

## COMMENTS RESPONSE MATRIX

Project Name: 108 and 110 Deer Lane File No. P2970 Public Meeting Date: March 22, 2021

Comments Received By:	Date Received:	Written or Oral:	Comments / Concerns / Questions Summary:	Response
<b>AGENCY COMMENTS:</b>				
County of Grey	March 18, 2021	Written	<ol style="list-style-type: none"> <li>1. Recommended Town Staff confirm that the proposed restrictive covenant will provide appropriate safeguards that two lots will not/cannot be separately conveyed.</li> <li>2. Applicant shall demonstrate the proposal would not impact the Condominium Declaration pertaining to the condominium road access</li> </ol>	<ol style="list-style-type: none"> <li>1. See draft Restrictive Covenant dated January 25, 2021, prepared by Vic Vandergust, Lawyer (previously submitted to the Town) – Attachment 1.</li> <li>2. See opinion dated April 8, 2021, from Vic Vandergust, Lawyer, confirming that the proposal would not impact the Condominium Declaration – Attachment 2.</li> </ol>

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<b>Grey Sauble Conservation Authority</b>	March 22, 2021	Written	<ol style="list-style-type: none"> <li>1. GSCA generally has no objection to this application.</li> <li>2. It is preferable to our office that the lots be considered and developed as one contiguous lot.</li> <li>3. The increase in lot coverage can be generally supported by our office, dependent on meeting the required setbacks from the shoreline protection works.</li> <li>4. We are generally in agreement that a reduced setback from Georgian Bay can be supported, however the proposed dwelling appears to be infringing into the required setback from the top of the protection works to allow</li> </ol>	<p>See response and updated drawings SK-1 and SK-4 from Tatham Engineering dated April 8, 2021- Attachments 3, 4 and 5. This response indicates:</p> <p>“We have updated the drawing to recommend a minimum setback of 4m from the edge of the structure. We note that the proposed structure has ~1m wide blocks matching the proposed grade, which represents an additional 1m for equipment access to the structure, for a total of 5m minimum setback. We also note that the proposed building has much larger setbacks in most part of the backyard, with an average setback of 7.5m (not including the 1m from the top block). We consider this sufficient for accessing the terrace for maintenance works (see diagram below).”</p> <p>Note: It is acknowledged that a permit pursuant to O.Reg. 151/06 is required from the Grey Sauble Conservation Authority prior to a permit being issued pursuant to the Building Code Act.</p>
			<p>for access to the works. Our office recommends that this setback be 6-metres, however if the engineers responsible for the design of the works can confirm that 3-metres is acceptable to access the works, this may be permissible by our office.</p> <ol style="list-style-type: none"> <li>5. A permit from our office will be required for the shoreline protection works and the overall development and site alteration on the lot</li> </ol>	

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Historic Saugeen Metis Lands, Resources and Consultation Department	March 10, 2021	Written	1. No comment or concern	
<b>PUBLIC COMMENTS:</b>				
Mary Lees Michael Tabone Gregory and Genny Lees	March 11, 2021	Written	1. In support of the application	
<b>March 22, 2021 PUBLIC MEETING:</b>			1.	
Council	March 22, 2021	Verbal	1. What is the purpose of Block 22?	1. Condition 6 of the Draft Plan Approval given by the OMB (issued January 23, 2009 and attached as Attachment 6) respecting the Draft Plan prepared by Malone Givens Parsons revised June 18, 2008 (Attachment 7) indicates that "Blocks 21, 22 and 23 be conveyed to the Town for

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			<p>2. Confirm if there are public access permissions over Block 22</p> <p>3. Confirm existing public access permissions over the Town Owned Shoreline property – is it a publicly accessible shoreline property?</p>	<p>Walkway/Emergency Access/Servicing and Stormwater Management purposes respectively.”</p> <p>The Draft Plan prepared by Malone Givens Parsons revised June 18, 2008, denotes Block 22 as “SWM Bio-filter”. Block 22 of the Draft Plan is Block 22 on Plan 16M-62. In summary, the purpose of Block 22 is for Stormwater Management purposes.</p> <p>2. With regard to access permissions, it would appear that Council’s interest was with regard to the nature of the easement over Block 23, Plan 16M-62, being Grey Common Elements Condominium Corporation No. 123 and not Block 22 (16M-62 and GCECC No 123 attached as Attachments 8 and 9).</p> <p>Block 23, Plan 16M-62, being Block 24 on the previously referenced Draft Plan approved by the OMB, denotes this Block as a “Private Road” and thus clearly identifying the private nature of the Block.</p> <p>With respect to access permissions, the access easement over Block 22 (Instrument No. GY164527, December 18, 2018, attached as Attachment 10) in favour of The Town of The Blue Mountains is as follows:</p>
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				<p style="text-align: center;"><u><b>SCHEDULE "A"</b></u></p> <p style="text-align: center;"><u><b>ACCESS EASEMENT</b></u></p> <p>The Transferor hereby grants, transfers and conveys to the Transferee, in perpetuity, the free, unencumbered, uninterrupted and unobstructed right, license, easement or rights in the nature of an easement in, on, over, under, upon and through the servient lands of the Transferor described as Block 23 Plan 16M-62 on the attached Transfer (the "Easement Lands") for purposes of the Transferee and its employees, agents, contractors and workmen and other persons duly authorized by the Transferee, at all times and from time to time, to pass and repass over the Easement Lands with their plant, machinery, material, vehicles and equipment to provide access to the dominant lands of the Transferee described as Blocks 17 and 22 Plan 16M-62.</p> <p>This transfer of the Easement Lands shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns including successors in title from time to time of the Easement Lands.</p> <p style="text-align: center;">.</p> <p style="text-align: center;">.</p> <p>The access permission over GCECC No. 123 in favour of the Town is for "its employees, agents, contractors and workmen and other persons duly authorized...to pass and repass...with their plant, machinery, material, vehicles and equipment to provide access to...Blocks 17 and 22". With Block 22 being clearly described as a "Private Road"</p> <p>3. The shoreline property, being Block 17, Plan 16M-62, was dedicated to the Town as an Open Space Block (see the Amending Subdivision Agreement dated October 11, 2018 attached as Attachment 11).</p> <p>The use of Block 17 is within the purview of the Town with same being determined by way of Council's adoption of the Delphi Waterfront Management Plan, prepared by Skelton Brumwell &amp; Associates Inc., in particular Option 3 – "Limited Permitted Access with Protection and Enforcement Measures", and Council's subsequent directions to Town staff.</p>
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				<p>It is noted that the Waterfront Management Plan focussed on the east (Peaks Bay East) and west (Neighbourhoods of Delphi) ends of the ANSI and noted that “No options exist to connect the east and west sections of ANSI, currently separated by privately owned lands.”</p> <p>In summary, general public access on/over GCECC No. 123 was not anticipated under the OMB Order and is not provided for under the registered easement.</p> <p>With regard to general pedestrian public access to the shoreline ANSI Block, being Block 17, 16M-62, it is restricted by the private ownership of the adjacent lands.</p> <p>Further, the use of Block 17, Plan 16M-62 is regulated by Council’s direction to staff in terms of “Limited Permitted Access with Protection and Enforcement Measures”.</p>
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