

Public Comments

From: [TS Gerling](#)
To: [Bruce County Planning - Lakeshore Hub](#)
Subject: Inverhuron lots 6 to 10, Draft Plan of Subdivision application
Date: Friday, September 9, 2022 12:38:06 PM

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

To the Bruce County Planning and Development Department:

I am writing to you regarding the Notice of Complete Application dated September 1st, 2022 regarding the proposed development in Inverhuron lots 6 to 10; E Victoria St W Albert Street, File number S-2022-15, Z-2022-084. I received this notice because I am a neighbor at 122 Albert Street.

I hereby wish to request all the available supporting information, including the following: Applications, Draft Plan, Planning Justification Report, Functional Servicing report, Environmental Impact Study, Archaeological Assessment. Kindly send the material to me via email.

In addition, I would like to be notified of the decision of the approval authority on this application, and take part in the public meeting. Please inform me of the date as soon as the meeting is scheduled.

Thank you for your attention to this matter.
Sincerely,

Tessa Gerling

From: [TS Gerling](#)
To: [Coreena Smith](#)
Cc: [Klarika Hamer](#); bstewart@kincardine.ca
Subject: Inverhuron lots 6 to 10, Draft Plan of Subdivision application
Date: Monday, October 24, 2022 6:45:30 PM

** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mrs. Smith,

I'm following up on the proposed development in Inverhuron lots 6 to 10; E Victoria St W Albert Street, File number S-2022-15, Z-2022-084. I am a neighbor at 122 Albert Street.

I received the Public Meeting Notice dated October 21st, 2022, relating to the draft plan of subdivision mentioned above. I wish to comment that since the community of Inverhuron is composed by a significant number of summer residents, it would seem only correct to hold the public meeting at such a time as to allow all interested members of the public to fully participate, including those unable to take part virtually due to lack of a stable internet connection or technological expertise. I therefore suggest that the public meeting be postponed until after Memorial Day of 2023.

Furthermore, are the agency comments related to this proposed development accessible to the public? If so, I hereby wish to request copies of said comments. I will be providing my own comments shortly, and would like to take this opportunity to reiterate my desire to be informed of the decision of the approval authority on the proposed application.

Thank you, and best regards,

Tessa Gerling

From: [TS Gerling](#)
To: [Coreena Smith](#)
Cc: [Bruce County Planning - Lakeshore Hub](#); aclarke@kincardine.ca; bstewart@kincardine.ca; dcuylar@kincardine.ca; dfitzsimmons@kincardine.ca; dkennedy@kincardine.ca; lhaight@kincardine.ca; mcouture@kincardine.ca
Subject: Re: S15 Z84 Tidman
Date: Monday, October 31, 2022 2:23:24 PM
Attachments: [Gerling letter_S15_Z84_Tidman.pdf](#)
[Gerling letter_S15_Z84_Tidman.docx](#)

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Ms. Smith,

Please find attached my letter regarding the Draft Plan of Subdivision - File S-2022-015 and Zoning By-law Amendment - File Z-2022-084. I have also pasted the letter into the body of this email (see below) to insure receipt, however I ask that you refer to the attached document, since the footnotes cannot be included in the email body (both Word and PDF versions have been provided for your convenience).

Sincerely,

Tessa Gerling

Dear Ms. Smith,

I am writing to you, and to the Staff at the Planning and Development Department, regarding the proposed development in Inverhuron lots 6 to 10; E Victoria St W Albert Street, File number S-2022-15, Z-2022-084. The purpose of this letter is to state my opposition to this project on environmental, ecological and socio-economic grounds, as explained below.

Let me introduce myself: I am a neighbor at 122 Albert Street, just down the road from the area that is being considered for development. My grandfather purchased what our family affectionately calls the Miller House in the 50es, and we have loved it as our summer cottage ever since. The old farmhouse is one of the few remaining structures that dates back to the Town of Inverhuron, and it sits on several acres of land where old apple trees, the remaining members of a long-gone orchard, mingle with woodland and open grassland. A necklace of vernal pools support salamanders and other amphibian species, and in the field dozens of Monarch butterflies enjoy the wildflowers in late summer. Caring for this place over generations has created a special relationship between my family and the land. Stories have been passed down about what the area was like before the nuclear plant, when it was a farming community, all the way back to when my great-great-grandfather was a harness maker in Inverhuron. Over the years we have watched the place change, but not only in negative ways; there have been positive developments as well. It is beside the purview of this letter to go into further detail, but it is important to note that my objections to the proposed development are not sentimental. As I will demonstrate, they are purely objective. The above history is merely intended to provide the necessary background to understand who I am in relation to the property in question.

Before proceeding, I want to acknowledge the Traditional Territory of the Anishinabek Nation: The People of the Three Fires known as Ojibway, Odawa, and Pottawatomie Nations. And further give thanks to the Chippewas of Saugeen, and the Chippewas of Nawash, now known as the Saugeen Ojibway Nation, as the traditional keepers of this land. It is my hope that the position outlined in this letter is in alignment with the SON's wishes.

As the Planning Justification Report prepared by the Baker Planning Group for JHT2INV Development Inc. points out, "municipal official plans are the most important vehicle for implementing the PPS (Provincial Policy Statement) and for achieving comprehensive, integrated and long-term planning" (p.9). There are however several ways in which the proposed subdivision undermines the objectives of the official plan. I will enumerate them below.

