

APPLICATION COMMENTS

MASON HOMES PHASE 5, MUNICIPALITY OF PORT HOPE

Application(s): Official Plan Amendment; Zoning By-law Amendment; Draft Plan of Subdivision

Municipality File No(s): OP01-19(OP#10); ZB06-19; SU1-19

Last Updated On: May 13, 2020

COMMENTS RECEIVED

NOS.	DEPARTMENT/ AGENCY		NAME	DATE
1-4	Bell Canada	BELL	Ryan Courville	November 11, 2019
5-6	Canadian Nuclear Laboratories	CNL	Donald Scharfe	November 22, 2019
7	Building	BLD	Mark Perkin	December 2, 2019
8	Parks, Department and Culture	PARKS	Jim McCormack	December 5, 2019
9-11	Corporate Services / Clerk	CS	Brian Gilmer	December 6, 2019
12	Union Gas	UNION	Kelly Buchanan	December 6, 2019
13-14	Simcoe County District School Board <i>acting planning agency for the Kawartha Pine Ridge District School Board</i>	SCDSB	Stephen Bradshaw	December 9, 2019
15	Elexicon Energy	ENERGY	Arthur Berdichevsky	December 9, 2019
16-25	Northumberland County	COUNTY	Dwayne Campbell	December 11, 2019
26-44	Ganaraska Region Conservation Authority	GRCA	Ken Thajer	December 19, 2019
45-83	Tree Advisory Committee	TAC	-	REVISED February 4, 2020
84-119	Works and Engineering Department	WED	Jamie McKelvie	February 14, 2020
120-127	Ganaraska Region Conservation Authority	GRCA (2)	-	February 18, 2020

Note: Please refer to original comments for all referenced standards, sketches or plans.

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1.	BELL	-	The following paragraph is to be included as a condition of approval: "The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements".	<i>Acknowledged. Paragraph will be included as a condition of draft plan approval.</i>	X	X
2.	BELL	-	We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.	<i>Acknowledged.</i>	X	X
3.	BELL	-	The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/ telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.	<i>Acknowledged.</i>	X	X

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4.	BELL	-	If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).	<i>Acknowledged. Standard conditions of draft plan approval to apply.</i>	X	X
5.	CNL	-	It is recommended that excavated soil and non-granular material be monitored for above background levels of gamma radiation if excavation activities or landscaping activities are being conducted that will involve the movement of material on or off the property. In association with the CMP, CNL may be contacted for radiological monitoring services at (905) 885-0291. These services, which include storage of low-level radioactive material, are provided by CNL at no cost to the property owner.	<i>Acknowledged. May need to be included as a condition of draft plan approval.</i>	X	X
6.	CNL	-	It is also recommended that CNL be advised of any fill soils brought to the property, so that radiological monitoring of this material may be performed. This does not apply to granular material.	<i>Acknowledged. May need to be included as a condition of draft plan approval.</i>	X	X
7.	BLD	-	No comments from Building in regards to Mason Homes Phase 5 draft plan of Subdivision Application.	<i>Acknowledged.</i>	X	
8.	PARKS	-	No comments from PRC	<i>Acknowledged. No additional parkland required as this has been satisfied in prior approvals.</i>	X	
9.	CS	-	I do not have concerns from a Corporate Services Department perspective.	<i>Acknowledged.</i>	X	
10.	CS	-	I'd note the current Notice of Motion regarding the protection of trees that will be considered by Council at their upcoming meeting. Of course, at this stage it is impossible to determine how this may impact this development and what the direction of Council will be.	<i>Noted.</i>		X
11.	CS	-	Should the development proceed, in the future I suspect the development agreement will need to be very carefully reviewed with respect processes surrounding the transfer of properties.	<i>Acknowledged.</i>	X	X
12.	UNION	-	It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.	<i>Acknowledged. Standard conditions of draft plan approval to apply.</i>	X	X
13.	SCDSB	-	Planning staff have no objection to the above noted applications.	<i>Acknowledged. No school site to be provided.</i>	X	X
14.	SCDSB	-	Planning staff request the following: <ul style="list-style-type: none"> That the owner agrees to include in all offers of purchase and sale a statement that if school buses are required within the plan, that in accordance with Board Transportation policies school bus pick up points will generally be located on a through street at a location convenient to the Student Transportation Services of Central Ontario. That the owner agrees to include in all offers of purchase and sale a statement that advises the prospective purchaser that attendance at the public schools on designated sites in the community 	<i>Acknowledged. A condition of draft plan approval will require such statement to be included in all offers of purchase and sale.</i>	X	X

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			are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside the area in accordance with continued development and accommodation pressures.			<i>NOTE: The bifurcation of the plan as proposed ensures that approval of Phase 1 does not preclude or prejudice any determination of the significance of the wooded area in Phase 2.</i>
15.	ENERGY	-	<p>This review does not constitute an Offer to Connect.</p> <ol style="list-style-type: none"> Electric service is currently available on the road allowance(s) directly adjacent to this property. Servicing will be from switchgear #SC7009 (Strachan St.) and #SC7010 (Holden Lane) and Elexicon's supply voltage will be at 27.6kV. An expansion will be required. Elexicon's existing distribution facilities must be extended on the road allowance and/or upgraded in order to reach this project. Existing conditions and municipal requirements will determine whether this may be overhead, underground, or a combination. Within residential developments all such expansions are underground. The Applicant must provide accommodation on site, in native soil, for Elexicon's transformer(s). <ul style="list-style-type: none"> outdoor pad mount in a 4m x 6m clear area that is accessible by heavy vehicles Individual metering for each unit is required. A high voltage direct buried ducted loop underground cable system is required from the designated supply points at switchgear #SC7009 and #SC7010 to a transformer location(s) on the property, all at the Applicant's cost. A directional open cut underground road crossing will be required. The Applicant will be required to complete this work and cover all costs associated with this requirement. Elexicon's existing distribution facilities located on Strachan Street may have to be relocated at the Applicant's cost to accommodate the proposed servicing to Phase 5 Development. The Applicant must make direct application to Elexicon for electrical servicing as soon as possible. A written or email request will permit Elexicon to begin the work necessary to identify, specific requirements and arrangements and related work this project, and to make an Offer to Connect. The Applicant is cautioned that tenders, contracts, or work they may initiate prior to obtaining an Offer to Connect from Elexicon may create conflicts with the route of and details of the electrical servicing set out in the Offer to Connect for which Elexicon can bear no responsibility. A Servicing Agreement may be required with Elexicon in order to obtain servicing for this site. The electrical installation(s) from the public road allowance up to the service entrance and all metering arrangements must comply with Elexicon's requirements and specifications and may also be subject to the requirements of the Electrical Safety Authority. 	<i>Acknowledged. Standard conditions of draft plan approval to apply.</i>	X	X

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			<p>11. The Applicant may be required to grant to Elexicon a standard occupation easement, registered on title, for: high voltage cable and transformer.</p> <p>12. Prior to energizing any new service, the Applicant or owner(s)/occupant(s) of the final premises must apply for an energy account(s) in order to receive electrical energy and related services and to establish ongoing payment arrangements.</p> <ul style="list-style-type: none"> An energy deposit at an amount to be determined may be required. <p>13. Prior to obtaining a building permit, the Municipality may require the Applicant to provide evidence of having obtained and accepted an Offer to Connect.</p> <p>14. Where cranes or material handling equipment or workers must work in proximity to existing overhead wires, where there is a risk of contact or coming within the limits of approach, the Applicant shall pay all costs for the temporary relocation, burial, or other protection of the wires, or whatever other action is deemed necessary by Elexicon to provide for the worker safety and the security of the electrical system.</p> <p>15. Landscaping, specifically trees and shrubs should be located away from Elexicon's transformer to avoid interference with equipment access and future growth.</p> <p>16. As per Ontario Building Code, a building shall not be located beneath existing above ground electrical conductors. The horizontal clearance measured from a high voltage overhead conductor to the building, including balconies, fire escapes, flat roofs or other accessible projections beyond the face of the building, shall be not less than 4.8 meters.</p> <p>17. Elexicon does not provide overhead line cover up(s).</p> <p>18. Elexicon has no objection to the proposed development. Please direct the Applicant to contact Elexicon as soon as servicing is contemplated. Municipality, please forward a copy of first submission civil design to Elexicon. Please note that an Offer to Connect must be completed at least six (6) months prior to the required electrical servicing date.</p> <p>19. Other: The Elexicon contact for this project is Ross Barnett. All drawings (AutoCad format) must be submitted to him as soon as they are ready.</p>			
16.	COUNTY	-	Township staff should ensure that the proposed development can be considered by Township Council in light of the previous OMB decisions; and not require Board (Tribunal) consideration for the proposed changes to the development.	<i>The approval from the Ontario Municipal Board ("OMB") with respect to the Official and Zoning are in full force and effect. These applications seek to amend the Official Plan and Zoning By-law as legally permitted under the Planning Act by any landowner. The approval by the OMB of the underlying draft plans of subdivision remain in force and effect. The OMB (now known as the Local Planning Appeal Tribunal ("LPAT")) has extend those approvals to December 31, 2021. These plans can be amended without further involvement by the LPAT.</i>	X	X

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17.	COUNTY	1.	Summary County and provincial policies encourage a mix of residential unit types to locate within settlement areas such as Port Hope.	<i>Acknowledged.</i>	X	X
18.	COUNTY	2.	Development is encouraged to have increased density to facilitate the overall Growth Plan and County targets.	<i>Acknowledged.</i>	X	X
19.	COUNTY	3.	Draft OP policy changes should be circulated for review.	<i>A draft Official Plan amendment was included in the application submission to the Municipality of Port Hope.</i>	X	X
20.	COUNTY	4.	Draft zoning provisions should be circulated for review.	<i>A draft Zoning By-law amendment was included in the application submission to the Municipality of Port Hope.</i>	X	X
21.	COUNTY	5.	County waste collection services can be provided along the proposed local roadways, but not along laneways.	<i>All garbage and recycling collection are managed by Northumberland County, and will be picked-up from the public streets (not from the laneways).</i>	X	X
22.	COUNTY	6.	The proposed change in use from commercial (golf course) to residential requires a record of site condition to be filed with the Ministry of Environment Conservation and Parks.	<i>Acknowledged. To be dealt with as a condition of draft plan approval.</i>	X	X
23.	COUNTY	7.	The Ministry of Environment Conservation and Parks should review the EIS report with respect to habitat for threatened and endangered species, species at risk and the Endangered Species Act.	<i>The Environmental Impact Study and Tree Preservation Report have been forwarded to the Ministry of Environment Conservation and Parks by Theodhora Merepeza.</i>		X
24.	COUNTY	8.	Regard should be had for the planning principle to wisely manage and protect natural heritage features, including an existing 3 hectare woodlot on the site. The proponent is encouraged to revise the proposal to maintain the woodlot.	<i>Refer to responses below.</i>		X
25.	COUNTY	-	Preliminary Conditions of Draft Approval Regarding the proposed plan of subdivision, the following preliminary conditions of draft approval are provided and should be addressed to the satisfaction of the County prior to final approval and registration of the subdivision plan. Should a revised subdivision plan be prepared, a copy may be circulated to the County for review. 1. The Owner shall submit plans showing any development phasing to the County for review, if this subdivision is to be developed by more than one registration. 2. The Owner shall name the road allowances included in the draft plan to the satisfaction of the Municipality of Port Hope and County of Northumberland. 3. The Owner shall design the road allowances and the pavement structure to accommodate highway vehicle loading for waste collection vehicles. 4. The Owner shall agree in the Municipality of Port Hope subdivision agreement that each dwelling must have road frontage to be considered for County waste collection curbside pick-up. In the case of units not having road frontage, curbside collection will not be provided by the County of Northumberland and the Owner shall advise all purchasers with an appropriate statement in all offers of purchase and sale of this requirement.	<i>Acknowledged.</i>	X	X

