

APPENDIX 'A'

attached to the

Minutes of the March 26th, 2024
Board Meeting
of the Manitoulin Planning Board

Theresa Carlisle

From: Friends of Manitoulin Turtles [REDACTED]
Sent: March 13, 2024 4:31 PM
To: mpbcarlisle@bellnet.ca
Cc: ddeforge@centralmanitoulin.ca; Amelia Thompson
Subject: SUB2023-001, Tracey Road, Mindemoya
Attachments: SUB2023-001 Friends of Manitoulin Turtles.pdf; OPSD 219.110 - Rev 3 - Nov 2021.pdf; OPSD 219.130 - Rev 3 - Nov 2021.pdf; bmp_herp_2016_final_final_resized.pdf

Hi Theresa,

Please find attached letter and documents in response to Application for Plan of Subdivision SUB2023-001.

The following link is referenced within the letter:

<https://www.ontario.ca/page/reptile-and-amphibian-exclusion-fencing>

Friends of Manitoulin Turtles would like to be copied on future correspondence.

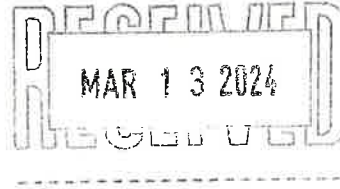
Thank you,
Friends of Manitoulin Turtles

SUB2023-001

Friends of Manitoulin Turtles
islandturtles@yahoo.ca

March 13, 2024

The Manitoulin Planning Board
40 Water Street Unit 1
Gore Bay, ON
P0P 1H0



Dear Members of the Board,

RE: SUB2023-001
Split Crow Partners Ltd. % Lee Kieswetter
Lots 7 and 8, Concession IV excepting Part 1, Plan 31R-2831
#18 Tracey Road, Township of Carnarvon
Municipality of Central Manitoulin, District of Manitoulin

Manitoulin Island is home to four of Ontario's eight turtle species. The Blanding's Turtle is listed as Endangered, federally, and Threatened, provincially. The other three turtle species, Painted, Northern Map, and Snapping, have been assessed as Species of Special Concern, provincially and/or federally. Threats to turtle populations include habitat loss and fragmentation, motor vehicles, and predation. The proposed Subdivision will exacerbate the negative impact to turtle populations already brought on by the built environment surrounding Lake Mindemoya.

Blanding's turtles, while coordinates are obscured for protected species, were observed in the vicinity of the project area and documented on the social network iNaturalist. Due to the terrestrial habits of Blanding's Turtles, and the large varied area they utilize, it is likely that Blanding's Turtles are present within the subject area at some point during their annual cycle. Painted turtles and snapping turtles have also been noted.

Habitat loss is not limited to destroying wetlands but also to seemingly innocuous human interventions such as removing fallen trees from the shoreline or developing a typical residential landscape. The majority of Lake Mindemoya is currently bounded by roads. Turtles are creatures of habit and will use the same path to move between seasonal habitats and nesting locations. Constructing more roadway around the lake is likely to intersect more turtle paths, increasing risk of road mortality. Pressure from predation is greater due to increased exposure brought on by habitat changes and human activity attracting more predators.

Should this development proceed, we call upon The Manitoulin Planning Board and the Municipality of Central Manitoulin to require the following as a minimum:

1. Exclusion fencing installed well ahead of the start of nesting season to reduce the risk of turtle nesting activity within the construction zone. It is preferable to enclose the entire construction area to prevent turtles from going around the fence.
2. Provide funding to the Municipality of Central Manitoulin to install one set of turtle crossing signs anywhere within the Municipality determined to have the greatest impact.

The following resources are included to assist The Manitoulin Planning Board and Municipality of Central Manitoulin as they develop conditions aimed at protecting Manitoulin Island's turtle populations:

