

TOWNSHIP OF SOUTH FRONTENAC

BY-LAW NUMBER 2011-49

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND THE CLERK TO EXECUTE A SITE PLAN AGREEMENT BETWEEN THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC AND 1073650 ONTARIO INC.

WHEREAS a Site Plan Agreement has been prepared to the satisfaction of the Township of South Frontenac and signed by the proponent;

NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:

1. THAT the Mayor and the Clerk are hereby authorized to execute a revised Site Plan Agreement between the Corporation of the Township of South Frontenac and 1073650 Ontario Inc., a copy of which is attached hereto and forms part of this by-law.
2. THAT this By-law and Agreement shall be registered on title of the property described as Part Lot 23, Concession III, Storrington District, Township of South Frontenac.
3. THIS BY-LAW shall come into force and effect in accordance with section 41 of the Planning Act 1990, either upon the date of passage or as otherwise provided by the said section 41.

Dated at the Township of South Frontenac this second day of August, 2011.

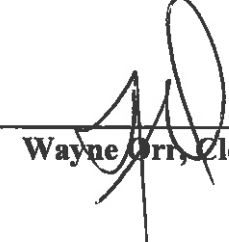
Read a first and second time this second day of August, 2011.

Read a third time and finally passed this second day of August, 2011.

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH FRONTENAC**



Gary Davison, Mayor



Wayne Orr, Clerk-Administrator

**THIS SITE PLAN AGREEMENT made this day
of August, 2011.**

BETWEEN:

1073650 ONTARIO INC.

hereinafter called the "Owner"

OF THE FIRST PART

- and -

THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

hereinafter called the "Municipality"

OF THE SECOND PART

WHEREAS the Owner is the registered owner in fee simple of certain lands described in Schedule "A", attached hereto, located in the Township of South Frontenac (the "Owner's Land");

AND WHEREAS the Municipality is authorized to enter into this agreement and register it against the title to the Lands pursuant to section 41 of the Planning Act and section 6.17 of the Township of South Frontenac Official Plan;

AND WHEREAS the Municipality has passed by-law No. 2003-75 to designate all of the Township of South Frontenac as a "Site Plan Control Area";

NOW THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements contained herein, the parties agree each with the other as follows:

In this Agreement:

- a) *"Owner" includes a mortgagee in possession, a tenant in possession pursuant to a leasehold interest, and encumbrancer in possession and may mean more than one Owner specified in the Certificate of ownership.*
1. The Owner covenants that the Owner is the Owner in fee simple of the Owner's land.
2. The obligations imposed by this Agreement affect the land described in Schedule "A" hereto and any restrictive covenants expressed herein run with the land and bind successors in title to the said property as well as the successors and assigns of the Owner.
3. The encumbrancer agrees to satisfy all the obligations imposed pursuant to this document if it should enter into possession of the said land.
4. The following schedules are attached to and form part of this agreement and no new building, structure or other facility shall be erected, altered or placed on the said land except in accordance with the attached schedules which consist of:

