

FINAL ARGUMENTS BY AMBROSE MORAN

WE HAVE HEARD FROM A PROFESSIONAL PLANNER THAT THE CONSENT DOES NOT COMPLY TO SECTIONS 1.44.1 -(RELATED TO # OF PERMITTED CONSENTS) AND 1.44.2 (RELATED TO INFILLING) OF OLD MUNICIPAL OP WHICH WAS IN EFFECT AT DATE OF APPLICATION

WE HAVE HEARD FROM A PROFESSIONAL PLANNER THAT THE CONSENT DOES NOT COMPLY TO NEW MUNICIPAL OP SECTION 6.5 WHICH WOULD REQUIRE PLAN IF SUBDIVISION BECAUSE OF THE POTENTIAL FOR NUMEROUS LOTS

BOTH THE PROVINCIAL AND FEDERAL WETLAND POLICIES ARE PROPERLY BEFORE THE BOARD FOR CONSIDERATION AND BOTH HAVE APPLICATION TO THIS APPEAL

THE NEW PROVINCIAL POLICY ISSUED UNDER SECTION 3 OF THE PLANNING ACT PROTECTING WETLANDS FROM CATEGORY #1 TO #7 MUST BE APPLIED TO ALL REQUIRED APPROVALS WHICH INCLUDES THE OUTSTANDING BOARD APPROVAL

THE PROVINCIAL WETLAND POLICY 1.3 ENCOURAGES MUNICIPALITIES TO PROTECT ALL WETLANDS AND 2.2 REQUIRES IMPACT STUDY FOR ADJACENT LANDS TO WETLANDS.

THAT CHANGE IN LAND USE FROM RURAL TO SHORELINE RESIDENTIAL WOULD BE INAPPROPRIATE AS THE SHORELINE IS ON A NARROW WEEDY SHALLOW BAY WHICH COULD NOT PROVIDE FOR TRADITIONAL RECREATIONAL WATERFRONT ACTIVITIES SUCH AS SWIMMING, WADDING AND BOATING WITHOUT SIGNIFICANT ALTERATION TO THE EXISTING WETLANDS

THAT THE AREA FRONTING THIS PROPOSED LOT IS A WETLAND PER TESTIMONY OF DR FRANCIS PICK AND JOAN CHAMBERLAIN AND OWNERS WITNESS MR CUNNINGHAM HAS ADMITTED THAT WITH MORE TIME TO STUDY THE WETLAND IT COULD BE CLASS #3-PROVINCIALY SIGNIFICANT

THAT MR HARRISON STATED UNTIL WE KNOW THE NATURE OF THE CLASSIFICATION--WE DO NOT KNOW THE PROPER DEVELOPMENT CONTROLS TO BE APPLIED

THAT PREVIOUS APPLICATIONS FOR DREDGING IN THIS AREA HAD BEEN DENIED BY TRENT SEVERN WATERWAYS WITH THE SUPPORT OF THE TOWNSHIP OF BURLEIGH ANSTRUTHER BECAUSE OF FISHERIES CONCERNS AND THE SENSITIVITY OF THE AREA

THAT MR HARRISON HAS STATED THAT IF A NEW DREDGING PERMIT IS DENIED AGAIN THAT THE NEW LOT WILL NOT BE ABLE TO ENJOYED AS A SEASONAL RECREATIONAL PROPERTY, THEREFORE PROPOSED LOT IS NOT SUITABLE FOR INTENDED USE

REZONING NOT TO PROVIDE 10 FEET RELIEF FROM THE EXISTING ZONING..... IT IS PROPOSED TO PROVIDE 485 FT RELIEF AS AGREED BY APPLICANTS PLANNER MR JOSEPH

THAT INFILLING PROVISION OF OP REQUIRES EXISTING RESIDENCES TO BE NOT FURTHER THAN 90 METERS APART, WHEREAS IN THIS APPLICATION THE EXISTING RESIDENCE ARE 213 METERS APART

THAT I NEVER DID SUPPORT THE CREATION OF THIS PROPOSED UNDERSIZED LOT

AGENCY COMMENTS ON BOTH REZONING AND SEVERANCE APPLICATIONS PRECEDED NEW FEDERAL & PROVINCIAL WETLAND POLICIES

PLANNING ACT STATES REGARD SHALL BE HAD

A) TO THE SUITABILITY OF THE LAND FOR THE PURPOSE IT IS BEING SUBDIVIDED -

**** HEARD EVIDENCE FROM MR HARRISON THAT PROPERTY NOT SUITABLE FOR PROPOSED PURPOSE

B) WHETHER PROPOSED SUBDIVISION IS PREMATURE

**** HEARD THAT WETLAND NOT EVALUATED

**** HEARD THAT FISHERIES ASSESSMENT NOT CONDUCTED

C) CONSERVATION OF NATURAL RESOURCES

**** HEARD FROM JOAN CHAMBERLAIN OF THE URGENT NEED TO PROTECT REMAINING WETLANDS ON STONEY LAKE

I FEEL IT HAS BEEN CLEARLY DEMONSTRATED THROUGH SUBMISSIONS MADE AND TESTIMONY THAT IT IS PREMATURE AND NOT IN THE PUBLIC INTEREST TO PASS BYLAW #114 ALLOWING THE CHANGE IN LAND USE AND CREATION OF AN UNDERSIZED LOT:

- IN AN IDENTIFIED WETLAND WHICH IS PROTECTED BY IN EFFECT FEDERAL AND PROVINCIAL WETLAND POLICIES

- IN AN IDENTIFIED FISH HABITAT/SPAWNING AREA WHICH ACCORDING TO THE MUNICIPAL OP REQUIRES SPECIAL ATTENTION

THAT CREATION OF THIS UNDERSIZED LOT WOULD SET A VERY DANGEROUS PRECEDENT FOR COUNCIL TO RULE ON FUTURE UNDERSIZED LOT APPLICATIONS-

TAKING INTO ACCOUNT THE FACT THAT THE CURRENT COUNCIL OF THE TOWNSHIP OF BURLEIGH ANSTRUTHER DOES NOT SUPPORT BYLAW #114 AS STATED IN LETTER TO OMB DATED JUNE 18 1992

AND

THE FEDERAL GOVERNMENT - ENVIRONMENT CANADA HAVE STATED IN THEIR LETTER DATED AUG 6THEXHIBIT #..... THAT IN VIEW OF THE NEW FEDERAL WETLAND CONSERVATION POLICY.... IT IS INAPPROPRIATE TO CREATE THIS LOT AND CHANGE THE LAND USE WITHOUT AN IMPACT STUDY

AND

I ASK THE BOARD TO RULE THAT THE CREATION OF THIS LOT IS CONTRARY TO THE POLICIES OF THE OP IN EFFECT AT TIME OF THE APPLICATION

AND

THAT IT WOULD BE PREMATURE TO CREATE THIS LOT BY REDUCING THE LOT FRONTAGE REQUIREMENT FROM 600' TO 115 FT

WITHOUT

A WETLAND EVALUATION AND FISHERIES ASSESSMENT

THEREFORE RESPECTFULLY REQUEST THAT MY APPEAL BE GRANTED