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			<p>5. The Owner shall agree in the Municipality of Port Hope subdivision agreement that County waste collection services within the plan shall be provided along the local roadway, not along a laneways; and may not be provided until such time as the local roads are assumed for maintenance by the Municipality of Port Hope; and the Owner shall advise all purchasers within the subdivision with an appropriate statement in all offers of purchase and sale of this requirement.</p> <p>6. The Owner shall file a record of site condition (RSC) in the Environmental Site Registry with the Ministry of the Environment, Conservation and Parks.</p>			
26.	GRCA	-	<p>Ontario Regulation 168/06 The subject property does not fall within a GRCA Regulated Area. On this basis, Ontario Regulation 168/06, the Authority's Regulation of Development, Interference with Wetlands and Alterations to Watercourses and Shorelines does not apply and a permit from the Authority will not be required.</p>	<i>Acknowledged.</i>	X	X
27.	GRCA	-	<p>Stormwater Management The submission has clarified that there will be less runoff from the currently proposed development compared to previous reports. This is due to a change in layout, a reduction in the external drainage area and a change in the stage-storage-discharge from the pond. The submission has demonstrated there is sufficient capacity in the pond to accommodate Phase 5. The submission has also demonstrated that the overland flow from Phase 5 will outlet to the pond.</p>	<i>Acknowledged.</i>	X	X
28.	GRCA	-	<p>Tree Inventory and Preservation Plan Tree compartment CPT-1 is "experiencing some decline amongst the more mature trees, however there is a high degree of natural regeneration occurring". Therefore, it seems this is a healthy ecosystem that in the future, if left undeveloped, would be more resilient to a changing climate.</p>	<i>Acknowledged. Commenting specifically on a woodland's ecosystem and its resiliency to climate change is beyond field of study as a Certified Arborist. See responses to same question under EIS report.</i>		X
29.	GRCA	2.	<p>There are a few trees that should be considered for protection that are within the clear-cutting area.</p> <p>a. Tree compartment CPT-2 consists of a Manitoba Maple with a DBH of 156cm. Due to the size and maturity of the tree, it should be considered for protection.</p> <p>b. Tree compartment CPT-2 consists of quality mature White Pine that have been noted for consideration of retention.</p> <p>c. Tree compartment CPT-2 consists of a Sugar Maple with a DBH of 100cm. Due to the size and maturity of the tree, it should be considered for protection.</p>	<p>a. <i>When inventorying large treed compartments such as CPT 1, the tree data is collected in general terms as ranges for each species found within the compartment. Although there is no detailed information on this tree, the Manitoba Maple identified as 156cm would most likely be a multi-stem tree. The "Dbh" in this instance would be a collective stem measurement or a measurement at the root flare totaling 156cm. Regardless of how the measurement was derived, this multi-stem tree would be considered fair to poor overall health due to the structural instability of the stem union(s). As such, this tree would not be considered a worthy candidate for preservation.</i></p> <p>b. <i>These trees were recommended for preservation if possible within the development plan, however, after extensive deliberation, there were no practical or feasible design alterations that would ensure these trees survived the construction process. For this reason, they were recommended for removal.</i></p>		X

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				<p>c. <i>The only Sugar Maple that appears to have a Dbh of this size is found in CPT The inventory does not provide any detailed information for this tree. However, if this had been a notable specimen tree, comments of this nature would have been documented as they were with the White Pines in CPT 2. Regardless, like the White Pines in CPT 2, the trees in this compartment were recommended for removal because there were no practical or feasible design alterations that would ensure the trees survived the construction process.</i></p>		
30.	GRCA	1.	<p>Scoped Environmental Impact Study The wetland indicated on the relief application map, was visited by GRCA staff and NEA staff and was confirmed as not being a wetland.</p>	<p><i>Agreed and Acknowledged.</i></p>		X
31.	GRCA	2.	<p>According to the PPS 2.1.5: Development and site alteration shall not be permitted in: Significant woodlands in Ecoregions 6E and 7E unless it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions.</p> <p>a. NEA has confirmed the woodland on the Subject Lands is a Significant Woodland.</p>	<p><i>The woodland was identified as significant based on size criteria laid out in the Port Hope Official Plan and the presence of this woodland in part, on Schedule B as ‘woodlands’.</i></p> <p><i>The Municipality of Port Hope contains the following policy:</i></p> <p>C5.2.2 Policies No Negative Residual Impacts</p> <p><i>... any proponent of development or site alteration within or adjacent to lands classified as Natural Heritage shall demonstrate in accordance with provincial legislation, policies and appropriate guidelines and to the satisfaction of Council that there shall be no negative impacts on the natural feature or the ecological function for which the area has been identified, that cannot be mitigated. Proponents proposing development <u>within</u> or adjacent to natural heritage features as defined in Table 1 shall complete an environmental impact study in accordance with Section C20.3 of this Plan. For all development proposed within or adjacent to a Natural Heritage area, the Ganaraska Region Conservation Authority will be consulted.</i></p> <p><i>Justification of the removal of the woodland was based on the quality of the woodland and evaluation was completed based on the presence of invasive species, dominant species (native vs non-native), disturbance and location within the landscape. Outside of the size criteria NEA did not identify this woodlot as high quality and therefore considered removal would not have a significant impact (see EIS (NEA, 2019)).</i></p>		X

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			b. By clear-cutting the Significant Woodland, there will be a negative impact to the natural feature as the feature will cease to exist, along with the Significant Wildlife Habitat (SWH) it contains.	<i>The presence of Significant Wildlife Habitat noted in their letter is a separate issue and will be discussed in subsequent sections (comment 3).</i>		X
32.	GRCA	3.	According to the PPS 2.1.5: Development and site alteration shall not be permitted in: Significant Wildlife Habitats unless it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. a. The EIS has mentioned that the Subject Lands contain a candidate SWH for Woodland Area-Sensitive Bird Breeding Habitat. It is not a confirmed SWH because 3 pairs were not observed breeding on the Subject Lands. I. The GRCA is in agreement that removal of the woodland will not significantly impact the area-sensitive yellow-bellied sapsucker for the following reasons: i. The Significant Woodland does not contain interior habitat or at least a minimal amount of interior habitat; The adjacent woodlands are larger, which allows for more interior habitat; ii. According to the SWH mitigation tool, yellow-bellied sapsuckers have a low probability of enduring negative impacts related to human disturbance (including avian predators, mammalian predators, parasitism and passive human interact such as people walking through the woodland). iii. If tree planting was to occur within the fragmented woodlands to the south, it may be more beneficial for area-sensitive wildlife, then retaining the woodlands on the Subject Lands. However this area is not owned by developer, and it may be difficult for compensation to occur on private property.	<i>The presence of SWH was not confirmed by NEA for this woodland. The criteria used for identifying SWH are specifically laid out by MNRF. None of the candidate criteria met the confirmation requirements. For example, required to have a minimum of 3 species of area sensitive bird species to be considered woodland area-sensitive breeding bird habitat. That level of confirmation is meant to protect the most significant sites and larger woodlands that would have interior habitat. The sapsucker although listed as area sensitive, does not in itself meet the criteria. As there is no interior habitat in this woodland, it may be this sapsucker uses a larger area and several adjacent woodlands to meet its habitat needs.</i> <i>NEA acknowledges woodland compensation to occur on private property may be difficult.</i>		X
33.	GRCA		b. Due to the proximity to Lake Ontario, the GRCA recommends an explanation be provided as to why the Subject Lands were not considered for the following SWH: Migratory Butterfly Stopover Area, Landbird Migratory Stopover Area, Bat Hibernacula, Bat Maternity Colonies, and Bat Migratory Stopover Area. I. It has been confirmed that bats are present on the Subject Lands. On this basis, there is potential that the Subject Lands contain the following SWH: Bat Hibernacula, Bat Maternity Colonies, and Bat Migratory Stopover Area.	<i>The subdivision property save and except the woodland is disturbed land or maintained golf course. As such habitat for monarch butterflies is limited in terms of nectaring habitat. As proximity of nectaring habitat to roosting habitat is a key component, as is the species of trees preferred for roosting, it is unlikely this property would provide the threshold of 5000 plus monarchs, to meet that confirmation criteria.</i> <i>The woodland may contain bat maternity colonies but this was not confirmed but rather assumed. The presence of bats is an indication of potential roosting or maternity sites within dead trees or live trees with cavities or nearby manmade structures. The presence of bat hibernacula (caves) and as a bat migratory stopover area (cave) was not confirmed. The Geoprocesses (November 20, 2018) bat report has been reviewed by the Ministry of Natural Resources and Forestry</i>		X.

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34.

II. If the woodland is candidate SWH for Landbird Migratory Stopover Area it should be considered for protection. According to the SWH criteria schedule for 6E "If multiple woodlands are located along the shoreline those Woodlands <2km from Lake Ontario are more significant".

(letter from MNRF dated January 15, 2019), accepted and appropriate compensation proposed.

As in the case of compensation for tree loss, a mitigation plan can be implemented on the other lands owned by Aon Inc., one of the joint venture participants. That plan can be required as a condition of draft plan approval.

As mentioned in the letter completed by Geoprocesses (Nov 20, 2018) it was assumed that the woodlot on the subject property would contain bat maternity colonies. Table 1 below outlines the SWH relating to bats with the associated criteria and if the property meets the criteria.

There is potential for this SWH on the subject property as the Candidate criteria as laid out in the SWH criteria schedule, can be met, being a woodland >10ha and within 5km of Lake Ontario.

The confirmed criteria for Landbird Migratory Stopover Area includes: Use of the habitat by >200 birds/day and with >35 spp with at least 10 bird species recorded on at least 5 difference survey dates. This abundance and diversity of migrant bird species is considered above average and significant. Large provincial parks and diverse shoreline natural areas would be places where this large number of birds would be observed.

A review of e-bird records and other sources, show little to no data or observations for this woodlot. This would be due to the location in an urban area, private property access, lack of trails or less interest to birdwatchers compared to other properties or public lands in Port Hope where migration is significant (Sculthorpe Marsh, larger parks, port lands).

Evaluation methods to follow "Bird and Bird Habitats: Guidelines for Wind Power Projects". Additional spring surveys would be required following the above methods in order to determine the presence or absence of Landbird Migratory Stopover Area within the woodlot on the property.