- A. Legal Description of Lands
 - B. Site Plan
 - C. Environmental Site Evaluation Report Dated June 20, 2009 prepared by Ecological Services and recommendation report dated June 11, 2009 from the Cataraqui Region Conservation Authority
5. The Owner shall perform all the work and provide all the materials necessary for the construction of all principal and accessory buildings and private sewage facilities. All buildings existing as of the date of this agreement shall be removed prior to any new building permit being issued.
 6. The Owner may construct a single detached dwelling and accessory structures located a minimum of 45 metres (147 ft.) from the highwater mark of Inverary Lake and with a septic system located in the rear yard ie., behind the dwelling from the lake, generally as shown on Schedule "B".
 7. The access easement that provides access to the subject property shall be constructed to minimum 'Township Standards' for new private lanes and it shall be recognized that the lane is not subject to any maintenance of other services provided by the Municipality.
 8. Development of the lot shall be in accordance with the recommendations from the Environmental Site Evaluation Report and the Cataraqui Region Conservation Authority as attached hereto as Schedule "C".
 9. In the event of a sale of the improved lands, the new Owner will assume full and complete responsibility for the continuing obligations under this Agreement. The enforcement of this Agreement is the responsibility of the Municipality.
 10. The Agreement shall be registered against the title of the Lands and the Municipality shall be entitled to enforce its provisions against the Owner and any and all subsequent owners of the Lands.
 11. In the event that the Owner fails to install or maintain the facilities covered by this Agreement, then, upon the Chief Building Official or designate, giving seven days written notice by pre-paid registered mail to the Owner, the municipality, through it's employees, agents or contractors, may, without further notice, enter upon the lands and proceed to supply all materials and to do all the necessary inspections and works in connection with the facilities including the repair or reconstruction of faulty work and the replacement of materials which are not in accordance with plans or specifications and to charge the cost thereof, together with the cost of engineering and any other expenses incurred by the municipality, against the Owner. Such entry and work shall not be deemed as acceptance or assumption of said facilities nor an assumption by the Municipality of any liability. It is expressly agreed that the Owner or any person in possession shall not question the cost incurred by the Municipality for labour, materials or any other costs incidental to do the said work and this provision shall be deemed to operate as an effective estoppel in judicial proceedings if such costs are challenged or placed in question. The Owner agrees to permit the Chief Building Official, or agent, to enter onto the Lands at any time to inspect the work. The Municipality may perform any of the required services and collect the cost for the enforcement of this Agreement against the said Lands from the security.

SCHEDULE "A"

LEGAL DESCRIPTION OF LANDS

**Parts 12, 13, 14, and 15, Plan 13R-19911; Part of Lot 23, Concession III,
Storrington District, Township of South Frontenac**

SCHEDULE "B"

SITE PLAN

Sketch prepared to accompany
Building Permit Application
in part of Lot 23, Concession 3
Geographic Township of Loughborough
(formerly Township of Storrington)
Township of South Frontenac
County of Frontenac

Scale : 1:1000 (metric)

THIS SKETCH IS
NOT VALID UNLESS
IT IS AN EMBOSSED
ORIGINAL COPY
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CLANCY & HOPKINS
SURVEYING LTD.

NOTE:

PORTIONS OF THIS SKETCH PREPARED FROM LAND TITLE OFFICE RECORDS
AND FIELD OBSERVATIONS AND NOT FROM ACTUAL LAND SURVEY.

DISTANCES SHOWN HEREON ARE IN METRES
AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048

1300-PART_13_DWELLING

PART 15
PLAN 13R - 19911
20.117-metre wide right-of-way to Round Lake Road



PART 1
PLAN 13R - 19887

PART 6

LOT 23

CONCESSION 3

PART 8

PARCEL IN HEAVY OUTLINE CONSISTS OF
PARTS 12, 13, 14 and 15, PLAN 13R-19911

PART 9

HYDRO EASEMENT
TO BE RE-LOCATED

PART 13

Septic

PART 10

PART 11

LAKE

INVERARY

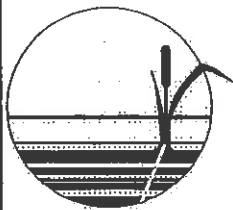
CLANCY & HOPKINS SURVEYING LTD.
NAPANEE - ONTARIO
W. Ronald Clancy
Ontario Land Surveyor
June 22, 2011

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1300-PART_13_DWELLING

SCHEDULE "C"

ENVIRONMENTAL SITE EVALUATION REPORT & REPORT FROM CARARAQUI REGION CONSERVATION AUTHORITY



Ecological Services
R.R. #1, 3803 Sydenham Road
Elginburg, Ontario K0H 1M0
Phone: (613) 376-6916; Fax: (613) 544-0072
E-mail: ecoserv@kos.net

ENVIRONMENTAL SITE EVALUATION → June 20, 2009

Municipality: South Frontenac (geographic township of Storrington)

Lots: Part 23 & 24

Concession: III

Landowner: Jean Ilan (Gary Beach, agent)

Planning Application Reference: Severance application S-22-09-S

Description of Application: applications to sever three lots with frontage on Inverary Lake.

