

May 15, 2025

File No. 25017

Township of North Dumfries
106 Earl Thompson Road, 3rd Floor
P.O. Box 1060
Ayr, Ontario
N0B 1E0

Attn: Brock Linklater, BURPI
Senior Planner

**Re: Zoning By-law Amendment Application No. ZC-01/25 – Response to Comments
Rose Street, Ayr, Township of North Dumfries**

Thank-you for providing additional comments on Zoning By-law Amendment Application No. ZC-01/25 (the "Application") following the statutory Public Meeting February 25, 2025. We acknowledge and appreciate the Township's ongoing review of the Application for the lands located on the west side of Rose Street and legally described as PLAN 663 PT LOT 1; RP 67R1718 PTS 1, 6 AND 7, PT NITH RIVER.

At the Public Meeting, comments were presented by Township departments, agencies and area residents. We have reviewed the comments received to date and are pleased to provide the following responses (*in italics*) to address the Township's and public's concerns.

Public Comments

Written comments were received from the adjacent landowners (70 Rose Street) who raised the following concerns and questions:

Comment: "The stormwater management letter issued by MTE indicates that "stormwater runoff generated from the building rooftop, side and rear yards is proposed to drain towards the Nith River." Downspout drainage between the houses (north side of 70 Rose Street and the south side of the proposed dwelling) will have to be adequately drained westward down towards the Nith 70 Rose Street is significantly lower than the proposed dwelling with its basement slab at (very) roughly 2m below the proposed dwelling basement slab. Given the steep grade slope towards the Nith river and permeability of the soil, there is already significant groundwater flow moving from the east downslope westward to the river, especially during wet periods with high groundwater recharge. We are concerned that additional drainage runoff as well redirected groundwater flow around the proposed structure, will add hydraulic surcharge to the soil, resulting water problems and/or damage to the finished basement of 70 Rose Street."

Response: *Refer to MTE's response letter (attached).*

Comment: "The stormwater management letter issued by MTE also states that "Under the proposed condition, runoff from the driveway and a portion of landscape area at the front of the site will drain towards the Rose Street right-of-way." Rose Street has no stormwater catchments to drain surface runoff along the downward grade slope running toward 70 Rose Street. Rose Street also is sloped slightly to the west. As a result, our driveway receives a very significant flow of surface runoff and is consequently eroded during heavy rainfall. (see attached photo). We repair our driveway about 3-4 times a year, purchasing aggregate from time to time to replace that which has washed away. The proposed development will add more impermeable drainage surfaces (driveway, driveway directed roof downspout drainage, etc.) increasing surface runoff to Rose Street and ultimately our driveway, worsening the existing problem."

Response: *Refer to MTE's response letter (attached).*

Comment: "If the Z.4(f) z vacant lot is currently limited to a dwelling with a footprint <55sq.m, what is the rationale for that limitation? What would be the rationale for waiving the 55sq.m footprint limit? What is the Township's plan or policy statement for developing Z.4(f) land."

Response: *Section 5.1.1 ii) of the Zoning By-law places a gross floor limitation to accessory buildings only (i.e. detached garages, sheds) in the Z.4(f) zone, while prohibiting new buildings (i.e. residential dwellings) without an amendment to the Zoning By-law. The residential permissions in the Z.4(f) zone are in place to recognize any existing residential dwellings. Limiting new accessory buildings to a footprint of 55 square metres in the Z.4(f) zone intends to recognize the floodplain or unstable soil conditions by limiting them to small sizes.*

The applicant has undertaken and submitted a detailed slope stability analysis and a topographic survey to confirm the floodplain location to the satisfaction of the Grand River Conservation Authority (GRCA). As a result of more detailed and site-specific information now available, this Zoning By-law Amendment is requesting to remove this zoning regulation to permit a single detached dwelling outside of the floodplain and erosion hazard slope on the Site.

Additional comments were received from the adjacent landowners (70 Rose Street) following the Public Meeting. We understand that township staff have contacted this landowner directly to review referenced Official Plan and Zoning By-law policies.

