February 3, 2023

Marion-Francis Cabral, Planner
Corporation of the County of Middlesex
County Building
399 Ridout Street North
London ON N6A 2P1

Via Email to: mcabral@middlesex.ca

RE: UTRCA Letter dated January 17, 2023 - Improper Comments on 39T-MC-CDM2101, OPA 57, ZBA-16-2021 and SP05-2021 - Applications by Sweid Holdings Inc. pertaining to 6, 10 & 14 Elmhurst St, Village of Kilworth

I am the Lawyer for Sweid Holdings Inc. As you are aware, my Client has submitted revised Applications for an Official Plan Amendment, Zoning By-law Amendment, and Site Plan Approval for the site municipally known as 6, 10, and 14 Elmhurst St. I understand these Applications will be brought to Council for decisions on February 15, 2023.

My Client has provided me with a copy of correspondence from the Upper Thames River Conservation Authority (UTRCA), dated January 27, 2023, which is Attachment 1 to this letter. It is my opinion that the UTRCA correspondence is improper and contrary to the UTRCA's jurisdiction as set out in section 21.1.1.(1.1) of the *Conservation Authorities Act*, which clearly states.

21.1.1 (1.1) *An authority shall not provide under subsection (1), within its area of jurisdiction, a municipal program or service related to reviewing and commenting on a proposal, application or other matter made under a prescribed Act. 2022, c. 21, Sched. 2, s. 3 (2).*

The *Planning Act* is a "prescribed Act" under section 1 of O.Reg 596/22. Section 21.1.1(1.1) of the *Conservation Authorities Act* is in full force and effect. The UTRCA therefore has no jurisdiction to comment on *Planning Act* Applications, particularly where there are no natural hazards and the site is not within a regulated area, which is the case with this proposal.

Setting aside for the moment the lack of jurisdiction to comment, there is another very concerning issue with the UTRCA's correspondence. My Client received an email on March 25, 2021 from Stephanie Pratt, Land Use Planner at the UTRCA indicating that the UTRCA is satisfied with the Forestry Report that was provided in relation to the woodlot on the site. We fail to see why or how the UTRCA is now taking a contrary position. The

BAROUDI LAW PROFESSIONAL CORPORATION
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analee@baroudilaw.ca

aforementioned email from Ms. Pratt is Attachment 2 to this letter. The Forestry Report previously submitted by my Client and reviewed by the UTRCA is Attachment 3.

The UTRCA correspondence will unfairly and improperly prejudice Council's consideration of my Client's Applications. If you intend to present the UTRCA correspondence to Council, please ensure that my letter along with these three attachments are also presented to Council so that these objections may be noted.

It is my Client's submission to Council that the UTRCA correspondence should be entirely disregarded given the UTRCA's lack of jurisdiction to comment and also given Ms. Pratt's previous email confirming there were no concerns regarding the woodlot.

Thank you.

BAROUDI LAW

Analee J.M. Baroudi

Lawyer

c.c. Laura Biancolin, Land Use Planner II, Upper Thames River Conservation Authority via email

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ATTACHMENT 1

UPPER THAMES RIVER CONSERVATION AUTHORITY

"Inspiring a Healthy Environment"

Thames Canadian Heritage River

January 27, 2023

Corporation of the County of Middlesex
County Building
399 Ridout Street North
London, Ontario N6A 2P1

Attention: Marion-Francis Cabral, Planner (Via e-mail)

Re: Application for Vacant Land Condominium, Official Plan Amendment, Zoning By-law Amendment and Site Plan.
File No. 39T-MC-CDM2103, OPA 57, ZBA-16-2021 and SP05-2021
Agent: LDS Consultants Inc. & Knutson Development Consultants Inc.
Owner: Sweid Holdings Inc.
6, 10 & 12 Elmhurst St (Elmhurst Development), Village of Kilworth, Municipality of Middlesex Centre, County of Middlesex

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The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the *Conservation Authorities Act,* the *Planning* Act, the Provincial Policy Statement (2020), and the Upper Thames River Source Protection Area Assessment Report.

