

Peter E. Allen & Associates

Planning Consultants

REGION OF YORK
CLERK'S OFFICE

FILE No. -

107

April 17, 2008

Mr. Dennis Kelly
Regional Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket ON
L3Y 6Z1



*Re: New Official Plan for the Town of Newmarket.
Millford Development Limited, Eagle Street, Part of Lots 2&3, RP 49*

On behalf of my client, Millford Development Limited, I wrote to you on February 15, 2008 requesting notice of Council's decision on the new Official Plan for the Town of Newmarket. The reason for this request was to allow my client the opportunity to appeal parts of the Official Plan to the Ontario Municipal Board.

My client's property is located on the north side of Eagle Street a few properties east of Yonge Street. It is approximately eleven acres in size with approximately seven of these acres being below the top of bank. Of the remaining approximately four acres on top of the bank, approximately half is proposed to be designated as "Natural Heritage System" on Schedule "A" in the new Official Plan and is also identified on Schedule "B" "Natural Heritage System" as Woodlot.

We have had two studies undertaken on the property. One is a Tree Plan and the other an Environmental Impact Assessment. Both studies conclude that the proposed Natural Heritage System and Woodlot designations are not justifiable. This has been our consistent position and attached is a letter addressed to the Town dated March 6, 2008 to this effect.

Our request is that the new Official Plan be modified with the "Natural Heritage System" designation on Schedule "A" being removed and replaced with the designation of "Emerging Residential" to be consistent with the lands to the east and further that the Woodlot designation be removed from Schedule "B" and identified the same as the lands to the east.

I would be pleased to meet with staff and/or provide further information if required.

Please bring this letter to Council's attention prior to Council deciding to give notice to approve the new Official Plan for the Town of Newmarket.

Yours truly,

Peter E. Allen

cc Enza and Angela Orsi.
Mayor Tony Van Bynen
Councillor Joe Sponga
Heather Konefat
Richard Nethery.

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March 6, 2008

Jason Unger
Assistant Director of Planning
Legal and Development Services/Planning Division
Town of Newmarket
395 Mulock Dr.
P.O. Box, STN Main
L3Y 4X7

Re: Millford Development Ltd. Property, Eagle Street

Dear Sir,

You provided me with a copy of your e-mail to Cathy Bentley dated November 27, 2007 in response to the Draft Tree Plan that she had submitted to you and Azimuth Environmental Consulting Inc. has recently submitted an Environmental Impact assessment for the property. Both consultants provided you with a Preliminary site plan.

In reviewing the New Official Plan for the Town I note that a portion of our site is designated Natural Heritage System on Schedule "A" Land Use, and it is also identified on Schedule "B", Natural Heritage System, as Woodlot.

Under Section 9.0 Natural Heritage System, Section 9.1 Objectives, states:
"It is the objective of the Natural Heritage System policies to:"

and subsection a) states:

"preserve to the greatest extent possible the Town's woodlots as they are part of the Town's cultural heritage and a valuable resource, providing wildlife habitat and recreational opportunities;"

In Cathy Bentley's Tree Plan Report in the last paragraph of the Summary at the end of the report she states:

"In the area designated Natural Heritage System, no trees of natural native forest were observed. Instead, the existing trees are planted and unmaintained, over mature, over grown, or successional species naturally colonizing open spaces [possibly old fields or other disturbed areas]. Following the definition of 'woodlot', in the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy [2006] the existing vegetation in the Natural Heritage Area does not meet the guidelines for this designation. A 'woodlot' is "a dense growth of trees comprising a minimum area of 0.2 hectares [0.5 acres]" [Town of Newmarket, 2006] Only 1 planted tree, Black Walnut-Tree #32, meets the criteria of the Town of Newmarket for replacement, within the Natural Heritage Area. It was included above in the Tree Inventory Table [p.3] and also in the 'Aggregate Inch Replacement' method [p.6,7]"

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I would also draw your attention to the second paragraph of the Conclusion of the Draft Environmental Impact Study [EIS] prepared by Azimuth Environmental Consulting, which in part states:

“However, the designation of 0.7 ha of the property as part of the Town’s Natural Heritage System as a woodlot, if retained, would effect the full development of the property above the top-of-bank. A detailed investigation of the treed vegetation in the area concluded that the property as having only ‘remnants of planted areas of trees and shrubs’ and that there were no ‘natural areas of native forest observed in the proposed area of development’ [Bentley, 2007] Designation of this area for protection is not appropriate from a natural heritage perspective because of the existing intensity of development of the surrounding lands, and level of disturbance of the natural environment of the developable lands and the structure and composition of the vegetation designated as part of the Natural Heritage System”

Recognizing that the subject area does not conform to the definition of ‘woodlot’ in the Town of Newmarket Tree Preservation, Protection, Replacement and Enhancement Policy, and the comments of Cathy Bentley and Azimuth, it is my opinion that there is no justification to preserve this area as part of the “Natural Heritage System”.

We would like to meet with you prior to you providing a written response to this letter to discuss this matter. Paul Neals and Bonnie Clayton of Azimuth Environmental Consulting, Inc., Cathy Bentley and my clients would attend with me. Please have others that you consider appropriate attend. I look forward to hearing from you. Thank you.

Yours truly,

Peter E. Allen

cc Councillor Joe Sponga
Richard Nethery
Mrs. Enza Orsi
Ms. Angela Orsi
Cathy Bentley
Paul Neals
Bonnie Clayton
Andrew Ip