



# 11 Little Lake Dr., Barrie

“I recognize the economic value that development brings to the city of Barrie and I do not dispute the need for it, however, thought and consideration must be given to our natural heritage sites and the impact development has on existing residents”.

“This development has had an emotional, financial and physical impact on my life”.

- Lorraine Cowan, Owner of 11 Little Lake Dr.

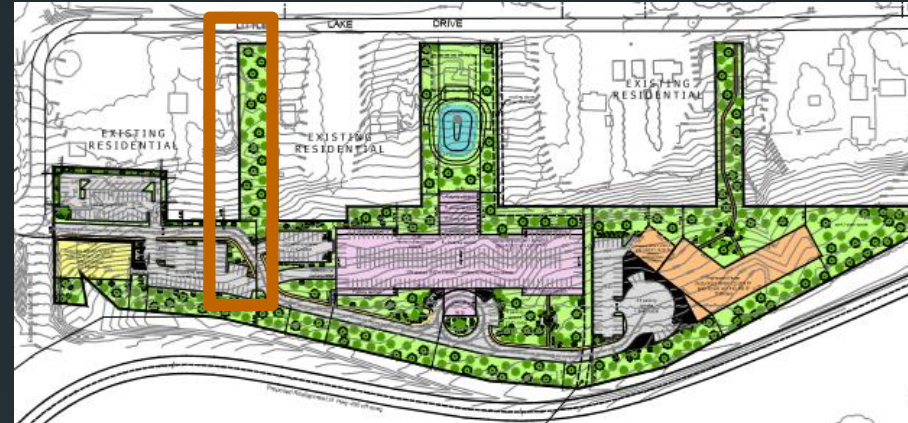


# Key Issues/Concerns

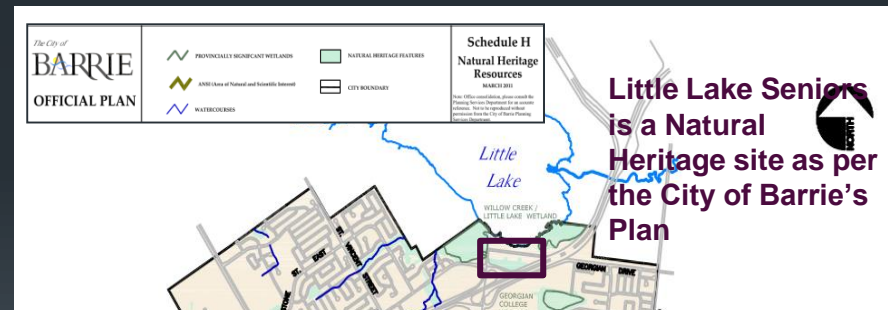
1. Removal of Co-owned and Buffer Zone Trees – 3.5min
2. Inconsiderate Approach to Development – Negative Effects on Residential Properties – 1min
3. Highway Noise - .5min

# 1. Removal of Co-Owned Buffer Zone Trees

1. FACT: Started as a residential property backing onto “Natural Heritage Land” as per the City of Barrie’s Plan
2. FACT: Property re-zoned to C4 commercial and commitment made to existing residents to keep the land as green space – this is still shown as green space on the the Little Lake Seniors Community site plan
3. FACT: Fall of 2012 the trees on this parcel of land and all land at the back of our property were clear cut with the exception of a 3m buffer zone
4. FACT: Tree removal signs posted at the edge of the site referenced the wrong contact number
5. FACT: Owner Dr. David Boushy, Developer Bruce Stewart, and Councillor Doug Shipley all came to my property to discuss the damage caused by the clear-cut of the 40year old forest around us and promised me that no more trees would be removed



<http://www.littlelakeseniors.com/site-plan/> August 16, 2013





Forest surrounding 11  
Little Lake Dr. prior to  
tree removal





Forest surrounding  
11 Little Lake Dr.  
after tree removal







Forest surrounding  
11 Little Lake Dr.  
after tree removal





# 1. Removal of Co-Owned Buffer Zone Trees

## Supporting Emails

FACT: Email dated October 30, 2012 from **City of Barrie Bob Kahle** - in response to my request to confirm that the buffer zone trees will not be removed without my consent

"You asked that we confirm your understanding that the trees remaining in the 3m buffer zone along side your property will not be removed without your prior authorization. Please note that the developer must secure a "consent" letter from each of the abutting owners of #9, #11, and #17 Little Lake Drive to authorize the amendment to the approved Site Alteration Permit / Tree Removal permits to allow deletion of the 3m buffer, so the grading works as proposed in their site plan drawings can extend to property line".

