



**Kagan
Shastri** ^{LLP}
LAWYERS

PAUL M. DeMELO
T.416.368.2100 Ext. 228
Direct Fax: 416.324.4203
pdemelo@ksllp.ca

File: 19028

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Mr. Tom Dodds
Director of Community development
Municipality of Port Hope
5 Mill Street South
Port Hope, ON
L1A 2S6

**RE: Penryn Mason Homes – Phase 5
Bifurcation Plan (Appendix A) – Phase 5 Submission**

As you are aware we are counsel to Mason Homes in connection this matter. During a public meeting on March 10th, I on behalf of our client, presented the proposed development for the Phase 5 lands and responded to a number of inquiries from both members of Council as well as the public in attendance. We believe that meeting, along with the comments that we have received from the Town and other agencies with respect to the development were extremely helpful in focusing what concerns may exist. As I advised those in attendance during that public meeting, it appears to us that the vast majority of the comments and more specifically the vast majority of any comments that identify any concern with the proposal have been centered around the designation of the wooded area which is located at the eastern edge of the Phase 5 lands and this was reinforced during the public meeting. Those comments have centered around whether this wooded area should be considered a significant woodland and protected from future development, notwithstanding the current land use planning designation that exists for those lands which permit residential development to proceed.

As I advised during the public meeting, our client has heard the comments received to date and is prepared to continue to work with the Town towards a resolution of those concerns if at all possible. In so doing however, our client believes that it needs to be recognized that the wooded area which has been identified has long been designated for residential development, and the approvals which would foster that development have been carried forward by the municipality in its most recent official plan update in the form of site-specific official plan designation and policies that do not take away from the existing land use permissions. Notwithstanding this, our client is prepared to continue to work with the municipality with the aim of arriving at a resolution for the wooded area that works for all parties and to work towards same without the need of appealing this matter to the Local Planning Appeal Tribunal ("LPAT"). While our client is currently in a position where it can appeal from a non-decision of Council with regards to its various planning applications which would encompass the entirety of Phase 5, including the wooded area, they have elected not to do so to date and instead to work with the municipality which remains their preferred approach. In our view the submission of the Bifurcation Plan, will promote those further discussions and does so in a way that does not prejudice any parties position with regards to the ultimate determination of the wooded area.

Bifurcation Plan (Appendix A)

As we advised on March 10th, our client has proposed that the consideration of Phase 5 be broken into two phases with our client as part of this submission only seeking approval for its development plans for Phase 1 at this time. If the municipality sees fit to approve Phase 1 as outlined in the Submission, our client would agree to defer consideration of Phase 2 in order to allow for the further discussions to proceed. The proposed development now consists of a two-phased residential development which will occur from the west to east. Phase 1 consists of the development of 303 residential lots. The wooded area and associated buffer area will be subject to further study should there be a determination that the wooded area is a Provincially Significant Woodland. Attached as Appendix "A" to my letter is a copy of the proposed bifurcation plan which clearly identifies the limits between Phase 1 and Phase 2.

The wooded area in Phase 5, located at the southwest corner of Strachan Street and Victoria Street South, has been staked along the tree boundary on the West side and surveyed on site.

Using standard arborist practice, the trees on the western edge of the wooded area were assessed for diameter at breast height in order to establish a tree protection zone. The tree protection zone has been delineated on the Draft Plan of Subdivision ("Appendix B") to create Block 305 (Other Lands Owned by Applicant). Block 305 is 2.83 ha (7.0 ac) in area and by the draft plan providing for a deferral with regards to Block 305, it will allow for additional review of the wooded area and the lands within 120m of the Block should it be determined that the wooded area is a Provincially Significant Woodlot. This setback area has been set aside as the area to which a future Environmental Impact Study ("EIS") may need to be prepared in order to ensure that there will be no negative impacts to the feature and the function if the wooded area is ultimately determined to be a Provincially Significant Woodland. While the plan shows an underlying layout of lots and roads, should an EIS be required because of a determination related to the wooded areas that layout may need to change depending on the finding of the EIS and the determination of the wooded area, and as such is not be registered as part of Phase 1. In addition, these lands will be subject to an "H"- Holding Zone provision which will require the submission of an EIS if Block 305 is ultimately determined to be Provincially Significant Woodland. In our view the combination of the "H" Holding Zone and the phasing plan will ensure that nothing proceeds in this area until the status of the wooded area has been determined. As we have indicated the intention of the bifurcation plan and the determination of where the line is drawn has been established with care to ensure that it does not predetermine or prejudice the position of any party with respect to the wooded area in the future.

