their ecological functions is required.

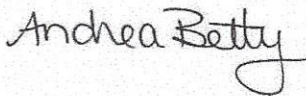
2. A letter from a qualified professional is required to confirm that site conditions are suitable for the long-term provision of private water and sewage services with no negative impacts resulting from the increased capacity from the accessory dwelling unit.
3. Town staff cannot confirm compliance with Zoning By-law 2000-02, as amended. Please provide an updated site plan drawing demonstrating compliance with the provisions in the Zoning By-law for accessory dwelling units. The drawing must include the dimensions of the driveway as approved in the driveway entrance permit showing a minimum of four (4) parking spaces with a minimum width of 2.75 metres and a minimum length of 5.5 metres.
4. It is recommended that you submit a planning justification report prepared by a qualified professional in support of the application, however, it is not required for a complete application.

Please be advised that the cheque you provided for the application fee in the amount of \$2,000 will be deposited and utilized to cover costs for the ongoing review of your application. Please also be advised that subsequent deposits may be required in accordance with the Town's municipal costs policy to engage external professional services to review the above noted materials.

Should you have any questions regarding the above, please do not hesitate to contact the undersigned by email abetty@penetanguishene.ca or by telephone 705-549-7453 ext. 215.

Yours very truly,

THE CORPORATION OF THE TOWN OF PENETANGUIHENE



Andrea Betty, MCIP, RPP
Director of Planning and Community Development










Photograph 1: Intermittent Stream



Photograph 2: Woodland



Legend

-  Subject Property
-  Silt Fence
-  Tree Preservation Hoarding
-  Intermittent Stream
-  Woodland Dripline
-  Woodland
-  Tree

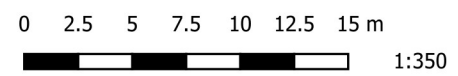


Figure 1: Existing Conditions



Designed by: N.F.
Date: 08/04/2022
Project: SEC 22-067