

September 20, 2021

Seguin Township
5 Humphrey Dr.,
Seguin, ON
P2A 2W8

Dear Mayor MacDiarmid and Councillors,

Excessive Site Alteration through Blasting and Tree Cutting

A priority of the Muskoka Lakes Association (the “MLA”) is to advocate for responsible development that has a light environmental footprint – where people design for the environment, rather than make the environment fit their design.

The protection of our natural environment is becoming even more urgent in light of the climate crisis which has created a new imperative for retaining trees and vegetation that filter water to keep our lakes clean, provide shade and habitat for wildlife, and absorb carbon.

The MLA is deeply concerned about the development occurring on a cliff property on Wildcat Point, Lake Rosseau that is being destroyed by an extreme amount of blasting and tree cutting. The following photos were taken on August 24th, 2021:





The destruction of this property has continued since these photos were taken, with blasting occurring as recently as last week. It is even more devastating when seen in person.

The area of the Precambrian shield that has been blasted appears to extend well beyond the foundation for the new building and its driveway, and this rock can never be replaced. Many dozens of mature trees have been cut down which will take generations to grow back, if it's even possible given that the soil in which the trees grew has been removed.

When I contacted Seguin's Building Department in June, an inspector conducted a site visit and informed me that the blasting and tree cutting was permitted under Seguin's by-laws.

It is particularly shocking that the destruction of this property is permitted in Seguin Township, which has been at the forefront of prioritizing the environment through the 'Environment First' philosophy embedded in its official plan and by-laws.

The following excerpts are examples of Seguin's Environment First philosophy:

Official Plan:

Section A1 "This means that the environment will be given priority over economic or social development when making all land use and public works decisions. This Plan also considers the natural environment, social environment, and visual environment as components of the overall "Environment-First" philosophy."

Section A.2.1.2 Objectives

1. a) "To ensure that the protection of significant environmental features and their associated ecological functions take precedence over the development of such lands."

Blasting By-law 2008-104:

"The primary intent of this By-law is to protect and preserve the visual environment and the natural environment by prohibiting the blasting away of cliffs and areas of rock in shoreline areas and on EP Lands."

Tree Cutting By-law 2008-103:

"The primary intent is to protect and preserve the water quality and the visual environment by prohibiting the clear cutting of trees and vegetation on shoreline areas and on EP lands. Trees and vegetation are significant positive contributors to water quality. They absorb nutrients such as phosphorus and nitrogen which otherwise would have entered and harmed the water system."

Fill By-law 2008-105:

".. this By-law prohibits any landscaping work that could significantly alter the grade or topography in a manner that increases the flow of surface water to neighbouring lands or the adjacent bodies of water."

We understand that Mayor MacDiarmid has informed one neighbour that Seguin needs to do much better at preventing this destruction of our natural environment and that Council is very concerned about it. Mayor MacDiarmid stated that a series of meetings have been set up in September to consider how to alter the blasting, tree cutting and fill by-laws to be more protective. We are very encouraged to hear that Council is taking steps to review these by-laws now, rather than delaying until after the approval of the new Official Plan.

The MLA offers the following suggestions we hope Council and planning staff will consider.

Official Plan Policies

The MLA urges Council to include in its new Official Plan a prohibition on any blasting that will change the character of a property, as has happened at Wildcat Point; the rocks, cliffs and forests are a unique and irreplaceable part of the natural heritage and character of our shorelines.

Strengthen Blasting By-law

The MLA recommends that the Township's blasting by-law be strengthened by extending the prohibited area for blasting beyond the current 20 metres from the high water mark. Wildcat Point demonstrates that the blasting of the Precambrian shield should not be allowed where it will not only damage the natural environment but change the character of a property. We

recommend that criteria be developed to guide decisions approving blasting: for example, blasting will not be allowed where the change in the landscape caused by blasting will be visible from the lake.