X

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			III. If the Significant Woodland contains the above SWHs, it would therefore increase its Significance and importance to the surrounding area, and would have a negative impact if removed.	<p><i>Only two of the SWH were potentially identified on the subject property, bat maternity colonies (assumed present by Geoprocess) and Landbird migratory stopover Area (potential). It is important to note Geoprocess did not confirm bat maternity colonies in their report, however used the precautionary principal that if cavities were present the presence of bats would be possible which should be mitigated for. Additionally, Landbird migratory stopover area was deemed potential based on a preliminary desktop analysis, however surveys have not been conducted to confirm the presence or absence. MNRF signed off on the removal of the assumed bat maternity habitat within the woodlot with several conditions in place including off-site compensation (tree planting/preservation and installation of bat boxes).</i></p> <p><i>NOTE: "Table 1: Significant Wildlife Habitat Criteria and those relating to the Subject property" (NEA Letter dated January 16, 2020) will be submitted to the Municipality.</i></p>		X
35.	GRCA	4.	It has been stated that Butternut was the only Species at Risk (SAR) identified through the EIS. However it has also been stated that Geoprocess Research Associates identified the presence of bats. Therefore if little brown bat, or tri-coloured bat was observed, there would be additional SAR. The GRCA acknowledges that the MNRF has been contacted about the presence of bats, and a compensation plan was submitted. However, it is important to note that the Significant Woodland is habitat for a SAR.	<p><i>MNRF provided a letter dated January 15, 2019 outlining the conditions of the woodlot removal in terms of bat protection. It states: the activities associated with the project, as currently proposed, will likely not contravene section 9 (species protection) and/or section 10 (habitat protection) of the <u>Endangered Species Act, 2007 (ESA)</u> provided the following conditions are implemented:</i></p> <p><i>1) No snags or trees containing cavities are removed between April 1 and September 30</i></p> <p><i>2) If any species at risk is encountered, all activities that may impact the species or its habitat must stop and the MNRF Peterborough District Office should be contacted immediately at 705) 755-2001.</i></p> <p><i>According to the regulatory body (MNRF) there is no contravention of the <u>Endangered Species Act</u> with the removal of the woodlot, provided the conditions are met. as MNRF has signed off on the removal of bat habitat.</i></p>		X
36.	GRCA	5.	GRCA is in agreement that removal of vegetation should occur outside of the breeding bird timing window (April 15 th to August 15 th and outside of the active bat timing window (April 1 st to September 20 th	<i>Acknowledged. This will be dealt with by a condition of draft plan approval.</i>		X

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37.	GRCA	6.	GRCA recommends checking the area for turtles and snakes during construction activities. If any individuals are encountered, they should be photographed and allowed time to move out of harm's way. Observation of endangered and threatened species should be reported to MECP immediately. While the site does not provide ideal habitat for turtle species, turtles are highly migratory as they seek out places to lay their eggs and workers should be aware of the nesting season for turtles which is May 15 to August 15.	<i>Acknowledged. This will be dealt with by a condition of draft plan approval.</i>	X	X
38.	GRCA	7.	GRCA would like to note that any discovery of species of risk during development should be reported to the Ministry of Environment, Conservation and Parks.	<i>Acknowledged. This will be dealt with by a condition of draft plan approval.</i>	X	X
39.	GRCA	8.	Re-vegetation of the disturbed area should occur as soon as possible after construction as to prevent erosion and to prevent the introduction of invasive species.	<i>Acknowledged.</i>	X	X
40.	GRCA	9.	During construction it is recommended that equipment be cleaned of existing debris from previous locations and when leaving the site to reduce the risk of spreading invasive species into the watercourse. Please consult the <u>Clean Equipment Protocol for Industry</u> .	<i>Acknowledged. This will form part of a construction management plan to be required as a condition of draft plan approval.</i>	X	X
41.	GRCA	1.	Summary Consistency with Section 3.1 of the PPS has been demonstrated;	<i>Acknowledged.</i>	X	X
42.	GRCA	2.	Ontario Regulation 168/06 does not apply to the subject site. A permit from GRCA will not be required prior to any development taking place;	<i>Acknowledged.</i>	X	X
43.	GRCA	3.	GRCA recommends that our comments with respect to the Tree Inventory & Preservation Plan and the Scope Environmental Impact Study are addressed.	<i>Acknowledged.</i>	X	X
44.	GRCA	-	Review Fee Consistent with the approved fee schedule, please provide payment of \$4500 for the Conservation Authority's Initial review of this subdivision application.	<i>This should be paid by the applicant and will be a precondition to adoption of the zoning bylaw for the property.</i>	X	X
45.	TAC	-	Background Members expressed concerns regarding the environmental, land use and social consequences of destroying an entire woodlot deemed "significant" in the Municipality of Port Hope Official Plan (the "OP"). The proposed loss of over 900 trees from the urban canopy is a major concern for most Port Hope residents and should be for Port Hope's Council in this era of climate change awareness. The Municipality recognizes the value of trees within its jurisdiction. Bylaw 42-2011 establishing the Tree Advisory Committee states:	<i>Acknowledged.</i>		X

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			<p>AND WHEREAS the Council of the Corporation of the Municipality of Port Hope recognizes that trees beautify the landscape, reduce the impact of extremes in weather, provide habitat for wildlife, add value to property and contribute to a healthy environment;</p> <p>WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it advisable to establish a Tree Advisory Committee to provide advice on the planting, preservation, care and removal of trees within the Municipality of Port Hope;...</p>			
46.	TAC	-	The TAC urges Council to work with Aon and Penryn Mason Homes (collectively, “the applicant”) to redesign their proposed development to preserve as many trees as possible – and hopefully, the entire woodlot - while enhancing the value of the new homes and while the applicant, to the greatest extent possible, can achieve its required density. In any event, Port Hope should use its leverage in withholding its approval of the applicant’s OP and zoning bylaw amendments as well as withholding its approval on the destruction of the trees on Municipal property until appropriate changes are made to the plan of subdivision (in accordance with the existing OP policies and objectives and with the scheduled public input as well as the comments herein) so that most or all of the woodlot will be preserved.	<i>Acknowledged.</i>		X
47.	TAC	-	<p>The Tree Inventory and Environmental Impact Study</p> <p>The applicant retained two companies to undertake studies related to the woodlot: Treescape to undertake a Tree Inventory & Preservation Plan (hereinafter referred to as Treescape) and Niblett Environmental Associates (hereinafter referred to as Niblett) to undertake an environmental impact study.</p> <p>The following comments on the reports themselves are not intended to question the credibility of the professionals who have prepared the reports, but we must point out some inconsistencies, misleading statements, lack of supporting documentation and other gaps in information.</p>	<i>Acknowledged.</i>		X
48.	TAC	-	<p>Treescape indicated that four butternut trees (listed as species at risk in the Endangered Species Act, 2007) within the woodlot and that they were assessed by a certified Butternut Health Assessor. A Butternut Health Assessment Report was submitted to the Ontario Ministry of Natural Resources and it was determined that all four trees do NOT require any further protection. If butternut trees are permitted to be removed according to the Endangered Species Act, they must follow the applicable conditions as set out in Ontario Regulation 242.08.</p> <p>Treescape also identified mulberry trees in good condition which is also a species at risk in the Endangered Species Act.</p>	<i>Acknowledged.</i>		X
49.	TAC	-	We would like supporting documentation on the butternut and mulberry trees and the rationale for why these trees are not considered worthy of preservation in light of the fact that they are species at risk under the Endangered Species Act.	<i>Documentation of the Butternut Health Assessment (BHA) as well as the Ministry of Environment, Conservation and Parks (MECP) authorization to remove these trees can be provided. These trees were recommended for removal despite their protected status because of their short safe useful life expectancy due to the extent of Butternut Canker present in the trees (as noted in the BHA). As the cankers expand around the branches and main stem, the flow of water and nutrients becomes restricted causing an irreversible decline of the trees.</i>		X

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				<p><i>Note: Butternut trees were listed as significant trees with detailed information in report TC267 (Sept 2018) but not in report TC293 (Oct 2019) because a BHA was conducted and the trees were cleared by the MECP and therefore no longer considered to be significant.</i></p> <p><i>As for the Mulberry trees, it is the Red Mulberry that is considered a species at risk. The Red Mullberry is not native to this part of Ontario. The Mulberry identified in CPT 2 is in fact a White Mullberry and therefore not a species at risk. The report has been modified to clearly identify the trees.</i></p>		
50.	TAC	-	The 3.15 ha woodlot consists of approximately 1,000 trees, some of which are 150 years old or greater. The hundreds of trees to be cut down range in height between 10 and 50 meters with an average height between 30 and 50 meters. Note that there are no other woodlands of this age or height in the west end of urban Port Hope with the exception of Peter’s Woods which is a protected conservation area. It is also a historic climax woodland of which very few exist throughout this ecoregion. Niblett makes no mention of these facts. This is certainly one of the largest woodlands in Ward 1.	<i>Due to the urbanized nature of the woodland and degrading status, NEA did not identify this woodland as an important feature for retention. The upcoming Natural Heritage System reporting underway for the County of Northumberland will access the woodland size criteria and if woodland less than 4 hectares are considered significant. Peter’s Woods is a provincial park with much older, more complex and diverse woodland associated with a valley and creek.</i>		X
51.	TAC	-	Treescape also states that 33 trees should be protected, “if possible.” Unless tree protection measures are implemented during construction, these 33 trees will not survive.	<i>The Tree Inventory & Preservation Plan (TC293) recommends the preservation of 33 trees located within and adjacent the development site. The report also outlines the recommended tree protection zones and preservation practices to ensure the sustainability of these trees during and after the construction process.</i>		X
52.	TAC	-	The applicant is also requesting permission to cut down all the trees on Municipal property on the west side of Victoria Street South within the road right of way since they are contiguous with the woodlot. Prior to any further comments, TAC requests detailed information (species, age, size, location, condition) on each of the 60 trees on Municipal property –“CPT N5, N6 and N7 are compartments of neighbouring (municipal) trees located on the east side of the development property fronting Victoria Street South that will require permission to remove in order to accommodate development.” Port Hope, thus, has additional leverage in its approval process.	<i>Further information (species, age, size, location, condition) on each of the identified trees on Municipal property located within CPT N5, N6 and N7 is provided in the updated Treescape Report.</i>		X
53.	TAC	-	Treescape also states that “Management of the tree resources on this development site [the woodlot] has most likely been absent with the exception of the removal and/or pruning of problem trees on a reactive basis” and goes on to state “...there is a high degree of natural regeneration occurring within these woodland areas.” The translation of this is that the woodlot contains trees that have been growing dying and regenerating for more than 150 years which is absolutely normal. This woodlot is one of the few remaining ones to have survived development pressures.	<i>Acknowledged.</i>		X