BACKGROUND AND PROPOSAL

The approximately 2 ha subject lands are comprised of three, large residential properties containing single-detached dwellings with frontage on Elmhurst Street. The *County of Middlesex Official Plan (consolidated, 2006)* identifies the subject lands within the Kilworth 'Settlement Area'. The subject lands are designated 'Low Density Residential' and 'Natural Environment' on *Schedule A-2 Komoka-Kilworth Urban Settlement Area & Secondary Plan* of the *Middlesex Centre Official Plan (2022)* and zoned 'Urban Residential First Density Exception 3 (UR1-3)' in the *Municipality of Middlesex Centre Zoning By-law (No. 2005-005)*. The woodland within and adjacent to the subject lands has been identified as Significant Ecologically Important in the Middlesex Natural Heritage Systems Study (2014). Accordingly the woodland has been designated as 'Significant Woodlands' on Schedule C Natural Heritage Features of the County Official Plan and on Schedule 'B' Greenland System of the Municipal Official Plan.

The **Vacant Land Condominium (File No. 39T-MC-CDM2103)** proposes a 15-unit single detached dwelling (Lots 1–15) and 30-unit townhouse dwelling (Lots 16-45) development. The site is proposed to be developed on full municipal services with access from Elmhurst Street. The portion of significant woodland on the subject lands is proposed to be retained.

To implement the Vacant Land Condominium the following applications are proposed:

- **Official Plan Amendment** (File No. OPA 57) to delineate the significant woodland.
- **Zoning By-law Amendment** (File No. ZBA-16-2021) to rezone the lands to a "site specific" zone to achieve an Exception Residential (UR1-x and UR3-x) Zone. For the single detached dwellings and townhouse dwellings respectively.
- **Site Plan** (SP05-2021)

DELEGATED RESPONSIBILITY & STATUTORY ROLE

Provincial Policy Statement 2020

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the "Provincial One Window Planning System for Natural Hazards" Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA's Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the policies of the UTRCA's Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the *Planning Act* approval process and that a permit application can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA's Environmental Planning Policy Manual is available online at: http://thamesriver.on.ca/wp-content/uploads/PlanningRegulations/EnvPlanningPolicyManual-update2017.pdf

NATURAL HAZARDS

The UTRCA represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards. Based on best available information there are no natural hazards on the subject lands.

NATURAL HERITAGE

3.3.3 Woodland Policies

The woodland within and adjacent to the subject lands has been identified as Significant Ecologically Important in the Middlesex Natural Heritage Systems Study (2014). Accordingly the woodland has been designated as 'Significant Woodlands' on Schedule C Natural Heritage Features of the County Official Plan and on Schedule 'B' Greenland System of the Municipal Official Plan. New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodland unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

CONSERVATION AUTHORITIES ACT

The subject lands ***are not*** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

DRINKING WATER SOURCE PROTECTION - *Clean Water Act*

The subject lands ***are*** located within a vulnerable area. For more information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/

TECHNICAL REVIEW COMMENTS

Alongside the applications the UTRCA received and review the following submissions:

- ***Stormwater Servicing Brief,*** prepared by LDS, dated November 22, 2022
- ***Geotechnical Investigation & Hydrogeological Assessment,*** prepared by LDS, dated November 3, 2022
- ***Scoped Development Assessment Report,*** prepared by Natural Resource Solutions Inc., dated July 16, 2021
- ***Planning Justification Report***, prepared by LDS, dated November 2022
- ***Site Plan (Drawing SP1),*** *prepared by LDS, stamped/sealed October 19, 2022*
- ***Sheet No. 1 of 5 to 5 of 5*****,** *prepared by LDS, stamped/sealed November 24, 2022*
- ***Landscape Details (Drawing L-2)****, prepared by Ron Koudys Landscape Architects Inc., dated October 26, 2022*

STORMWATER MANAGEMENT BRIEF

Please provide a response letter and Final SWM Report addressing the following comments:

1. The Brief states that it is proposed to develop the site as a mixed-use residential development consisting of 15 single-family lots and 45 medium-density residential units. The draft plan proposes 15 single detached dwelling lots and 30 townhouse units. Please revise the report to reflect the proposed draft plan.

2. The Geotechnical Investigation & Hydrogeological Assessment states in Section 5.2 that it is prudent to ensure that where low impact development (LID) features are proposed for use onsite, that they be strategically located to ensure that clean water (from rooftops and landscaped areas) be the primary source of stormwater run-off, and to ensure that stormwater run-off which has the potential to contain contaminants (from roadways, etc.) be directed to a suitable location for water quality treatments.