FACT: Email dated November 6, 2012 from **Traditions Development Bruce Stewart** - acknowledging the verbal commitment he gave about keeping the buffer zone trees

"I assured you that we would protect key trees that abut the property line and we will".

FACT: Email dated November 7, 2012 from **Part Owner Dr. David Boushy** - regarding his commitment to resolve our issues including the trees in the buffer zone

"I am in contact with Bruce regularly and I will make sure you are satisfied with the resolutions of your requests and concerns. We will not turn away from the concerns you have expressed".



# 1. Removal of Co-Owned Buffer Zone Trees

## Supporting Documentation

"In pre-construction with the City of Barrie, the project planners, Jones Consulting Group Ltd. have determined that an Environmental impact Study (EIS) is required in support of the necessary Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Application".

"All development is set back ... between 3m and 17.4m from the rear lot lines of existing homes, with those setback areas providing an opportunity to retain some of the healthier trees... the plan additionally incorporates a small opened space block, in which there will be an opportunity to retain some trees".

**Note:** Nowhere in the EIS does it state that the buffer zones are temporary

"There are three former residential lots fronting on Little Lake Drive which are included within the subject lands. Within these areas, future uses are substantially restricted to open space, including stormwater management ponds. A substantial number of trees can also be maintained in these areas... Michalski Nielsen Associates Limited recommends that:... this plan consider opportunities for long-term sustainability and health of existing trees which are to be preserved".

*Little Lake Senior's Community Environmental Impact Study, August 2011, Michalski Nielsen Associated Limited,*

**Substantial:** Considerable in quantity : significantly great

<http://www.merriam-webster.com/dictionary/substantial>

**Maintain:** To keep in an existing state, preserve from failure or decline

<http://www.merriamwebster.com/dictionary/maintain?show=0&t=1376669598>

**Preserve:** To keep alive, intact, or free from decay

<http://www.merriam-webster.com/dictionary/preserve>





# 1. Removal of Co-Owned Buffer Zone Trees

## Response Received to Legal Letter sent from my lawyer July 24, 2013

### City of Barrie response:

- Staff are satisfied that the EIS has been complied with – IT IS BIASED TO AGREE WITH YOUR OWN DECISION – AN AGREED UPON NEUTRAL THIRD PARTY SHOULD HAVE MADE THE ASSESSMENT
- The developer redesigned the service path to address my concerns – WHICH OF MY CONCERNS WERE ADDRESSED? – WHEN WAS I CONSULTED ON THE CHANGE? – THE CITY ALLOWED THE DEVELOPER TO CHANGE THE SITE PLAN WHICH RESULTED IN THE DEVELOPER NO LONGER REQUIRING MY CONSENT TO REMOVE THE TREES – THIS IS COMPLETELY CONTRARY TO WHAT I REQUESTED/WANTED – THIS IS CORRUPT PRACTICE
- Preservation of several more trees – WHAT TREES HAVE BEEN PRESERVED THAT PROVIDE PRIVACY, SHADE, AND SOME BARRIER TO NOISE – SEVERAL MORE TREES – WHICH ONES – THOSE THAT ARE CO-OWNED AND COULDN'T BE TAKEN DOWN ANYWAYS? – OUT OF THOUSANDS OF TREES REMOVED THERE ARE MAYBE 2-3 LEFT, THIS MUST BE WHAT IS CONSIDERED BY THE CITY AS SUBSTANTIAL AS PER THE EIS REQUIREMENT – IS THAT CORRECT?

Traditions Development (Bruce Stewart) response: DIDN'T EVEN HAVE THE DECENCY TO RESPOND – THESE ARE THE TYPES OF PROFESSIONALS THE CITY PARTNERS WITH?

