

Diksha Marwaha

From: planning@grey.ca
Sent: Thursday, August 7, 2025 3:19 PM
To: Planning General
Subject: County comments for P3508 Blue Birch Properties Inc. / Herczeg

County comments for P3508 Blue Birch Properties Inc. / Herczeg



Hello TBM,

Please see link below for the County comments for Other application P3508 Blue Birch Properties Inc. / Herczeg - Blue Birch Properties Inc..

County Planning staff have reviewed the application and have no concerns with the sale of the road allowance. However, County Planning staff would note that subject lands are near two 'Abandoned Petroleum Wells' and one 'Unknown Petroleum Well'. The two Abandoned Petroleum Wells are near the proposed southern side of the property and are shown to be within 20 metres of the mapped location and within 100 metres of mapped location. The proposed development is located outside of these ranges. The Unknown Petroleum Well is located within 200 metres of the mapped location. The proposed development is within the 200 metre radius; therefore, County Planning staff recommend that before construction occurs, a qualified engineer confirms that petroleum well is not located under the proposed development.

County Planning Ecology staff have reviewed the application and have the following comments:

Natural Heritage

The property contains and/or is adjacent to significant woodlands, significant wildlife habitat, potential habitat for threatened and/or endangered species, other wetlands, and fish habitat. Grey County Ecology staff do not object to the sale of this road allowance. Please note, an Environmental Impact Study (EIS) has been completed for the adjacent parcel and any mitigation measures for the proposed future development must abide by the findings and recommendations of this report.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Derek McMurdie

Diksha Marwaha

From: hsmrcc <hsmrcc@bmts.com>
Sent: Tuesday, July 29, 2025 1:32 PM
To: Planning General
Subject: Re: Request for Comments - Town of the Blue Mountains (Kristine Loft / Blue Birch Properties Inc) - Proposed Development

Town of the Blue Mountains

Re: File number P3508

The Historic Saugeen Métis (HSM) Lands, Waters and Consultation Department has reviewed the relevant documents and has no objections to the proposed development as presented.

Thank you for the opportunity to review this matter.

Regards,

Neala

Neala MacLeod Farley
Coordinator, Lands, Waters & Consultation



Historic Saugeen Métis

204 High Street
Southampton, ON
www.saugeenmetis.com
519-483-4000

This message is intended for the addressees only. It may contain confidential or privileged information. No rights to privilege have been waived. Any copying, retransmittal, taking of action in reliance on, or other use of the information in this communication by persons other than the intended recipients(s) is prohibited. If you have received this message in error, please reply to the sender by e-mail and delete or destroy all copies of this message.

Diksha Marwaha

From: Karen Long
Sent: Thursday, September 11, 2025 11:35 AM
To: REAL ESTATE ZONE 5
Cc: Diksha Marwaha
Subject: RE: 635.41-26969: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Good morning,

Thank you for your email.

I have copied Diksha, Senior Planner, on this email for information purposes and response.

Kindly in the future, include Diksha on your email to ensure proper notifications are provided for file administration.

Thank you,



Karen Long

Administrative Assistant for Planning Services

From: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Sent: September 11, 2025 11:27 AM
To: Karen Long <klong@thebluemountains.ca>
Cc: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Subject: 635.41-26969: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Hello Karen,

In response to your letter regarding the closing of the original road allowance for the subject property, Hydro One Networks Inc. **DOES HAVE PLANT.**

We will require an easement on PIN 37309-0370 as shown on the draft plan (attached) to protect our interest prior to the road closure and sale.

Please forward the **deposited** survey to me that defines Hydro One's easement requirement. Once in receipt of the survey I will then forward this matter to our solicitors, Barriston LLP to coordinate registration of the easement.

Thank you for the opportunity to comment on the prospective sale of the above noted unopened road allowance. Should you require anything further, please do not hesitate to contact me.

Janelle Lewis

Real Estate Associate

Hydro One Networks Inc.

185 Clegg Road, Markham, ON L6G 1B7

Diksha Marwaha

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To: REAL ESTATE ZONE 5
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Thank you,



Karen Long

Administrative Assistant for Planning Services

From: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>

Sent: September 11, 2025 11:27 AM

To: Karen Long <klong@thebluemountains.ca>

Cc: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>

Subject: 635.41-26969: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

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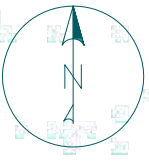
Janelle Lewis

Real Estate Associate

Hydro One Networks Inc.

185 Clegg Road, Markham, ON L6G 1B7

1 2 3 4 5



AVVAUY
40-5

SIB(H&M)

POST AND WIRE FENCE

45.90(P2&MEAS)

SIB
(H&M)

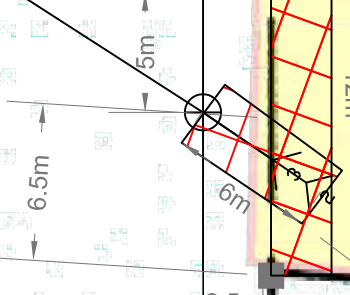
(BY REGISTERED PLAN 881)

RAILWAY
STREET

PIN 37309-0370

FENCE 0.25S

AVVAWJ
35-6



SIB(H&M)

881

LOT 1

PIN 37309-0356

SIB(H&M)

D PLAN 772

LOT 2

PIN 37309-0356

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Hydro One Networks Inc.
DESIGN SERVICES
SCHEDULE A

Owner Name :
XX
Owner Signature :

