

NEAC Comments on Planning and Building Services 2013-59 and Application for Official Plan amendment, Zoning Bylaw Amendment, and Draft Plan of Subdivision-292145 Limited

Overall Comment:

NEAC believes Council should consider the overall desirability of putting a development within green space currently under Natural Heritage Designation between 2 High Voltage transmission lines and the railway line which is facing increased use by GO transit trains in the future with all day service.

There is an existing path well used at the end of Silken Laumann Drive and neighbourhood children use the area for bicycling in one section. Some residents use the property to cross the rail line and get to the trails on the west side.

Official Plan

In developing the Official Plan, the town has met the population targets as required by the provincial plans and in defending its position on the Official Plan has indicated no further increase is required. If that is the case, there should be no consideration of development here, especially given the existing Natural Heritage designation.

The development is within a Natural Heritage System designation of the Town's official plan. If we allow development within this designation, then what is the purpose of the designation? Does this open the door to more development within this type of designation? Over the years, we have seen the Parkway Belt disappear as well as much of the Oak Ridges Moraine, all areas designated for protection.

We note that the western terminus of Silken Laumann Drive as well as the golf course are already within the Natural Heritage System designation. Would this development further exacerbate development "creep" into Natural Heritage lands?

Section 9 of the OP says that development within Meadow 2 may be permitted if it is limited.

We are not clear on how this development is limited. From what we can see there are no limits on the development - they are proposing to build to the maximum size possible on a parcel of land that has no other building sites due to constraints by watercourses, railway and hydro corridor. In addition, the subdivision design is not "limited" in any way

- it is the standard subdivision model with as many tiny lots as possible for the land area.

Section 9 of the OP also says that development within meadow 2 is permitted if it doesn't impede the function of the meadow.

The report states that the development will not impede the function of the meadow.

We don't believe removing 2.2 Ha of meadow approximately 50% of the total area does not affect the function of the meadow. The report argues that there are no significant or extraordinary features of the meadow. We are not sure what would be extraordinary about a meadow. We believe that meadows, by definition, within the Natural Heritage designation are significant. The report identifies plants, animals, and birds all present on the lands in question (see biodiversity point below) which are important for the functioning of the natural ecosystem. Removing the meadow area by putting buildings on top of it clearly and unambiguously affects the functioning of the meadow

The general natural heritage policies 9.2.1 (excluded from the original EIS) - state that meadows (along with woodlots and water courses) shall be protected and enhanced where possible – We're not clear on how allowing development in the natural heritage area "protects" the natural heritage or enhances it - in fact, the response to the peer reviewer comments about enhancing the remaining meadow are downplayed and challenge the Town to provide evidence that enhancement is required- it seems clear that the developer has no intention of enhancing remaining meadow lands.

Endangered bird species identification

The Beacon report states that the meadow under development has "low potential" for the presence of endangered bird species. Low potential is not zero potential. In an area already zoned as a natural heritage system, it seems logical to err on the side of caution when it comes to protection of endangered species that have been noted in the larger land area within which this meadow occurs.

The comment from the MNR Species at Risk biologist indicated that they don't have anything on file, not that significant bird species aren't using the site.

The breeding bird study needs to be done at the appropriate time of the year

Feeding area for endangered bird species i.e. barn swallow - it is clear from the bird counts that the barn swallow does feed in the area and although other areas are available, development of this land will remove this immediate area from feeding potential - the report suggests that there are other areas available to the west - of course, if this logic is followed to its conclusion, no development would ever infringe on a species feeding area since other areas are always available.

Loss of insect/bird/mammal/plant biodiversity from a Natural Heritage system. -

The development directly reduces biodiversity of the immediate area significantly i.e. 2.2 Ha of meadow development

Infringement of drainage swale - also known as a wetland - the development will impinge on the drainage swale at the north end of the property simply because the developer will not reduce the number of subdivisions on the property by 5 or more - seems like the development is not "limited"

Development of wetland prohibitions - according to the LSRCA, development of wetlands is appropriate if (among other things) a need to develop is demonstrated, there is no alternate location, and drainage patterns are maintained - We don't see the need to develop an area that is 30 metres from a railroad and 20 m from a hydro corridor - there are alternate locations that would prevent the disturbance of the wetland to the north of the development i.e. shrinking the land area taken up by buildings - the report indicates that infill of the wetlands to the north will be required – We are not clear on how this will "maintain" current drainage patterns.