Reptile and Amphibian Exclusion Fencing

Ontario Provincial Standards for Roads and Public Works

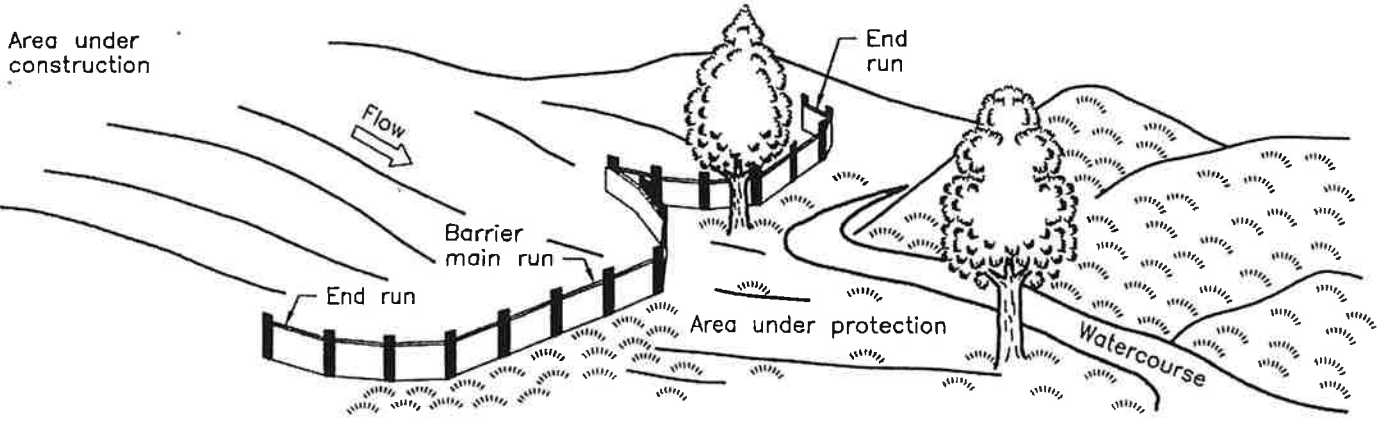
See Light-Duty Silt Barrier Fence OPSD 219.110 and/or Heavy-Duty Silt Barrier Fence OPSD 219.130

Best Management Practices for Mitigating the Effects of Roads on Amphibian and Reptile Species at Risk in Ontario

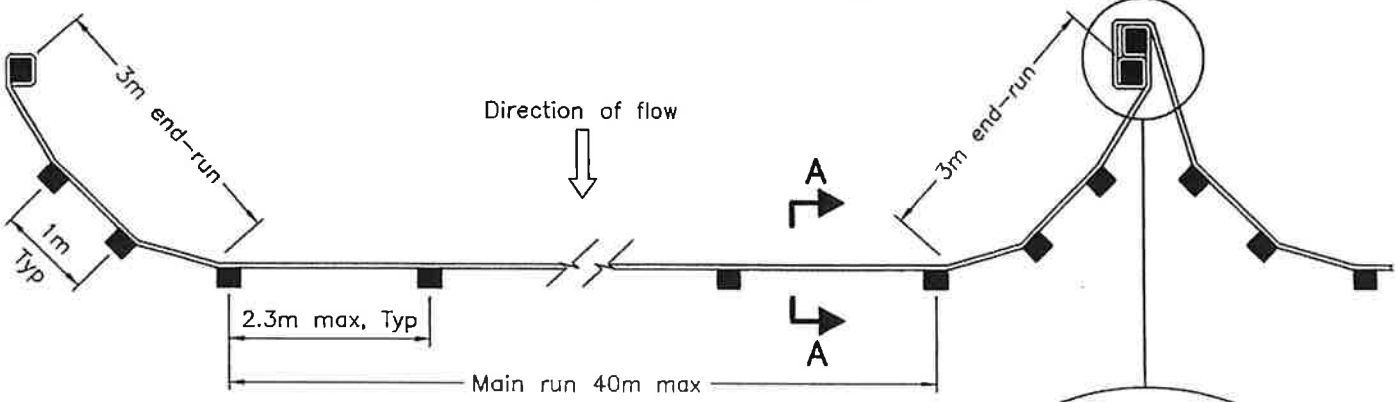
Mitigation measures may help to slow, but will not stop, the decline of turtle populations. To lessen the pressure on our turtle populations we must cease new development, educate the public, and radically change our habits.