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54.	TAC	-	<p>Treescape also states “This area has a large amount of standing dead trees as well as fallen dead material on the ground”. This statement implies that the entire woodlot is dying and thus, a rationale for destroying it. According to the Ministry of Natural Resources’ Significant Wildlife Habitat Criterial for an old growth forest such as this one: “Old growth forests are characterized by heavy mortality or turnover of overstorey trees resulting in a mosaic of gaps that encourage development of a multi-layered canopy and an abundance of snags and downed woody debris.”</p> <p>In other words, dead and dying trees in a woodlot of this type is normal (death is part of life), encourages new understorey growth and attracts wildlife. The dead and dying trees should not be used as an excuse to cut down the woodlot.</p>	<p><i>Unless specifically stated, the comments outlined in the report are a commentary of the site conditions as observed at the time of the inventory. These observations assist in forming opinions of how to best balance the preservation of trees against the proposed development. In no way do they imply generalities and they certainly do not form blanket conclusions or rationale for recommendations delivered in the report.</i></p> <p><i>Commenting specifically on Significant Wildlife Habitat Criterial for an old growth forest is beyond field of study of Certified Arborist. See responses to EIS comments.</i></p>		X
55.	TAC	-	<p>Niblett states that 54 species of groundcover plants will be lost. The survey was conducted on May 27 and 30 and on June 18 for only three hours. Also, the report states that the woodland is seemingly devoid of any significant mammalian, avian or fauna communities, but the biologists were only on the property for 1 ½ hour periods on two days to conduct breeding surveys. The point here is that insufficient time was spent within the woodland to come to any definitive conclusions about its wildlife or fauna.</p>	<p><i>NEA conducted bird surveys as per approved protocols and using typical breeding bird point count stations and area searches. These were conducted under suitable weather conditions and in the early morning (peak of bird song in summer). The focus was on breeding birds through primarily identifying calls/song by our bird biologists and then wandering through the woodland looking at tree cavities, any birds encountered and recording breeding activity (nests, young, behavior). The Breeding Bird protocol adopted by NEA from Bird Studies Canada recommends two 5-minute surveys, these surveys were more thoroughly completed in the three visits (3 hours) spent on the site.</i></p> <p><i>Mammalian/reptile surveys are conducted by the biologists walking through the woodland, checking tree cavities, browse, dens, tracks, trails, visual observations, scrapes, scat, turning over debris and logs and checking available records. This is an active process where we seek out wildlife presence when on site.</i></p>		X
56.	TAC	-	<p>Niblett’s report also indicated the presence of a rare and endangered orchid, but this fact was dismissed in the report due to there not being suitable habitat. What is the rationale for this statement?</p>	<p><i>The record of the rare and endangered Prairie Fringed Orchid was received from the Natural Heritage Information Centre (last record in 1910) which indicates that this species was once recorded in an 1km by 1km square that contains the study area. This record indicates to NEA that habitat type should be sought out. As mentioned in the EIS, the habitat for the Prairie Fringed Orchid is wet meadows, bogs and fens. No wet meadows were identified on the subject property, or observations found, therefore NEA was confident this species was not present on the property.</i></p>		X

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57.	TAC	-	<p>The Port Hope Area Initiative has identified species at risk (Blanding’s Turtle) to be present in woodlands that they have surveyed and the woodlot is part of that survey.</p> <p>While Niblett downplays there being any evidence of thriving or endangered wildlife in the woodlot, it indicates that any wildlife present will simply use the golf course as a wildlife corridor or relocate to woodlands located southeast of the woodland: “The removal of this woodlot will not impact the movement of wildlife across the landscape. Wildlife will continue to use the golf course and woodlot corridor to the south and east.”</p> <p>In other words, wildlife that used to live in the woodlot or use it for shelter or food will simply use the golf course which is, more or less, devoid of trees. So, wildlife that thrives in a woodlot environment will simply adapt to life in a golf course or residential development full of people. Niblett failed to mention that the golf course will also subject to pesticide and herbicide applications which will kill wildlife. Not to mention further development by the applicant.</p>	<p><i>Blanding’s turtles live in habitats with large wetlands and shallow lakes which contain a lot of aquatic vegetation, seasonal and permanently ponded areas. There is no such suitable habitat within the woodland on the property. Blanding’s turtles have been known to travel long distances from their wetland habitats in search of a mate or suitable nesting site. There may be areas of Port Hope that would provide those conditions. Based on this sites location in a very built up area and with limited nearby wetland or pond features for overwintering or open sandy banks for nesting, it is very unlikely turtles would use this area.</i></p> <p><i>NEA detected low use of the woodland for wildlife. The location of the woodland within an urbanized area attracts mammals acclimatized and often benefiting from urbanized areas (i.e squirrels and racoons). Wildlife corridors in urban areas are concentrated on river valleys and forested or stepping stone features across the landscape. As urbanization occurs wildlife corridors functions and wildlife habitat is altered. Our comment in the EIS was meant to say that the shoreline, which includes the golf course lands, would provide a minor local function for large and medium sized mammals moving across the landscape and foraging in the pockets of trees and woodlands along the shoreline. Of the landscape features available to wildlife in this part of the Town, the creek valley to the west and lands west of the urban area would provide more function as regional wildlife corridors.</i></p>		X
58.	TAC	-	<p>Niblett identifies the woodlot as “significant” but dismisses the significance of its removal. “Although this woodland was considered ‘significant’ based on its size, the quality of the woodland on the property was degrading. The removal of the woodlot would result in the loss of 3.15 ha of canopy cover. This would not pose a significant impact to the overall diversity of the area.” What is the rationale for this statement?</p> <p>It is interesting to note that Northumberland County’s draft Heritage System Plan: Criterial and Rationale for the Identification of Natural Heritage System Components identifies this woodlot as “regionally significant” because the woodlot meets all the criterial in three different Options. Although the report is draft and the woodlot has not been officially designated as regionally significant, the point is that the woodlot contains sufficient elements that make it earn this designation and thus worthy of preservation.</p> <p>Significant woodlands are specifically protected under the Provincial Policy Statement (PPS) and the Planning Act requires municipalities to make decisions that are consistent with the PPS.</p>	<p><i>The woodland is located at the northern end of a wooded area adjacent to existing development on Victoria Street. The woodland although meeting the general size criteria for the municipality at >0.5 ha, may not be included in a Natural Heritage System study as a significant woodland if the threshold set is more than 4 hectares.</i></p> <p><i>Based on the Municipal Policies (Port Hope OP) the woodland on the subject property was deemed as significant. However not to be confused with the difference between Municipal and Provincial level designations. Table 3 in the EIS explores the Ecological functions of the Woodland. As the Assessment of Significance is based on the percentage tree cover within the Municipality of Port Hope and this exercise has not been conducted. Significance on a Provincial level cannot be determined.</i></p>		X

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59.	TAC	-	<p>The Woodlot as a System Neither Treescape nor Niblett addressed the significance of the woodlot as a cohesive, functioning ecosystem. They looked for individual species of significance or endangered or at risk (while not allowing sufficient field work time to find them or dismissing endangered species or species at risk as irrelevant) rather than considering the woodlot as a whole. For example, to what extent does the woodlot contribute to the reduction of stormwater volumes and hence flooding and erosion of watercourses; the replenishment of groundwater aquifers; and the effect on wildlife movement; or put another way, what will be the impact of the proposed subdivision on the environment?</p>	<p><i>The EIS was prepared to look at the entire ecosystem of the woodland with the specific features and functions analyzed and discussed. The EIS did not look at the water balance, stormwater catchment areas or hydrology of the woodland itself. This was done for the entire subdivision and to design the stormwater management plan. There were no headwater drainage features, valleylands, watercourses, seepage areas, wetlands or seasonal ponded areas associated with this tableland woodland. However, woodlands where those above features are present on other properties, they do provide those functions of flood attenuation, evapotranspiration and erosion protection.</i></p>		X
60.	TAC	-	<p>What is disturbing is that the tree inventory and the environmental impact study were done after the fact, that is, after the plan of subdivision had already been designed and submitted for approval to the Municipality. Best management practices dictate that studies like these are to be prepared in a truly bona fide independent manner and to be prepared prior to the submission of the plan of subdivision in order to identify elements that are worthy of preservation so that the plan of subdivision can incorporate these elements, to the greatest extent possible, into the subdivision and, if not, at the minimum, state a rationale as to why they cannot. Many of the trees that Treescape considered worthy of preservation (and thus earned a rating of 2 or 3 in the retention scale), were considered justified in being cut down because these trees are “in close proximity to or in direct conflict with the proposed development.” This, by itself, is not a valid reason to cut down trees. The plan of subdivision drove the decisions of the tree inventory and the environmental impact study. These studies are examples of justifying the destruction of the woodlot.</p>	<p><i>The EIS was prepared to look specifically at the features and functions of the woodland. The conclusion being that the loss of the woodland would not impact on the overall diversity of the area. No retention of trees or buffers were recommended. Note that all studies required by the Municipality were provided as part of the application submission as required under the Planning Act.</i></p>		X
61.	TAC	-	<p>As a side note, Treescape’s report regarding Phase 4 (the same applicant and with such report also being done after the plan of subdivision had been submitted for approval) also justified the destruction of most trees on that property by stating that “...the trees were in conflict with the development.”</p>	<p><i>It is important to understand the purpose of a Tree Preservation Plan. It is not meant to simply advocate for the preservation of every tree no matter the cost to the stakeholders. Rather, a well-executed preservation plan seeks to identify notable trees worthy of retention and then strikes a balance of recommendations that realizes the preservation of as many trees as reasonably possible given the constraints of the development. The design of Phase 4 was modified several times in order to preserve as many trees on the periphery of the development as possible. The preservation efforts for the large White Oak on the east side of the development bordering the municipal park is a good example of this.</i></p>		X
62.	TAC		<p>Port Hope’s Responsibility It is a fact that Port Hope does not have adequate resources to analyze and comment on the Treescape and Niblett reports as they do in matters pertaining to planning, traffic, works and engineering. Because it is a requirement of the applicant to provide such reports, these two reports should not just be checked off</p>	-		X

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			as having been received and taken at face value. After all, the reports were done by competent professionals. It is admirable and a compliment that Port Hope has retained a consultant to review these reports. We, however, do not know the terms of reference of the consultant.			
63.	TAC	-	Port Hope's OP Policies & Objectives Other than the applicant confirming that the woodlot is significant pursuant to the OP (and subsequently dismissing this fact as irrelevant), the applicant did not acknowledge or apply any of Port Hope's OP environmental policies and objectives to the application.	<i>See responses below.</i>		X
64.	TAC	-	At the minimum, then it is the responsibility of staff to review the applicant's plan of subdivision and, with regard to the woodlot, to ensure that the plan adheres to the environmental policies and objectives of the OP. The destruction of the woodlot contravenes many of Port Hope's own environmental and natural resources policies and objective, some of which are quoted below:	-		X
65.	TAC	-	B5 ENVIRONMENT B5.2 OBJECTIVES "To achieve a sustainable and healthy environment that represents a balance between human activities and natural features and functions" How does the applicant's plan achieve such a balance?	<i>The proposed development is located within the urban settlement area of Port Hope where it can and has been accommodated by significant investment in municipal infrastructure in the form of water and sanitary sewer services. The proposal meets and exceeds the density targets of the municipal Official Plan and the Northumberland County Official Plan, which in turn are consistent with the Provincial Growth Plan the Provincial Policy Statement.</i> <i>Insofar as existing approvals are referenced, the policies, zoning and draft plan of subdivision approvals have been carried forward in the most recent Municipal Official Plan and as such, represent contemporary policy of the Municipality.</i>	X	X
66.	TAC	-	"To anticipate the effects of climate change by ensuring development is not approved without considering long-term impacts that may occur as a result of climate change". How is Port Hope considering climate change in the context of the benefits of retaining the woodlot? To what extent does the woodlot contribute to the mitigation of climate change?	<i>All studies requested by the Municipality have been submitted. This question appears to be directed at the Municipality in the first instance. Woodlands absorb carbon dioxide and produce oxygen during photosynthesis. Offsetting the trees within this woodland elsewhere on Mason Homes or adjacent lands could be reviewed to plant new areas in tree cover .</i>	X	X
67.	TAC	-	"To endeavour to retain, wherever possible, the natural state of all water recharge or headwaters areas, wetland or other similar environmentally sensitive areas which, if developed, could result in the degradation of the environment?" The reports did not consider the woodlot as a cohesive system such as its contribution and/or significance to stormwater volume control, groundwater recharge, carbon sequestration, etc.	<i>The statement in the objectives is designed to retain natural features where possible. The EIS is the mechanism to discuss impacts on those features. The review of the EIS and the other documents of the planning submission by the approval agencies determines how this objective is addressed/ implemented.</i>	X	X