Site Description:

The subject lands consist of approximately 120 acres, from which the applicant proposes to sever three five-acre (2 ha) lots. The land is located on the north shore of Inverary Lake, approximately 2 km northeast of Inverary, Ontario (see Attachment 1). The three proposed lots would be located on the shore of Inverary Lake (Attachment 2).

A. Ecological Land Classification

The site evaluation focused mainly on the area of the proposed severances, but general Ecological Land Classification (ELC) mapping was prepared, using the methodology developed by Lee *et al.* (1998) for southern Ontario (see Attachment 3).

The majority of the site was forest covered, a mixed forest (FOM) with varying proportions of the same predominant species: Sugar Maple, White Pine, American Basswood, Red Oak, Ironwood, Bitternut Hickory, Red Cedar, and (particularly near the shoreline) White Cedar. The shrub layer included Gray Dogwood, Downy Arrowwood, European Buckthorn and Tartarian Honeysuckle (the latter two non-native invasive shrubs). Understory species included various sedge species (*Carex pensylvanica*, etc.), Common Blue Violet, Canada Mayflower, Bloodroot, etc.; Garlic Mustard was noted, but was not abundant. There is some fragmentation of the woodlands, with an existing roadway down to the water and two small cabins located 5 and 8 m from the high water mark, respectively. Additionally, the woodland has some natural fragmentation in terms of its irregular ridge and trough topography (some of which can be seen in Attachment 2). This is relevant in one area (too narrow to be mapped) where there was standing water during one of the site inspection. Dominated by Sensitive Fern, but with overstory hardwood trees, it is probable that it dries up during the summer, but it should be considered to be swamp habitat (not part of the evaluated wetland) and care will have to be taken in the placement of the access road. If the access road is placed across the top of the lots, individual driveways will each cross the area.

Within the woodland is a ridge that would be characterized as Treed Rock Barren (RBT) (tree cover between 25 and 60%). This is entirely on the retained lands and would not be affected by the proposed lots other than being crossed by the access road (existing, but which will require upgrading).

The site is moderately disturbed, reflecting its history of agricultural land use. Some areas have been farmed as recently as 15 years ago, and are starting to fill in with shrubs. These activities have resulted in Cultural Meadow (CUM) areas, characterized by tree and shrub cover of less than 25% respectively, and dominated by non-native grass species (*Poa pratensis* and *Poa compressa*), with Cow Vetch, Alsike Clover, etc. At the edges of the CUM areas, shrub species were invading what had once been open fields, resulting in Cultural Thicket (CUT) areas; these were dominated by Staghorn Sumac, with Dandelions and Dame's Rocket beneath.

There are some Shallow Marsh (MAS) areas associated with a dug pond in the north part of the property, and a narrow strip along the lake edge, part of the evaluated wetland. Both patches are entirely on the retained lands and will not be affected by the proposed lots other than the northern patch having the existing access road (which will require upgrading) pass by. An improved culvert will be required at the latter location, and it will be important to ensure that no sedimentation affects the adjacent pond and MAS area.

There is a narrow finger of Sensitive Fern dominated Meadow Marsh (MAM), which is too narrow to map accurately. This habitat type is dominated by emergent water-tolerant plants, in an area that is seasonally flooded, but moist to dry by summer. It is created by the topography, occurring between two ridges, and is not part of the evaluated wetland. Placement of the access road along the north end of the lots will require a driveway crossing the wetland strip for Lots 1 and 2 (the wetland does not extend onto Lot 3).

B. Soils

Soils depths on the property vary, as is typical of irregular terrain. Most of the site is well vegetated, and soils are stable. The CUM areas have the poorest vegetation cover and, particularly where they are close to Inverary Lake, could be improved in effectiveness as buffers by active restoration (e.g., tree planting) or more simply by implementing a no-mow regime.

C. Slopes

Topography is irregular, as mentioned above (see Attachment 2). On Lots 1 and 2, the rise is steeper, and, then there is a large area of the site that is flatter (though still irregular). On Lot 3, the rise from lake level is more gentle (hence its use for hay fields) and it rises more steeply at the far north of the lot. On all three proposed lots (and on the water frontage of the retained lands) there are relatively flat areas well set back from the lake that would offer suitable building locations.