Respectfully yours,
Friends of Manitoulin Turtles

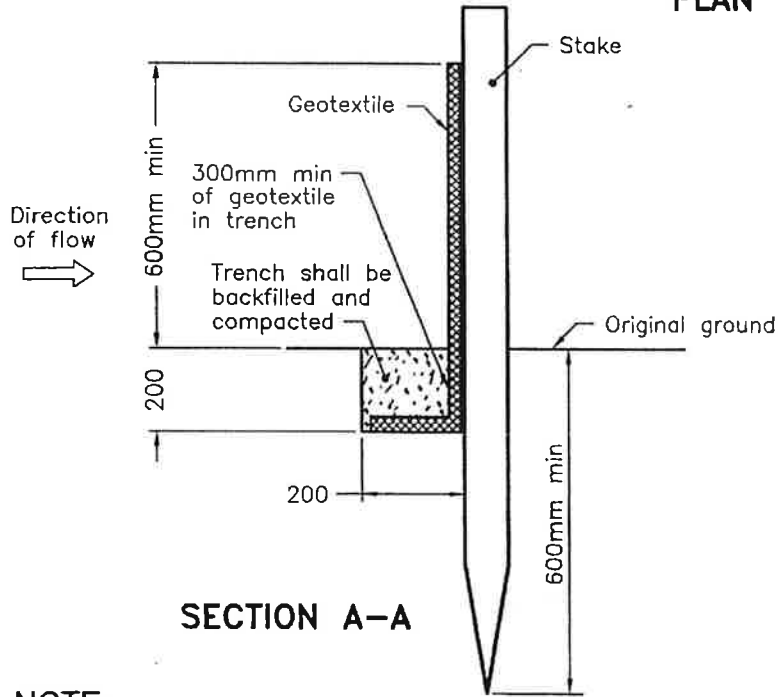
cc Municipality of Central Manitoulin



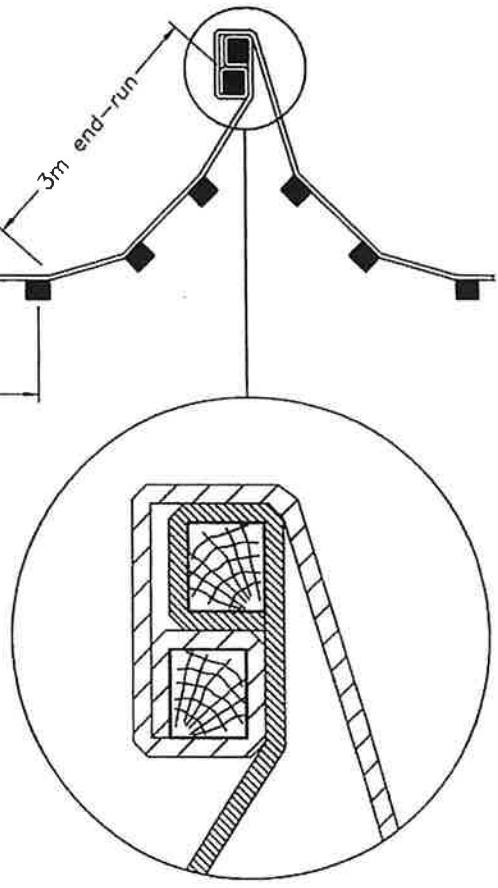
PERSPECTIVE VIEW



PLAN



SECTION A-A



JOINT DETAIL

NOTE:

A All dimensions are in millimetres unless otherwise shown.

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ONTARIO PROVINCIAL STANDARD DRAWING

