

BOARD OF DIRECTORS MEETING

Thursday, April 29, 2021

Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

VIA VIDEO CONFERENCE

HEARING

Pursuant to Ontario Regulation 147/06
(Development, interference with Wetlands and Alteration to Shorelines and Watercourses)
Application #2021-10 A-E

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Adrian Cornelissen, Bob Harvey, George Irvin, Dave Jewitt, Mike Tam, Marissa Vaughan, Alex Westman

STAFF PRESENT

Geoff Cade, Abbie Gutteridge, Brian Horner, Daniel King, Tracey McPherson, Meghan Tydd-Hrynyk,

OTHERS PRESENT

Evelyn Bush, Jason Brown, Joe Carapella, Jacob Damstra (Lerners LLP), Sue Farquharson, Chris Gibbons, Nicholas Krygsman, Gary McLean, Marvin Mills, Richard Peever, Jeff Risdon (Lerners LLP), Philip Sceviour, Glenn Sheppard, Dave Tilford, Wendy Tilford, Rachael Van Diepen

CALL TO ORDER

Chair Doug Cook called the virtual Hearing pursuant to Ontario Regulation 147/06, to order at 10:07 a.m. for consideration of Permit Application #2021-10 A-E. The chair welcomed the applicants and other attendees.

Chair Cook stated the procedures for conducting the Hearing and asked Meghan Tydd-Hrynyk, Planning and Regulations Officer, to provide details on the application.

Geoff Cade, Manager of Water and Planning, requested through the Chair to make an initial comment and recommendation. He reported that the initial engineering report for these applications was submitted to the Ausable Bayfield Conservation Authority (ABCA) on December 18, 2020. It was on the basis of this report that the application was reviewed. However, on April 26, 2021, staff received an addendum to the report, and as such have not had sufficient time to review it. Mr. Cade noted that staff can proceed with the Hearing on the basis of the earlier report, but if the Board Members would

like the Hearing based on the new report, it is recommended that this Hearing be adjourned until staff have had time to review the report.

A motion was put forward by Ray Chartrand to adjourn the Hearing and let staff investigate the report further.

Mr. Jacob Damstra, representative for the applicants, requested through the Chair to respond to the request to adjourn, stating that it was not necessary. However, as a motion had been brought forward, the Chair did not feel it appropriate to continue while the motion was on the table. Marissa Vaughan requested that a date be established for the Hearing, and staff agreed that the Hearing could occur during the May 20, 2021 Board of Directors meeting.

MOTION #BD 52/21

Moved by Raymond Chartrand

Seconded by Mike Tam

“RESOLVED, THAT the Hearing for Application #2021-10 A-E be adjourned until May 20, 2021 to allow staff time to review the report submitted on April 26, 2021.”

Carried.

HEARING

Pursuant to Ontario Regulation 147/06

(Development, interference with Wetlands and Alteration to Shorelines and Watercourses)

Application #2021-39

CALL TO ORDER

Chair Doug Cook called the second virtual Hearing pursuant to Ontario Regulation 147/06, to order at 10:25 a.m. for consideration of Permit Application #2021-39. The chair welcomed the applicants and other attendees.

Chair Cook stated the procedures for conducting the Hearing and asked Meghan Tydd-Hrynyk, Planning and Regulations Officer, to provide details on the application.

Ms. Tydd-Hrynyk advised that the application in question was put forward by the Kingsmere Syndicate. The application is for three properties on Kingsmere Drive (numbers 17, 19 and 21), as well as part of a common property, which provides beach access to the Syndicate. The applicants would like to install shoreline protection to help prevent further erosion to their properties along the shoreline.

The design drawing for the new protection was received by staff on March 19, 2021. The drawing showed the planned revetment, which would be installed on an angle with approximately five feet being buried. The Shoreline Management Plan shows this area as a cohesive bluff; however, it is in a transition zone, and therefore can be recognized and treated as dynamic beach area. Ms. Tydd-Hrynyk noted that new shoreline protection is approved to protect the primary dwelling. The primary

dwelling in in this application are not at imminent risk. However, the application does meet the other criteria of being located landward of the 15 meter uprush. The Kingsmere Syndicate also retained a coastal engineer, Ecosystem Recovery and Dillon Consulting, to design the protection. ABCA staff recommend that this application be denied, as the current wording for the policy for new shoreline protection in dynamic beach areas would not support it.