   The Brief states that the SWM runoff will be conveyed to the internal storm sewer system and will be infiltrated through subsurface infiltration galleries. Further the Brief states that quantity control will be achieved though surface storage, perforated storm sewer network and multiple subsurface infiltration trenches and galleries. Aligned with the recommendations in the Geotechnical Investigation & Hydrogeological Assessment:

   a) The UTRCA strongly recommends infiltrating only clean runoff as the site is within the designated vulnerable area, highly vulnerable aquafer, and significant groundwater recharge area.

   b) The UTRCA does not recommend perforated storm sewers due to runoff quality concerns.

3. For Catchment Area 201 and 202 the Brief states that a perforated storm sewer network will convey minor and major flows to the subsurface trench from the rear yard of lots 12-15 and 1-9 respectively. Infiltration occurs slower than the conveyance of runoff which may cause local flooding and ponding. Please consider the effects of the proposed SWM strategy on the neighboring properties, and confirm that the proposed SWM will not result in local flooding and ponding.

4. The infiltration capacity decreases over passage of time due to operation and maintenance issues. The performance of the proposed infiltration based SWM infrastructures will depend on the operation and maintenance of the proposed infiltration system/galleries.

    a) As discussed in comment 2, the UTRCA recommends that the runoff is collected and cleaned before it is infiltrated.

    b) The UTRCA recommends that an Operation and Maintenance Plan is in place to ensure the long term function of the infiltration based SWM infrastructure.

5. The Brief notes that there is no physical outlet for this site. All flow will be contained within the site boundaries to mitigate potential adverse effects on the surrounding environment. The UTRCA recommends providing an emergency overland flow routes in case the proposed infiltration system fails due to operation and maintenance or other issues to avoid local flooding.

    a) Please provide details of how runoff will be conveyed safely during major storm or an emergency situation.

    b) Please consider the effects of the proposed SWM strategy on the neighboring properties, and confirm that the proposed SWM will not result in local flooding and ponding.

6. Please provide supporting calculations for the proposed 632 m^3 volume being proposed for infiltration on the subject lands

7. Table 2 and 3 reported volumes under the pre- and post-development conditions. However the report notes pre- and post-development peak flow rates and claims that the flow rates are less than the pre-development condition as the entire volume of the 250-year storm is infiltrated without overflowing the proposed storage system. Please report the pre- and post-development flows.

8. Please provide drawings showing the pre- and post-development catchments areas supported by local contours and grading information, not the limits of the subject lands and proposed development. Please show any external drainage areas that may be flowing on to the site and revise the figure and SWM calculations if required.

9. Please provide justification for the Curve Number (CN) of 41 and 25 used for the area 101 and area EX-1 under the existing conditions.

10. Please revise Figure 3 to include maximum depths and extent of ponding during the 250-year storm.

11. Please revise Figure 4 to identify the drainage areas to each infiltration trench and gallery under the post-development conditions and include cross sections for the trenches and galleries which identify the elevation during the 250-year storm.

12. The FlexStorm Catch-It Inlet being proposed on site for water quality may not prevent dissolved pollutants such as chlorides from entering the proposed SWM system and being infiltrated into the groundwater, specifically from the road and parking lot areas. Please provide details on how the proposed the SWM system will prevent the dissolved pollutants from entering the infiltration trenches to avoid groundwater pollution.

13. Please consider the effects of the groundwater recharge on the proposed SWM infrastructure.

14. Please submit a detailed Erosion and Sediment Control (ESC) drawing supported by notes, standards, inspection, monitoring, and reporting signed, sealed, and dated by P.Eng. The detailed ESC mentioned in the SWM brief should be provided to the contractor on the site and should be noted on the ESC drawings.

DEVELOPMENT ASSESSMENT REPORT

Please provide a response letter and Final DAR addressing the following comments:

15. The DAR submitted in support of the applications was prepared based on a previous draft plan of subdivision concept. There is no site plan included in the DAR, however based on specific lot number descriptions in the report, the recommendations do not match the currently submitted site plan. The UTRCA does not accept the submission of the preliminary DAR as the recommendations in the DAR are not reflective of the impacts of the proposed site plan. Please revise the DAR and provide recommended setback(s) and mitigation measures to ensure no negative impacts to the significant woodlot and its ecological functions based on the configuration of the proposed site plan.