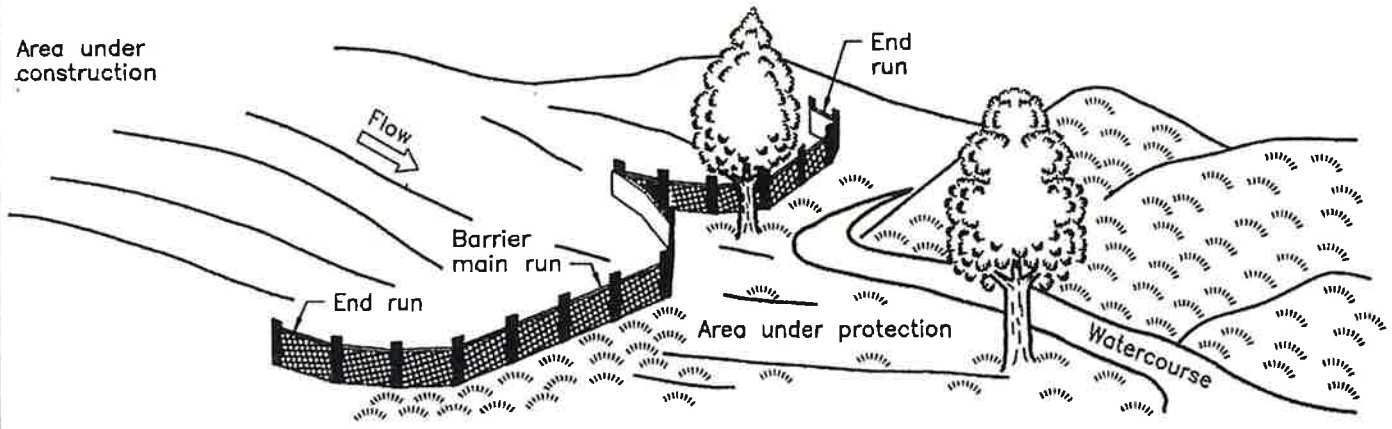
Nov 2021 Rev 3

LIGHT-DUTY
SILT FENCE BARRIER

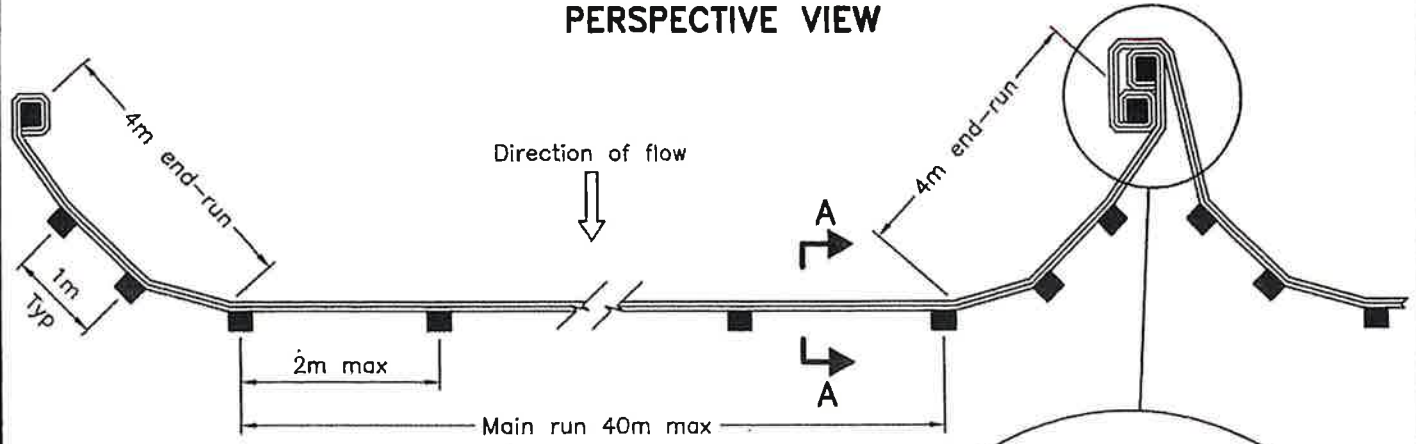


OPSD 219.110

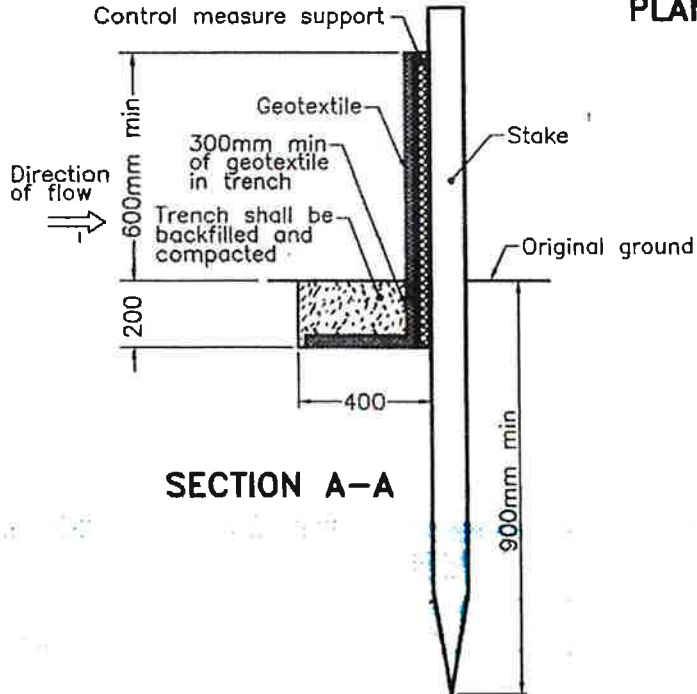
Area under construction



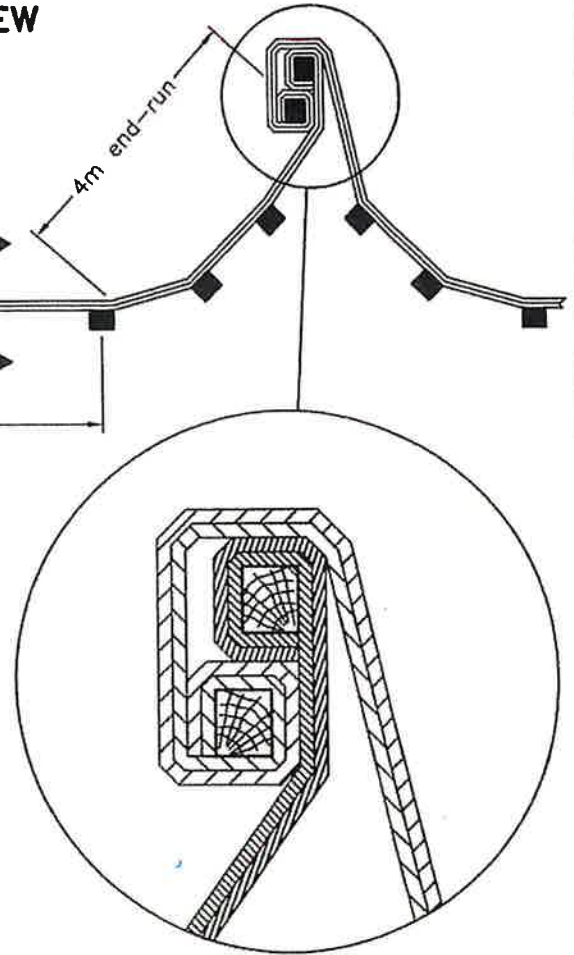
PERSPECTIVE VIEW



PLAN



SECTION A-A



JOINT DETAIL

NOTE:

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ONTARIO PROVINCIAL STANDARD DRAWING

Nov 2021 Rev 3

HEAVY-DUTY
SILT FENCE BARRIER



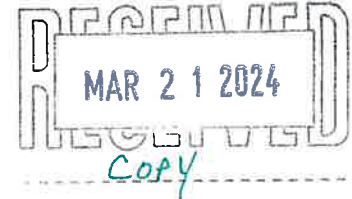
OPSD 219.130

Administration Office
Finance & Administration
Capital Projects/Public Works
Ontario Works/LDM
Economic Development
HIAH Corp
Education – Post Secondary
MERE General Partner Inc.



Administration Office
P.O. Box 333, 53 Hwy 551
M'Chigeeng, ON P0P 1G0
Ph: (705) 377-5362
Fax: (705) 377-4980
Fax: (705) 377-7504

March 21st, 2024



- HEALTH CENTRE
Tel:705-377-5347
Fax:705-377-5090
- WELLNESS CENTRE
Tel:705-377-4240
Fax:705-377-4179
- LAKEVIEW SCHOOL
Tel: 705-377-4988
Fax: 705-377-5080
Library
Ph: 705-377-5540
- BINOOJIINH
GAMGOONHS
DAY CARE
Tel: 705-377-5383
Fax: 705-377-4377

Manitoulin Planning Board
40 Water Street Unit 1
Gore Bay, ON
P0P 1H0

Re: Split Crown Partners Ltd – 39 Lot Development Mindemoya Lake

In respect to the proposed development above, the M'Chigeeng First Nation (MFN) Chief and Council held a recent meeting and this project was tabled for discussion. There were concerns expressed by council members and, subsequently, direction was given to write a letter to the Manitoulin Planning Board.

In view of the magnitude of this project, we find it very concerning that MFN was not notified nor was Billings Township nor was central Manitoulin residents and other lakefront property owners. As a neighbouring First Nation, this should have come to our attention as soon as possible so we can work together on finding a solution to ensure the residents and neighbouring communities were heard and their major concerns dealt with in a timely manner.

Given the number of lots being proposed (39), there is a real danger of deterioration of the water quality, loss of agricultural land, and further the decline of the fishery. The development proposes a full sub-division complete with an additional 39 new septic beds which will eventually leach into the lake. The added loading of nutrients to the ecosystem has not been addressed and can have significant effects to all who draw water from the lake. This is very concerning to M'Chigeeng First Nation. M'Chigeeng First Nation is also advising you of our flood claim that was submitted to the Government of Canada and another claim is pending which will be submitted to the Ontario Government. You should also be advised and cautioned that the 1990 agreement which is not implemented yet does cloud the jurisdiction of the Municipality and the Manitoulin Planning Board to grant any permits access across any road allowance or shore road allowance especially for this type of development.