Tessa Gerling
122 Albert Road
Tiverton, ON N0G 2T0

Re: S15 Z84 Tidman

October 31st, 2022

Dear Ms. Smith,

I am writing to you, and to the Staff at the Planning and Development Department, regarding the proposed development in Inverhuron lots 6 to 10; E Victoria St W Albert Street, File number S-2022-15, Z-2022-084. The purpose of this letter is to state my opposition to this project on environmental, ecological and socio-economic grounds, as explained below.

Let me introduce myself: I am a neighbor at 122 Albert Street, just down the road from the area that is being considered for development. My grandfather purchased what our family affectionately calls the Miller House in the 50es, and we have loved it as our summer cottage ever since. The old farmhouse is one of the few remaining structures that dates back to the Town of Inverhuron, and it sits on several acres of land where old apple trees, the remaining members of a long-gone orchard, mingle with woodland and open grassland. A necklace of vernal pools support salamanders and other amphibian species, and in the field dozens of Monarch butterflies enjoy the wildflowers in late summer. Caring for this place over generations has created a special relationship between my family and the land. Stories have been passed down about what the area was like before the nuclear plant, when it was a farming community, all the way back to when my great-great-grandfather was a harness maker in Inverhuron. Over the years we have watched the place change, but not only in negative ways; there have been positive developments as well. It is beside the purview of this letter to go into further detail, but it is important to note that my objections to the proposed development are not sentimental. As I will demonstrate, they are purely objective. The above history is merely intended to provide the necessary background to understand who I am in relation to the property in question.

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The Environment section (C2) of the official plan states, amongst its goals, the following: “The quality of the natural environment of the Municipality of Kincardine shall be preserved and enhanced” (C.2.1.1). How does replacing a diverse forested area immediately adjacent to the Provincial Park with a housing development “protect and enhance the natural environment”? The answer is, it does not; on the contrary, it would destroy the very same natural environment which the official plan seeks to protect. The property in question boasts a watercourse protected by the Saugeen Valley Conservation Authority, functions as a significant wildlife habitat¹, and is home to multiple species at risk², as reported in the Environmental Impact Statement (EIS) conducted by Sumac Environmental Consulting Ltd. at the request of JHT2INV Development Inc.

On the subject of Species at Risk (SAR), there are several legal tiers to consider. As per Section C2.3.3 of the *Official Plan of the Municipality of Kincardine, 2021*, development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. As per Section 2.1.5 of the *Provincial Policy Statement, 2020* (PPS), development and site alteration shall not be permitted in significant wildlife habitat (SWH), unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (PPS p. 24). The Sumac EIS acknowledges that the natural features which make up the SWH *will* be impacted negatively, and yet by offering recommendations to “offset negative impacts” (EIS p. 12) the consulting firm seems to suggest that this development would not be in direct violation of PPS requirements.

Regarding the particular case of Monarch butterfly, the EIS states that whereas “Butterfly stopover areas are extremely rare habitats and are biologically important for butterfly species that migrate south for the winter [...], the subject property and adjacent lands are not located within 5 km of Lake Ontario and therefore, the wildlife habitat ‘Migratory Butterfly Stopover Areas’ is not anticipated to be present on the subject property and adjacent lands” (EIS Table 4, p. 8 of 10). I can attest to the falsity of this claim. On any given day in late summer, upon walking out to the field behind our house, at the edge of the woods, it is possible to spot as many as a dozen Monarchs at a time, feeding on nectar.

Ontario’s *Endangered Species Act* (ESA) states that no person shall damage or destroy the habitat of a species that is listed on the Species at Risk in Ontario List as an endangered or threatened

¹ EIS p. 10-11: Based on the existing conditions and criteria outlined in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015), the subject property and adjacent lands have the potential of functioning as the following SWH (significant wildlife habitat): Bat Maternity Colonies, Reptile Hibernaculum, Old Growth Forest, Seeps and Springs associated with vegetated communities on adjacent lands, Woodland Area-Sensitive Bird Breeding Habitat, Marsh Breeding Bird Habitat for Green Heron associated with the community adjacent to the Little Sauble River; and Special Concern and Rare Wildlife Species associated with the CUM1-1, FOC2-2, FOD5- 1 and FOD7-2 communities

² EIS p. 9: Based on the results of the SAR (species at risk) screening and the results of in-field investigations, the following endangered and threatened species have the potential of occurring on the subject property and adjacent lands: Birds: Eastern Meadowlark; Mammals: Little Brown Myotis; and Plants: Butternut.

species³. That should already be enough: an endangered bat species demonstrably inhabits this land, therefore it follows that under the ESA, the habitat shall not be damaged or destroyed. While the EIS claims that neither the Little Brown Myotis (endangered) nor the Eastern Meadowlark (threatened) will be negatively affected by this development (EIS p.12), I fail to see how they could not be. Just imagine if someone were digging up your backyard and building 81 homes, several new streets and a shopping mall: you'd certainly notice. It is fair to assume that you'd be distressed by the noise, dust, the constant coming and going of construction vehicles (to be followed by steady residential traffic), not to mention the permanent alteration of an environment that was familiar and dear to you. It is even conceivable that you might be upset to the point of deciding it was time to leave and seek out a new home, more pristine, peaceful and secure for you and your offspring. These are issues that cannot possibly be adequately mitigated by constructing four bat houses at the edge of the development, as suggested by Sumac Environmental Consulting Ltd.

Returning to the official plan, the proposed subdivision is also in direct conflict with the following objectives put forward in the Environment section:

C2.2.1 “The use and protection of natural features such as the Penetangore River Valleys and the Lake Huron shoreline shall be promoted in order to enhance the overall built and natural environment within the Municipality.”

C2.2.3 “The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features”.