Comment: "From Section 2.7.10: "Lands identified on Map 2.1 as Special Policy Area 2.7.10 will be identified with an 'f' suffix in the Township Zoning By-law. These lands are located below the regulatory flood plain as identified by the Grand River Conservation Authority. Prior to the establishment of a Two-Zone Flood Plain policy framework for the Ayr Township Urban Area, new development will not be permitted on these lands, however, additions to the existing structures may be permitted by amendment to the Township Zoning By-law and are subject to the approval of the Grand River Conservation Authority." Has a "Two-Zone Flood Plain policy framework for the Ayr Township Urban Area" been developed? If so, could you please direct me to it. I have looked in the

NDOP and the Ayr Stormwater Management Plan (ASMP) with no success. I'm not sure how development of the property between 30 and 70 Rose Street could even be considered for development given the direct statement to the contrary provided under section 2.7.10 of the plan and the ASMP. Could you please help me understand this?"

Response: *A two-zone flood plain policy framework has not yet been established by the Township of North Dumfries. This has been confirmed by Township Planning staff. However, through consultations with the GRCA and the completion of site-specific technical studies including a Slope Stability Assessment, Geotechnical Investigation Report, and Scoped Environmental Impact Study, the floodplain limits have been more accurately delineated. All of the studies confirmed that the proposed dwelling could be situated outside of both the slope hazard and floodplain areas, and is in compliance with boundaries and regulations from the GRCA. As such, an amendment to the OP's Special Policy Area designation is not required to facilitate this proposal.*

Comment: "The Stormwater Management Plan submitted by the applicant is inadequate, given the comments made in my previous email. In section 3.4.4.2 the NDOP states that "Until such time as the Township has formally adopted a Stormwater Management Guideline, Stormwater Management Plans submitted in accordance with Policy 3.4.4.1 will at minimum address the following to ensure the proposed development will not have significant adverse impacts on the natural environment". The applicant's submission is missing some critical information that the NDOP 3.4.4.2 requires, from the list under 3/4/4/2 a-n. Has the ASMP been adopted? I ask because the file name and some of the associated maps indicate "draft"."

Response: *Refer to MTE's response letter and SWM Technical Memorandum for detail (attached).*

Comment: "We also are concerned about the built form of the proposed dwelling. Given the context of the current dwellings located on Rose Street (2 bungalows and one "A-frame" dwelling), these are the specific areas of concern:

- a. The proposed build between 30 and 70 Rose Street related poorly to the surrounding buildings in height in rear, side, and front façades. The proposed dwelling is three stories (including the basement) and is to be constructed on 2m elevated footing, causing the overall structure to be closer to a 4-storey structure on the rear façade. The completed build would tower over the 70 Rose Street dwelling, detracting from its current value (see attached scale comparison drawing – I have situated the houses as nearly as I can to the existing grade elevation for 70 Rose Street to the propose elevation of the new build. The east/west portion is roughly correct as well). With 4336 square feet of livable space, the proposed dwelling is out of any reasonable proportion with current dwellings on Rose Street. As such, the proposed construction design is not one that can be viewed as compatible with the current dwelling.

- b. The rear façade also features an elevated “walk-out” requiring stairs to get up to the basement slab level from the footing or side walkway grade. A more aesthetically pleasing and reasonable design would be to have the walk-out positioned at roughly the same elevation of that at 70 Rose Street. The developer indicated the footing was necessary due to the position of the proposed build on the floodplain. Our dwelling has a foundation slab positioned 2m lower, and was built in compliance with MTW and Naylor consulting reports submitted to and approved by the GRCA and the Township.
- c. The accessory dwelling (basement unit) proposed, coupled with the applicant named as an incorporated company (SDIS Group Inc.), causes some concern that the property will be turned into an investment property, rental duplex. If the intention is to rent out the property, owning it through a company will simplify managing rental income and expenses. If this is the case, there would be a further diminishment in the current value of 70 Rose Street.”

Response: Please see our response later in this letter to building height requirements and built form. No site-specific relief is required or being sought for the building height requirements. The height of the proposed structure will be 8.43 metres whereas the maximum height is 12 metres in the Z.4 Zone. Based on the applicable definitions per the Zoning By-law as discussed below, the proposed development is representative of a three-storey structure from the side and rear view and appears as a two-storey structure from the front.