We are advising the Planning Board that M'Chigeeng First does not approve of this project or consent to the Municipality or the Manitoulin Planning Board to issue any permits that will allow this project to proceed. M'Chigeeng First Nation will be consulting our law firm to ensure our rights are protected. This project may jeopardize the good faith dialogue between the Crown and First Nations to ensure the settlement of the 1990 agreement is completed.

Sincerely,



Morgan Hare, Gimaa (Chief)
M'Chigeeng First Nation

Theresa Carlisle

From: Theresa Carlisle [mpbcarlisle@bellnet.ca]
Sent: March 21, 2024 12:38 PM
To: 'Ken Rautiainen'
Subject: RE: Tracey Road letters of concern

OK,
Thank you for your confirmation.

From: Ken Rautiainen [redacted]
Sent: March 21, 2024 12:26 PM
To: Theresa Carlisle
Subject: Re: Tracey Road letters of concern

Yes

On Thu, Mar 21, 2024, 11:49 a.m. Theresa Carlisle <mpbcarlisle@bellnet.ca> wrote:

Good Morning Mr. Rautiainen,

This acknowledges receipt of your 3rd email, sent on march 20th, 2024 with attachments.

It appears to me that the documents you have attached have been previously received and have been included in the Planning Board Minutes of January 30th, 2024, which are available on our website

www.manitoulinplanning.ca

with the exception of a letter from Karen & Ian MacKenzie dated March 20th, 2024 addressed to the Mayor and Council for the Municipality of Central Manitoulin and a letter from Lynda Peever, dated March 20th, 2024.

If this is incorrect, please advise.
Thank you.

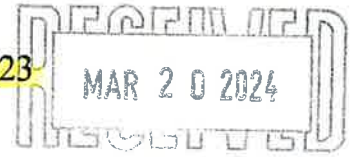
-----Original Message-----

From: Ken & Glenna [mailto:redacted]
Sent: March 20, 2024 1:30 PM
To: central Denise Deforge CAO; central Manitoulin Mayor and Council; central Mayor; central Raymond McPherson Chief Building Official; central ward 1 Council; central ward 1 Council; central ward 2 Council; central ward 3 Council; central ward 3 Council; central ward 3 Council
Cc: Planning Dept Theresa Carlisle
Subject: Tracey Road letters of concern

Attached find additional letters for Council and the Planning Board

Mayor and Members of Council

March 20, 2023



Re: 39 lot proposed development on Tracey Road

From the beginning notice to the public has been little from the planning board I believe 5 direct notices to property owners along with roadside notices etc., and nothing from Central Manitoulin who should have taken a lead to notify all persons on the lake and at a time of year that all residents are here. We now get indirect notice 5 days in advance that a public meeting will take place with no formal impute but only questions to the developer and no ability to do a presentation to Council prior to the Board meeting, the reason was as they don't have time for it.

The stake holders on the lake should all have been notified, Billings, M'Chigeeng First Nations, Central Manitoulin residents, especially lake front property owners. This project has a large impact to not give consideration to them all is poor judgement. If not for neighbours passing on this info no one would have a clue what is happening with this development.

First of all the developer has presented a typical southern Ontario approach all geared to money, fill the lake front with building lots with no consideration to the lake quality and the public at large. The developer provided minimum necessary reports for the project, health related exceedances were noted in surface water sampling" and other comments "should be acceptable" is very troubling, "report is based on a limited investigation" and "the work was performed within limits prescribed by our clients". This certainty indicates the reports provided are limited to favour the development.

The application to the Planning Board was made at a time of year when a large percentage of residents are away, maybe this was for one reason only. The minimum notice to the public was followed but with a project this large notice should have been Central Manitoulin wide, and Council again should have taken the lead to advise the residents in total and again at a time of year when the population is at its largest.

A number of issues around the Zoning and the official plans stand out:

- The agricultural zoning as shown on the official plans is so wrong, in fact the active farmed area as shown on and attachment shows the development is somewhere near half of the proposal, this also can be seen on the areal photos provided by reports from the developer. Agricultural land must not be turned into urban sprawl.