As shown in Schedule A-3 of the municipal Land Use Plan, a large portion of the property in question is designated as Natural Environment. I can only assume that designating any portion of the property as “shoreline development” (especially since there is no existing structure on the lot) must be in error, since such a designation unequivocally undermines the goals and objectives enumerated above. I therefore suggest that the zoning of this property be amended to Natural Environment in its entirety. Such an amendment would resolve the contradiction currently in existence between the zoning of this property and the official plan.

The zoning by-law amendment requested by the Baker Development Group and JHT2INV Development Inc., whereby the land would be rezoned from “Residential One (R-1)” and “Environmental Protection (EP)” to R-3, “Open Space (OS)” and R-4 would exacerbate such contradictions and open the floodgates for other such misguided ventures. If their request is granted, vested interests would be shown to trump over the provisions set out in the official plan, at the cost of sacrificing important natural heritage features. The latter, as detailed in this letter, are collectively protected under the official plan (C2.3.7), and rezoning the property would signify a betrayal of this policy.

³ ESA Section 10 (1)

Furthermore, as shown in Schedule B-3, the property in question contains the following types of lands identified as part of the Natural Heritage System: significant woodlands, unevaluated wetlands, and natural hazards. According to the environmental policies put forth in the official plan, “Development and site alteration shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions” (C2.3.4). As discussed above, such an absence of “negative impacts” cannot possibly be demonstrated, since the direct consequence of the proposed development would be the quasi- total destruction of the “natural features” in question, necessarily along with their “ecological functions”. The policy section further states that “Where development is proposed within 120 metres of a significant woodland, as shown on Schedules ‘A’ and ‘B’, Council shall be satisfied that the proposed development will not have a negative impact on the feature or ecological function of the woodland. Council or the approval authority, in consultation with relevant review agencies, may increase the distance if warranted by the specific features in the general area of the proposed development” (C2.3.6). The development is proposed not only within 120 metres of a significant woodland – it is proposed *on top of it*. Sumac Environmental Consulting acknowledges that “encroachment into the woodland feature is unavoidable” (EIS p. 13). Figure 3 of the EIS shows that overall, a majority of what is categorized as “Significant Woodland” on the property would fall prey to the development.

The official plan also states that “Council will encourage the naturalization of stream valleys and shoreline areas to improve water quality throughout the Municipality” (C2.3.9). A good way to encourage naturalization of stream valleys is to *discourage* development in or near a stream valley that is *already* naturalized, as is the case for the property in question. Speaking of water quality, the EIS points out that the proposed development may affect “Seeps and Springs associated with vegetated communities on adjacent lands” (EIS p. 10). Since our property is adjacent to the lot in question, I have reason to be concerned in this regard as well.

As if all of this weren’t already enough to avert the proposed development, here are some further considerations regarding the adjacent lands. It is important to note that the provincial park, which is immediately adjacent to the property in question, would likely see negative impacts of the development as well. The park is a well-visited attraction, and aside from a slew of possible negative environmental and operational impacts, tourism may also suffer. Furthermore, the *Provincial Policy Statement* (PPS) states in section 2.1.5 that development and site alteration shall not be permitted in significant woodlands, significant wildlife habitat, and significant areas of natural and scientific interest, amongst others. As per Section 2.1.8 of the PPS, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The Official Plan reiterates as much (C2.3.7, p. 12). Our property is adjacent to the property under consideration for development, and our land is home to a significant population of rare flora and fauna, as I mentioned at the beginning of this letter. The destruction of natural heritage features across the road may well lead to

negative effects on the ecological functions of our land. Considering the “connectivity of natural features” (C.2.2.3), it is necessary to gain an understanding of the “linkages between and among natural heritage features and areas, surface water features and ground water features” that may exist between our property and the property in question. It therefore follows that no site alteration or development may take place until and before the ecological function of our land (and possibly the lands of other neighbors that abut directly, if they so wish) has been evaluated. Should the zoning by-law amendment requested by the Baker Development Group and JHT2INV Development Inc. be granted, I in turn would demand that an evaluation of our land be undertaken by a qualified environmental agency to be selected by mutual accord, and that the study be carried out at no expense to myself. For easy reference I am providing the legal description of our property, which consists of two lots: “PT PARK LOT 1 N ARGYLE PT;MILL RESERVE 2 RP 3R5406;PART 1,2 & 3” and “PT MILL RESERVE 2 PT PK LT 1;N ARGYLE RP3R5406 PART 4,5 &6”.

I would also like to bring to your attention that as of this writing, my request to reschedule the public meeting until the beginning of the 2023 summer season has been ignored. The purpose of this request, submitted a week ago in written form to you, Mrs. Smith, on October 24th 2022, was to allow summer residents, who after all make up a significant portion of the Inverhuron community, to have equal access to information and voice in this matter. The denial of this request may be seen as inadequate information and engagement of the public, and could present grounds for an appeal.

Finally, I wish to take this opportunity to encourage the municipal Councillors copied on this letter to contain development within urban boundaries, thereby preventing the kind of sprawl a development such as this represents. It is perfectly reasonable to advocate for a scenario in which the urban areas would grow to accommodate the expected population increase, leaving the more rural and wild areas to be enjoyed by all. This approach allows for efficient use of existing infrastructure, rather than (as in this case) having to build new infrastructure at greater cost, as well as greater damage to the environment. While it is a commendable goal to seek to provide high-quality housing to meet the needs of our growing community, I believe that it is in the interest of all to safeguard the natural features that make this area so special. Nobody’s quality of life will be enhanced long-term if we continue to systematically destroy the common wealth of natural sustenance and beauty that surrounds us.