Owner Name :
XX
Owner Signature :

Prepared By :

PIN :
Carlin Nielsen
The location of the new or existing poles and anchors may not be exact. The stake marks the final location.

schedule 'A'
property easement sketch

LINETYPES

—	OVERHEAD - 1PH	—	UNDERGROUND - 1PH
—	OVERHEAD - 2PH	—	UNDERGROUND - 2PH
—	OVERHEAD - 3PH	—	UNDERGROUND - 3PH
—	OVERHEAD - Sec.	—	UNDERGROUND - Sec.
—	OVERHEAD - Priv. 1PH	—	UNDERGROUND - Priv. 1PH
—	OVERHEAD - Priv. 2PH	—	UNDERGROUND - Priv. 2PH
—	OVERHEAD - Priv. 3PH	—	UNDERGROUND - Priv. 3PH
—	SUBMARINE - 1PH	—	UNDERGROUND - Priv. Sec.
—	SUBMARINE - 2PH		
—	SUBMARINE - 3PH		

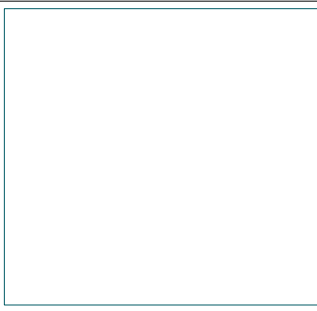
COLOR SCHEME

■	Existing	■	Hydro One Only
■	Hydro One or Contractor	■	Work by Others (Ball/LDC)
■	Work by Customer		

SYMBOLS

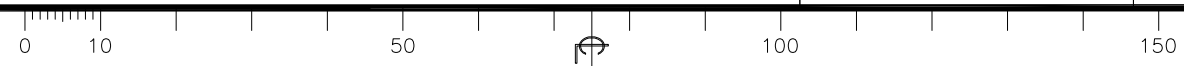
●●●●	PROPOSED POLE - Wood, Composite, Steel, Joint Use/Customer
○●●●	EXISTING POLE - Wood, Composite, Steel, Joint Use/Customer
○	O/H - U/G TRANSITION (DIP/RISER) - Primary, Secondary
— —	ANCHORS/DOWN GUY - Hydro, Private/Joint Use, Push Pole
⊙	WORK LOCATION
□	UNDERGROUND VAULT - 1PH, 3PH
△	UG TRANSFORMER - 1PH, 1PH PVT, Transclosure
△	UG TRANSFORMER - 3PH
□	KIOSK - 1PH, 3PH
□	SECONDARY JUNCTION - Vault, Pedestal
□	REMOVAL
⊗	EASEMENT AREA - Dimensions ±10% (pending final survey)

All Dimensions are in Meters
Not to Scale



TITLE BLOCK REV 03 - JUNE 2023

LEDGER (11"x17") millimetres



Cell: (437) 522-9620 Fax: (905) 946-6242
Email: janelle.lewis@HydroOne.com

From: Karen Long <klong@thebluemountains.ca>
Sent: Tuesday, August 19, 2025 1:54 PM
To: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Cc: Diksha Marwaha <dmawaha@thebluemountains.ca>
Subject: FW: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Good afternoon,

I have copied Diksha, Senior Planner, on this email for reply.

Thank you,



Karen Long
Administrative Assistant for Planning Services

From: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Sent: August 19, 2025 1:00 PM
To: Karen Long <klong@thebluemountains.ca>
Cc: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Subject: RE: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Hello Karen,

I have received your request, and I have requested a site inspection.

Once we received a response we will inform you.

Thank you,
Janelle Lewis
Cell: (437) 522-9620

From: Caitlin Walter <Caitlin.Walter@hydroone.com>
Sent: Wednesday, August 13, 2025 9:45 AM
To: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Subject: FW: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Hello,

Please send to the FBC.

Thank you,

Caitlin Walter (she/her)

Real Estate Associate
Low Voltage Rights
Hydro One Networks Inc.
Tel: (416) 606-1296
www.HydroOne.com

From: Nirvan Jethwani <Nirvan.Jethwani@hydroone.com>
Sent: Tuesday, August 12, 2025 11:09 AM
To: Caitlin Walter <Caitlin.Walter@hydroone.com>
Subject: FW: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Hi Caitlin,

Please review this proposal of road closure.

Regards,

Nirvan Jethwani

Real Estate Co-op Student - Land Management and Acquisition
Hydro One
226-998-8108
HydroOne.com

From: Karen Long <klong@thebluemountains.ca>
Sent: Wednesday, July 16, 2025 10:57 AM
Subject: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance



Town of The Blue Mountains
Development Review Committee

32 Mill Street – PO Box 310
THORNBURY, ON N0H 2P0

Municipal File No:	P3508 - Request for Comments –Railway Street Unopened Road Allowance (Blue Birch Properties Inc.)
Municipal Address	Railway Street Unopened Road Allowance
Applicant:	Kristine Loft / Blue Birch Properties Inc
Owner:	Town of The Blue Mountains
Municipal Planner:	Diksha Marwaha

Proposal:

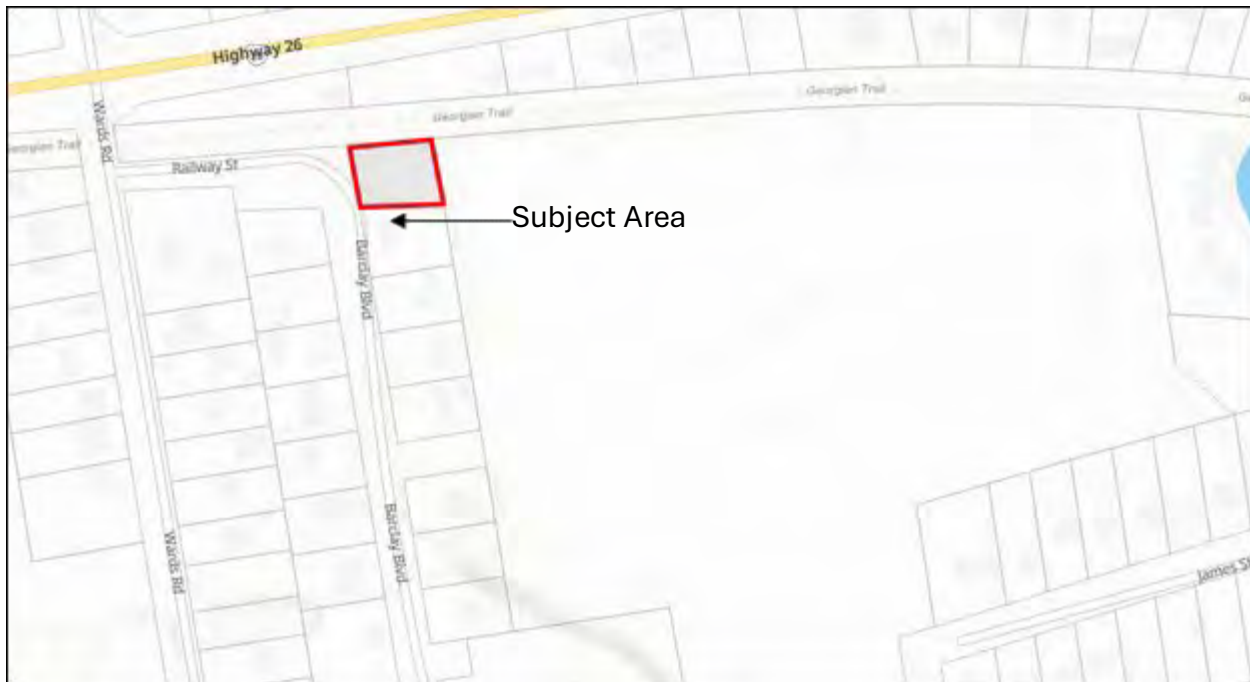
The Town has received a formal request to purchase the unopened road allowance known as Railway Street. The unopened road allowance that Blue Birch requests to purchase would provide access from the municipal open and maintained portion of Railway Street and Barclay Boulevard to the Blue Birch lands.

On March 20, 2025, the Ontario Land Tribunal provided a settlement decision on the Blue Birch application and Ontario Land Tribunal decision contemplated Blue Birch utilizing Railway Street Road allowance for access to Railway Street and Barclay Boulevard.

IRC - Thursday, August 7, 2025 - Comments requested by Monday, August 4, 2025, or sooner
DRC- Thursday, August 14, 2025 - Comments requested by Monday, August 11, 2025 or sooner

Kindly forward your written comments to planning@thebluemountains.ca

Subject Lands



Documents for review

Attached is a PDF with links to the following documents for your review and comments:

1. Application Form
2. Cover Letter including concept plan
3. Survey Plan

At this time, I trust you find this in order,



Karen Long

Administrative Assistant for Planning Services

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 263 | Fax: 519-599-7723

Email: klong@thebluemountains.ca | Website: www.thebluemountains.ca

IMPORTANT INFORMATION

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication support or alternate formats.

Diksha Marwaha

From: HCMS-Do-Not-Reply <HCMS@ontario.ca>
Sent: Tuesday, October 28, 2025 3:11 PM
To: Diksha Marwaha
Subject: MTO Highway Corridor Management Response to Pre-consultation Request 2025-31L-001932 Submitted on October 7, 2025/Réponse à la demande de consultation préalable au Bureau de gestion des couloirs routiers du MTO no 2025-31L-001932 soumise le 7 octobre 2025

Please see the response below to the Pre-consultation request you submitted on October 7, 2025.

The Ministry of Transportation (MTO) have completed a review of the proposed request to purchase the unopened road allowance known as Railway Street Bule Mountain. The proposal has been considered in accordance with the requirements of the Public Transportation and Highway Improvement Act, MTO's Highway Access Management Policy and all related policies. The following outlines MTO's comments.

MTO has no objection to the proposed request, the subject property is located within MTO's Permit Control Area (PCA), and as such, MTO permits are required before any demolition, grading, construction or alteration to the site commences. Highway 26 at this location is classified as a 2B Arterial in MTO's Access Management Classification System. As such, all requirements, guidelines and best practices in accordance with this classification shall apply.

Building and Land Use

The Proponent shall submit an acceptable Site Plan, Grading Plan, Drainage Plan and Site Servicing Plan for MTO review and approval. These plans shall clearly identify all structures/works and parking (existing and proposed).

MTO requires all buildings, structures and features integral to the site to be located a minimum of 8 metres from the highway property limit, inclusive of landscaping features, fire-lanes, parking and storm water management facilities.

Storm Water Management

The grading/drainage plans shall identify any storm drain infrastructure including - outlets, swales, tiles, direction of flow, etc.