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68.	TAC	-	<p>“To formulate planning policy which shall encourage appropriate forms of land use in all areas so that the impact of development does not lead to the deterioration of the natural environment.”</p> <p>To what extent will the destruction of the woodlot contribute to the deterioration of the surrounding natural environment?</p>	<i>See response above.</i>	X	X
69.	TAC	-	<p>“To ensure that wildlife, fish and waterfowl habitats of the Municipality are protected from all forms of development that could detrimentally affect their environment”</p> <p>How is the destruction of the woodlot protecting wildlife especially in light of the presence of endangered species or species at risk?</p>	<i>See response above.</i>	X	X
70.	TAC	-	<p>C5.2 NATURAL HERITAGE OUTSIDE OF THE OAK RIDGES MORaine</p> <p>“Significant Woodlands – Woodlands are treed areas that provide environmental and economic benefits to the private landowner and the general public, such as erosion prevention, hydrogeologic and nutrient cycling, provision of clean air and long term storage of carbon, provision of wildlife habitat, outdoor recreation opportunities and the sustainable harvest of woodland products.”</p> <p>This particular woodlot is shown in Schedule B of the OP.</p> <p>How does the destruction of this woodlot adhere to the OP policies?</p> <p>Why is a woodlot designated as significant being destroyed?</p> <p>In addition to the OP policies, significant woodlots are specifically protected under the Provincial Policy Statement (“PPS”) and the Planning Act requires that municipalities make decisions that are consistent with the PPS.</p>	<p><i>The woodlot area is not a provincially significant woodlot in the context of the Provincial Policy Statement. The woodlot has been identified Natural Heritage Woodland in the Municipality’s Official Plan (Schedule B-1) as an overlay to the underlying land use designation which allows for a review prior to development of the property.</i></p> <p><i>The policy overlay is effectively a signal for a review of applications which in the case of the wooded area would have occurred at the site plan stage under current approved zoning which has been in place since 2003 with approvals by the OMB and carried forward in in the Municipality’s Zoning By-law. It is relevant to understand that a site plan process, would not preclude development of the wooded area in its entirety.</i></p>		X
71.	TAC	-	<p>Section C.5.2.1 e) in the OP (Significant Wildlife Habitat) states that all proposals for development and site alteration shall be assessed for these habitats and provided with appropriate protection.</p>	<i>The NEA report did conduct appropriate levels of study of threatened and endangered species. The amount of time spent in the field is not determinative of the quality of the study. This is a wooded area in the urban boundary area of the city. It is bounded by urban develop to the north, east, west and south, existing and planned. The wooded area is bifurcated by private driveways and the presence of species can be determined much more readily under the conditions of the woodlot. The matter of migratory bird stop over is a matter which can be addressed in the spring months. The wooded area in question with respect to the proposed development area is not likely to be a stopover area as there are more likely suitable areas, if any, within the golf course lands to the south.</i>		X
72.	TAC	-	<p>Section C.5.2.2 g) in the OP (Threatened and Endangered Species) states that proposals must identify any such species and whether the proposed activities will have any impact on them.</p> <p>How does the applicant’s acknowledgement of the woodlot as significant and its subsequent dismissal as well as the dismissal of the presence of endangered species or species at risk adhere to the above OP statements?</p> <p>What measures are being taken to protect these species?</p>	<p><i>Endangered and Threatened Species are provided protection under the Endangered Species Act. The regulations associated with the ESA, do provide options for addressing compliance, that can include reviews by MNRF/MECP of butternut health assessments and bat surveys. If those agencies in their review</i></p>		X

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				<i>determine there is no contravention of the act and/or that appropriate mitigation or compensation has been proposed, then the ESA has been satisfied.</i>		
73.	TAC	-	Why are the environmental policies included in the OP if they are not applied? It is true that they are high level motherhood statements and difficult to be legally enforced, but these policies are supposed to be visionary and be for the benefit of the future of Port Hope and its residents.	<i>The Municipal Forest Plan is not Official Plan policy and must be considered in the context of the policies for the entirety of the Municipality. Forest management is an important goal as are the Provincially mandated requirements to direct growth to the urban settlement areas, to develop lands to reach and exceed density targets already in place through the County and Port Hope Municipal Plan.</i>		X
74.	TAC	-	The Municipal Forest Master Plan adopted by Council seeks, among other things, to increase the canopy cover of Port Hope to 40%. Destroying the woodlot is a step backward in achieving this goal.	<i>The overall health and condition of the wooded area has been reviewed by qualified environmental and tree specialist consultants. The wooded area is in a deteriorated condition, as a result of the passage of time and age of the trees so much so as to naturally transition to a bat colony habitat (the bats inhabit dead and dying tress). The wooded area has never been managed and this is a natural result. There are no tees species of significance and only three trees were identified by GRCA as having some potential value based primarily on size. These three trees are within the development footprint and their removal is warranted on the basis of the development meeting so many other objective and directives in the Municipalities Official Plan.</i>		X
75.	TAC	-	Some Recommendations and Final Thoughts Without a private tree protection bylaw in effect, the applicant can legally cut down all the trees on the property with impunity while Port Hope is reviewing the application. In the interim, the applicant has already cut down trees that were contiguous with the woodlot. Port Hope should impose a moratorium on tree cutting within the proposed development while the application is being reviewed.	-		X
76.	TAC	-	Notwithstanding any prior approvals that the applicant might have been granted several years ago, Port Hope should meet with the applicant in order to make it clear how important the woodlot is to Port Hope for the various reasons stated in the comments herein.	-		X

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77.	TAC	-	There is no reason for medium density to be located within the woodlot; medium density residential uses can be located elsewhere on the property and the woodlot could contain low density, ie ½ acre lots with a tree protection plan implemented during construction in order to mitigate the extent and impact of its destruction.	-		X
78.	TAC	-	The applicant should realize that lots with trees and/or a development with a large, mature wooded area will add value to the sale prices of homes. The marketing brochure could state “The Woodlands of Penryn-Mason – a 7 acre forest in your back yard.” There would also be the potential opportunity of boosting community relations.	-		X
79.	TAC	-	The applicant did not reference or adhere to any of the environmental policies or objectives of the OP, nor the protections under the PPS. Staff should ensure that they are.	<i>See responses above.</i>		X
80.	TAC	-	This woodlot is one of the few remaining woodlots of its size and importance in the urban area of Port Hope.	-		X
81.	TAC	-	Port Hope still has the leverage of approving the OP and zoning bylaw with conditions on their approval. One of these conditions should be that the applicant, working with the Municipality, makes revisions to the plan of subdivision such that the woodlot (or most of it, to the greatest extent possible, is preserved.	-		X
82.	TAC	-	Port Hope should be prepared to refer the matter to the Local Planning Appeal Tribunal.	-	X	X
83.	TAC	-	Port Hope’s Council should decide what they wish Port Hope to become as development pressures increase. As previously mentioned, the comments herein are not intended to be anti-development, but continuing to allow developments like this with no environmental integrity, no addressing of climate change or acknowledging and respecting the environmental benefits of certain natural features will turn Port Hope into another Ajax or Scarborough.	-	X	X
84.	WED	-	<p>General Layout of Proposed Plan of Subdivision</p> <p>Given that Phase 5 will effectively isolate the Golf Course Lands (at the south end of Street A) that may be redeveloped for commercial uses in the future:</p> <ul style="list-style-type: none"> • The Traffic Impact Study (TIS) should comment on the traffic impacts of future development on the proposed road network • Functional Servicing Report (FSR) should discuss potential for servicing future commercial development on the Golf Course lands. 	<i>Acknowledged. An addendum letter report will be prepared to assess the potential traffic impact on Street A as well as the Strachan Street/Street A intersection with future commercial development on the Golf Course Lands (understood to have potential for a 200-room hotel or “Country Inn”). The focus of the assessment would be on the weekday AM and PM peak hour traffic conditions, which represent the time periods with the highest traffic activity associated with the subject residential subdivision and urban areas in general (i.e. the commuter peak hour or “rush hour” periods). While event traffic at the proposed type of commercial development may be higher at other times, it would generally occur outside of the typical peak hours (i.e. early evening or weekends) when traffic from other sources (specifically the adjacent residential development) would be much lower. Without knowing the specifics of the proposed commercial development in terms of the type, frequency, size, and timing of potential events, it is</i>	X	X

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				<p><i>not possible to provide a detailed assessment of impacts for an off-peak traffic condition. It is recommended that this level of detail should be studied further when a site plan application is made for the commercial development.</i></p> <p><i>The servicing of any future commercial developments on the Golf Course Lands are not considered as part of this Report, though considerations have been made to evaluate potential connections of future development on the Golf Course Lands: the sanitary sewer that could act as a future servicing connection (from MH 60A to MH 99A on Street B) is calculated to be at only 5.3 percent of the available pipe capacity based on the Sanitary Sewer Design Sheet prepared by GHD dated August 1, 2019, with excess capacity available for additional connections. Watermain servicing is available on Street B for the potential future servicing connection. It is expected that stormwater controls would be addressed at a site level during the site plan approval process.</i></p> <p><i>Due to the uncertainty of the type, size, and use of a potential future commercial development, the servicing of the future development should to be addressed during the Site Plan Approval process for the additional development.</i></p>		
85.	WED	1.	<p>Transportation Impact Study Addendum (Paradigm, August 2019) & Transportation Impact Study (Paradigm, July 2017) Street A is a local residential road that will also provide access to the Golf Course site. Opportunities to reconfigure Lots 169, 170 and 171 to eliminate entrances directly to Street A should be examined. The TIS should comment on the impact of redirecting all golf course traffic currently accessing from Victoria Street south onto a local residential street.</p>	<p><i>The driveways for the corner lots, Lots 169 and 171, will be addressed at site plan to determine if they can be located on Street B and C, respectively, rather than on Street A. The addendum letter report referred to above will review and comment on the impact of golf course traffic using Street A during the weekday AM and PM peak hours. It should be recognized at the outset that Street A serves a relatively small catchment area of the proposed subdivision, and as such, is expected to be a low volume road. Similarly, golf course traffic was considered in the July 2017 TIS, and an 18-hole golf course could generate approximately 35 to 50 vehicle trips during a weekday AM or PM peak hour during the golf season. The resultant traffic volumes would be well within the capacity of Street A and of a similar order-of-magnitude to other local streets in the proposed subdivision.</i></p>		X
86.	WED	2.	<p>The Subdivider shall be responsible for the cost of the sidewalk on Victoria Street within the development frontage limits (no development charge recoveries are available).</p>			X