16. The DAR recommends a 1 m setback from the surveyed dripline, in which grading is not permitted, in order to protect the root zone of these trees. A 2 m setback from the northern property line is recommended to protect the trees on the adjacent property. Further, as discussed in comment 15, the recommended setback is based on a previous draft plan, where the edge of the woodland buffer would be at the rear lot lines, and not the draft plan submitted with this application, where stormwater management infrastructure is proposed directly adjacent to the buffer. Please revise the DAR to provide recommended setback(s) and mitigation measures for the new proposed orientation of the site to ensure no negative impacts to the significant woodlot and its ecological functions. Please note that the buffers should also account for tree fall zones, and any impacts to the function of the proposed SWM facilities related to tree roots, branches, leaves, etc. should be considered.

17. The Grading Plan identifies the ‘Dripline’, while the Site Plan identifies the ‘Tree Preservation Limit’, however neither appear to incorporate the recommended buffers. Please identify the recommended buffers from the significant woodland on the development plans. As discussed in comment 15, the buffer may need to be revised based on the proposed draft plan and the recommendations in the revised DAR.

18. The UTRCA recommends that any landscaping plantings near the woodland use native trees and shrubs, and avoid any invasive non-native species. We recommend using species from the UTRCA’s Recommended Native Trees & Shrubs for Naturalization Projects in the Upper Thames River Watershed: https://thamesriver.on.ca/wp-content/uploads/Native-trees-shrubs.pdf

19. A privacy fence is proposed to be installed around the perimeter of the subject lands. A portion of the privacy fence is proposed within the woodland (i.e. lot 15 on the current site plan). The DAR recommends that the fence within the woodland be installed by hand to avoid vegetation removal and impacts to the woodland.

    a) The UTRCA does not recommend fencing through natural heritage features. The fence be located outside of the natural feature, or that markers (e.g. posts, bollards, etc.) be placed at the limit of the property boundary within the feature to limit the impacts on the trees and on connectivity within the feature for wildlife.

    b) The DAR recommends using decorative bollards on lots 12 and 13 to mark the tree protection area, and that the tree protection area be registered on title for lots 12 and 13. This lot numbering is based on a previous version of the site plan, please revise this recommendation based on the new proposed site plan.

PLANNING COMMENTS

20. As noted in comment 14, the DAR submitted alongside the application was prepared based on a previous draft plan concept. The UTRCA does not accept the use of the preliminary DAR as the recommendations in the DAR are not reflective of the impacts of the proposed draft plan configuration. Please revise the DAR based on the proposed draft plan. The recommended buffers(s) and mitigation measures in the Final DAR must ensure no negative impacts to the significant woodlot and its ecological functions based on the final configuration of the draft plan.

21. The infiltration trenches (Trench ‘A’, Trench ‘B’ and Trench ‘C’) are proposed along the north property line, potentially within the development setback associated with the significant woodlot. UTRCA does not support stormwater management infrastructure within the setbacks required for natural heritage features. Please clearly identify the setback on all plans and ensure that all SWM infrastructure is located outside of the setback, and provide comments on any expected impacts on the function of the proposed SWM facilities built in close proximity to the woodland.

22. The UTRCA does not recommend snow storage areas next to natural heritage features, as contaminants within the snow may negatively impact the features when snow melts. Continuous use of these areas for snow storage has the potential for buildup of contaminants adjacent to the features, which could then impact the vegetation within the buffer, and eventually be transported into the woodland. The UTRCA recommends moving the proposed snow storage along lot 15 (across from lots 16 and 17), between lots 27 & 28, and between lots 39 & 40 away from the significant woodland.

23. The Grading Plan identifies a Light Duty Silt Fence along the development boundary. The Light Duty Silt Fence should be installed at the outer limit of the woodland buffer recommended in the final DAR prior to any site grading, not within the woodland. Please revise.

24. Please include the following details on the proposed site plan:
    - The dripline of the significant woodland;
    - The recommended buffer from the significant woodland, as per the revised DAR;
    - The location of privacy fencing and markers (e.g. posts, bollards, etc);
    - The location of snow storage areas; and
    - The location of stormwater management infrastructure.

UTRCA REVIEW FEES

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications and the peer review of technical reports. Fees for the review of the outstanding technical reports requested above will be invoice once UTRCA technical review comments are provided to the applicant. Our fee to review this submission is as follows and will be invoiced under separate cover.