D. Surface Water Quality and Quantity

Concerns with water quality in downstream Collins Lake led to a watershed study of the Collin watershed (which includes Inverary Lake) in the early 1990s. This heightened the scrutiny of development within the watershed. The decline in agricultural operations that permitted cattle to have direct access to the lake and stream waters has improved the situation. The provision of an effective buffer to the waters of Inverary Lake for adjacent residential development is strongly recommended.

E. Setback Requirements

In general, the northern shoreline of Inverary Lake is well vegetated, which provides significant natural protection to the water quality and of natural heritage values of the lake. On the subject property, and on Lot 3 of the proposed severances particularly, cultural activity has resulted in a loss of some areas of native vegetation, and a decrease in that natural shoreline protection. It is our opinion that an increased setback for all development would be appropriate, particularly on proposed Lot 1. In addition, subject to the comments of the Health Unit, it is recommended that the septic facilities be put behind (north of) the residential dwellings if possible, such that drainage is initially to the north (away from the lake); this will increase the distance that septic outputs must travel before reaching the lake, increasing the effectiveness of terrestrial retention and uptake. It is noted that the septic system of Lot 1 may have to be placed to the west of the house depending on the available development space, but could optionally be placed to the north of the MAM area.

On Lot 1, the finger of MAM vegetation creates some restriction to development. This vegetation community is not particularly sensitive, but it would be appropriate to ensure that development does not intrude within it (outside of a driveway crossing), so a 5 m setback is recommended. When combined with the 40 m setback from Inverary Lake, the development envelope becomes more restricted. There appears to be sufficient room on the lot to permit development (see Attachment 5), but it would be appropriate to have a surveyor confirm the development envelope, and to have development proceed under Township control (e.g., site plan control).

Is the Proposed Development:	
A. In a Provincially Significant Wetland? No development will occur below the high water level, or within the Collins Creek Wetland Complex.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Adjacent to a Provincially Significant Wetland? Collins Creek Wetland Complex is a wetland evaluated by Cutler <i>et al.</i> in 1984, and the subject of a desktop update by Brownell in 2004. The shoreline in the area of the proposed severance is largely designated as 'uW1,' an area of simple (one vegetation form) wetland, apparently unvegetated. The Township's planning documents, however, recognize the whole of Inverary Lake's shoreline as an Environmental Protection zone.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<p>Our observations on site were consistent with the wetland mapping, in that the shoreline was rocky (see site photos in Attachment 4), and there was no wetland vegetation apparent. There were a few small patches (too small to map) of riparian vegetation (bulrushes and cattails) skirting the shoreline, but nothing of sufficient size to meet the mapping criteria of the wetland evaluation system. Our conclusion was that this stretch of shoreline is not wetland. Nonetheless, there are patches of emergent wetland vegetation both northeast and southwest of the proposed lots, and these are part of the PSW, thus the subject lands are within 120 m of the wetland.</p> <p>It is our opinion that an increased setback from the high water level of Inverary Lake would be appropriate on the subject lands. We recommend that the setback be increased to 40 m, except for Lot 3, where the vegetation buffer is less effective, where we recommend a setback of 45 m. Additionally, we recommend that a condition of approval require that the setback area be maintained as a buffer, to protect the nearby wetland, and that this be maintained as a no-cut zone. There should be no disturbance of the vegetation or soil mantle (permitting the planting of native trees in Lot 1 if so desired).</p>	
<p>B. In a Regionally Significant Wetland?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>Adjacent to a Regionally Significant Wetland?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>C. In/adjacent to an Unevaluated Wetland?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>D. In an Area of Natural and Scientific Interest?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>Adjacent to an Area of Natural and Scientific Interest?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>E. In the habitat of Species at Risk? No species at risk are identified by the Natural Heritage Information Center (NHIC 2009). The wetland evaluation data record (Cutler <i>et al.</i> 1984) reports the presence of Snapping Turtles, which are considered a species of Special Concern at the national (but not provincial) level. It also reports Least Bittern (a Threatened species), but the shoreline of the subject property does not contain appropriate habitat for this species, which restricts its activity to dense marsh grasses, so it is not expected that it occurs in this area of the wetland.</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No None known.</p>
<p>Adjacent to habitat of Species at Risk? See above.</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No None known.</p>
<p>F. In significant wildlife habitat? The forested lands on the property provide good habitat for a variety of species, particularly song-birds. The communities are common vegetation communities in this part of the province, however, and we found nothing to suggest that this habitat would be considered to be significant for the purposes of the Provincial Policy Statement (MMAH 2005).</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>
<p>Adjacent to significant wildlife habitat?</p>	<p>Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No</p>