Encroachments

Any encroachments and works identified within the Highway 26 property limits are subject to MTO conditions, approval and permits, prior to construction. All provincial highway property encroachments are strictly regulated and must meet all conditions set out by MTO.

MTO looks forward to the advancement of this development, and we anticipate receiving additional details for review and comment as the project progresses.

O'Neil Nembhard
548-388-2571
o'neil.nembhard@ontario.ca

If you have any questions, please contact:

Employee to whom the Pre-consultation has been assigned to for review:

O'Neil Nembhard

Phone: 548-388-2571

Email: O'Neil.Nembhard@ontario.ca

Ministry of Transportation
Highway Corridor Management Section - London Office
659 Exeter Rd
London, ON
N6E 1L3

Please retain this email for your records.

Thank You,
Highway Corridor Management
Ministry of Transportation of Ontario
<https://www.hcms.mto.gov.on.ca>

Please note: This email was sent from a notification-only address that cannot accept incoming email. Please do not reply to this message.

Veillez voir la réponse ci-dessous à la demande de consultation préalable soumise le 7 octobre 2025.

The Ministry of Transportation (MTO) have completed a review of the proposed request to purchase the unopened road allowance known as Railway Street Bule Mountain. The proposal has been considered in accordance with the requirements of the Public Transportation and Highway Improvement Act, MTO's Highway Access Management Policy and all related policies. The following outlines MTO's comments.

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MTO looks forward to the advancement of this development, and we anticipate receiving additional details for review and comment as the project progresses.

O'Neil Nembhard
548-388-2571
o'neil.nembhard@ontario.ca

Si vous avez des questions, veuillez communiquer avec:

Nom de l'employée ou de l'employé à qui la demande de consultation préalable a été soumise :

O'Neil Nembhard

Téléphone : 548-388-2571
Adresse de courriel : O'Neil.Nembhard@ontario.ca

Ministère des Transports
Highway Corridor Management Section - London Office
659 Exeter Rd
London, ON
N6E 1L3

Veuillez conserver ce courriel pour vos dossiers.

Cordialement,
Gestion des couloirs routiers
Ministère des Transports de l'Ontario
<https://www.hcms.mto.gov.on.ca>

Veuillez noter ce qui suit : Ce courriel est envoyé à partir d'une adresse servant uniquement à l'envoi d'avis qui ne peut accepter de courriels entrants. Veuillez ne pas répondre à ce message.

Diksha Marwaha

From: Diksha Marwaha
Sent: Monday, August 25, 2025 11:03 AM
To: Diksha Marwaha
Subject: FW: Zoning Amendment application File P3348 for 25 Railway Street by Blue Birch Properties Inc. & Blue Birch Properties Inc.
Attachments: img-ad17d10c-f8a0-4f94-a9bc-ab6ee69c506d; Aziz 101 Barclay Blvd submission Blue Birch Properties Inc Stop up and Close Proposal File No P3508.docx
Importance: High

From: Corrina Giles <cgiles@thebluemountains.ca>
Sent: Monday, August 25, 2025 10:36 AM
To:
Cc: Council <council@thebluemountains.ca>; Adam Smith <asmith@thebluemountains.ca>; Alan Pacheco <apacheco@thebluemountains.ca>; Liz Saunders <lsaunders@thebluemountains.ca>; Monica Quinlan <mquinlan@thebluemountains.ca>; Ryan R. Gibbons <rgibbons@thebluemountains.ca>; Sarah Traynor <straynor@thebluemountains.ca>; Tim Hendry <thendry@thebluemountains.ca>; Tim Murawsky <tmurawsky@thebluemountains.ca>; Aaron Roininen <aroininen@thebluemountains.ca>; Adam Farr <afarr@thebluemountains.ca>; Adam Smith <asmith@thebluemountains.ca>; Diksha Marwaha <dmarwaha@thebluemountains.ca>; Karen Long <klong@thebluemountains.ca>; Manuel Rivera <mrivera@thebluemountains.ca>; Shawn Postma <spostma@thebluemountains.ca>; Carrie Fairley <cfairley@thebluemountains.ca>
Subject: FW: Zoning Amendment application File P3348 for 25 Railway Street by Blue Birch Properties Inc. & Blue Birch Properties Inc. Proposal to Stop Up & Close Portions Of The Railway Street Unopened Road Allowance File No: P3508
Importance: High

Good morning,

I acknowledge receipt of your comments in response to the September 9, 2025 [Notice of Public Meeting](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the September 9, 2025 Public Meeting, and attached to a future staff report regarding this matter.

Kind regards,



Corrina Giles, CMO, Dipl.M.M.

Town Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 232 | Fax: 519-599-7723

Email: cgiles@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Howard Wax
Sent: August 22, 2025 10:51 PM
To: Town Clerk <townclerk@thebluemountains.ca>

Cc: Jay Wax

Subject: Re: Zoning Amendment application File P3348 for 25 Railway Street by Blue Birch Properties Inc. & Blue Birch Properties Inc. Proposal to Stop Up & Close Portions Of The Railway Street Unopened Road Allowance File No: P3508

Importance: High

My family and I are opposed to this application and thank Bob Aziz for acting on our behalf.

His letter to the Town reflects our concerns.

Thank you

Diksha Marwaha

From: Corrina Giles
Sent: Monday, August 25, 2025 10:45 AM
To:
Cc: Council; SMT; Planning General; Carrie Fairley
Subject: FW: Blue Birch Properties
Attachments: Aziz 101 Barclay Blvd submission Blue Birch Properties Inc Stop up and Close Proposal File No P3508.docx

Good morning,

I acknowledge receipt of your comments in response to the September 9, 2025 [Notice of Public Meeting](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the September 9, 2025 Public Meeting, and attached to a future staff report regarding this matter.

