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November 21st, 2016

Ontario Municipal Board

Environment and Land Tribunals Ontario

655 Bay Street, Suite 1500

Toronto, ON M5G 1E5

Attention: Mr. Johnpaul Loiacono

Case Coordinator – Planner

Re: **OMB File No. PL140356 and PL141430 - Participant Statement**

The Georgian Bay Association is an umbrella organization for 19 cottage associations along the eastern side of Georgian Bay. We advocate on behalf of 3,100 landowners and their families. Our Mission Statement is “To work with our water-based communities and other stakeholders to ensure the careful stewardship of the greater Georgian Bay environment.”

We strive to ensure that whatever development happens in Georgian Bay has minimal impact on our shared environment. This includes the proposed development at Macey Bay.

As a participant to the OMB hearing process we hope to hear first-hand what environmental safeguards are being put in place for the Macey Bay project by both the developer and by government authorities.

The subject property is on the shore of Georgian Bay in an area that is known to support numerous Species of Concern as defined by Provincial standards. These species include Eastern Fox Snakes, Spotted turtles, Blandings turtles, Eastern Massasauga Rattlesnakes, Eastern Musk turtles, Hog-Nosed snakes, Least Bittern and Whip-poor-will, all of which the Province states should be afforded species and general habitat protection. Moreover, the subject property is adjacent to several Provincially Significant Wetlands and has several naturalized canals running from the open waters into parts of the property which provide access to the property for many of these species that depend on land adjacent to water for nesting, egg laying, basking and hibernacula. Given all of the above, we believe that there should be setbacks established. We believe firmly that land adjacent to water, and specifically the identified high water mark, should be set aside to protect these Species of Concern. Commercial activity should not be allowed with 120 meters of the Provincially Significant Wetlands and 30 meters from the canals.

Where development is deemed to be acceptable on the property, precautions should be taken to avoid destruction of Species of Concern habitat including basking sites and germination sites during the construction phase of homes, water and septic line trenching, and other infrastructure.

The subject property is also on land that makes up part of the Canadian Shield. As such it has shallow overburden on top of bedrock formations. This creates a challenge for the installation and operation of sewage treatment systems. The design and location of septic leaching beds will be critical to their long-term performance so as to minimize the potential impact on the local environment. Septic leaching beds should be set back 30 meters from the high water mark if located near the water. The design of the waste system should be approved by the MOECC and annual third party monitoring should take place to ensure the system(s) continue to perform as designed.

Given that neither Species of Concern issues nor communal waste disposal were addressed in the 1996 discussions of the site plan for this property, we respectfully submit that it is only logical that the 1996 OMB ruling be revisited. We feel that the owner should be required to submit a rezoning application to support their new site plan so that the public can have input, as expected under the Planning Act.

As the Board is aware, the Macey Bay Applicant submitted its current proposed site plan late last year and this was made available to the public on November 23, 2016. The Georgian Bay Association brought an application for judicial review in the Divisional Court on January 17, 2017, consistent with our position noted above that the owner should be required to submit a new rezoning application. This is particularly so now that it is apparent that the Macey Bay Applicant clearly intends to proceed with a change of use. The Site Plan Application before the Board at the 2015 hearing contemplated 82 homes. The most recent Site Plan Application submitted contemplates the construction of a trailer park.

The GBA ought to have been provided with notice and the opportunity to participate in the 2015 hearing before this Board, since it had participated in the public consultation process leading to the 1992 comprehensive zoning by-law being considered by the Board. The Macey Bay Applicant has, effectively and without notice to interested parties, sought a change in use to the lands from one permitting executive detached homes to the currently proposed trailer park, and in the respectful submission of the GBA, this is not appropriate without all of those issues being considered by all parties in the context of a proper rezoning application.

Indeed, and in fairness to the Board itself, it is not clear to the GBA that the Board itself appreciated during the 2015 hearing that what in fact was being sought by way of the “clerical” motions before it, was in fact a change of use. For all of these reasons, it is the respectful view of the GBA that these issues ought to be sorted out, in the plain light of day and in the context of a rezoning application hearing for which all interested parties have received notice and the Board is fully aware of what it is being asked to do. That application for judicial review is pending.

Sincerely,



Bob Duncanson

Executive Director