G. Within 90 m of a waterbody? Adjacent to Inverary Lake.	Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No
H. In fish habitat? No development will occur within the fish habitat associated with Inverary Lake. The small drainage course the crosses the road in the northern part of the site does not appear to provide fish habitat, but sediment control measures should be implemented when the access road is upgraded.	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
Adjacent to fish habitat? No development will occur within 30 m of the high water level, the area considered to constitute adjacent lands for the purposes of the Provincial Policy Statement (MNR 1999). The two existing small cabins on Lots 1 and 2 will be removed, however, and both are within adjacent lands. While we are of the opinion that removal of these buildings will be positive, sediment control measures should be implemented and should remain in place until all disturbed soils are stabilized.	Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No
I. Adjacent to Highly or Moderately Sensitive Lake Trout Lake?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
J. In a significant woodland? The forest around Inverary Lake has not been identified as significant by a planning authority, but it is our opinion that it would be considered to be significant, at least at a local level. The woodland retains a good degree of ecological integrity, although there is a moderate level of disturbance and loss of tree cover in some areas. The forest vegetation communities are common ones in Ontario, and the understory species unremarkable. It is noted that Butternuts were not observed, but could potentially be present. Any future owners should be advised that this Endangered tree species could be present on the property. One of the most important ecological values of the woodland is its buffering of the adjacent lake and wetland. We note that the proposed lots are large, and that the density of residential development will be low, and do not feel that it will have a significant impact on the woodlands. We recommend, however, that the setback area be maintained as a buffer, as noted in A. above. The intent of this recommendation is that tree removal will be minimized within the setback area (and vegetation cover improved in Lot 1), allowing access to the water, but maintaining a forest cover, with diverse shrub and groundcover layers beneath.	Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No
Adjacent to a significant woodland? See above.	Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No
K. In a significant valleyland?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
Adjacent to a significant valleyland?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No
In our opinion, is a more detailed Environmental Impact Statement (EIS) required to demonstrate the appropriateness of the proposed development?	Yes <input type="checkbox"/> <input checked="" type="checkbox"/> No

If yes, which natural feature(s) should the assessment focus on?

Recommendations for Mitigation:

1. Removal of the existing cabins should be a condition of approval.
2. Placement of the access road must be determined to the satisfaction of the Cataraqui Region Conservation Authority, being placed along the northern limit of the lots. The individual driveways on Lots 1 and 2 will cross the MAM area, and the site should be inspected during the summer to confirm the limits of the Sensitive Fern wetland between two ridges.
3. Sedimentation controls must be placed during culvert upgrading on the access road.
4. Increase lot setbacks above the minimum set out in the Township's By-law because of the proximity to an area designated as provincially significant wetland and because the slopes on several parts of the subject lands are moderately steep. We recommend a setback of 40 m on Lots 1 & 2 (and this would be appropriate also on the retained lands to the west of Lot 1), and 45 m on Lot 3 (due to the relatively poor effectiveness of the vegetation in that setback, where the vegetation is characterized by grasses with only a narrow fringe of trees along the shoreline of Inverary Lake). Additionally, appropriate sediment controls should be implemented during removal of the existing cabins, to remain in place until all disturbed soils are stabilized.
5. The alteration of the soil mantle and vegetation within the setback area should be strictly limited in order that the setback can act as an effective buffer between residential development and the adjacent wetland, in order to protect water quality, fish habitat, wetland habitat and species, and to maintain the stability of the soils and slopes. To this end, the 30 m adjacent to Inverary Lake should be maintained as a minimum cut area, within which disturbance of the soil or vegetation cover, including cutting of trees and shrubs, should be generally prohibited, excluding removal of dead or diseased trees, particularly where they may pose a risk to health and safety, and the creation of access to the water, to which a route no wider than 4 m can be created. It is not intended that this prohibition be interpreted to prevent planting of trees and shrubs, if so desired, on the meadow area at the front of Lot 3. The portion of the setback area between 30 m and 40/45 m should have no development, but may be cleared, as deemed necessary, to create lawn or garden features or other non-structural uses associated with the residential use.
6. It is recommended that a survey be obtained to confirm the existence of a sufficient building on the lots, particularly on the westernmost Lot 1.
7. It is recommended that the Township require the severances to be subject to site plan control or a preferred approach to ensure that the recommended setbacks are implemented, and an appropriate