I therefore request that the application of Baker Development Group and JHT2INV Development Inc. be denied, on the environmental and socio-economic grounds put forth in this letter. In addition, I would like to be notified of the decision of the approval authority on this application.

Thank you for your attention to this matter.

Sincerely,

Tessa Gerling

From: [Coreena Smith](#)
To: [TS Gerling](#)
Cc: [kcraig@kincardine.ca](#); [aclarke@kincardine.ca](#); [rcavanagh@kincardine.ca](#); [mhinchberger@kincardine.ca](#); [jpregner@kincardine.ca](#); [bblackwell@kincardine.ca](#); [dkennedy@kincardine.ca](#); [Bill Stewart](#); [asteinhoff-gray@kincardine.ca](#); [Amy Rogers](#); [Klarika Hamer](#)
Subject: RE: Inverhuron development_Public Meeting follow-up
Date: Thursday, December 8, 2022 2:02:26 PM
Attachments: [cob_logo_482ea6ae-463f-4d00-8147-f4e02eda1e3e.png](#)
[Gerling letter_S15_Z84_Tidman.docx](#)

Good afternoon,

I apologize for the late response but I wanted to note that the County is receipt of your additional comments. We will forward and review those comments with the applicant and their consultants. I will also include your comments in future staff reports on the file.

Sincerely,

Coreena Smith
Senior Planner
Planning and Development
Corporation of the County of Bruce

Office: 519-881-1782
Direct: 226-909-6305
www.brucecounty.on.ca



From: TS Gerling
Sent: Thursday, November 24, 2022 6:08 AM
To: Coreena Smith <CJSmith@brucecounty.on.ca>
Cc: [kcraig@kincardine.ca](#); [aclarke@kincardine.ca](#); [rcavanagh@kincardine.ca](#); [mhinchberger@kincardine.ca](#); [jpregner@kincardine.ca](#); [bblackwell@kincardine.ca](#); [dkennedy@kincardine.ca](#); [Bill Stewart](#) <bstewart@kincardine.ca>; [asteinhoff-gray@kincardine.ca](#)
Subject: Fwd: Inverhuron development_Public Meeting follow-up

**** [CAUTION]:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Smith and respected Members of Council:

I am forwarding to you an email written to former Councillor Haight, regarding the proposed development in Inverhuron (S15 Z84 Tidman). Kindly take note of the message below. I look forward to your suggestions on how to address the concerns I have put forth.

Sincerely,

Tessa Gerling

----- Forwarded message -----

From: <postmaster@kincardine.ca>

Date: Thu, Nov 24, 2022 at 4:29 AM

Subject: Undeliverable: Inverhuron development_Public Meeting follow-up

To:



Your message to lhaight@kincardine.ca couldn't be delivered.

lhaight wasn't found at kincardine.ca.

tsgerling

Action Required

Unknown To address

Office 365

lhaight

Recipient

----- Forwarded message -----

From: Tessa Gerling

To: lhaight@kincardine.ca

Cc: Coreena Smith <CJSmith@brucecounty.on.ca>

Bcc:

Date: Thu, 24 Nov 2022 10:29:29 +0100

Subject: Inverhuron development_Public Meeting follow-up

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Respected Councillor Haight,

My name is Tessa Gerling, and I am writing to you as a follow-up to the Public Meeting held on November 14th regarding the proposed development in Inverhuron lots 6 to10; E Victoria St W Albert Street, File number S-2022-15, Z-2022-084.

I am a neighbor at 122 Albert Street.

As you may recall, I participated via Zoom to express my concerns related to the proposed development, as outlined in my letter from October 31st to the Planning Department (see attachment). During the meeting you asked me to explain specifically which endangered species I was concerned about. I would like to take this opportunity to address your question more fully.

The Little Brown Myotis, an endangered bat species, inhabits this land. Ontario's Endangered Species Act (ESA) states that no person shall damage or destroy the habitat of a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species. The message is clear: according to ESA regulations, this property may not be developed. While the EIS prepared by Sumac Environmental Consulting Ltd. claims that neither the Little Brown Myotis (endangered) nor the Eastern Meadowlark (threatened) will be negatively affected by this development (EIS p.12), I fail to see how they could not be.

On the subject of Species at Risk (SAR), there are several legal tiers to consider. As per Section C2.3.3 of the Official Plan of the Municipality of Kincardine, 2021, development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements (for federal requirements see previous paragraph). As per Section 2.1.5 of the Provincial Policy Statement, 2020 (PPS), development and site alteration shall not be permitted in significant wildlife habitat (SWH), unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (PPS p. 24). The Sumac EIS acknowledges that the natural features which make up the SWH will be impacted negatively, and yet by offering recommendations to "offset negative impacts" (EIS p. 12) the consulting firm seems to suggest that this development would not be in direct violation of PPS requirements.

Furthermore, regarding the particular case of Monarch butterfly, the EIS states that whereas "Butterfly stopover areas are extremely rare habitats and are biologically important for butterfly species that migrate south for the winter [...], the subject property and adjacent lands are not located within 5 km of Lake Ontario and therefore, the wildlife habitat 'Migratory Butterfly Stopover Areas' is not anticipated to be present on the subject property and adjacent lands" (EIS Table 4, p. 8 of 10). I can attest to the falsity of this claim. On any given day in late summer, upon walking out to the field behind our house, at the edge of the woods, it is possible to spot dozens of Monarchs at a time, feeding on nectar. We are on adjacent lands.