The alignment of Street A has been shifted slightly from the prior plan in order to align with the western boundary of Block 305 and to stay outside of what may be considered the wooded area. Street A been designed to ensure that in the event Block 305 is designated as a Provincially Significant Woodland that the proposed road pattern will continue to provide for a complete road network of the remainder of the subject site.

As a result of the above noted revisions to the Draft Plan of Subdivision, the total number of proposed single detached lots has been reduced from 326 to 303. The nine (9) proposed townhouse blocks (43 units) previously provided along the Victoria Street South frontage have been removed and given the comments from the municipality regarding the municipal owned trees along Victoria Street the development will be revised to ensure that those trees are not removed. Should the determination of

the status of the woodlot be that it is not of Provincial significance, the development of this portion of the subject site will be subject to further review and approval by the Municipality at a later stage.

As a result of these various revisions, the total overall unit count has been adjusted from 369 units to 303 residential units which even if Phase 2 does not develop will provide for development in accordance with the Town's Official Plan.

Submission Package

In addition to Appendix A and B, please find attached the additional documentation that have either been requested from our client or have been prepared to assist the municipality with the assessment of this bifurcation plan. Specifically:

1. Four (4) copies of the Covering Letter prepared by Penryn-Mason Homes Inc., dated May 13, 2020;
2. Four (4) copies of the Comment Matrix prepared by Walker, Nott, Dragicevic Associates Limited, dated May 12, 2020;
3. Three (3) copies of the Planning Letter prepared by Walker, Nott, Dragicevic Associates Limited, dated May 13, 2020;
4. Eight (8) full size copies of the Draft Plan of Subdivision prepared by Walker, Nott, Dragicevic Associates Limited, dated May 7, 2020;
5. Eight (8) full size copies of the Phasing Plan prepared by Walker, Nott, Dragicevic Associates Limited;
6. Four (4) copies of the Draft Zoning By-law prepared by Walker, Nott, Dragicevic Associates Limited;
7. Four (4) copies of the Draft Official Plan Amendment prepared by Walker, Nott, Dragicevic Associates Limited;
8. Three (3) copies of the Functional Servicing & Stormwater Management Report prepared by D.M. Wills Associates Limited, dated May 2020;
9. Three (3) copies of the Engineering Phasing Letter prepared by D.M. Wills Associates Limited, dated May 12, 2020;
10. Three (3) copies of the Transportation Impact Study Addendum prepared by Paradigm Engineering Inc., dated April 17, 2020;
11. Three (3) copies of the Transportation Phasing Letter prepared by Paradigm Engineering Inc., dated May 7, 2020;
12. Four (4) copies of the Environmental Impact Study Addendum Letter prepared by Niblett Environmental Associates Inc., dated May 8, 2020;
13. Four (4) copies of the Tree Inventory and Preservation Plan prepared by Treescape Certified Arborists, dated May 12, 2020;
14. One (1) reduced copy of the submission package drawings; and
15. Two (2) USB digital copy containing PDF versions of the submission package

We have asked the various consultants and professionals that have been working with our client on the preparation of the Phase 5 development to review the bifurcation plan and to ensure that in their professional opinion the bifurcation plan does not prejudice the determination of the wooded area and further that if the wooded area is not to be developed in the future that Phase 1 can proceed without any impediment as approved. As part of this submission we have included updates to reports that are

required for the determination of Phase 1 at this time and have also where appropriate asked for confirmation that the bifurcation plan does not preclude future consideration and determination. As our client is not seeking approval of Phase 2 at this stage we have asked that specific responses and comments that may relate to those lands to be deferred so that the discussions can proceed and if needed supported by other studies. In our view this provides for a prudent and conservative plan, allowing for development of Phase 1 and appropriate review and study of the Phase 2 area should the woodlot be determined to be of Provincial significance and would allow for the determination of the appropriate planning decision to be made with regards to Phase 1 at this time.

We understand that the municipality will likely require that the bifurcation plan be recirculated amongst the various departments and consultates to review what has been proposed. We are happy to meet with staff and others as part of the review of this proposal and plan in order to address and questions that may remain and to move that process along

Should you have any questions please do not hesitate to contact me directly.

Sincerely,
KAGAN SHASTRI LLP

A handwritten signature in black ink, appearing to read 'Paul M. DeMelo', enclosed within a large, horizontal oval scribble.

Paul M. DeMelo

cc. Client

Mr. Wayne Fairbrother, Counsel for Town of Port Hope (without enclosures)

Encl.