Agency Comments:

GRCA

Comment: “The applicant is to be advised that a permit will be required from the GRCA for the final grading, retaining walls and new dwelling.”

Response: *It is acknowledged that the subject Site is regulated by the GRCA pursuant to Ontario Regulation 41/24.*

RJ Burnside Engineering

Comment: “Per Section 6.1.7.6 of the Township of North Dumfries Official Plan, the EIS must identify buffers to Core Features. The OP identifies that buffers must be a minimum of 10 m from “the outside boundary of the Core Environmental Feature and established and maintained as appropriate self-sustaining vegetation”. Per Section 5.3 of the EIS, the proponent specifies that “the proposed development would occur proximate to the woodland, within an estimated range of 2-10 m from the dripline edge” with the closest occurring where the rear deck on the proposed dwelling will extend to the edge of the vegetated area that extend beyond the dripline. Based on the above statement, it appears that the proponent may not be meeting the requirements for a minimum 10 m buffer from a Core Environmental Feature. The proponent should provide additional clarity regarding the extents of disturbance within the 10 m buffer to the Significant Woodland, specifically the encroachments for

grading and permanent structures. Additional discussion regarding buffers should be provided within the EIS.”

Response: The EIS notes that the wooded strip adjacent and at the rear of the property is not structurally representative of significant woodland. Additionally, the forest structure on the adjacent property has exhibited degradation, including by invasive species such as common buckthorn. As such, the wooded strip is unlikely to support habitat for rare flora and fauna. The EIS further states that ‘this assessment has discussed the proposed placement of the dwelling, noting that buffers to features are limited; however, opportunities for increased buffers are also limited by site context. Mitigation measures have been proposed in this report to ensure that limited buffers support functional avoidance of impacts. This report recommends minor restoration measures, such as tree planting, to support on-site ecological enhancement.’

Comment: “Section 6.1.7.6 of the Township OP, “Buffers will not only serve to protect Core Environmental Features from adverse environmental impacts but will also provide opportunities for net habitat enhancement or, wherever feasible, restore the ecological functions of the Core Environmental Feature.” The proponent should clarify if buffer enhancement plantings or other measures are proposed beyond landscape plantings. It is understood that conditions within the woodlands are currently degraded. Additional enhancement of the buffer should also be considered if encroachments into the 10 m buffer of the Significant Woodland are proposed.”

Response: The EIS recommends the installation of five native tree saplings at the rear of the property. Additional enhancements to the buffer can continue to be explored.

The EIS notes that due to the size of the property there are constraints on siting the building further from the woodland and ‘due to the relatively minimal setback to woodland, it is recommended that some active planting take place within the very limited available space between the dwelling and the current woodland limit. Planting of native species can support minor expansion of the on-site canopy and may aid in mitigating the dominant influence of existing non-native species on the property.’ The EIS concludes that the proposal can avoid negative impacts to surrounding woodland features and functions and the above is recommended as general mitigation measures.

Comment: “Burnside is in agreement with Aster Environmental that native species, or species that do not pose as a risk (i.e. non-invasive) should be utilized in post-construction landscaping given the proximity of the proposed development to Core Environmental Features. The proposed alternatives are acceptable. The proponent should note that Witch Hazel (*Hamamelis virginiana*) is typically an understory species that prefers part shade to fully shaded conditions. This species may not be suitable for edge management planting but could be appropriate in any restored areas Significant Woodland.”

Response: The applicant acknowledges the importance of utilizing native, non-invasive species in post-construction landscaping given the proximity to Core Environmental Features. We further

acknowledge Witch Hazel's preference for part shade to fully shaded conditions and will take this into consideration when determining its location.

Comment: "Per the MECP's Bat Survey Standards Note 2021, the bat active window is classified as April 1 - September 30 rather than April 15 - September 30. The timing window for tree removals specified within Section 5.4.2 of the EIS should be revised to reflect the MECP recommendations."

Response: *Noted. EIS indicates no tree are expected for removal – remove ref to bats. Tree protection fence will be installed to protect core env feature*

Comment: "We note that the rear property line is located on the opposite side of the Nith River, such that a small amount of table land is inaccessible to the owners. That land is adjacent to a narrow strip of land that is part of a larger parcel that appears to be owned by the Township. It generally contains and follows water features. Consideration should be given to whether this private land should be acquired by the Township for use as part a trailway or other public interest."