Draft Plan of Condominium ($160 per unit)	$ 4,800.00
Official Plan Amendment (Minor)	$ 550.00
Zoning By-law Amendment (Minor)	$ 550.00
Stormwater Management (SWM) Studies – Preliminary	$ 1,200.00
Development Assessment Report (EIS – Minor)	$ 750.00
TOTAL	**$ 7,850.00**

RECOMMENDATION

The DAR submitted in support of the application was prepared based on a previous draft plan concept. The UTRCA does not accept the use of the preliminary DAR as the recommendations in the DAR are not reflective of the impacts of the proposed draft plan configuration. Please note, revisions to the configuration of the draft plan may be required to allow for sufficient setbacks between the significant woodlot, stormwater management infrastructure and the residential units.

Given the outstanding concerns the UTRCA recommends that this application be **deferred** to provide the applicant with the opportunity to respond to the comments. We are not in a position to offer conditions of draft plan approval at this time.

Thank you for the opportunity to comment. Please contact the undersigned if there are any questions.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

Laura Biancolin
Land Use Planner II
IS/SH/LB/lb

c.c. UTRCA - Sarah Hodgkiss, Imtiaz Shah, Cari Ramsey & Deb Kirk

Gmail **Mohammed AbouSweid <masweid@gmail.com>**

6 Elmhurst St. - Kilworth

9 messages

Mohammed AbouSweid <masweid@gmail.com> Thu, Mar 25, 2021 at 11:48 PM
To: pratts@thamesriver.on.ca

Hello Stefanie,

I tried calling you earlier today to give you some background information about this email before sending it, but I guess it was in the afternoon so I assume you never got around to calling me back.

We met in early 2020 (pre pandemic) as I was enquiring about my properties, 6, 10, & 14 Elmhurst st. in Kilworth/Komoka. The purpose of the meeting was to discuss the possibility of developing this parcel of land in the future and it seems that time has come. I have submitted my SPA to the municipality and as part of the SPA process I am required to consult with the UTRCA for their insight on the application.

The object of our discussion was a slither of woodlot on property number 6 (see attached screenshot) and the possibility of removing those trees for the purpose of the development. It was my understanding from our meeting that the UTRCA would have no objections to the development as long as a forestry analysis was done to determine the significance of the woodlot.

I have attached a Forestry Report for your review that outlines the shape of the woodlot and its current state.

I also would like to mention that I have already approached the county regarding issuing a permit to cut the trees down and they mentioned they would not be against issuing the permit once the application is submitted.

I would really appreciate it if you can give me your feedback on the matter.

Thanks again for all your help.

Regards,

Mohammad Abou Sweid

2 attachments

6 Elmhurst St..png
3429K

6 Elmhurst St Forestry Report_March_30th (1).pdf
744K

Stefanie Pratt <pratts@thamesriver.on.ca> Wed, May 26, 2021 at 7:14 PM
To: Mohammed AbouSweid <masweid@gmail.com>

Hi Mohammed,

The UTRCA is satisfied with the report you have provided. You may proceed through the remainder of the planning process for your proposal on these lands.

Thanks,

Stefanie Pratt
Land Use Planner
1424 Clarke Road
London, ON N5V 5B9
t: 519-451-2800 ext. 430
e: pratts@thamesriver.on.ca

UPPER THAMES RIVER
CONSERVATION AUTHORITY

>>> Mohammed AbouSweid <masweid@gmail.com> 3/25/2021 11:48 PM >>>
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ATTACHMENT 3

Forestry Report

Prepared For:

LTS Consultants Inc.
c/o Joe Vandenburg
15875 Robins Hill Rd, Unit 1
London, ON N5V0A5

Site Address:

6 Elmhurst St
Komoka, ON, N0L 1R0

March 26th 2020

Prepared by:

Christopher Preece
Consulting Arborist
Davey Resource Group
ISA ON-2547A
Registered Professional Forester R.P.F. #2613
1(905)818-3583
Christopher.preece@davey.com

Contents

Summary

The following report details the analysis of a forest stand comprised mostly of black walnut trees within the rear yard of 6 Elmhurst St. At issue is whether this stand is a natural forest acting as a continuation of a much larger woodlot across the road and whether this property acts as a buffer, contributing to the health of the larger woodlot and local area. Our client wishes to remove a cluster of black walnut trees within the area which is zoned as "significant" forest and expand the remaining forested area at the back of the property to make up for the trees removed. This report will discuss the feasibility of such a plan.