Kind regards,



Corrina Giles, CMO, Dipl.M.M.

Town Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 232 | Fax: 519-599-7723

Email: cgiles@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: John C. Wolf
Sent: August 22, 2025 6:55 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: Blue Birch Properties

Greetings,

I am the beneficial owner of [REDACTED]. I have owned that property for in excess of 15 years.

I have read the attached submissions of Mr. Aziz, and agree with much of the sentiments expressed therein, including but not limited to in respect of the allegedly duplicitous applications (described as bait and switch by Mr. Aziz). I am troubled by "rewarding" deception.

I also support in the event of success, the need for the applicant to pay all direct and indirect costs associated with the access and related improvements proposed by Mr. Aziz.

Please bring my concerns to the attention of the Council.

For clarity I have never met or spoken with Mr. Aziz.

Regards,

Diksha Marwaha

From: Corrina Giles
Sent: Tuesday, August 26, 2025 4:18 PM
To: Bob Aziz
Cc: Carrie Fairley; Council; SMT; Shawn Postma; Planning General
Subject: RE: Blue Birch Properties Inc. Proposal to Stop Up & Close Portions Of The Railway Street Unopened Road Allowance File No: P3508
Attachments: Aziz 101 Barclay Blvd submission Blue Birch Properties Inc Stop up and Close Proposal File No P3508.docx

Good afternoon,

I acknowledge receipt of your comments in response to the September 9, 2025 [Notice of Public Meeting](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the September 9, 2025 Public Meeting, and attached to a future staff report regarding this matter.

Kind regards,



Corrina Giles, CMO, Dipl.M.M.

Town Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 232 | Fax: 519-599-7723

Email: cgiles@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Bob Aziz
Sent: August 22, 2025 8:07 AM
To: Town Clerk <townclerk@thebluemountains.ca>
Cc: Carrie Fairley <cfairley@thebluemountains.ca>
Subject: Blue Birch Properties Inc. Proposal to Stop Up & Close Portions Of The Railway Street Unopened Road Allowance File No: P3508
Importance: High

In connection with the above noted meeting on September 9, attached please find my written submission outlining my comments and concerns. Please let me know if you require anything further.

I would also like to be notified of any decisions made with respect to the Proposal.

Thank you

Town of The Blue Mountains, Clerk's Department
32 Mill Street, Box 310,
Thornbury, ON
N0H 2P0
townclerk@thebluemountains.ca

August 22, 2025

Attention: Corrina Giles, Town Clerk

**Blue Birch Properties Inc. Proposal to Stop Up & Close Portions Of The
Railway Street Unopened Road Allowance File No: P3508**

Dear Council:

I am writing with respect to the public meeting to be held by Town Council on September 9, 2025 to consider a proposal (the "Proposal") to stop up and close a portion of the Railway Street unopened road allowance (the "Town Land") located adjacent to my property at 101 Barclay Blvd.

The Proposal has been submitted by Blue Birch Properties Inc. ("Blue Birch"), the purpose of which is to consider the transfer of **some or all** of a portion of Railway Street to Blue Birch. The lands would be used for a **driveway(s)** to provide direct access to the land owned by Blue Birch (the "Blue Birch Land") with frontage to the open and maintained portions of Railway Street / Barclay Boulevard.

In December of 2024 Ron Herczeg, the principal of Blue Birch, reached out to me to outline his plan for three single family detached homes on the NW corner of the Blue Birch Land, adjacent to my property. As I suspected from the beginning, Mr. Herczeg never planned to build one single family home for himself as was outlined in his zoning by-law amendment application – he was always intending to find a way to build multiple homes as a commercial endeavor. Mr. Herczeg asked if I would write a letter of support to the Town for this new proposal. I told him that I could possibly support up to the three homes he was proposing provided my concerns were addressed to my satisfaction. While I have proposed to Mr. Herczeg a solution involving access over the Town Land that would address these concerns, to date I have not received confirmation that he will adopt my proposal, and consequently he does not yet have my support.

My primary concerns are that I want to ensure that the environmental impact of the Proposal is kept to a minimum and that there is a good buffer of trees between the north side of my property and the driveway he needs for access to his property across the Town

Land, as well as between the east (back) end of my property and the area to be cleared for the three homes he intends to build.

When we met, Mr. Herczeg told me that the area to be cleared for the three homes would now be only 1.5 acres, not the 6 acres originally proposed. Assuming that means that the area he has already cleared (the “Existing Cleared Area”) for his environmental and soil testing is all that will be cleared, that should minimize the environmental impact, in particular on the endangered tree and wildlife species in that area, which is very good news. If more trees need to be removed, any permission given to remove trees should ensure that: (i) the endangered tree species, namely the Black Ash and Butternut trees; and (ii) the endangered wildlife species – Amphibians, bats, and birds, are all properly protected.

Mr. Herczeg’s proposal for three homes did not address the environmental impact of providing utility servicing and access to the lots across the Town Land. No environmental assessment of the Town Land has ever been done, despite the fact that significant tree removal occurred when, in 2023, Mr. Herczeg cleared a wide area of land to create an access road (the “Created Access Road”) through the Town Land to his property for his engineering and environmental assessment.

