

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



November 20, 2023

**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: 351 Davis Drive – Committee of Adjustment Application for Consent - Peer Review

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Mr. Mahmood,

As you have requested, Urban Forest Innovations, Inc. (UFI) has reviewed the arborist report and related application information submitted in support of Minor Variance and Consent for Easement applications to seek relief from Zoning By-law 2019-06 for the creation of a shared access easement for the benefit of the property immediately to the west at 345 Davis Drive and the property immediately to the east at 355 Davis Drive, in Newmarket, ON.

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:

- Arborist Report, prepared by 7 Oaks Tree Care & Urban Forestry Consultants Inc., dated December 6, 2019, updated March 16, 2023
- Tree Preservation Plan (TIPP-01), prepared by 7 Oaks Tree Care & Urban Forestry Consultants Inc., dated December 6, 2019, updated March 16, 2023

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 13, 2023, to assess the site and verify the tree inventory details.

#### **Comments**

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

#### *Tree inventory*

1. Trees #518, 520, 529 have been listed as under 20cm diameter at breast height (DBH), whereas site observations show them to be equal to or greater than 20cm DBH. The tree inventory presented in the revised arborist report must accurately reflect the species, size, and condition of all significant trees located on or within 4.5 metres of the subject lands.

#### *Neighbouring properties*

2. Tree #524, 526, 529 are located on adjacent property. The written permission of neighbouring property owners must be obtained prior to the removal of any trees located on private lands that are adjacent to the subject land. This written permission must be provided to the Town of Newmarket prior to site plan approval.
3. Trees #157, 525, 527, 528, 530 are located on property boundary. Any proposed removal or injury of trees located on the property boundary of the subject lands must have the consent of the owner(s) of the adjoining land(s). This will likely ensure compliance with the requirements of the provincial *Forestry Act, R.S.O. 1990*, which regulates the injury and destruction of shared trees.

#### *Tree protection plan & other tree-related plans*


4. Trees #526, 527, 528, 529 are shown as 'Preservation' in the Tree Preservation Plan (TIPP-01), but they are indicated as 'Removal' in the Tree Inventory Table. The revised tree protection plan must indicate, using distinct symbolization, the final removal or retention recommendation for each tree.

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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### ***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.