Part-Owner Dr. David Boushy response: NONE

# 1. Removal of Co-Owned Buffer Zone Trees

## Final Betrayal

FACT: I made all relevant parties including Mayor Lehman, and Dr. Boushy, aware that I was disputing the ownership of one of the last beautiful, healthy, mature trees in the front of my property. This tree offered so many benefits including the last of our privacy to the neighbouring lot, significant shade – foliage spanned over 20ft in our front yard

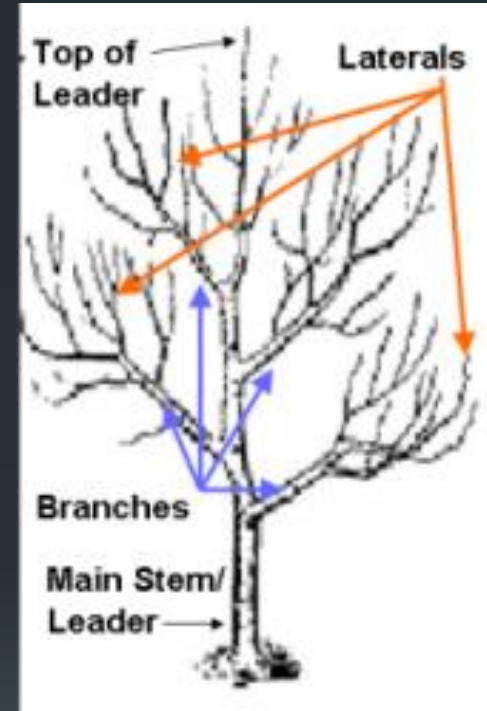
FACT: I both, verbally and provided in writing, my request to hold on the removal of this tree until such time that we could have a legal judgement on ownership – THE CITY AND OWNER ALLOWED THE DEVELOPER TO CONTINUE WITH REMOVAL

FACT: Based on recent ruling by the Ontario Superior Court : Boundary tree “any part of the trunk crosses the boundary line” “any part of the trunk over the boundary line makes the tree a boundary tree” “The expert evidence accords with a common sense reading of the word “trunk” and with its dictionary meaning as well”

**Trunk:** The main woody stem of a tree as distinct from its branches and roots - the main part of an artery, nerve, or other anatomical structure from which smaller branches arise.

<http://oxforddictionaries.com/definition/english/trunk>

This tree had a tree trunk fork with multiple trunk leaders or “main stems” one of which crossed 11 little lake drive making it a co-owned tree as per the definitions above – THE CITY, OWNER, AND DEVELOPER PROCEEDED TO REMOVE THIS TREE NOT WAITING FOR A FAIR UNBIASED DECISION TO BE MADE AND KNOWING FULL WELL THAT ONCE REMOVED IT COULD NOT BE REPLACED