Lake Mindemoya is a gem for Central Manitoulin and this council is the caretaker of this wonderful resource. It is very clear the water quality is compromised to the extreme. Its not time to point fingers its time to collectively with all stake holders come up with a resolution. The solution is not to add development but to halt it until a proper and professional report is prepared to resolve this dilemma, development could be limited to existing lots only. The likely hood of the public being infected, the fishery declining even further in Lake Mindemoya and the river to Providence Bay.

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The concern then is what is the cost of the deterioration of the lake, I don't think I need to expand on this as its very clear it would be great and public perception will be pointing the finger at the people in charge, Council will carry that legacy for years to come.

To see children having a great time swimming in the waters between the bridge and the outlet to the bay makes me cringe.

My personal take is I didn't realize the water in front of dock is so poor, we took it for granted our clear blue water was pure. The zebra mussels and jelly like substance floating in the lake make sense now. I will have our grandchildren use it with caution. The salmon and trout spawn has noticeably declined which is a shame, the economic impact will impact all of the community.

Lake Mindemoya is a potable water source for the Town of Mindemoya, I'm sure its being monitored, treatment is likely excessive. Other cities and towns have gone through over development and have had to take action, in fact sewers and water services had to be provided at excessive costs to keep the public source of water pure.

I have attached the LMSA presentation to the planning board for you information. It is very clear action needs to be taken.

- The application for this development was for seasonal use, this development shows a full subdivision with full time roads and full time residents, why would it be a seasonal use, does the seasonal designation have some lesser requirements?

- The official plan and goals and objectives has some clear statements on how development should or should not happen:

1. maintain and if possible increase agricultural uses over the long term.
2. discourage the fragmentation and abandonment of existing agricultural uses.
3. protect areas of organic soils for future uses. " south half of the development falls into into this statement".
4. recreational activities are primarily water oriented, which have led to the water bodies and shorelines approaching capacity. "the lake quality assessment will substantiate that Lake Mindemoya is at capacity as LMSA has also indicated".
5. to encourage future development to occur in existing settlement areas where there is adequate servicing capacity." settlement areas would be established by a land development plan"
6. to ensure that the decision to permit **additional seasonal residential development** will take into account:
 - present and future water quality and quantity, the current use of the resource from both a public recreational use and as a drinking water source.
7. the interests of the people, including the local residents and people that use the water body or who are affected by its use.
8. to ensure that the number of conversions from seasonal residences to permanent residences be monitored so that the municipality is not overly burdened with extra cost of municipal services.

9. Expansions to shoreline areas that promote strip development where it results in the fragmentation of rural or agriculture areas will generally not be permitted.

10. Expansion to shoreline areas will only be permitted through an official plan amendment:

- where there is a need for expansion based on the planning horizon, "as per a land development plan

- does not result in the fragmentation of lands designated as Rural Area or Agriculture Area.

- that the new land do not negatively impact the protection of public health and safety.

The EXP report does state that exceedances for three health related standards, including for total coliform, Ecoli and turbidity had been detected. The new development will add to the problem, the development including new septic beds will leach into the lake, and the report states that clearly.

- the carrying capacity of the; lake is surpassed and additional development is not an option. The LMSA report very clearly confirms this negative impact.

11. The Agricultural Zoning map dated Oct 2/23 prepared by the planning board is not correct, the actual farmed land is shown on attached sketch, this land has been used as active farm land for decades.

Summary

Lake Mindemoya is at capacity and the Council of Central Manitoulin must take the high road and freeze development until the lake capacity. lake quality assessment, land development plans are done. All the stake holders should be involved, the days of not including the public are gone, transparency is necessary to have public trust in our elected officials, you have been designated to act for the public in a responsible manner. I trust Council and the Planning Board see the concern that exists and the outcome if development isn't suspended, until the vision of the municipality is completed.

The comment from some Council members about the test results are poor for a couple of months only is not realistic, the water quality is the poorest during peak usage times as that's when sewage systems etc are contaminating the lake. The off seasons may be less contaminated but the lake use is very minimal. Further testing during the off season may be necessary, but protecting the public with realistic test periods during peak periods is important, that is the time when exposure is at it greatest.

Any assumption that Central Manitoulin Council denies this application will come with legal costs is a poor reason for denial.

Its time to do it right, protect the resource that has made Midemoya and Providence Bay an an attraction ghat will end in a heart beat once the public is aware of the water condition.

CC: Planning Board

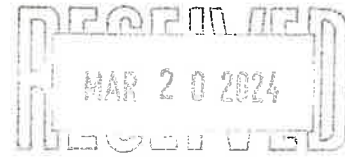
Thank you

Ken Rautiainen, 70 Deer Foot Trail

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March 20, 2024.