Stream Habitat-Referring to Table 1 on page 13, we find it concerning that they would base their assessment of the fishery on data from 1974 and 1994. Our member proficient in this area found records of more recent (and probably not the most recent) electro fishing surveys in the area (located just upstream - but considering there are no barriers or significant changes in habitat between the electro fishing site and the site of interest, there is no differentiating them - biologists refer to stream reaches, not stream stations). Since the more recent records show the presence of both mottled sculpin and brook trout, both of which are known cold water species, this stream SHOULD NOT be referred to our assumed as a "warm water" system as suggested in the report on page 16 and 23. Cold, and "coolwater" species are indicators of healthy groundwater-fed aquatic ecosystems that are becoming more and more significant as our streams become more and more impacted by urbanization. As such, our member proficient in this area is not proposing that the consultants conduct electro fishing because if they don't catch the indicator fish species right on site they may argue that there is no significance. However, as mentioned before, the biologist, the LSRCA and certainly the MNR would consider that if fish are found present within the reach, the entire reach is considered **active habitat**, and thus an area to be protected.

Wildlife Connectivity - the report states that connectivity in the area is low, but since the meadow area is adjacent to a large area of meadow and forested land in the Bailey Eco park area, one could argue that connectivity for birdlife is large. They use both areas regardless of the railroad corridor (the birding study confirms this). The loss of this area represents further encroachment by urban development on wildlife and will therefore have a cumulative effect

Tree removal has been noted as not an issue as the trees provided to the homes would be sufficient. We disagree.

Trees planted on new home lots take many years to mature and replace trees removed. It would also impact the performance of the meadow.

The largest contiguous natural heritage area in central Newmarket

The area in question is part of a very significant natural heritage area, some of the last remaining. We question the need to develop this green space.

This development within Natural Heritage designation represents unnecessary urban sprawl. We need to be protecting and enhancing our natural heritage not building on it with unnecessary subdivisions.

Hydro Transmission Lines and EMF

There has been significant debate over the connection between major hydro transmission lines and health hazards, particularly with children. We are not experts in this field but believe there is significant enough concern that actual site studies need to be conducted to determine actual emf levels and determine possible concerns with human health, particularly children.

The expert in the field of emf and high voltage transmission lines is Magda Havas of Trent University, but we did not have the resources to explore this with her.

<http://www.trentu.ca/academic/ihs/mhavas.html>

We believe she should be consulted if the town considers this proposal further.

At the time of writing this report, we have not seen comments from Hydro One.

Overall, we are concerned particularly with the proximity of these lines, the distance to the turning point where EMF's tend to be higher and the age of the current lines and that impact on EMF/ELF...

We also notice the current homes at the end of Silken Laumann Drive appear to be closer to the hydro transmission lines than in other areas near Clearmeadow and Yonge.

This concern also speaks to the Town's vision statement and the quality of life for our residents.



Summary Recommendations:

In summary NEAC believes strongly the lands identified in this report must remain under Natural Heritage designation as specified in the current Official Plan and the natural areas be enhanced and preserved.

We thank the Town Planning department for their help in providing materials and data we requested

Should Council, disagree and not wish to preserve this designation and proceed with the development, we recommend:

1. The plan switches the location of the proposed park and green space. As the proposal stands, the proposed park space (encouraged public use and disturbance) be located to the south of the housing development (adjacent to the stream), and the "open" green space located to the north of the development (adjacent to the drainage swale). With the locations/designations of these areas switched, the open space will be adjacent to the stream and the entire area- as big as possible- be left as natural as possible, and the park space that will be mowed and maintained by the Town be located next to the drainage swale, where the lands are already disturbed. Consideration should be given to making the park a more natural like area something like the Environmental Park in the NW quadrant of Town.
2. Bird Study
We propose that they breeding bird study be conducted at the appropriate time of year that was missed during the first field season (for whatever reason).
3. LSRCA should be made aware of the true designation of the stream and be asked to provide their input
4. Do actual on site EMF measurements and confirm there is no health hazard for children in this proposal
5. Ensure the northern area by the drainage swale is small and does not affect the swale.
6. Trails: Currently many residents of this area dangerously cross the railway tracks here to get to the NS trails on the west side of the rail line, and we are deficient on trails running east/west. To address these issues, if the proposal should include a significant dollar contribution to allow a pedestrian underpass of the rail line.
7. Sales materials and presentations need to clearly state the proximity to the rail line, possible noise and emf issues as well as proximity to hydro lines.

February 20, 2014.