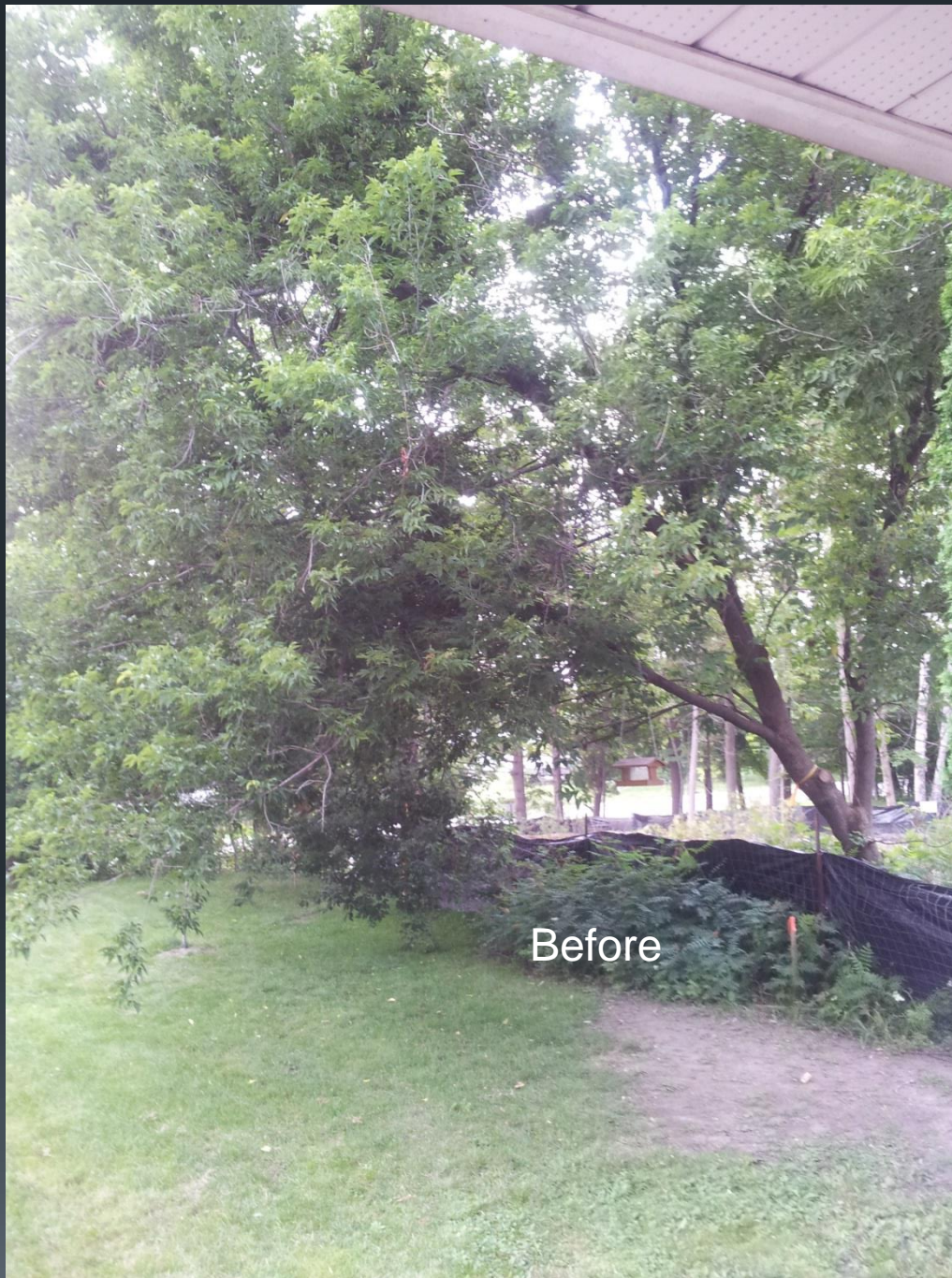


Main Stem /  
Leader

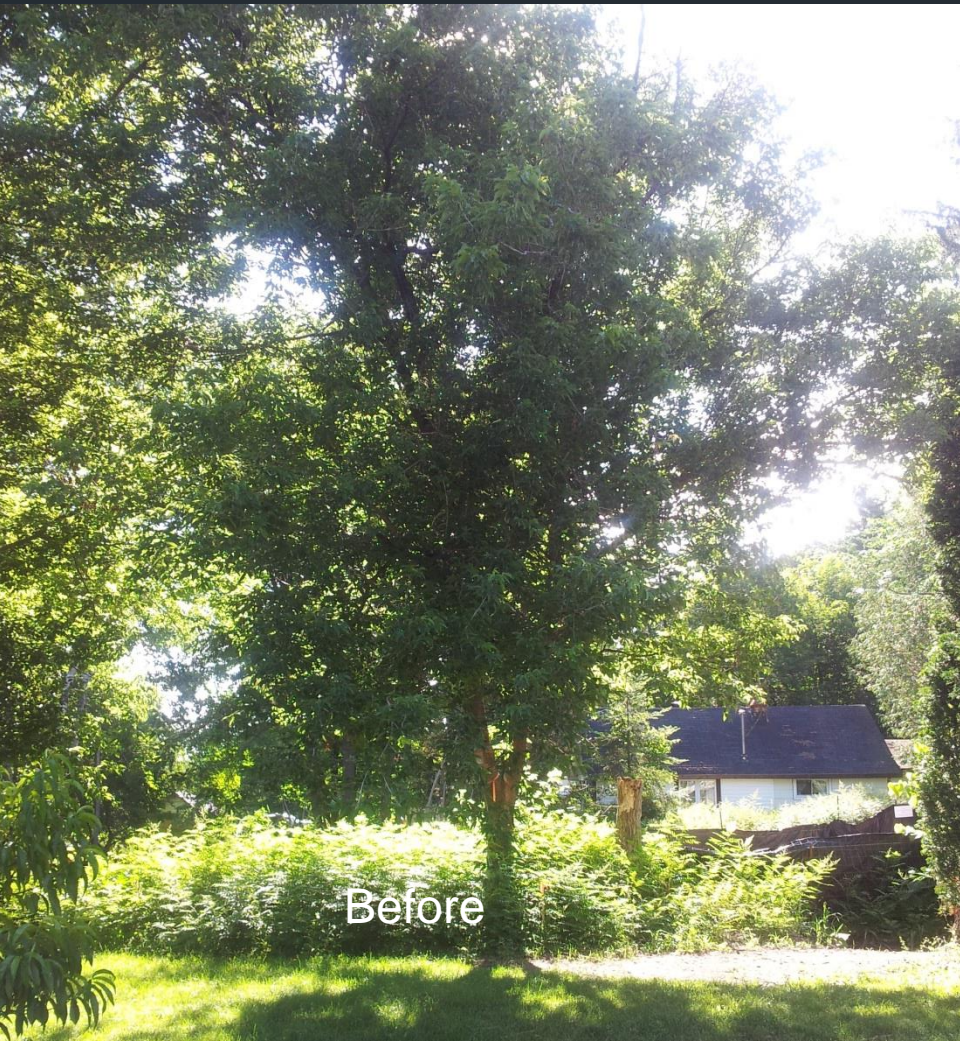
Property  
Marker











Before



After



## 2. Inconsiderate Approach to Development Negative Effects on Residential Property

- a) Significant re-grading with no support structure to protect our land – well water is at 15ft below ground level





## 2. Inconsiderate Approach to Development Negative Effects on Residential Property

### b) Loss of three healthy mature trees on our property

Verbal acknowledgement by Bruce Stewart, Developer in a meeting held at city hall for negotiations, that these trees likely would not have fallen if the development did not occur



The trees on our property have grown tall and thin in the inner circle of a forest – the removal of trees by the developers has exposed our trees to increased winds and other extreme weather conditions. The extreme re-grading by the developer at the back and side of our property – land height differential of approximately 20ft has also potentially caused disruption to our land. Three of our mature trees were uprooted in April 2013.

- Approximately 35ft healthy cedar uprooted on April 6<sup>th</sup> 2013
- Approximately 50ft healthy poplar uprooted on April 12<sup>th</sup> 2013
- Approximately 20ft healthy cedar a few weeks later



## 2. Inconsiderate Approach to Development Negative Effects on Residential Property

### c) Damage to critical roots of several of our healthy mature trees





## 2. Inconsiderate Approach to Development Negative Effects on Residential Property

### d) Major safety concerns



A 30ft+ pit just steps from my backyard property line with only a 2-3ft wire fence barrier improperly installed that didn't even reach my hip – I have children and my dogs that walk my backyard

This pit was left open and unattended throughout the night

The city has already stipulated that they do not get involved in worker safety, however, should they not be concerned about the developers they partner with and the safety measures they use – dirt was caving in on this worker as they dug out the pit – no support or barriers installed