On another issue, I am concerned that because of the timing chosen to announce this development and conduct the public meeting, a significant portion of the Inverhuron community will not be adequately informed. In fact, part-time residents will likely not be aware of the proposed development at all, since they will have left at the end of the summer and will henceforth not see the sign that has been posted on the site. This same group of people is also by consequence excluded from participating in the public meeting and voicing any concerns they may have. I maintain that it is not correct to proceed with a project that will affect an entire community without first having given every member of that community a realistic opportunity to inform themselves and participate in the process. Furthermore, I am concerned about the absence of the SON's comments.

I therefore suggest that, in accordance with Section H12 of the Kincardine Official Plan, the Municipality request further meetings. I am referring to the following clauses:

c) Where a planning or related matter under consideration by the Municipality has a statutory

requirement for public notice and input, the Municipality may extend the minimum municipal requirements under the Planning Act and provide additional opportunities for public participation where such matters are considered to be complex, have significant or potentially significant adverse impacts, or where significant public interest is generated.

d) While the Planning Act requires at least one public meeting prior to any amendment to the Official Plan or zoning by-law, Council may consider holding as many information meetings or additional public meetings as it deems appropriate so as to provide the public with a full opportunity to express their views and concerns.

I fear that if this application is granted and the development goes forward, this will open the floodgates for similar projects, causing profound and permanent damage to the natural environment in this area, as well altering the nature of the Inverhuron community.

Thank you for your attention to this matter.

Sincerely,

Tessa Gerling

Individuals who submit letters and other information to Council and its Committees should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the County's website.

If you have received this communication in error, please notify the sender immediately and delete all copies (electronic or otherwise). Thank you for your cooperation.

Tessa Gerling
122 Albert Road
Tiverton, ON N0G 2T0

Re: S15 Z84 Tidman

October 31st, 2022

Dear Ms. Smith,

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Let me introduce myself: I am a neighbor at 122 Albert Street, just down the road from the area that is being considered for development. My grandfather purchased what our family affectionately calls the Miller House in the 50es, and we have loved it as our summer cottage ever since. The old farmhouse is one of the few remaining structures that dates back to the Town of Inverhuron, and it sits on several acres of land where old apple trees, the remaining members of a long-gone orchard, mingle with woodland and open grassland. A necklace of vernal pools support salamanders and other amphibian species, and in the field dozens of Monarch butterflies enjoy the wildflowers in late summer. Caring for this place over generations has created a special relationship between my family and the land. Stories have been passed down about what the area was like before the nuclear plant, when it was a farming community, all the way back to when my great-great-grandfather was a harness maker in Inverhuron. Over the years we have watched the place change, but not only in negative ways; there have been positive developments as well. It is beside the purview of this letter to go into further detail, but it is important to note that my objections to the proposed development are not sentimental. As I will demonstrate, they are purely objective. The above history is merely intended to provide the necessary background to understand who I am in relation to the property in question.

Before proceeding, I want to acknowledge the Traditional Territory of the Anishinabek Nation: The People of the Three Fires known as Ojibway, Odawa, and Pottawatomie Nations. And further give thanks to the Chippewas of Saugeen, and the Chippewas of Nawash, now known as the Saugeen Ojibway Nation, as the traditional keepers of this land. It is my hope that the position outlined in this letter is in alignment with the SON's wishes.

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The Environment section (C2) of the official plan states, amongst its goals, the following: "The quality of the natural environment of the Municipality of Kincardine shall be preserved and

enhanced” (C.2.1.1). How does replacing a diverse forested area immediately adjacent to the Provincial Park with a housing development “protect and enhance the natural environment”? The answer is, it does not; on the contrary, it would destroy the very same natural environment which the official plan seeks to protect. The property in question boasts a watercourse protected by the Saugeen Valley Conservation Authority, functions as a significant wildlife habitat¹, and is home to multiple species at risk², as reported in the Environmental Impact Statement (EIS) conducted by Sumac Environmental Consulting Ltd. at the request of JHT2INV Development Inc.

On the subject of Species at Risk (SAR), there are several legal tiers to consider. As per Section C2.3.3 of the *Official Plan of the Municipality of Kincardine, 2021*, development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. As per Section 2.1.5 of the *Provincial Policy Statement, 2020* (PPS), development and site alteration shall not be permitted in significant wildlife habitat (SWH), unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (PPS p. 24). The Sumac EIS acknowledges that the natural features which make up the SWH *will* be impacted negatively, and yet by offering recommendations to “offset negative impacts” (EIS p. 12) the consulting firm seems to suggest that this development would not be in direct violation of PPS requirements.

Regarding the particular case of Monarch butterfly, the EIS states that whereas “Butterfly stopover areas are extremely rare habitats and are biologically important for butterfly species that migrate south for the winter [...], the subject property and adjacent lands are not located within 5 km of Lake Ontario and therefore, the wildlife habitat ‘Migratory Butterfly Stopover Areas’ is not anticipated to be present on the subject property and adjacent lands” (EIS Table 4, p. 8 of 10). I can attest to the falsity of this claim. On any given day in late summer, upon walking out to the field behind our house, at the edge of the woods, it is possible to spot as many as a dozen Monarchs at a time, feeding on nectar.