Conclusion:

The proposed lots will be large, and the density of development low, with sufficient room

to provide good setbacks (minimum 40 m) from Inverary Lake. Restrictions on vegetation clearing within the setback areas will ensure that the areas can act as effective buffers. The removal of the two existing cabins will be an improvement, as these structures are located too close to the lake. The exact placement of the access road should be determined in consultation with the Cataraqui Region Conservation Authority.

Literature Cited:

- Brownell, V. 2004. Desktop update. Prepared for MNR. Data record updated, but no new mapping prepared.
- Cutler, Cathie, Gavin Humphries, Elaine Mallory and Alison Bougourd. 1984. Lower Collins Lake – Inverary Lake Complex. Prepared for the Cataraqui Region Conservation Authority. Wetland data record and mapping.
- Lee, H.I., W.D. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig, and S. McMurray. 1998. Ecological Land Classification for Southern Ontario. First Approximation and Its Application. Ontario Ministry of Natural Resources. Southcentral Science Section, Science Development and Transfer Branch. SCSS Field Guide FG-02.
- Natural Heritage Information Center. 2009. Web site maintained by the Ministry of Natural Resources at <www.nhic.gov.on.ca/nhic_.cfm> This web site provides species information, rarity rankings, and species at risk occurrences in Ontario.
- Ontario Ministry of Municipal Affairs and Housing. 2005. Provincial Policy Statement. Issued under Section 3 of the *Planning Act*, came into effect March 1, 2005.
- Ontario Ministry of Natural Resources. 1999. Natural Heritage Reference Manual for Policy 2.3 of the Provincial Policy Statement. Ontario Ministry of Natural Resources. 127 pp.

Environmental Site Evaluation Completed By: Mary Alice Snetsinger

Date of Site Inspection: May 25 & 26, 2009

Signature:



Report Date: June 11, 2009

**CATARAQUI REGION CONSERVATION AUTHORITY**

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Fax: (613) 547-6474
E-mail: crca@cataraquiregion.on.ca Website: www.cataraquiregion.on.ca

June 11, 2009

File: SEV-FRS

Sent by fax

Ms. Anne Levac, Planning Assistant
Township of South Frontenac
P.O. Box 100
Sydenham, ON K0H 2T0
(613) 376-3027

Dear Ms. Levac:

**Re: Additional Comments
Applications for Consent to Sever S-20-09-S, S-21-09-S, S-22-09-S (Ilan)
Lot 23, Concession 3; Storrington District
Off Round Lake Road / Inverary Lake**

Further to our letter dated June 10, 2009, staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed a revised Environmental Site Evaluation (Ecological Services, dated June 11, 2009) and provide the following comments for the Committee's consideration.

Staff are satisfied with the revised report as it has adequately addressed the issues relating to the proposed "no-cut zone" and the presence of the fern swamp area.