In my last conversation with Mr. Herczeg, he expressed the desire for each home to have its own driveway with access directly to Railway Street/Barclay Blvd. Attached is the plan Mr. Herczeg provided to me showing three driveways across the Town Land. I note that the Proposal refers to “driveway(s)”. The pluralization of driveways suggests to me that, while the plan that has been submitted with the Proposal shows a single driveway, the true plan is to create three driveways across the Town Land. This bait-and-switch is consistent with the approach Mr. Herczeg took to get from a single home to three homes.

Three driveways, as proposed by Mr. Herczeg, combined with the work required to bring Town water, natural gas, and electrical services to his property (collectively, “Utility Servicing”), will significantly eliminate the tree canopy on the Town Land and adversely impact the wildlife in this area. There is also a ditch running along the north side of the Town Land, adjacent to the Georgian Trail, that is needed for water runoff. His proposal would appear to require that ditch to be filled, which would have a significant impact on the Georgian Trail to the north of it, as well as potentially to Railway Street and Barclay Blvd. In addition, the location of a driveway north of the Created Access Road creates a potential pedestrian hazard for those using the Georgian Trail, with vehicles driving immediately beside the trail without an adequate buffer.

I note that many of the concerns I have raised were similarly raised in respect of an application for a Municipal Land Use Agreement for access across the Alice Street Unopened Road Allowance, which was ultimately denied by the Town at a Council meeting on December 16, 2024 for many of the reasons/concerns that I have raised.

To minimize the environmental impact and ensure safety, I proposed to Mr. Herczeg a single access driveway from Railway Street using the Created Access Road that would then split into three at the westerly property line of the Blue Birch Land, with each house having a branch off that single driveway. The plan submitted with the Proposal appears to follow this design, although it is not clear if the driveway is on the Created Access Road and if the three driveways branch off on the Town Land or on the Blue Birch Land (they appear to branch off on the Town Land). However, if ownership of the entire Town Land is transferred to Blue Birch, there would be nothing to prevent the destruction of virtually all vegetation on the Town Land or the creation of more than one driveway.

The Created Access Road is a natural extension of Railway Street and can provide good access to the proposed three lots, as well as a route for the Utility Servicing, without the need to destroy any more trees or fill in the drainage ditch, thus minimizing the environmental impact and maintaining a safety buffer to the Georgian Trail. Utility Servicing should be restricted to the area under the Created Access Road, or at the north edge of that road.

In order to address the concerns that I have raised, I respectfully submit that there are three options that Council should consider (listed in order of desirability):

1. Provide access pursuant to a limited Municipal Land Use Agreement (a "Licence"). The Licence should be restricted to the Created Access Road and prohibit the removal of any more trees on the Town Land or the Blue Birch Land. Failure to adhere to any of the restrictions regarding the Town Land or the Blue Birch Land should result in the revocation of the Licence, thereby eliminating access to the Blue Birch Land. This will provide a powerful tool to ensure that Blue Birch adheres to its commitments.
2. Sell to Blue Birch a limited parcel of land, sufficient only for one access driveway. This parcel should be limited to the Created Access Road.
3. If the Town's desire is to sell all of the Town Land, I would like the opportunity to buy it, or at least a portion of it adjacent to my northerly property line, to protect the trees and wildlife on this land. The southerly tree line (the "South Tree Line") of the Created Access Road would be a natural place to divide the Town Land, with everything north of that tree line going to Mr. Herczeg to provide the access he

needs, and everything south of that tree line going to me to protect that woodland. That would give him somewhat more than 50% of that land.

Whether Blue Birch obtains access through a Licence or purchase, the following should be imposed as conditions of any transaction with Blue Birch, and registered on title to the Blue Birch Land as restrictive covenants for the benefit of all properties abutting the Blue Birch Land:

- A. Blue Birch should be restricted from cutting down more trees on the Blue Birch Land and the Town Land, and access and Utility Servicing should be limited to the Created Access Road;
- B. In order to ensure that an adequate buffer of trees is maintained between my easterly property line and the car parking area for the most southerly home Blue Birch proposes to build, there should be a restriction imposed to ensure that, at a minimum, the stand of pine trees that sits between my easterly property line and the Existing Cleared Area is maintained;
- C. Ensure that a safety buffer is maintained between the Georgian Trail and any driveway constructed on the Town Lands; and
- D. Whether Blue Birch is ultimately granted the right to build one, two, or three homes on the proposed 1.5 acres of the Blue Birch Land, Blue Birch should be required to grant an irrevocable conservation covenant on the balance of its property, approximately 24.5 acres, as well as on any portion of the Town Land sold to Blue Birch other than the Created Access Road, as a condition to any such approval and as a condition to any Licence or land sale. This will ensure that no future attempts are made to further develop these environmentally sensitive lands. Blue Birch would receive a significant tax benefit from the granting of a conservation covenant.

The Town still controls the ability to ensure these issues are addressed. A zoning amendment does not entitle the applicant to a Municipal Land Use Agreement for access across the Town Land, which is the only access that will be possible for these lots. Granting access creates significant value for the Blue Birch Lands, as without it those lands are land-locked and of little commercial value. Obtaining that benefit should not be “free”. It should come with significant obligations. If the Town is considering granting a Municipal Land Use Agreement or a land sale for access, the Town has the ability to, and should, impose whatever conditions and restrictions it deems desirable as part of that Agreement.

The proposed solutions I have put forward, including the requirement for a conservation covenant, can easily be incorporated into any agreement with Blue Birch and registered on title as restrictive covenants, and will provide much needed protections. I urge Council to use its powers to ensure that this happens.