### 3. Noise Impact

“The presence of forest cover behind the homes... contributes to the vista from the adjacent highway”.  
– *Little Lake Senior’s Community Environmental Impact Study, Michalski Nielsen Associates Limited, August 2011*

“It was found that all residential units exposed to highway 400 would need mandatory air conditioning. ...units with exposure to highway 400 will require an STC rating of up to STC 54 for exterior walls and STC 41 for windows. This is upgraded from standard building construction”.

“Outdoor living area: is the part of an outdoor amenity area which is easily accessible from the dwelling and which is designed for the quite enjoyment of the outdoor environment”. – *Preliminary Environmental Noise Report, Little Lake Seniors Community, August 31, 2011*

From: Chris.Blaney@ontario.ca  
To: lorraine.cowan@live.ca  
Subject: RE: Noise from hwy 400 from commercial property development  
Date: Fri, 9 Nov 2012 19:30:08 +0000

I believe that answering all of your questions should fall to the Ministry of the Environment who set the guidelines under which residential development takes place. However, as the Ministry that produces the noise in your area I will attempt to answer all of your questions.

The approval of this development lies with the City of Barrie. Ultimately, this development will result in noise increases in you area. The amount of noise reduction from the trees depends on the type and density of the forest. From looking at a map it appears that the forest is reasonably thick and would result in a noise level reduction in the area north of the forest of about 5 dBA. In addition to this, the creation of paved areas and reflective building surfaces could make the situation even worse. For a noise barrier to be effective it needs to block the line-of-site between the noise source and the receiver. Given the size of the lots, and the amount of noise produced by Highway 400 and Duckworth Street...the proposed fence would not likely provide any significant noise reduction. The summer road traffic volumes on Highway 400 are about 90,000/day. It is unlikely that the minor amount of traffic on the interior road system would be audible over the high background noise level.