Mayor and Council Members
Municipality of Central Manitoulin
6020 Highway 542, P.O. Box 420
Mindemoya, Ontario
POP 1S0



Attention: Denise Deforge

Re: Proposed Plan of Subdivision described as Lots 7, 8, Concession IV, excepting Part 1, Plan 31R-2831, located at #18 Tracy Road, Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin

We are writing to register our concerns and objections to the above-mentioned proposed Plan of Subdivision. We live at 176 Lois Lane, only a few shoreline lots down from this proposed subdivision.

We have been reviewing the large number of letters sent to you over the last few weeks voicing concern and objection to this proposal. We would echo all of the concerns and objections so far communicated to you and will only highlight a few that we feel should be repeated.

1. We understand that the water quality of Lake Mindemoya has been deteriorating over the last number of years and we feel that additional pressure from 39 additional residences will adversely affect the quality of the water that we use for swimming and drinking. Has anyone thought to address this very important issue? Further deterioration of the quality of the lake water is unacceptable.
2. The homes that will be built on these very expensive lake-front properties will not address a number of Central Manitoulin's strategic goals that can be found in the 2016 to 2021 Municipality of Central Manitoulin Strategic Plan. Particularly, strategic goal number one, i.e. (highlight added)

"1. Assisted Living and Housing

To ensure residents of Central Manitoulin can remain in the community throughout their life.

i. Support opportunities for the development of assisted living facilities

ii. Support the increase of number of accessible and affordable housing units"

People buying these prestigious lots are more likely to be coming to build homes to retire in and most likely from southern Ontario or Sudbury. This doesn't address the housing crisis that we have in Central Manitoulin and our ability to attract more people to come to live and work here. Where in the Strategic Plan does it indicate further development of shoreline property?

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Also, without affordable housing, how can Central Manitoulin attract people to support, improve and expand in the other areas of Central Manitoulin's Strategic Plan relating to tourism, business and commercial development, arts and culture and health care services.

We are assuming that the 2022-2026 Strategic Plan will have similar goals and objectives related to affordable housing. We would like to receive a copy as soon as possible since it is not posted on the Central Manitoulin website.

3. We are also concerned with the deterioration of Tracy Road with increased traffic and heavy equipment traffic while a development of this size is being worked on.
4. Will the Municipality of Central Manitoulin have to increase its resources to ensure compliance with its rules and by-laws governing deforestation of the shoreline, maintenance of the 20 metre "marine allowance", proper installation of septic systems, etc., etc. By-law enforcement over the last number of years has been suspect.
5. We have no idea what the soil classification of this agricultural land is, but any agricultural land on the Island should be maintained as such. There is so little arable agricultural land available on Manitoulin.

We are asking that our questions be answered and that our concerns and the multitude of concerns already brought forward by other residents be addressed before any decision is made to approve this proposal for subdivision. And that all work now being performed on this property be STOPPED that is in violation of Central Manitoulin's By-laws.

We would also like to be notified of ALL decisions with regard to SUB2023-001 going forward.

Thank you.

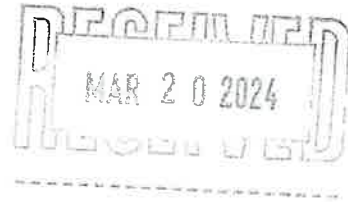
Karen and Ian MacKenzie

176 Lois Lane, P.O. Box 188,
Mindemoya, Ontario
POP 1S0
905-979-8712

March 20, 2024

Lynda Peever
172 Deer Foot Trail,
Spring Bay, On
POP 2B0
705-282-7218
[REDACTED]

Manitoulin Planning Board
P.O. Box 240
40 Water St., Unit 1,
Gore Bay, On
POP 1H0



Re: file # SUB2023-001

Dear Members of Central Manitoulin Twp., and the Planning Board

I am writing to register my objections to the large number of purposed lots of 39, off of Tracy Road.

I do not understand how the health of Lake Mindemoya is not of more concern to the local people. Yes the Environmental board may approve this, but we are seeing the pollution everyday.

My question/comment is how many millions will it take to clean up Lake Mindemoya in the years to come and 39 lots are developed? Yes we will have more tax dollars, BUT it will take a lot more money to clean up Lake Mindemoya. YOU AND I will have polluted water to drink!!!

Thank you for reading my letter.

Lynda Peever

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