Staff have no objection to applications S-20-09-S, S-21-09-S and S-22-09-S provided that the following conditions of approval be required:

- 1) That all buildings and structures located on the proposed lots to be severed are removed
- 2) That the recommendations from page 6 of the Environmental Site Evaluation (Ecological Services, June 11, 2009) be incorporated into a development agreement to be entered into between the Township and landowner of the lots to be severed, namely that:
 - Placement of the access road must be determined in consultation with the CRCA and should be located outside of the swamp area, along the northern property boundary for the lots to be severed



Ms. Levac (S-20-09-S, S-21-09-S, S-22-09-S)
June 11, 2009

- Dwellings and septic systems be located a minimum of 5 m from the swamp area
 - Sedimentation controls must be implemented during culvert upgrading to the existing access road
 - Setbacks of 40 m from the highwater mark of Inverary Lake will be required for Lots 1 and 2 and a setback of 45 m will be required for Lot 3
 - Alteration to the soil mantle and vegetation should be prohibited within 30 m of the shoreline for the lots to be severed with the exception of limited removal of dead or diseased trees and for a 4 m access path to the lake
 - A survey shall be completed prior to the development of Lot 1 demonstrating that there is a suitable building envelope (for a dwelling, septic system and parking area) south of the swamp area
- 3) That future development on the lots to be severed occur through Site Plan Control, for which approval by the CRCA will be required
- 4) That permission from the CRCA under Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses, be required prior to any development or site alteration within 120 m of the Provincially Significant Wetland and for any in-water works including crossings for driveways through the swamp area
- 5) That future division of land on the lot to be retained occur through a Plan of Subdivision

Please inform this office in writing of any decision made by the Committee with regards to these applications. If you have any questions please contact the undersigned at (613) 546-4228 extension 258 or by email at mdakin@cataraquiregion.on.ca.

Yours truly,



Michael Dakin, M.Pl.
Ecological Planner, Interim

cc: Mary Alice Snetsinger, Ecological Services, via fax (613-544-0072)

attachment: Excerpt from Environmental Site Evaluation (pg. 6 Recommendations)

Excerpt from: Environmental Site Assessment, Ecological Services
(June 11, 2009)

If yes, which natural feature(s) should the assessment focus on?

Recommendations for Mitigation:

1. Removal of the existing cabins should be a condition of approval.
2. Placement of the access road must be determined to the satisfaction of the Cataraqui Region Conservation Authority, being placed along the northern limit of the lots. The individual driveways on Lots 1 and 2 will cross the MAM area, and the site should be inspected during the summer to confirm the limits of the Sensitive Fern wetland between two ridges.
3. Sedimentation controls must be placed during culvert upgrading on the access road.
4. Increase lot setbacks above the minimum set out in the Township's By-law because of the proximity to an area designated as provincially significant wetland and because the slopes on several parts of the subject lands are moderately steep. We recommend a setback of 40 m on Lots 1 & 2 (and this would be appropriate also on the retained lands to the west of Lot 1), and 45 m on Lot 3 (due to the relatively poor effectiveness of the vegetation in that setback, where the vegetation is characterized by grasses with only a narrow fringe of trees along the shoreline of Inverary Lake). Additionally, appropriate sediment controls should be implemented during removal of the existing cabins, to remain in place until all disturbed soils are stabilized.
5. The alteration of the soil mantle and vegetation within the setback area should be strictly limited in order that the setback can act as an effective buffer between residential development and the adjacent wetland, in order to protect water quality, fish habitat, wetland habitat and species, and to maintain the stability of the soils and slopes. To this end, the 30 m adjacent to Inverary Lake should be maintained as a minimum cut area, within which disturbance of the soil or vegetation cover, including cutting of trees and shrubs, should be generally prohibited, excluding removal of dead or diseased trees, particularly where they may pose a risk to health and safety, and the creation of access to the water, to which a route no wider than 4 m can be created. It is not intended that this prohibition be interpreted to prevent planting of trees and shrubs, if so desired, on the meadow area at the front of Lot 3. The portion of the setback area between 30 m and 40/45 m should have no development, but may be cleared, as deemed necessary, to create lawn or garden features or other non-structural uses associated with the residential use.
6. It is recommended that a survey be obtained to confirm the existence of a sufficient building on the lots, particularly on the westernmost Lot 1.
7. It is recommended that the Township require the severances to be subject to site plan control or a preferred approach to ensure that the recommended setbacks are implemented, and an appropriate

Conclusion:

The proposed lots will be large, and the density of development low, with sufficient room