I believe that you should ask the City of Barrie for a copy of the noise study that should have been done as part of the redevelopment process. If one was not completed, it should be so that your home can be properly protected from the noise in the area.

Thanks,

Chris Blaney  
Senior Environmental Planner - Acoustics

Our outdoor living area, which as stipulated in the Environmental Noise Report, “is designed for quite enjoyment” has been destroyed

We can no longer open our back windows while watching TV or trying to sleep because of the sound of the highway

The forest provided a great buffer to the noise. Having removed the forest along side (300ft) and behind us has increased noise levels substantially

### 3. Noise Impact

From: lorraine.covish@live.ca  
To: rootton@barrie.ca; flehman@barrie.ca; dboushy@gmail.com  
Subject: RE: Noise from hwy 400 from commercial property development (Little Lake Seniors Community D11-16173)  
Date: Fri, 21 Dec 2012 14:58:57 -0500

Sorry.

I have another question to include.

It is likely fair to say that different consulting firms would generate slightly different results depending on the input data to the program. In the absence of being able to have another study conducted for comparison - what is an acceptable variance (+/-) that can be applied to the figures provided?

Please provide a copy of all input data that was used to produce these results and the estimated accuracy of the program results based on the software manufacturer's guidelines.

Sincerely

Lorraine

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From: lorraine.covish@live.ca  
To: rootton@barrie.ca; flehman@barrie.ca; dboushy@gmail.com  
Subject: RE: Noise from hwy 400 from commercial property development (Little Lake Seniors Community D11-16173)  
Date: Fri, 21 Dec 2012 14:32:12 -0500

Dear Ross,

Thank you for forwarding this report.

I have read through the report and have several concerns.

1. There are no actuals in this study - In an email I received from MTO and shared with all involved - they estimated the change in noise would be 5dBA from the removal of trees and likely worse, when the building and pavement is in. If we can use MTO as a reference in this report, then should we not place importance on their view of this particular situation?
2. Nevertheless, 4.5dBA was estimated - this is slightly below the mark from MTO and no mitigating measures are recommended???
3. Why are they stating that future vs past (+2.6) is better than present vs. past (+4.5) - this contradicts information from MTO - In their program did they include the specific location of my home - loss of trees beside and behind me - the exact location of where the new buildings will be etc...

Sincerely,

~

Lorraine

~

P.S. I have copied Mayor Lehman and Dr. Boushy, as I recently emailed them regarding this situation

Impact on existing Little Lake residents was not considered in the Preliminary Environmental Noise Report for Little Lake Seniors Community.

No actuals were used in determining noise impact.

An email from Chris Blaney, Senior Environmental Planner – Acoustics, MTO, shown on the previous page, states that a change of 5dBA could be expected from the removal of trees that previously acted as a buffer to the noise.

We still have not received answers to the questions in the email sent Dec 21, 2012, regarding the accuracy of the complaint assessment.

IT'S INTERESTING HOW THE CITY AND DEVELOPER HIDE BEHIND THE NOISE STUDY AS GOSPIR FOR NOT ERECTING SOUND BARRIER FENCING, EVEN THOUGH THE STUDY WASN'T BASED ON ACTUALS, BUT IT'S OK NOT TO FOLLOW THE EIS





## Conclusion

We want it to be very clear, that we are not interested in hearing how many emails have been exchanged and how many visits staff and others have made to our property or any other political runarounds to get out of addressing the facts of this case

We're interested in honest actions, professionals with integrity, being true to their word and acknowledging the unjust actions to date, with willingness to negotiate a fair resolution to these issues/concerns

Let's see if the City of Barrie keeps to their commitment on a balanced approach to development and if the Owner and Developer keep the word of a "good neighbour," or if this is all as it seems – political lip service to appear trustworthy and honourable in the public eye

Things to Remember:

1. If we want to discuss how the developer tried to negotiate, I have the notes from city staff on the negotiation and the email sent from the developer being untrue to their word, and with the threat of revocation if we were not to agree in 48hrs - where agreement would have meant the removal of several more mature trees including various co-owned – this was obviously not accepted on our part
2. No favors took place regarding the fencing – we actually had to fight to have the developer comply with the by-law (C4 Commercial requires a 2m wood tight board fence beside residential)
3. Any key trees preserved are co-owned and therefore should not be removed without my consent
4. Increased tree size is a nice gesture but does not come close to mitigating the impacts on our property