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87.	WED	3.	Provide additional information by way of plan/figure, referring back to the original TIS (July 2017) section on Active Transportation with the intention of confirming any outstanding sidewalk connections and below requested rationale for varying right-of-way widths within the Draft Plan.	<i>Acknowledged. The TIS referred to connecting the proposed subdivision sidewalks to the broader sidewalk network (i.e. the municipal sidewalk network outside the draft plan). These connections could be highlighted on the draft plan (cross reference with comment 1 on the Functional Servicing Report).</i>	X	X
88.	WED	4.	The Subdivider shall be responsible for the implementing the recommendations from the original TIS (July 2017) and TIS Addendum (August 2019) including but not limited to: completing 5-year TIS updates on an ongoing basis and development of a Traffic Management Plan to the satisfaction of the Municipality.	<i>Acknowledged. It should be noted that the original TIS (July 2017) was the 5-year update for the current planning of the proposed draft plan and will be followed by another update when additional development is proposed for subsequent phases of the lands approved for development by the OMB. As recommended in the TIS (July 2017), a Traffic Management Plan is to be developed in advance of the construction of the new development on the subject lands.</i>	X	X
89.	WED	1.	Functional Servicing Report (D.M. Wills, October 2019) Section 2.2 indicates the use of the Municipality's 'new Urbanism' cross sections of 17.0m and 14.5m right-of-way standards/widths. Please revise this section accordingly to include the following: <ul style="list-style-type: none"> Indicate that 7.5m laneways and 20.0m right-of-ways are also proposed; Confirmation that all laneways are requested to be public/municipal infrastructure. All applicable road cross section details within Appendix "F"; Note: The Municipality is currently updating the cross section standards and they will be provided under separate cover for incorporation in Appendix "F". A plan/figure clearly indicating sidewalk connections and rationale for the different right-of-way standards/widths; and Satisfactory rationale for the use of one-way traffic configurations (within 14.5 m right-of-ways) and laneways as located on the Draft Plan. Rational shall have consideration for anticipated traffic circulation patterns resultant from the use of one-way streets. Generally, there is a preference to avoid the use of 14.5 m right-of-ways, with one-way traffic flow. 	<ul style="list-style-type: none"> <i>This development will include 7.50, 14.5, 17.0 and 20.0m right-of-ways, provided by the Municipality of Port Hope.</i> <i>All laneways will be public/municipal infrastructure.</i> <i>All road cross sections will be in Appendix "F".</i> <i>Understood as noted.</i> <i>We have added an additional figure to show the preliminary sidewalk layout.</i> <p><i>The north-south streets with 14.5 m right-of-ways are intended to operate one-way with alternating northbound and southbound streets by block. This would include Street E running northbound or southbound (flanked by two two-way, north-south streets), Street G running northbound, Street H running southbound (same flow direction as existing Hinton Street), and Street I running northbound. This layout and one-way configuration is similar to the previous Phase 4 development. The traffic flow layout aligns and flows seamlessly between existing Phase 4 and the proposed Phase 5 traffic pattern.</i></p>	X	X
90.	WED	2.	Confirm sightline analysis requirements at select locations based on geometric configurations and/or proposed landscape features during detailed design, to the satisfaction of the Municipality. Specifically, confirm that required sight distances are provided at all intersections in the vicinity of horizontal curves and any intersections where landscape features may be proposed as part of an intersection. In particular, there is a potential sight line issue at the intersection of Street B and Street H. In this regard, a sight line	<i>Acknowledged (D.M. Wills to confirm sight lines and on-street parking locations). No sight line issue is anticipated at the intersection of Street B and Street H. since Street H is intended to operate one-way southbound between Street B and Strachan Street</i>	X	X

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			analysis shall be completed by a Professional Engineer. Please ensure that the consultant considers what side of the street will incorporate parking. All recommendations (if any) should be implemented.	<i>Also during the detailed design stage, we will have a better understanding of utilities and landscape items that may need adjustment as not to interfere with sightlines. On street parking will be determined during detailed design when driveway locations/widths are available.</i>		
91.	WED	3.	Confirm and provide final updated sanitary sewer design calculations as it relates to Phase 4 as constructed sanitary sewer information at existing MH172. Original Phase 4/5 FSR (2017) included 20.86ha (1036 pp) compared to current design calculations of 9.58ha (548 pp). Please confirm, which is accurate.	<i>The contributing areas for the Phase 4 development stands at 9.58ha with a population of 548 persons. According to the FSR prepared by DM Wills dated December 2017, there are no external sanitary areas draining into Phase 4 so therefore the area remains at 9.58ha which matches GHD approved sanitary design sheet and drainage area plan.</i>	X	X
92.	WED	4.	Provide watermain servicing details on Functional Servicing Plans, clearly indicating any watermain connections to the existing water distribution system. Indicate lots to be serviced directly from previously installed (existing) watermains.	<i>We have indicated on drawing 11148863-G502 all lots having water service connections from all existing watermains.</i>	X	X
93.	WED	5.	Confirm sanitary sewer servicing plans for Blocks 342, 343, and 344.	<i>Existing sanitary sewers located on Victoria Street South will service blocks 342, 343, and 344.</i>		X
94.	WED	6.	Section 3.3 indicates upsizing of approximately 220m of concrete storm sewers within Servicing Block 330. Since this infrastructure is operational, maintenance of flow and and/or construction staging related requirements are to be identified during detailed design.	<i>Understood as noted. At the detailed design stage, we will provide details of the updated size and construction staging to maintain existing flows at the same time.</i>	X	
95.	WED	7.	Section 3.4 refers to a small grading buffer south of lots 127 to 137. If grading on lands outside of the Draft Plan of Subdivision is confirmed through detailed design, permission to enter will be required from the property owner at the Subdivider's sole expense.	<i>Understood as noted. At the time of detailed design, we will endeavor to reduce or eliminate the need to have a grading buffer. Should we need to have a grading buffer we will take the required steps in obtaining permission from the required owner(s).</i>	X	
96.	WED	8.	Review Functional Lot Grading Plans as it relates: <ul style="list-style-type: none"> to drainage at the rear property line (walk out lots on Streets 'D', 'E', 'G', and 'H') regarding requirements for swale/ditch sizing, rear lot catch basins, and easement requirements; and to rear/side lots of Lot Nos. 163 to 168 inclusive regarding maintaining existing drainage on private property, tree preservation plans and constructability. 	<ul style="list-style-type: none"> <i>We have added rear yard catch basins (RYCB) with easements along the rear of lots 70-83 to pick up any drainage within the Phase 5 development. As for the remaining streets with walkouts/backsplits, these will have the same design as in Phase 4. Additional swale arrows for clarity to show drainage direction being split off into various directions to reduce larger point flows. These lots will be designed in accordance to standard practices.</i> <i>As for lots 163 to 168, these lots currently drain from rear to front with the flankage of lot 163 being picked up by the adjacent roadway.</i> 	X	

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97.	WED	9.	Section 4.1 indicates that the existing pond is acceptable to provide quantity control for Phase 5 as well as the remaining full build-out of the overall drainage area. Please confirm using updated percent impervious/run-off coefficient values established during detailed design of Phase 4, (not values taken from the original VO model) that there is sufficient residual capacity to accommodate the development of other lands in the contributing area.	<p><i>Calculation of the runoff co-efficient from first principals was undertaken by GHD for the Phase 4 development and these same procedures will be applied for Phase 5.</i></p> <p><i>The stormwater management modelling calculations for Phase 5 considered the currently proposed lotting and percent impervious / runoff values for the design of Phase 5.</i></p>	X	
98.	WED	10.	Section 4.3.1 indicates the potential use of the servicing easements as overland swale/flow route locations for events greater than the 5-year storm event. This statement is not supported by the details at the servicing easement locations on the Functional Grading Plans. Please review and demonstrate how the proposed overland flow will enter the servicing easements or provide and confirm the adequacy of alternative routing.	<p><i>The majority of servicing easements in general are not meant to convey overland flows with the exception of one spot at the low point of Street D between lots 122/123. At the detailed design stage, we will have an overland flow channel with dimensions and flow data within the engineering set.</i></p> <p><i>The intended overland flow route leading from Phase 5 to the stormwater management facility is outlined in detail in section 4.3.1 of the Functional Servicing Report. The overland flow route has been confirmed to be feasible at a functional level, though additional considerations will need to be made during detailed design including: ensuring adequate cover is maintained over the existing forcemain through the easement, manhole structure adjustments to accommodate the grading of the overland flow route, tree preservation and protection during construction of the overland flow route, and the reconstruction of the gravel pathway through the overland flow route. Through a preliminary analysis of the grading of the overland flow route through the easement, the existing elevations are relatively close to the proposed elevations of the overland flow route based on a longitudinal slope of 1.3% from Phase 5 to the stormwater management facility, so significant structure adjustments or impacts to the forcemain ground cover are not anticipated to be significant.</i></p>	X	X
99.	WED	11.	Provide detailed ponding limits at overland flow low points, as well as flow channel profile, cross sections and erosion protection works at all outlet locations (i.e. across window street boulevard areas, within overland flow blocks, and any direct outlets to Open Space areas).	<i>Understood as noted. At the detail design stage, we will provide these details on the appropriate drawing(s).</i>	X	X
100.	WED	12.	The Subdivider shall ensure all private property is protected from flooding limits at low points of major system flow convergence along the municipal road system. If required, the Draft Plan shall be revised accordingly.	<i>Understood as noted. We will ensure all private property is protected through our detailed design.</i>	X	X
101.	WED	13.	If the proposed storm sewer flow diversion from Strachan Street, southerly to Street 'J', can't be achieved (due to changes of overall subdivision layout), modification of the plans at the FSR level will be required before proceeding with detailed design.	<i>Understood as noted.</i>	X	X

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102.	WED	-	Landscape Architecture & Arboriculture The following comments are provided with respect to the Tree Inventory & Preservation Plan prepared by Treescape Certified Arborists, dated October 10, 2019 and interrelated sections of the Scoped Environmental Impact Study prepared by Niblett Environmental Associates Inc., dated September 2019:	<i>Refer to responses below.</i>	X	X
103.	WED	1.	General Comments Drawings should have unique numbers; currently there are 4 drawings called Sheet TC293-01 and 4 drawings called Sheet TC293-02. A key plan should be provided to show the location of each sheet within the overall development site, and the drawings should be of a scale that is legible.	<i>The drawings have been revised to indicate the location of each plan.</i>	X	
104.	WED	2.	The legend shows Crown Spread on tree symbols, but there is no crown spread shown for trees identified on the drawing.	<i>The drawings have been updated to identify the Crown Spread.</i>	X	
105.	WED	3.	Definitions / criteria used for the identification heritage trees and specimen trees should be provided.	<i>The report has been revised as requested.</i>	X	
106.	WED	4.	The development impacts noted on page 4 should include increased exposure of trees to be retained due to removal of adjacent trees.	<i>The report has been revised to include reference to the risk of exposure to the remaining trees (refer to Table 2).</i>	X	X
107.	WED	1.	Tree Protection It appears that the south curb line of Lane 3 will be in conflict with (i.e. within) Tree Protection Fence location shown on TC293-02 (page 19 of 24) for Trees 8-11. Excavation limits for construction of underground infrastructure on Lane 3 may further encroach into the identified tree protection zone. The location of the proposed infrastructure should be revised to be realistic with respect to the established tree protection zones.	<i>The draft plan of subdivision has been modified to remove the conflict.</i>		X
108.	WED	2.	The tree protection zone for trees on neighbouring properties should consider the impacts of additional exposure due to the removal of adjacent trees on the proponents site and where possible the tree protection zone should be expanded to include trees on both sides of the property line to improve the viability of the trees that will remain post-development.	<i>Trees can be negatively impacted from increased exposure caused by the removal of adjacent trees. However, many of the trees in question are not completely isolated from surrounding environmental forces and, therefore, will not necessarily be at risk of exposure when adjacent trees are cut down. It is fair to assume that the major exposure concern from the proposed removals is the remaining trees' exposure to the winds from the northwest.</i> <i>Wind rose charts for this area indicate that historically, wind direction and intensity from the southwest (off Lake Ontario) is just as prevalent as the winds coming from the northwest. In addition to this, many of the protected trees are taller than the surrounding canopy and experience winds from all directions. The exposure to any of the westerly winds will have triggered the trees to build up some level of adaptive growth to guard themselves against wind forces. Another point to consider is that the recommended tree removal will not impact the degree of sun exposure for the protected trees.</i>	X	X