From our analysis we have determined that the cluster of Black Walnut trees on 6 Elmhurst St provide only a minimal buffer to wind or storm damage and shows little ability to impede the introduction of both nonnative and native species into the larger woodlot. This is a result of the significant difference in forest composition between 6 Elmhurst St and its adjacent property, and the larger woodlot which is located across a major road. The roadway is a major factor when considering these trees as a buffer to the larger woodlot. This road serves as a barrier preventing wildlife from safely traveling back and forward as well as changing drainage patterns in the soil contributing to a different composition or trees between the woodlots. When comparing the woodlots, we have determined that the cluster of Black walnuts is most likely not a natural stand and was either planted at some point or heavily managed wherein other tree species were removed. The remaining black walnut trees inhibit other plant species from establishing due to their natural release of the allelopathic compound juglone. The only two plants we could find on the property withing the tree cluster was two nonnative invasive plant species growing in a small cluster on one tree. This woodlot in question on the property of 6 Elmhurst St has little ecological significance within the area being too small for habitat and only offering a few fruiting trees for local wildlife. This fruiting capacity is negligible when considering the woodlot across the road has 30% of its stand occupied by Oak Spp that supply the local wildlife with an abundance of food. It is our opinion that a large proportion of these trees could be removed from this property with little to no ecological effect on the area or the larger woodlot.

Introduction

Davey Resource Group (DRG) was retained by the client, Joe Vanderburg, to provide a forest analysis to determine the significance of a small section of a larger woodlot. The area in question is within the property at 6 Elmhurst St where part of the property and adjacent property have been designated as a significant woodlot and part of a much larger woodlot across the road. Our client has hired Davey Resource Group to give a professional opinion if we believe the area is in fact a continuation of the larger woodlot across the road and a significant natural woodlot in itself.

A basal area analysis of the property as well as the larger woodlot across the road were conducted as well as an assessment of the trees and understory vegetation within the scope of the assignment following standard forestry practices.

Limitations of the Assignment

It must be understood that DRG is the assessor of the trees in relation to tree preservation practices. The client should incorporate the information and recommendations provided within this report into their tree removal and replanting plans.

This forestry Report is based on the project scope and details for tree appraisal as discussed. All information regarding future work as described is limited to what was provided in discussions with the client. All trees included in the inventory and appraisal are planned to be conveyed to the client for the replacement value of their removed trees.

This forestry Report was compiled from field data collected using a factor 2 forestry prism, forestry grade calipers and a DBH tape. A basic visual assessment of the tree and remaining crown if present was performed. No level of ISA Tree Risk Assessment was performed. More data on risk may be obtained through a basic or advanced ISA Tree Risk Assessment.

Methods

- Tools used to assess the trees included a metric DBH measuring tape, metric measuring tape, and a factor 2 forestry prism.
- DBH Measurements were taken, measurements were rounded to the nearest centimeter.
- Multi-stem trees at the ground were counted as multiple trees.
- Multi-stem trees at Breast height were counted as one trees based on the forester's best judgment.
- All trees on the designated significant forest area of 6 Elmhurst St were assessed as well as a basic basal area analysis of the hardwood stand across the road of the larger woodlot.
- Random plot sampling was done for each compartment

Stand Analysis 1 (6 Elmhurst St)

Property Address	Area (HA)
6 Elmhurst, Komoka	0.42 Acres

Forest Compartment Descriptions and Prescription

Compartment # 6 Elmhurst St

Dominant Spp. Black Walnut (Juglans *nigra*)

Sample Intensity 2 Prism sweeps **Sample method** BAF2

Compartment Site Characteristics

Area: 0.42 ha
Drainage: Well Drained
Topography: Flat
Water Features: Thames river
Physiographic Region: Lower Great Lakes and St Lawrence
Access: By foot and vehicle

General Description:
The property is flat and dominated almost entirely by Black Walnut (Juglans nigra) in the significant woodlot protected area. Across the rest of the property there is scattered Hawthorn, Hackberry, and Manitoba Maple. The property to the north is on a fairly steep hill draining water onto and through 6 Elmhurst St. The average canopy height is 17m with and average DBH of 30cm. The understory is sparse to nil containing two flower spp Snowdrop and Tiger lily that we noted. The area was manicured with some of the soil tilled and pushed up on the edge of the woodlot damaging and potentially stressing a few of the Black walnut trees.