Ontario’s *Endangered Species Act* (ESA) states that no person shall damage or destroy the habitat of a species that is listed on the Species at Risk in Ontario List as an endangered or threatened species³. That should already be enough: an endangered bat species demonstrably inhabits this land, therefore it follows that under the ESA, the habitat shall not be damaged or destroyed. While the EIS claims that neither the Little Brown Myotis (endangered) nor the Eastern Meadowlark (threatened) will be negatively affected by this development (EIS p.12), I fail to see how they could not be. Just imagine if someone were digging up your backyard and building 81 homes, several new streets and a shopping mall: you’d certainly notice. It is fair to

¹ EIS p. 10-11: Based on the existing conditions and criteria outlined in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015), the subject property and adjacent lands have the potential of functioning as the following SWH (significant wildlife habitat): Bat Maternity Colonies, Reptile Hibernaculum, Old Growth Forest, Seeps and Springs associated with vegetated communities on adjacent lands, Woodland Area-Sensitive Bird Breeding Habitat, Marsh Breeding Bird Habitat for Green Heron associated with the community adjacent to the Little Sauble River; and Special Concern and Rare Wildlife Species associated with the CUM1-1, FOC2-2, FOD5- 1 and FOD7-2 communities

² EIS p. 9: Based on the results of the SAR (species at risk) screening and the results of in-field investigations, the following endangered and threatened species have the potential of occurring on the subject property and adjacent lands: Birds: Eastern Meadowlark; Mammals: Little Brown Myotis; and Plants: Butternut.

³ ESA Section 10 (1)

assume that you'd be distressed by the noise, dust, the constant coming and going of construction vehicles (to be followed by steady residential traffic), not to mention the permanent alteration of an environment that was familiar and dear to you. It is even conceivable that you might be upset to the point of deciding it was time to leave and seek out a new home, more pristine, peaceful and secure for you and your offspring. These are issues that cannot possibly be adequately mitigated by constructing four bat houses at the edge of the development, as suggested by Sumac Environmental Consulting Ltd.

Returning to the official plan, the proposed subdivision is also in direct conflict with the following objectives put forward in the Environment section:

C2.2.1 "The use and protection of natural features such as the Penetangore River Valleys and the Lake Huron shoreline shall be promoted in order to enhance the overall built and natural environment within the Municipality."

C2.2.3 "The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features".

As shown in Schedule A-3 of the municipal Land Use Plan, a large portion of the property in question is designated as Natural Environment. I can only assume that designating any portion of the property as "shoreline development" (especially since there is no existing structure on the lot) must be in error, since such a designation unequivocally undermines the goals and objectives enumerated above. I therefore suggest that the zoning of this property be amended to Natural Environment in its entirety. Such an amendment would resolve the contradiction currently in existence between the zoning of this property and the official plan.

The zoning by-law amendment requested by the Baker Development Group and JHT2INV Development Inc., whereby the land would be rezoned from "Residential One (R-1)" and "Environmental Protection (EP)" to R-3, "Open Space (OS)" and R-4 would exacerbate such contradictions and open the floodgates for other such misguided ventures. If their request is granted, vested interests would be shown to trump over the provisions set out in the official plan, at the cost of sacrificing important natural heritage features. The latter, as detailed in this letter, are collectively protected under the official plan (C2.3.7), and rezoning the property would signify a betrayal of this policy.

Furthermore, as shown in Schedule B-3, the property in question contains the following types of lands identified as part of the Natural Heritage System: significant woodlands, unevaluated wetlands, and natural hazards. According to the environmental policies put forth in the official plan, "Development and site alteration shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions" (C2.3.4). As discussed above, such an absence of "negative impacts" cannot possibly be demonstrated, since the direct consequence of the proposed development would be the quasi- total destruction of the "natural features" in question, necessarily along with their "ecological functions". The policy section further states that "Where

development is proposed within 120 metres of a significant woodland, as shown on Schedules 'A' and 'B', Council shall be satisfied that the proposed development will not have a negative impact on the feature or ecological function of the woodland. Council or the approval authority, in consultation with relevant review agencies, may increase the distance if warranted by the specific features in the general area of the proposed development” (C2.3.6). The development is proposed not only within 120 metres of a significant woodland – it is proposed *on top of it*. Sumac Environmental Consulting acknowledges that “encroachment into the woodland feature is unavoidable” (EIS p. 13). Figure 3 of the EIS shows that overall, a majority of what is categorized as “Significant Woodland” on the property would fall prey to the development.

The official plan also states that “Council will encourage the naturalization of stream valleys and shoreline areas to improve water quality throughout the Municipality” (C2.3.9). A good way to encourage naturalization of stream valleys is to *discourage* development in or near a stream valley that is *already* naturalized, as is the case for the property in question. Speaking of water quality, the EIS points out that the proposed development may affect “Seeps and Springs associated with vegetated communities on adjacent lands” (EIS p. 10). Since our property is adjacent to the lot in question, I have reason to be concerned in this regard as well.

As if all of this weren't already enough to avert the proposed development, here are some further considerations regarding the adjacent lands. It is important to note that the provincial park, which is immediately adjacent to the property in question, would likely see negative impacts of the development as well. The park is a well-visited attraction, and aside from a slew of possible negative environmental and operational impacts, tourism may also suffer. Furthermore, the *Provincial Policy Statement (PPS)* states in section 2.1.5 that development and site alteration shall not be permitted in significant woodlands, significant wildlife habitat, and significant areas of natural and scientific interest, amongst others. As per Section 2.1.8 of the PPS, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The Official Plan reiterates as much (C2.3.7, p. 12). Our property is adjacent to the property under consideration for development, and our land is home to a significant population of rare flora and fauna, as I mentioned at the beginning of this letter. The destruction of natural heritage features across the road may well lead to negative effects on the ecological functions of our land. Considering the “connectivity of natural features” (C.2.2.3), it is necessary to gain an understanding of the “linkages between and among natural heritage features and areas, surface water features and ground water features” that may exist between our property and the property in question. It therefore follows that no site alteration or development may take place until and before the ecological function of our land (and possibly the lands of other neighbors that abut directly, if they so wish) has been evaluated. Should the zoning by-law amendment requested by the Baker Development Group and JHT2INV Development Inc. be granted, I in turn would demand that an evaluation of our land be undertaken by a qualified environmental agency to be selected by mutual accord, and that the study be carried out at no expense to myself. For easy reference I am providing the legal description of our property, which consists of two lots: “PT PARK LOT 1 N ARGYLE PT;MILL RESERVE 2 RP 3R5406;PART 1,2 & 3” and “PT MILL RESERVE 2 PT PK LT 1;N ARGYLE RP3R5406 PART 4,5 &;6”.