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109.	WED	3.	Some trees with a Retention Rating of 3 (Trees that MUST be retained including; endangered species, heritage trees and private boundary trees) are not in good condition, including Ash trees that are noted to be in decline most likely due to Emerald Ash Borer (EAB) infestation and a Basswood identified as possibly posing a hazard to new development. It should be made clear that all trees on private property have been given a Retention Rating of 3 regardless of their condition, only because they are not on the proponent's property. If trees on private property are in poor condition and likely to experience continued or accelerated decline post-development and pose a potential risk to the development, alternative options such as removal and compensation plantings should be recommended and pursued with the adjacent property owners.	<p><i>There is always a chance that some trees may be affected by the increased exposure caused by the recommended removals. Which trees these are and when it may happen is impossible to accurately predict. These situations should be addressed on an individual basis if, and when, they occur. See development impacts in revised Treescape report</i></p> <p><i>Expanding the tree protection zones to include trees on both sides of the property line thereby creating a buffer for the adjacent neighbouring trees is not needed for the long-term sustainability of these trees.</i></p> <p><i>Although this is described in the Headings & Abbreviations table, an expanded explanation of why all trees on neighbouring properties have been given a Retention Rating of 3, regardless of their condition, be included in the main body of the report.</i></p> <p><i>Trees can be negatively impacted from increased exposure caused by the removal of adjacent trees. However, the extent of this impact, regardless of current tree health, as well as the timeframe in which any related decline could transpire is very difficult to ascertain.</i></p> <p><i>Making assumptions as to which trees may be affected by the removal of adjacent trees and recommending preemptive removals is counterproductive when the preservation of canopy cover within the municipality is a priority.</i></p>	X	X
110.	WED	4.	<p>Recommended tree protection zone has been provided using the City of Toronto's tree protection distances for City-owned and Private Trees. This document notes that...</p> <p><i>the guidelines provide minimum protection distances for the anchor and transport roots of a tree, but there can still be significant loss of the feeder roots beyond the established tree protection zone, and that Toronto Urban Forestry may require a TPZ larger than the minimum depending on the tree and the surrounding environment.</i></p> <p>The City of Toronto's guidelines require larger protection zones for trees within ravines and natural features. Sufficient tree protection is influenced by the species tolerance to construction impacts, the tree age, and the tree condition, as well as the impacts of changes between pre- and post-construction site conditions. Given that most trees on site are not typical "street trees" and currently exist within the context of a larger natural feature, please provide further justification for using the City of Toronto City-owned and Private Tree guidelines.</p>	<p><i>The 'Headings & Abbreviations' of Table 1 does indicate that the TPZ is adapted from the City of Toronto tree protection model but is inconsistent with the rest of the report and will be omitted in the revised report.</i></p> <p><i>The Development Impacts section of the report clearly outlines that the minimum distances prescribed for tree protection were derived from an approximate average of other municipality guidelines which included, but was not exclusive to, the City of Toronto. As the Municipality of Port Hope does not have policies or guidelines regarding tree assessment, a compilation of relevant best practices was used from other Municipalities with developed policies.</i></p>	X	X

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				<i>Note that the Tree Preservation section on page 20 of the revised Treescape report illustrates a tree protection diagram utilized by the City of Markham. Also note that the report adopted similar tree protection distances from neighbouring municipalities NOT their entire tree protection policies. Although a majority of trees inventoried in this report are not boulevard trees, the natural features surrounding these trees did not warrant excessive tree protection zones. This is a reasonable approach to prescribing tree protection distances in the absence of any formal direction by way of municipal policies and guidelines.</i>		
111.	WED	5.	The Headings & Abbreviations table on page 10 notes that trees with a Retention Rating of “2” warrant consideration of minor adjustments to development and/or grading in order to retain, and that trees with an action of “P” require tree protection and/or minor adjustment to the development and/or grading may be required. Specific details of the required or recommended adjustments to grading should be provided and reflected on the proposed development plans.	<i>There are no trees listed in Table 1 (Tree Inventory and Preservation Data) that are listed for Preservation (P) with a Retention Rating of 2.</i>	X	X
112.	WED	6.	More detailed information should be provided for the trees that are identified as requiring permission from adjacent landowner to remove. These trees in CPT N5, N6, and N7 should be identified individually.	<i>Trees within these compartments were inventoried during multiple site visits in March 2020. See revised Treescape report for additional information.</i>	X	X
113.	WED	7.	A plan overlaying the recommended tree protection limits on the proposed development plan should be provided.	<i>This is the intended purpose of drawing TC293-02 – Tree Preservation & Removals Plan. All recommendations for tree protection limits are illustrated on this drawing which includes an overlay of the preliminary draft plan of subdivision.</i>	X	X
114.	WED	8.	Works and Engineering does not support the removal of any street trees on Victoria Street south. Design should be such that they can be protected.	<i>The trees located with on the west side of Victoria Street South within the Municipal right-of-way have been inventoried and additional information is set out in the revised Treescape report.</i>		X
115.	WED	1.	Species at Risk Mulberry tree is identified in CPT 2. The species of Mulberry must be indicated so it is clear whether this tree is an endangered species (Morus rubra, Red Mulberry) or non-native species (Morus alba, White Mulberry).	<i>The Mulberry identified in CPT 2 is in fact a White Mulberry and therefore not a species at risk. This has been clarified in the revised Treescape report</i>		X

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116.	WED	2.	<p>Section 4.0 Vegetation; page 22 of the Niblett Environmental Associates Inc. Scoped Environmental Impact Study dated September 2019 notes that NEA biologists observed butternut tree during their field inventories, and references the following:</p> <p><i>A Tree Inventory was produced by Treescape Certified Arborists in 2019. A separate study on butternut trees was conducted by that company. The report indicated four butternut trees were identified within the woodlot and were assessed by a certified Butternut Health Assessor. A Butternut Health Assessment Report was submitted to the Ontario Ministry of Natural Resources and it was determined that all four trees do NOT require further protection.</i></p> <p>The Treescape Certified Arborists October 10, 2019 report does not include mention of butternut trees. The location of the Butternut trees, the Butternut Health Assessment (BHA) report, and MNRF confirmation of protection requirements for butternut trees should all be provided in the Treescape Report.</p>	<i>The Tree Inventory and Preservation Plan has been updated to reference the butternut trees (including drawings TC293-01 and TC293-01(east), Table 1, Appendix 2).</i>		X
117.	WED	3.	<p>CIMA+ staff observed features (snags and cavities) that provide potential bat habitat. The Scoped Environmental Impact Study prepared by Niblett Environmental Associates Inc., dated September 2019 refers to a bat compensation plan completed by Geoprocess R.A., 2018. This report should be provided along with verification of its acceptance by MNRF or MECP as appropriate.</p>	<i>The compensation plan, will be submitted to MNRF in coordination with the Municipality.</i>		X
118.	WED	1.	<p>Specimen Trees The grouping of trees within the compartments does not provide an accurate picture of the health of large trees. For example, in CPT 1, 19 Eastern White Pine trees have been identified with Stem Dbh ranging from 11-79 cm, and condition ranging from Good to Poor. The condition of the 79cm tree cannot be determined, so the number and significance of larger trees is not clear. A clear definition of specimen trees should be provided, and comment should be included regarding those trees within the CPT areas and the location of specimen trees should be indicated on the drawings included with the report.</p>	<i>The Tree Inventory and Preservation Plan has been updated to incorporate additional information pertaining to the trees.</i>		X
119.	WED	1.	<p>Potential Modifications to the Proposed Development Plan With neighbouring trees removed, individual trees would experience increased exposure to wind and sun, as well as root zone impacts. Changes in site conditions from growing in a group to being fully exposed would result in poor long-term viability of most individual trees. If modifications are made to the proposed development plan to retain trees within the woodlot area, it is suggested that efforts be made to retain larger groupings of trees rather than numerous individual trees at varied locations.</p>			X
120.	GRCA (2)	-	<p>The Ganaraska Region Conservation Authority (GRCA) provides the following responses to the e-mails by the Municipality of Port Hope sent February 12, 2020 and February 19, 2020. Additionally, GRCA has made an amendment to our comments dated December 19, 2019.</p> <p><u>Municipality of Port Hope Questions February 12, 2020 (GRCA Responses Noted)</u> Thank you for meeting with us on February 11, 2020 to discuss GRCA comments (dated Dec 19, 2019) on two studies submitted in support of the planning applications for Mason Homes Phase 5. I would like to ask the following questions and clarifications:</p>	-		X