Response: *Noted. The property boundaries are existing and not proposed to change.*

Please see MTE's attached response memo dated April 25, 2025, addressing additional engineering related comments.

Region of Waterloo

Please refer to MTE's attached response memo dated April 25, 2025, for engineering related comments provided from the Region.

Planning – Township of North Dumfries

The Township has requested that additional information be provided to the Building Design/Elevations and clarification added to the Planning Justification Brief to indicate that the proposal complies with Building Height Requirements. Please accept the following as an addendum to the Planning Justification Brief.

The Township of North Dumfries Zoning By-law 689-83 defines building height as the vertical distance measured between the average finished grade (Section 2.22). Zoning By-law 689-83 further defines the first storey of a building as the storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade (Section 2.211). The proposed design of the development includes an additional dwelling unit located in the basement, which per the applicable Zoning By-law definitions can be classified as a storey as the distance between grade and the main floor is 2.06 metres, as demonstrated in the enclosed average grade calculations. Per the calculations of the average finished grade, the total building height is determined to be 8.43 metres. As such, the proposed development complies with the maximum building height requirements for the Z.4 Zone of 12 metres. Based on these calculations and the definition of one storey and three storey buildings in

the Zoning By-law, the proposed development is representative of a three-storey structure from the side and rear view and appears as a two-storey structure from the front.

The proposed building height meets the requirements of the Zoning By-law, the proposed built form is reflective of the existing topography of the site including the significant slope. The Slope Stability Assessment prepared by Chung & Vander Doelen Engineering determined that the upper slope stability is suitable to accommodate a residential dwelling provided that the setbacks for toe erosion allowance, stable slope allowance and erosion access allowance are met. As such, the proposed design of the building is suitable given the topography and physical constraints on the site.

Additionally, the treed area at the rear of the property further limits the views of the dwelling. The Subject Property backs onto the Nith River which contains significant vegetation cover and vacant lands across the river. As such, the proposed design and height of the building has a negligible impact on views.

Based on the comments received, the project team has made revisions and updates to the plans and technical studies as discussed above. Please find attached the following materials:

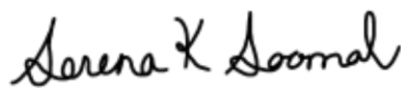
- MTE's response letter dated April 25, 2025;
- Civil drawings including existing conditions plan, site grading and servicing plan, and notes and details plan;
- Off-Site Letter of Credit Cost Estimate;
- SWM Technical Memorandum; and,
- Average Grade Calculations.

Please do not hesitate to reach out should you require any additional information.

Sincerely,
GSP Group Inc.



Michael Witmer, MCIP RPP
Senior Planner



Serena Soomal
Planner

Encl.

cc. Alexander Chmelar, SDIS Group Inc.
Chelsea Dahmer, MTE Consultants Inc.
Jolie Nguyen, MTE Consultants Inc.

Attachment 1 - Average Grade Calculation

Segment Number	Length (L) (in metres)	Start Elevation (EL1)	End Elevation (EL2)	Segment Average Grade (SA) (EL1 + EL2 / 2)
S1	8.66	288.5	288.65	288.58
S2	2.03	288.65	289.1	288.88
S3	0.77	289.1	289.1	289.1
S4	2.19	289.1	288.65	288.88
S5	6.94	288.65	288.8	288.73
S6	5.18	288.8	288.8	288.8
S7	2.6	288.8	288.8	288.8
S8	4.25	288.8	288.8	288.8
S9	2.29	288.8	288.7	288.75
S10	4.26	288.7	289.1	288.9
S11	1.17	289.1	289.1	289.1
S12	4.64	289.1	285.23	287.17
S13	0.85	285.23	285.23	285.23
S14	7.66	285.23	284.7	284.97
S15	7.24	284.7	284.05	284.38
S16	8.33	284.05	286.1	285.08
S17	4	286.1	285.45	285.78
S18	7.47	285.45	288.5	286.98

Average Grade 287.19

Distance
Between
grade and u/s
of ceiling 2.06