Thank you for your consideration of my position.

Attachment: 2024-11-27 Herczeg Farm House North Lot Concept No Pool



2024-11-27_Herczeg
Farm House_North Lc

Diksha Marwaha

From: Corrina Giles
Sent: Friday, August 29, 2025 4:25 PM
To: WAYNE STEWART
Cc: Council; SMT; Diksha Marwaha; Planning General; Carrie Fairley
Subject: RE: STOP UP & CLOSE PORTIONS OF THE RAILWAY STREET UNOPENED ROAD ALLOWANCE - meeting Sept 9 - File No: P3508
Attachments: Aziz 101 Barclay Blvd submission Blue Birch Properties Inc Stop up and Close Proposal File No P3508.docx

Good afternoon,

I acknowledge receipt of your comments in response to the September 9 Public Meeting notice. By way of copy, I have forwarded your email to Council and staff for information, and confirm your comments will be included in the record of the Public Meeting, and attached to a followup staff report regarding this matter.

<https://pub-bluemountains.escribemeetings.com/FileStream.ashx?DocumentId=27508>

Kind regards,



Corrina Giles, CMO, Dipl.M.M.

Town Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 232 | Fax: 519-599-7723

Email: cgiles@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: WAYNE STEWART [REDACTED]
Sent: August 28, 2025 11:10 AM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: STOP UP & CLOSE PORTIONS OF THE RAILWAY STREET UNOPENED ROAD ALLOWANCE - meeting Sept 9 - File No: P3508

Hello, my name is Wayne Stewart and a resident [REDACTED]. My spouse also supports my concerns.

I want to fully endorse the concerns shared by Robert (Bob) Aziz and the thoughtfully proposed solutions he has put forth. To not put curbs and controls on the opening to the land by passing ownership to the Blue Birch owner, will certainly be problematic and not be in the interest of Blue Mountain and local residents. To allow the owner to have up to 3 driveway entrances onto Railway makes no sense to anyone that will look at the property. It will interfere with with Georgian trail, provide clear cutting of forest, etc that will impact neighbours and all that enjoy the area.

The owner has already provided an earlier proposal that has proved to be deceptive as the approach quickly moved from a single residence to a multi residence solution and

the town should learn from this past approach to be skeptical of what is being proposed as their approach. It will quickly morph from a single access to their intended multi access laneways to properties. The town should certainly maintain ownership going forward. My opinion is if to do otherwise, it would be misguided and negligent.

Regards,

Wayne Stewart

Good morning, Madame Mayor and Council,

My name is Heidi Wilbur and I live [REDACTED]. I would like to speak to this application and have my comments on the public record.

The entrance to this land was expropriated by the Township, sometime in the '80's, from my parents, Paul & Inge Langenbach – who were previous landowners of this parcel of land. This was done so that the Township could put a garbage & recycling container in this spot for the residents of Railway Street, Barclay Blvd and Ward's Road. This section of land was cleared, then graded by the Township and they put down gravel. The container was eventually removed when the Township started weekly truck waste removal. So, as the Township is no longer using this land for this purpose, this entrance should now be returned to the current landowner at no cost to them.

The Township has also put 3 culverts in place at various locations on this parcel and did so without advising the landowners at the time – my parents. These culverts bring all the spring runoff and rainwater from the surrounding areas directly into the privately owned 26-acre parcel of land. The Township had no right to do this. The Township has devalued the land by using someone's private property as a water repository instead of spending the money to put in ditches and storm sewers for the entire community! And, when the Township put in their culverts, they also changed the zoning from Development to Hazard land. The Township should remove the culverts, put in proper ditches and storm sewers to correctly accommodate the water issues from the mountain and on Ward's Road, Hidden Lake Road and Barclay Blvd., so that the parcel can be returned to its original Development zoning status.

By a show of hands, who on council or in today's audience would accept having all of the water from this entire area run onto their own properties and have their home and property designated as a water collection site? I was advised by the moderator during my presentation that no questions could be put to the council or mayor during my presentation, but I would genuinely like an answer to this question.

Mr. Herzog has created some beautiful developments surrounding wetlands in the GTA and has thoughtfully maintained the environmental and natural landscape in doing so. He and Blue Birch should be supported by the Township in creating a similar development on this beautiful parcel of land, as it was always meant to be. Hopefully, this current council has the vision to help him do so.

Cell: (437) 522-9620 Fax: (905) 946-6242
Email: janelle.lewis@HydroOne.com

From: Karen Long <klong@thebluemountains.ca>
Sent: Tuesday, August 19, 2025 1:54 PM
To: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Cc: Diksha Marwaha <dmawaha@thebluemountains.ca>
Subject: FW: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Good afternoon,

I have copied Diksha, Senior Planner, on this email for reply.

Thank you,



Karen Long
Administrative Assistant for Planning Services

From: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Sent: August 19, 2025 1:00 PM
To: Karen Long <klong@thebluemountains.ca>

Cc: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Subject: RE: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Hello Karen,

I have received your request, and I have requested a site inspection.

Once we received a response we will inform you.

Thank you,
Janelle Lewis
Cell: (437) 522-9620

From: Caitlin Walter <Caitlin.Walter@hydroone.com>
Sent: Wednesday, August 13, 2025 9:45 AM
To: REAL ESTATE ZONE 5 <RealEstateZone5@HydroOne.com>
Subject: FW: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Hello,

Please send to the FBC.