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121.	GRCA (2)	1.	<p>Section C5.2.2 of the Municipal of Port Hope Official Plan stipulates that “proponents proposing development within or adjacent to natural heritage features as defined in Table 1 shall complete an environmental impact study in accordance with Section C20.3 of this Plan. The Municipality may scope the requirements of an environmental impact study where appropriate, based on consultation with the Ganaraska Region Conservation Authority or other appropriate agency”.</p> <p>Schedule B1 of the Official Plan identifies a significant woodland within the subject lands of Phase 5. The Scoped EIS prepared by NEA and dated September 2019, page 9 indicates that there were discussions with GRCA (email dated May 2019) and follow up call regarding the Scope of the EIS. Can you please confirm whether there is an e-mail exchange between GRCA staff and NEA and whether GRCA agreed to scoping the requirements of the EIS?</p> <p>GRCA Response 1: The GRCA provides comments on behalf of the Municipality with respect to Environmental Impact Studies. Although GRCA may speak in general terms on the phone or in person with respect to what would normally be expected in an EIS, formal comments concerning scoping of the study or on a Terms of Reference would only be provided directly to and at the request of the Municipality. It is the expectation of the GRCA that should the Authority be providing the review all information submitted with a Planning Act application, including the Terms of Reference for an EIS, is directed to the Municipality of Port Hope and then subsequently circulated to GRCA for review and comment.</p> <p>In this instance, the GRCA did not provide an e-mail or formal written comments agreeing to the scoping of EIS requirements. GRCA staff did have a phone conversation with Kari Van Allen from NEA in June 2019 (a reply to her voicemail May 29, 2019) to discuss some studies that would be required for the EIS. During this phone call there was no mention of the scoping of the EIS.</p>	<p><i>There is no email exchange between GRCA staff and NEA agreeing to the scoping requirements of the EIS. It is NEA’s general practice that prior to the commencement of a project NEA contacts the Conservation Authority to get their opinion on NEAs planned surveys. The phone call between Kari Van-Allan (NEA) and Lindsay (GRCA) that occurred on June 4, 2019 was not meant to be a formal scoping, but to get an idea of the survey expectations from GRCA for the project. GRCA was in agreeance with our proposed surveys based on the telephone conversation. Based on the mentioned formal process of “scoping” a project NEA would remove the “Scoped” portion of the title in the EIS.</i></p>	X	X
122.	GRCA (2)	2.	<p>Section C20.3 of the Municipal Official Plan identifies the matters to be addressed by the proponents when undertaking Environmental Impact Studies. The Scoped EIS prepared by NEA determined that the woodland is significant based on its size, however the quality of the feature is degrading. Based on our review of the EIS and GRCA’s initial comments it appears that the residential proposal will significantly impact the natural environmental feature and its functions, resulting in a net loss of 3.15 ha canopy cover. Can you please comment whether:</p> <p>a) this interpretation is a fair characterization of the environmental impacts to the woodlot; b) the report indicates any proposed mitigation measure; and, c) whether any of these mitigation measures will result in net ecological benefits?</p> <p>GRCA Response 2a: Yes, GRCA staff agrees the above statement is a fair characterization. In the EIS it states “Although the woodland was considered ‘significant’ based on its size, the quality of the woodland on the property was degrading. The removal of the woodland would result in the loss of 3.15 ha of canopy cover. This would not pose a significant impact to the overall diversity of the area” (p. 21).</p> <p>However, throughout the EIS specifically on page 19 and 21, it lists the functions of the woodland which included:</p> <p>a) Cover for wildlife; b) Nutrient cycling;</p>	<p><i>It is general practise for NEA to describe all functions of any features identified on the property. The listed functions of the woodland mentioned were general functions that occur in most if not all woodlands, with the exception of Significant Wildlife Habitat for bats (which was assumed based on other reports).</i></p> <p>SWH: NEA will explore the possibility this spring for landbird migratory stopover on the site. As mentioned in a previous response to comment The subdivision property except the woodland is disturbed land or maintained golf course. As such habitat for monarch butterflies is limited in terms of nectaring habitat. As proximity of nectaring habitat to roosting habitat is a key component, as is the species of trees preferred for roosting, it is unlikely this property would provide the threshold of 5000 plus monarchs, to meet that confirmation criteria.</p> <p>Connectivity: Connectivity to adjacent woodlands was present, but poor, the woodlot was located on the northern</p>		X

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			<p>c) Clean air;</p> <p>d) Long-term carbon storage; and</p> <p>e) Significant wildlife Habitat for bats.</p> <p>Other functions that were not lists or were disregarded are:</p> <ul style="list-style-type: none"> • Other potential Significant Wildlife Habitat including butterfly stopover area and landbird migratory stopover; and • Connectivity to other woodland patches, which results in the connectivity to a tributary of the West Lake Ontario watershed. In the EIS, connectivity was listed as a potential function, but was disregarded on page 21. <p>Another function that was not mentioned was the urban woodlands impact on climate change resiliency through natural regeneration and preventing heat island effect.</p> <p>Therefore the removal of the woodland would result in the net loss of the entire feature, as well as 3.15 ha of canopy cover, which will impacts all of the above functions.</p> <p>GRCA Response 2b: The EIS proposed the following mitigation measures:</p> <ol style="list-style-type: none"> The client to obtain relevant permits; Any vegetation clearing required shall be completed outside of the Breeding Bird timing window of April 15th to August 15th; Follow the mitigation measures identified in the Tree Inventory Report; and Follow compensation measures as identified in the Proposed Compensation Plan (bats) by Geoprocess R.A (2018). <p>The following should be noted in regard to the mitigation measures:</p> <ol style="list-style-type: none"> The Proposed Compensation Plan (bats) by Geoprocess R.A (2018) was not provided to the GRCA and therefore cannot comment at this time in regard to the mitigations proposed. The GRCA would like to request the Proposed Compensation Plan document for review. The mitigation measures identified in the Tree Inventory Report were only identified for trees outside of the clear cutting area. On page 1 of the Tree Inventory Report it states "it' outlines sufficient preservation measures for the max number of trees possible/ feasible given the extent of the proposed development and grade changes". Therefore in the proposed clear cut area, no preservation or protect was given to trees, including large, mature specimen trees. <p>GRCA Response 2c: Since the GRCA has not received the Geoprocess R.A report, they are unaware of the specific details in the proposed compensation. Without the specific details regarding compensation, the GRCA cannot comment whether or not it will have a net ecological benefit.</p>	<p><i>limits of the connection. The woodlot was sparsely connected to the south by canopy cover from planted specimen trees. The understory was maintained lawn and managed golf course which provided limited habitat for wildlife.</i></p> <p>Climate Change/Woodland cover lost: The possibility of tree planting off-site to minimize the carbon footprint will be explored.</p> <p><i>The compensation plan, as prepared by Geoprocess R.A will be submitted..</i></p> <p><i>The report, as presented, does outline sufficient preservation measures for the maximum number of trees possible/ feasible given the extent of the proposed development and grade changes across the site.</i></p> <p><i>The grade changes that were thoroughly examined from the grading plan indicated significant cuts through this woodlot. As a result, the construction of the road layout and individual lots could not accommodate any tree retention through this area.</i></p> <p><i>The compensation plan, as prepared by Geoprocess R.A, and verification letter will be submitted.</i></p>				
					X	X		
					X	X		

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(Revised May 2020)

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123.	GRCA (2)	3.	<p>Section C20.3 (j-m) of the Municipal Official Plan state:</p> <ul style="list-style-type: none"> j) identify, explain and recommend specific actions which would be undertaken to eliminate, reduce or compensate for the expected impacts consistent with accepted ecological, planning, engineering, and resource management techniques and practices; k) indicate the nature and extent of public consultation and/or input; l) demonstrate how a particular development proposal may occur so as to result in no negative impacts to a particular natural heritage feature/area or its ecological functions; and m) conclude with an independent professional opinion as to whether or not residual impacts (after mitigation) of the development and site alteration are negative, and whether the development proposal is consistent with the intent of the Provincial Policy Statement” <p>Does the Scoped EIS address these matters to the GRCA’ satisfaction? GRCA Response 3: GRCA is not satisfied with the Scoped EIS as it relates to Section C20.3 (j-m) of the Municipal Official Plan for the following reasons:</p> <ul style="list-style-type: none"> 1. The only actions that were mentioned in the EIS to eliminate, reduce or compensate for the expected impacts of the loss of the 3.14 ha woodland, was to restrict tree removal outside of the Breeding Bird timing window and to follow the compensation measures in the Geoprocess R.A Report. This is problematic because at this time, without the information provided in the Geoprocess R.A report, minimal to no efforts were made to eliminate, reduce or compensate for the loss of the woodland and its functions. 2. There was no public consultation mentioned in the EIS. 3. No constraint maps were provided in the EIS or proposed development configurations demonstrating a reduction in woodland removal. A compensation plan was produced from the Geoprocess R.A, however according to the EIS the compensation plan includes bat box placement and 3 ha of enhanced foraging habitat. At this point in time, without the Geoprocess R.A report, the GRCA cannot comment as to whether or not the compensation would adequately compensate for the loss of the woodland and its functions. 4. The EIS concludes with the following statement: “Construction within the proposed building envelop will result in no negative impacts on the functions of identified natural heritage features, provided the recommendations outlined in Sections 5 and 7 are implemented”. At this time, without having reviewed the Proposed Compensation Plan (Geoprocess R.A, 2018) the GRCA disagrees with this statement, as the entire feature will be removed along with all of its associated functions mentioned in question 2a. 		<p>X</p>	<p>X</p>
				<ul style="list-style-type: none"> 1. NEA will explore the options of tree planting off property. 2. Public consultation occurred at the public meeting on March 10, 2020, as well as an open house in December 2019.. 3. NEA will explore the options of tree planting off property. The Geoprocess R.A bat report will be provided to GRCA. 4. NEA will explore the options of tree planting off property. 		

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124.	GRCA (2)	4.	The Scoped EIS notes a report prepared by Geoprocess Research Associates, however no report was attached. Would a copy of the report be beneficial for a more fulsome review of the EIS? If so, we will request a copy from the developer. GRCA Response 4: Yes. This report should identify the compensation that was mentioned in the EIS.	<i>The compensation plan, as prepared by Geoprocess R.A will be.</i>	X	X
125.	GRCA (2)	5.	The current PPS has policies related to climate change. Since last year the PPS is undergoing a review and the draft policies (as of July 2019) would enhance direction to prepare for impacts of changing climate. Under Tree Inventory and Preservation Plan heading of the GRCA letter dated December 19, 2019, resiliency to a changing climate is being noted. It is well known that woodlands are considered long term carbon storage to combat heath island effect in urban areas. Nevertheless, the Scoped EIS did not list the resiliency of a changing climate as a function of this specific woodland. The mature hardwood woodland presents long-term carbon storage, natural regeneration of a more tolerant seed bank, and helps to combat the impacts of heat island effects in an urban area. GRCA Response 5: See GRCA Response 2a). Page 19 of the EIS mentions general functions of all woodlands including long term carbon storage. No other mention relating to climate change/impacts of a changing climate is mentioned.	<i>The government released the Provincial Policy Statement 2020 on February 28, 2020. It is in effect on May 1, 2020.</i> <i>NEA will explore the option of tree planting off property to minimize the carbon footprint.</i>	X	X
126.	GRCA (2)	-	<u>Source Water Protection (from e-mail received by GRCA February 18, 2020)</u> <ul style="list-style-type: none"> The GRCA provides the following comments on Source Water Protection for the woodlot area of Phase 5 Both Highly Vulnerable Aquifers (HVA) and Significant Groundwater Recharge Areas (SGRA) have been identified in the Ganaraska Assessment Report, which is part of the Ganaraska Source Protection Plan (GSPP). There are no policies for HVAs and SGRAs within the Ganaraska Source Protection Plan as the Trent Conservation Coalition Source Protection Committee chose not to address moderate and low threats. HVAs and SGRAs can only have threat activities that occur within those vulnerable areas that are considered moderate and low. The only activities that occur within Intake Protection Zone 2 to the Port Hope WTP Intake that have applicable policies within the GSPP are associated with a disinfection failure at the Wastewater Treatment Plant and a rupture of an oil pipeline in the corridor north of Dale Road. On this basis, there are no source water policy implications for the woodlot area. 	<i>Acknowledged.</i>	X	X
127.	GRCA (2)	-	<u>Amendment to GRCA Comments December 19, 2019</u> Please note that GRCA requests an amendment to the GRCA comments dated December 19, 2019: The GRCA stated the following in the comments dated December 19, 2019:	<i>Acknowledged.</i>	X	X

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			<p>3.a. The EIS has mentioned that the Subject Lands contain a candidate SWH for Woodland Area-Sensitive Bird Breeding Habitat. It is not confirmed SWH because 3 pairs were not observed breeding on the Subject Lands.</p> <p>The GRCA has noted an error in the above statement and requests it be amended, February 18, 2020.</p> <p>The amended comments should state:</p> <p>3.a. The EIS has mentioned that the Subject Lands contain a candidate SWH for Woodland Area-Sensitive Bird Breeding Habitat. It is not confirmed SWH because 3 Area- Sensitive species were not observed breeding on the Subject Lands.</p>			<p><i>NOTE: The bifurcation of the plan as proposed ensures that approval of Phase 1 does not preclude or prejudice any determination of the significance of the wooded area in Phase 2.</i></p>