In addition, we recommend that there be a new requirement for a blasting permit that must be obtained before any blasting is done. The blasting permit should set out: exactly where blasting is allowed; when blasting occur, since daily blasting throughout the summer can be a significant disruption to neighbours; tree protection barriers; and sediment barriers to ensure blasted rock does not end up in the water or on a neighbour's property. The permit also should set out where the blast will be deposited, so contractors dispose of it appropriately.

We note that the Townships of Cognashene and Go Home Lake in Georgian Bay prohibit blasting other than in certain limited situations, and require a blasting permit approved by Council after notice to neighbours. Details are in Georgian Bay By-Law 2016-64 [here](#). We urge you to consider adopting similar rules in Seguin.

Strengthen Tree Cutting By-law

We recommend that the Tree Cutting By-law be revised to expand the area to which it applies and consider the list of exemptions. We believe that tree preservation must extend to all lands within the property and not just the 20 metre area along the shoreline. It does not mean that every tree is protected but that a reasonable plan is prepared that prioritizes the forest and not excessive amenity areas.

The treatment of trees within the shoreline buffer requires stronger prohibitions so that it is illegal to strip trees of their limbs; instead, 'views' should be created through the tree branches in a manner that preserves the natural treed appearance of the property. In addition, replacement of native soils and vegetation with mulch and gardens should be limited to small areas of access or disturbance. This is becoming more common, creating an unnatural appearance and destroying natural habitat and buffering capabilities of the shoreline buffer.

License Contractors

The MLA recommends that the Township adopt a Contractor Licensing By-law that requires all general contractors, excavating contractors and any other contractor performing site alteration or tree removal to be licensed. Before receiving a licence, the contractor should receive education in the Township's building by-laws. If the contractor repeatedly breaches the by-laws, their licence will be suspended or revoked, which will give them added incentive to comply. The administrative cost would be covered through licensing and building fees.

Enhance Protection for Islands

The MLA recommends that islands receive enhanced protections, to avoid the type of development that has been occurring in the middle of islands in other municipalities. For example, the following is a photo of an island on Lake Joseph in Township of Muskoka Lakes, where a vast area in the centre of the island has been blasted and cleared, apparently in accordance with the bylaws:



Enhance Site Plan Control

Good outcomes for the development begin with good planning on the ground. This planning needs to be supported by good site information (e.g tree inventory, topography, bedrock, base mapping and other environmental impacts) and clear limits to the development. We believe that tree inventories, sediment barriers and building envelopes are some of the items that should be part of every site plan control process and, if necessary, the Township's by-laws and processes should be amended to provide for this. For example, the area to be developed and cleared should be staked and surveyed, and tree protection barriers installed.

Enhance Enforcement Tools

We are convinced that the best enforcement tool the Township has is to cause a construction delay. In the view of many of our members, a delay in the build is the only thing that will motivate some landowners and contractors to comply with the by-laws. It has become clear that fines are not large enough to be a motivation.

Site Plan Agreements

As a result, we recommend that the Township ensure that its Site Plan Agreements with property owners include a term to the effect that the owner agrees construction will stop if the Township's by-laws are breached.

Orders to Remediate a Property

Where illegal site alteration has occurred and the Township has issued an Order to Remediate a property, we recommend that owners be required to produce remediation plans prepared by qualified engineers and other experts in forestry and soil (ie. not professional planners)

approved by the Township at the owner's expense. The remediation plan should return the site to its previous conditions, including specific tree planting and adding soil that has been removed through blasting. The Orders should include timelines and conditions, and require a comprehensive budget to complete the remediation, for purposes of setting securities to be posted with the Township. Securities should be taken for a period of at least 3 years to ensure replacement vegetation is established, with the release of securities to be determined by a professional forester or arborist approved by the Township and paid for by the property owner.

Thank you for considering our comments, and for your efforts to prevent the type of destruction that has occurred at Wildcat Point from ever occurring again on Seguin's shorelines.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Eplett', written in a cursive style.

Susan Eplett
Vice-President and Chair, Government and Land Use Committee

cc. Jason Inwood, Chief Administrative Officer