I would also like to bring to your attention that as of this writing, my request to reschedule the public meeting until the beginning of the 2023 summer season has been ignored. The purpose of this request, submitted a week ago in written form to you, Mrs. Smith, on October 24th 2022, was to allow summer residents, who after all make up a significant portion of the Inverhuron community, to have equal access to information and voice in this matter. The denial of this request may be seen as inadequate information and engagement of the public, and could present grounds for an appeal.

Finally, I wish to take this opportunity to encourage the municipal Councillors copied on this letter to contain development within urban boundaries, thereby preventing the kind of sprawl a development such as this represents. It is perfectly reasonable to advocate for a scenario in which the urban areas would grow to accommodate the expected population increase, leaving the more rural and wild areas to be enjoyed by all. This approach allows for efficient use of existing infrastructure, rather than (as in this case) having to build new infrastructure at greater cost, as well as greater damage to the environment. While it is a commendable goal to seek to provide high-quality housing to meet the needs of our growing community, I believe that it is in the interest of all to safeguard the natural features that make this area so special. Nobody's quality of life will be enhanced long-term if we continue to systematically destroy the common wealth of natural sustenance and beauty that surrounds us.

I therefore request that the application of Baker Development Group and JHT2INV Development Inc. be denied, on the environmental and socio-economic grounds put forth in this letter. In addition, I would like to be notified of the decision of the approval authority on this application.

Thank you for your attention to this matter.

Sincerely,

Tessa Gerling

From: [Sherry Martin](#)
To: [Bruce County Planning - Lakeshore Hub](#); [Kyle Martin](#); [Sherry Martin](#)
Subject: Inverhuron Subdivision Proposal
Date: Saturday, October 8, 2022 11:53:52 AM

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello,

I am writing today in regards to the proposed subdivision in Inverhuron under file numbers S-2022-015 and Z-2022-084. I know that the current request for comments was for Agency comments, however we would like to voice our concerns as adjacent landowners.

My husband and I own the parcel of land that is south (across Alma street) from this proposed subdivision.

Our concerns are mainly in regards to water run-off drainage and the fish sanctuary/river habitat.

The little sauble river travels towards the lake for outflow and moves from the property in question to our property under a small single lane bridge on Alma street. This river is a fish sanctuary under the 2007 Ontario Fishery Regulations upstream from the foot bridge in Inverhuron Provincial Park for 590ft. There are current fishing restrictions in the area and we are not permitted to fish on our property until later in the season to protect the fish while spawning. The purpose of the fish sanctuary is to increase the fish population, protect fish while they are spawning/protecting their young or to protect rare or endangered species. Lot 14 of this proposed subdivision plan is suggesting to put a multi level condominium style building with commercial space in the SVCA screened area of this river (21 units on three floors with commercial). A large parking area would be required for these vehicles. Parking would create a paved area where the run-off would have to go into the Little Sauble River.. as well as all of the debris from a parking area (possible oil/gasoline, etc..). This could be detrimental to this river and the fish species in it. While we can empathize with our community members that additional housing units are needed this specific location is not the best suited for that purpose. Does the Fisheries Act covering fish habitat protection provisions required also apply?

In the rough sketch of the subdivision it is hard to determine where exactly a large building would be on Lot 14 but where the property boundaries of Lot 14 are shown on the sketch the south eastern half looks to be already classified as EP and is within the 100 year flood plain area. Again this does not seem like an appropriate location for a 21 unit 3 story building.

As for the other lots - they are not for single use dwellings which is what is located in the area. Is there any reason each lot cannot be a single use dwelling that would then comply with the current R1 zoning? Is the infrastructure able to handle the increase in demand if there are 81 household units demanding water services and if not would the area be approved for that many well and septic permits?

Could we please be sent a copy of all the documents that are listed as being submitted and available in this notice? (Applications, Draft Plan, Planning Justification Report, Functional Servicing Report, Environmental

Impact Study, Archaeological Assessment.).

Thank you for listening to our concerns,

Kyle and Sherry Martin

From: [Don Bourgeois](#)
To: [Bruce County Planning - Lakeshore Hub](#)
Subject: Draft Plan of Subdivision - File S-2022-015 and Zoning By-law Amendment - File Z-2022-084
Date: Sunday, October 30, 2022 1:41:22 PM

**** [CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am the executor of the Estate of Robert Eugene Bourgeois which holds property adjacent or nearby to the proposed Subdivision. Due to a previously scheduled matter, I am not available for the Hybrid Public Meeting scheduled for November 14, 2022 at 5:00 p.m.; however, as Executor, I am filing objections to the proposed Plan of Subdivision and Zoning By-law Amendment. The Estate would like to remain involved in these applications as they proceed further in accordance with the "Stay in the Loop" statement in the Public Meeting Notice, dated October 21, 2022.

