

Urban Forest Innovations Inc.
1331 Northaven Drive
Mississauga ON L5G 4E8



November 22, 2022

The Town of Newmarket

395 Mulock Drive, P.O. Box 328, STN Main
Newmarket ON L3Y 4X7

c/o Umar Mahmood – Planner, Secretary-Treasurer of the Committee of Adjustment, and
Cultural Heritage Planner

Re: 116 Eden Court – Application for Minor Variance – Arborist Peer Review

Mr. Mahmood,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of an Application for Minor Variance - Relief from Zoning By-law 2010-40 for the construction of a two-storey dwelling at 116 Eden Court, Newmarket, Ontario.

This letter report outlines our review methodology and presents our comments.

Methodology

Document Review

The following documents, provided by the Town of Newmarket, were reviewed:

- Lot Grading Plan, prepared by Barich Grenkie Surveying Ltd., dated February 7, 2022
- Tree Report Form, prepared by Masih Javanbakht, dated October 25, 2022

Additional documents provided in the submission package were reviewed briefly for context, but did not form a substantive part of this peer review.

With the exception of documents submitted prior to April, 2018, all reviewed documents are evaluated against the latest revised version of the Town of Newmarket *Tree Preservation*,

Protection, Replacement and Enhancement Policy (April 2018 or latest version), hereinafter referred to as the *Policy*.

Site visit

A site visit was undertaken on November 17, 2022, to assess the site and verify the tree inventory details.

Comments

Based upon our review of the above-referenced documents, we have the following comments:

Tree Report Form


1. The tree report form indicated that there were no trees over 20cm DBH on the subject property or within 4.5m from the subject property line. Several discrepancies were noted during site observations. The following is a selection of significant trees (i.e., greater than 20cm diameter) were found during site observations and are not included in the tree report form:
 - a Siberian elm (*Ulmus pumila*), located on the subject property (Figure 1)
 - a Manitoba maple (*Acer negundo*), located on the subject property (Figure 2)
 - a black walnut (*Juglans nigra*), located on the subject property (Figure 3)
 - a white birch (*Betula papyrifera*), located on an adjacent property within 4.5m of the subject land (Figure 4)
 - two eastern white cedars (*Thuja occidentalis*), located on an adjacent property within 4.5m of the subject land (Figure 5a & 5b)
2. An arborist report must be provided to identify appropriate tree injury mitigation measures for trees designated for injury on or within 4.5 metres of the subject lands. Refer to the *Policy* for appropriate mitigation measures.
3. A tree protection plan must be provided to show the correct location of all significant trees located on or within 4.5 metres of the subject lands. The tree protection plan must depict the minimum tree protection zone for each significant tree located on or within 4.5 metres of the subject lands, and the location of tree protection fencing. The Town's standard detail for tree protection fencing must be included on the tree protection plan.

Prior to any demolition or construction activity on the subject lands, the Town must be notified in order to conduct an inspection of the installed tree protection fencing and other tree protection measures.

Additional comments on trees affected by this application will be provided when the requested additional information is available for further review.

We trust that this letter will suffice for your current needs. Should you have any questions or require further assistance, please do not hesitate to contact us.

Respectfully submitted by,



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Selected Figures



Figure 1: Location of Siberian elm not represented in the tree report form.



Figure 2: Location of a Manitoba maple not represented in the tree report form.



Figure 3: Location of a black walnut not represented in the tree report form.



Figure 4: Location of a white birch not represented in the tree report form.



Figure 5a & 5b: Location of two eastern white cedars not represented in the tree report form.

Limitations of Assessment

It is our policy to attach the following clause regarding limitations. We do this to ensure that the client is aware of what is technically and professionally realistic in assessing and retaining trees.

The assessment(s) of the tree(s) presented in this report has been made using accepted arboricultural techniques. These may include, among other factors, a visual examination of: the above-ground parts of the tree(s) for visible structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of pests or pathogens, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted, the tree(s) was not cored, probed, climbed or assessed using any advanced methods, and there was no detailed inspection of the root crown(s) involving excavation.

Notwithstanding the recommendations and conclusions made in this report, it must be recognized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site or weather conditions, or general seasonal variations. Weather events such as wind or ice storms may result in the partial or complete failure of any tree, regardless of assessment results.

While reasonable efforts have been made to accurately assess the overall condition of the subject tree(s), no guarantee or warranty is offered, expressed or implied, that the tree(s) or any of its parts will remain standing or in stable condition. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or its component parts, regardless of the assessment methodology implemented. Inevitably, a standing tree will always pose some level of risk. Most trees have the potential for failure under adverse weather conditions, and the risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be re-assessed periodically. The assessment presented in this report is only valid at the time of inspection.