Several Board of Directors Members had several questions for clarification. Marissa Vaughan asked staff why they would review this area as dynamic beach area if the Shoreline Management Plan noted it as cohesive bluff. Geoff Cade, responded that the mapping for the Shoreline Management Plan was done at a very high level, but that this areas of the shoreline has always been deemed to be more like dynamic beach area from orthophotography and oblique photos. Staff are being consistent with shoreline applications in treating everything south of the Water Treatment Plant at Port Blake as dynamic beach. Ray Chartrand wanted clarification that this application met all of the criteria except for protecting the primary dwelling, and noted that this was the policy that staff had proposed to change. Dave Jewitt also asked if the houses were too far from the shoreline to be considered at imminent risk, according to the current shoreline policy. Ms. Tydd-Hrynyk answered that both were correct, and that due to the houses distance from the shoreline the application did not meet the criteria for shoreline protection with the current policy wording.

The Chair asked Philip Sceviour to present as representative for the applicant. Mr. Sceviour first noted that remediation work had taken place at the nearby water treatment plant, as well as to the north, and were holding up well. He reported that the Kingsmere Syndicate was formed in 1941 and consists of 23 properties. They share the roadways, beach, park and other common areas, but own their own lands. Turnbull Drain is directly to the north.

Mr. Sceviour reported that there has been extensive damage to the bank over the past year. Two of the three properties in question have septic systems that are located between the house and the bank, and one property has the house closer to the bank. The property owners have engaged a coastal engineer to understand the risk associated with the erosional area and potential shoreline protection. They have also been engaged with ABCA staff to understand their role in regulating shoreline areas. They spoke with all members of the Syndicate and have consensus to move forward. In designing the protection, the applicants have tried to make the design criteria consistent and have looked at the impact it may have on adjacent properties. The goal is to protect the properties from further erosion and to safeguard critical infrastructure, and would like to request an exemption from the current policy to allow protection to be put in place.

Several Board of Directors Members had questions for clarification. George Irvin asked if the residences were full time or seasonal. Mr. Sceviour clarified that the two outer residences were full time, and the middle residence was seasonal. Dave Jewitt asked if the existing stairs in the middle would be impacted. It was determined that they would need to be removed, but would work to preserve the common area stairs. Doug Cook asked about the 200 foot length of the revetment, and if it could cause issues downstream. Mr. Sceviour replied that it was recommended by the engineer, and while there is always a risk of downstream impacts, he believed it was a more robust design. Finally, Marissa Vaughan asked if erosion was also being caused by the Turnbull Drain outlet. Staff noted that there could be some impact, although this observation was anecdotal; however, it is unlikely that it is impacting this situation. Mr. Cade further explained that stream outlets do tend to shift, and as such they try to install shoreline protection that will also assist with any outlet erosion.

COMMITTEE OF THE WHOLE

MOTION #BD 53/21

**Moved by Dave Jewitt
Seconded by George Irvin**

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 11:06 a.m. to discuss the information presented at the Hearing, with Brian Horner, Abbie Gutteridge, and Tracey McPherson remaining in attendance.”

Carried.

MOTION #BD 54/21

**Moved by Mike Tam
Seconded by George Irvin**

“RESOLVED, THAT the Committee of the Whole rise and report at 11:18 a.m.

Carried.

Those in attendance at the Hearing were invited back into the Zoom meeting and the Chair asked the Board for a decision.

MOTION #BD 55/21

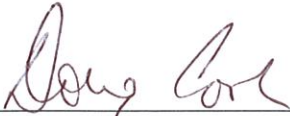
**Moved by Ray Chartrand
Seconded by George Irvin**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors not support the staff recommendation and approve Application for Permission #2021-24 pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alteration to Shorelines or Watercourses* in this dynamic beach area.”

Carried.

ADJOURNMENT

The meeting was adjourned at 11:20 a.m.



Doug Cook
Chair



Abigail Gutteridge
Corporate Services Coordinator

*Copies of program reports are available upon request.
Contact Abigail Gutteridge, Corporate Services Coordinator*