Thank you,

Caitlin Walter (she/her)

Real Estate Associate
Low Voltage Rights
Hydro One Networks Inc.
Tel: (416) 606-1296
www.HydroOne.com

From: Nirvan Jethwani <Nirvan.Jethwani@hydroone.com>
Sent: Tuesday, August 12, 2025 11:09 AM
To: Caitlin Walter <Caitlin.Walter@hydroone.com>
Subject: FW: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance

Hi Caitlin,

Please review this proposal of road closure.

Regards,

Nirvan Jethwani

Real Estate Co-op Student - Land Management and Acquisition
Hydro One
226-998-8108
HydroOne.com

From: Karen Long <klong@thebluemountains.ca>
Sent: Wednesday, July 16, 2025 10:57 AM
Subject: Development Review Committee - August 14, 2025 - Full Submission 2 of 3 - Railway Street Unopened Road Allowance



Town of The Blue Mountains

Development Review Committee

32 Mill Street – PO Box 310
THORNBURY, ON N0H 2P0

Municipal File No:	P3508 - Request for Comments –Railway Street Unopened Road Allowance (Blue Birch Properties Inc.)
Municipal Address	Railway Street Unopened Road Allowance
Applicant:	Kristine Loft / Blue Birch Properties Inc
Owner:	Town of The Blue Mountains
Municipal Planner:	Diksha Marwaha

Proposal:

The Town has received a formal request to purchase the unopened road allowance known as Railway Street. The unopened road allowance that Blue Birch requests to purchase would provide access from the municipal open and maintained portion of Railway Street and Barclay Boulevard to the Blue Birch lands.

On March 20, 2025, the Ontario Land Tribunal provided a settlement decision on the Blue Birch application and Ontario Land Tribunal decision contemplated Blue Birch utilizing Railway Street Road allowance for access to Railway Street and Barclay Boulevard.

IRC - Thursday, August 7, 2025 - Comments requested by Monday, August 4, 2025, or sooner
DRC- Thursday, August 14, 2025 - Comments requested by Monday, August 11, 2025 or sooner

Kindly forward your written comments to planning@thebluemountains.ca

Subject Lands



Documents for review

Attached is a PDF with links to the following documents for your review and comments:

1. Application Form
2. Cover Letter including concept plan
3. Survey Plan

At this time, I trust you find this in order,



Karen Long

Administrative Assistant for Planning Services

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 263 | Fax: 519-599-7723

Email: klong@thebluemountains.ca | Website: www.thebluemountains.ca

IMPORTANT INFORMATION

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication support or alternate formats.

Diksha Marwaha

From: Corrina Giles
Sent: Tuesday, August 26, 2025 4:18 PM
To: Bob Aziz
Cc: Carrie Fairley; Council; SMT; Shawn Postma; Planning General
Subject: RE: Blue Birch Properties Inc. Proposal to Stop Up & Close Portions Of The Railway Street Unopened Road Allowance File No: P3508
Attachments: Aziz 101 Barclay Blvd submission Blue Birch Properties Inc Stop up and Close Proposal File No P3508.docx

Good afternoon,

I acknowledge receipt of your comments in response to the September 9, 2025 [Notice of Public Meeting](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the September 9, 2025 Public Meeting, and attached to a future staff report regarding this matter.

Kind regards,



Corrina Giles, CMO, Dipl.M.M.

Town Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 232 | Fax: 519-599-7723

Email: cgiles@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Bob Aziz
Sent: August 22, 2025 8:07 AM
To: Town Clerk <townclerk@thebluemountains.ca>
Cc: Carrie Fairley <cfairley@thebluemountains.ca>
Subject: Blue Birch Properties Inc. Proposal to Stop Up & Close Portions Of The Railway Street Unopened Road Allowance File No: P3508
Importance: High

In connection with the above noted meeting on September 9, attached please find my written submission outlining my comments and concerns. Please let me know if you require anything further.

I would also like to be notified of any decisions made with respect to the Proposal.

Thank you

The proposed solutions I have put forward, including the requirement for a conservation covenant, can easily be incorporated into any agreement with Blue Birch and registered on title as restrictive covenants, and will provide much needed protections. I urge Council to use its powers to ensure that this happens.

Thank you for your consideration of my position.

Attachment: 2024-11-27 Herczeg Farm House North Lot Concept No Pool



2024-11-27_Herczeg
Farm House_North Lc

Diksha Marwaha

From: Corrina Giles
Sent: Friday, August 29, 2025 4:25 PM
To: WAYNE STEWART
Cc: Council; SMT; Diksha Marwaha; Planning General; Carrie Fairley
Subject: RE: STOP UP & CLOSE PORTIONS OF THE RAILWAY STREET UNOPENED ROAD ALLOWANCE - meeting Sept 9 - File No: P3508
Attachments: Aziz 101 Barclay Blvd submission Blue Birch Properties Inc Stop up and Close Proposal File No P3508.docx

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<https://pub-bluemountains.escribemeetings.com/FileStream.ashx?DocumentId=27508>

Kind regards,



Corrina Giles, CMO, Dipl.M.M.

Town Clerk

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Email: cgiles@thebluemountains.ca | Website: www.thebluemountains.ca

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From: WAYNE STEWART [REDACTED]
Sent: August 28, 2025 11:10 AM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: STOP UP & CLOSE PORTIONS OF THE RAILWAY STREET UNOPENED ROAD ALLOWANCE - meeting Sept 9 - File No: P3508

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