The Estate's concerns with respect to the proposal are related to:

- detrimental impact on the environment, including the environment related to the Little Sable and adjacent environmental features such as wildlife habitat which protect species at risk, contrary to Kincardine's Official Plan, the Provincial Policy Statement, 2020, and the *Endangered Species Act*;
- detrimental impact on the supply of farmland;
- detrimental impact on the adjacent forested area; and
- detrimental impact on the Estate's property, including proposed uses of the property for environmental protection and improvement, farmland usage, and related purposes.

I am also concerned about the timing of the scheduling of the Public Meeting. I note that the Public Meeting Notice is dated October 21 and the meeting is scheduled for only a few weeks thereafter. As mentioned above, I already had another matter scheduled and, as a result, the County has unfairly precluded my involvement in the Public Meeting. On this point, I also note that Public Meetings are important forums for the exchange of concerns and ideas and for a better understanding of both the objections but also the proposal and the reasons for the proposal from the applicant. The Country is precluding this important opportunity for greater understanding that is fundamental to the principles of good governance and planning. This failure is exacerbated by the timing after most seasonal residents - who also have both legal and community interests in the process - have left and may not even be aware of the proposal.

--

Don Bourgeois

From: [Janet Thorsteinson](#)
To: [Klarika Hamer](#)
Subject: Re: Thorsteinson S15 Z84 Tidman
Date: Sunday, October 9, 2022 2:48:19 PM

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Thank you for the email and documents. I would like to be placed on the email list for notices with regard to this matter so that I can voice my concerns in the public forum. Is there a special portal or sign up to do such matter.

Janet Thorsteinson

On Mon, Oct 3, 2022 at 12:12 PM Klarika Hamer <KHamer@brucecounty.on.ca> wrote:

Good afternoon,

Further to your communications with our office, we understand that you are interested in receiving notices and supporting materials for Draft Plan of Subdivision file S-2022-015 and Zoning By-law Amendment file Z-2022-084.

You will receive future notices related to Draft Plan of Subdivision file number S-2022-015 and Zoning By-Law Amendment file number Z-2022-084.

Please see this link: [Supporting Materials S15 Z84 Tidman](#) to the following supporting materials for this submission:

- Notice of Complete Application (attached to this email for ease of reference)
- Request for Agency Comments (attached to this email for ease of reference)
- Applications (attached to this email for ease of reference)
- Draft Plan (attached to this email for ease of reference)
- Planning Justification Report
- Functional Servicing Report
- Environmental Impact Study

- Archaeological Assessment

The link to the documents is available for the next 14 days. Should you have any difficulty accessing the documents, please let me know.

Coreena Smith is the Planner on this file and is copied on this email.

Kind regards,

Klarika Hamer

Applications Technician
Planning and Development
Corporation of the County of Bruce

Office: 519-881-1782

www.brucecounty.on.ca



Individuals who submit letters and other information to Council and its Committees should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the County's website.

If you have received this communication in error, please notify the sender immediately and delete all copies (electronic or otherwise). Thank you for your cooperation.

If you feel that this email was commercial in nature and you do not wish to receive further electronic messages from the County of Bruce, please click on the following link to unsubscribe: [Unsubscribe](#). Please be advised that this may restrict our ability to send messages to you in the future.

From: [Ruth MacLean](#)
To: [Bruce County Planning - Lakeshore Hub](#)
Cc: clerk@kincardine.ca
Subject: Proposed Inverhuron development. File S-2022-15-2022-84
Date: Tuesday, November 29, 2022 4:22:09 PM

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To the Planning Department,

I am writing to urge your rejection of the proposed subdivision by Baker Planning Group for JHT 2INV Development, lots 6-10, E. Victoria St. W. Albert St. File S-2022-15 - 2022-84.

As a friend of the late Eugene and Ann Bourgeois at Philosopher's Wool, I am aware of the intrinsic value of their farm as a nature retreat, given the unique location opposite to Inverhuron Park. This whole area is a refuge for wildlife, and a place of tranquility, although it is in the shadow of Bruce Nuclear Plant.

The proposed development of a subdivision here would impinge on the natural and wild beauty of this area, and the quality of life for the animals who live here.

A friend who frequented has Inverhuron Park for decades, says,
“

I live in Kincardine, and we have a generational cottage at Bruce Beach, in Huron-Kinloss. I am disturbed by the lack of respect for nature and habitat for animals shown by the politicians on our council and the developers. Their mantra seems to be all about growth and development, envisioned as economic prosperity.

I remember the wild beauty of Blair's Grove (near Point Clark) - once full of trilliums and deer - before it was sold to a developer in the 1980's. A friend who lives beside the golf course in Kincardine, found that when swaths of trees were cut for a recent housing development, the foxes and eagles were in her backyard, left homeless.

The woods along the Lake, I am told, are the northern reaches of the Carolinian forest, and a necessary habitat for migrating birds. We need to establish a 'Greenbelt' of protection along the Lake. Developments create asphalt and artificial lawns, and destroy the access of creatures to the Lake, where often they drink.

We need to realize that we share this planet with plants and insects and animals. It is not all about us, not about money, but about living in joyful relationship with all that is.

And respecting the beingness of everything. It is looking with eyes of wonder and reverence.

I expect that this proposed subdivision is about building high-end homes on large lots, as is so much of the recent shoreline development.

It is not about meeting people's needs for affordable places to live.

It would also increase fossil fuel use with its 'suburbia' mentality, having to drive to find basic needs.

Please, we do not need more destructive sprawl. Certainly Doug Ford's attack on the escarpment 'Greenbelt' north of Toronto - is being reflected here. We need protected sanctuary spaces here in Bruce County.

Please acknowledge receipt of my concerns, and I hope that you will make an environmentally responsible choice.

Thank you,
Rev. Ruth MacLean

Sent from my iPad