Crown Closure: 65% **Plantation Spacing:** N/A
Tree Inventory: WB10 (Black Walnut)

Tree Species	Composition (%)	Avg. Height (m)	Avg. (DBH cm)	Basal Area (m2)
Black Walnut	100	17	30	13
Summary:	**100**	**17**	**30**	**39**

Regeneration: Seedling, early (<0.5 m tall)		
Species	**Quantity**	**Distribution Pattern**
nil	nil	nil

Regeneration Seedling, advanced (>0.5 m)		
Species	**Quantity**	**Distribution Pattern**
Hack Berry	Sparse	Scattered
Black Walnut	Occasional	Scattered
Regeneration Sapling (5-10 cm DBH)		
Species	**Quantity**	**Distribution Pattern**
Hack Berry	Occasional	Scattered
Black Walnut	Sparse	Scattered
Hawthorn	Sparse	Scattered
Invasive Species	**Quantity**	**Distribution Pattern**
Snowdrop	Sparse	Clustered
Tiger lily	Sparse	Clustered
Species: Understory Plants	**Quantity**	**Distribution Pattern**
nil	nil	nil

Stand Analysis 2 (Larger significant woodlot)

Planning District	Area (HA)
Significant woodlot to the North	>120 Acres

Forest Compartment Descriptions and Prescription

Compartment # Larger Significant woodlot to the North

Dominant Spp. Sugar Maple (Acer saccharum), Oak Spp. (Quercus), White Birch (Betula *Papyrifera*), Hemlock (Tsuga *canadensis*)

Sample Intensity 2 Prism sweeps **Sample method** BAF2

Compartment Site Characteristics

Area: >120 Acres
Drainage: Well Drained
Topography: Flat will hills sloping down on most sides.
Water Features: Thames river
Physiographic Region: Lower Great Lakes and St Lawrence
Access: By foot no vehicle access

General Description:
This stand is a large hardwood mixed forest. The area assessed was adjacent to Glendon Dr mostly containing hardwoods on a flat well drained area. The woodlot sloped down to 6 Elmhurst St as well as sloping down on most other edges of the woodlot as the forest shifted to hemlock and coniferous trees as it got closer to oxbow creek farther north. This forest appears to have at least two harvests in the last 30 years with new stumps as well as older decaying stumps. This woodlot stands at 19m in height and an average DBH of 40cm. The dominant species are Oak and Maple Spp. Little understory plants were noted among the hardwood other than clump grass, we did notice more species of plants closer to the hemlock stand but we did not asses these due to the distance from the 6 Elmhurst St property in question.

Crown Closure: 85% **Plantation Spacing:** N/A
Tree Inventory:
Ms6 (Sugar Maple), O3 (Oak Spp), Oh1(Other Hardwoods- Silver Maple, White Birch, Hemlock)

Tree Species	Composition (%)	Avg. Height (m)	Avg. (DBH cm)	Basal Area (m2)
Sugar Maple	60	19	40	17
Oak Spp	30	19	45	8
Hemlock	5	17	40	2
Silver Maple	<5	16	38	1
White Birch	<5	9	28	1
Summary:	**100**	**16**	**38**	**29**

Regeneration: Seedling, early (<0.5 m tall)		
Species	**Quantity**	**Distribution Pattern**
Sugar Maple	Occasional	Scattered
Regeneration Seedling, advanced (>0.5 m)		
Species	**Quantity**	**Distribution Pattern**
Sugar Maple	Occasional	Scattered
Oak Spp	Sparse	Scattered
Regeneration Sapling (5-10 cm DBH)		
Species	**Quantity**	**Distribution Pattern**
Sugar Maple	Occasional	Scattered
Oak Spp	Occasional	Scattered
Invasive Species	**Quantity**	**Distribution Pattern**
Buck Thorn	Sparse	Clustered
Species	**Quantity**	**Distribution Pattern**
Clump Grass	Dominate	Uniform

Discussion

Significant woodlot summary:

The woodlot to the north of 6 Elmhurst St is a semi mature maple and oak hardwood stand. For the scope of this report only the upper slope of the overall forest was assessed as it would theoretically be a continuation of the forest stand at 6 Elmhurst St. rather than the farther section comprised of hemlock much closer to oxbow creek. The forest in question is a very healthy hardwood stand with a basal density of 29 m sq. The forest has recently been harvested as apparent from stumps showing decay no more than a few years old; there is also evidence of an older harvest with stumps showing more decay. This is a managed forest with sustainable forestry operations taking place. We noted that there is a very good distribution of size classes with the majority of trees falling under the medium class and spreading outward to small and large. With a typical healthy hardwood forest having a BA of 24-30 we can comfortably say this stand is well managed and healthy.

The area is listed as significant due to the health of the trees and the species present, with such a high abundance of oak trees the area contributes to wildlife by acting as food trees. We also noted that this area has numerous at-risk plant and tree species see table below:

Common Name	Scientific Name
Illinois Tick-trefoil	Desmodium illinoense
Blue Ash	Fraxinus quadrangulata
Hairy-fruited Sedge	Carex trichocarpa
Bank Swallow	Riparia riparia

These species most likely occur near oxbow creek or the Thames river, rather than the Oak/Maple stand at the top of the hill where the assessment was taken. None of these species were found in the assessed forest stand. This does not make the hardwood stand insignificant rather the significance comes from what the trees them selves offer to the ecosystem. The forest is a self-contained hardwood stand with a high proportion 30% of fruit trees offering food and habitat to local wildlife as well as revenue from management and logging operation to the municipality.

6 Elmhurst St Property Assessment summary:

The property in question, 6 Elmhurst St, is at the edge of a subdivision and contains a portion of a zoned significant woodlot in the back yard. The trees on this property are in fair condition and medium sized with a few larger ones. The property is dominated by Black walnut in a cluster behind the garage on the north side of the property where the significant woodlot area is zoned. The rest of the property is scattered with other walnut trees as well as some Hackberry, Manitoba maple, Scotch Pine and a few cedars. We assessed the density of trees in the woodlot portion of the back yard deemed “significant” and determined it to have a basal area of 15m sq which is quite low and understocked for a hardwood stand or native area. The area is well groomed with few to no understory plants, shrubs or any other spps. While present on-site we found a small patch of snowdrop flower and tiger lilies both of which are invasive and potentially poisonous. These plants appear to be able to survive the Juglone chemical which the walnuts secrete. It appears that the last landowner had groomed the property and over the years had removed a few trees leaving primarily Black Walnut. This property has some past activity that most likely is and has been stressing the remaining trees on the property with a berm made of plowed soil, rocks and yard waste left on the roots and trunks of the trees closest to the garage. This property is vastly different than the adjacent property separating 6 Elmhurst St from the larger woodlot across the road. The adjacent woodlot is located on a relatively steep hill with a mixture of various spp of trees including Norway Spruce, White Spruce, White Cedar, Oak Spp, Red Pine and others. There looks to be no human interference on this property with some of the woodlot being native and a continuation of the larger hardwood stand across the road with multiple oaks present. This neighboring property has most likely had some trees planted over the years such as the large Norway spruces that do not grow naturally in Ontario. We can assume that past human practices on the neighboring property have changed the natural composition of the forest but due to minimal human activity in the last 10-20 years, no walking trails or gardens etc. it has mostly been left untouched allowing it to naturalize

and grow wild. This adjacent property to 6 Elmhurst St could act like a buffer for the larger woodlot as a stopping place for animals and birds but offers little protection from wind storms or the introduction of invasive species due to the different species present and the separation of a well-traveled highway.

After assessing the property adjacent to 6 Elmhurst St and determining it is not fully native, we took a closer look at 6 Elmhurst which has been heavily managed over the years creating a monoculture of black walnuts. Due to this it appears that the walnut trees in the back yard of 6 Elmhurst St could possibly have been planted at some point to act as an orchard for collecting walnuts or at the very least manicured over the years cutting out almost all other species. This cluster of trees is not a continuation of the larger hardwood stand across the road due to different spp present as well as containing a vastly different stand composition of the neighboring property which you would expect to be similar if it was indeed a continuation of the larger forest. The woodlot at the back of 6 Elmhurst does not appear to be natural but rather maintained by constant human interference. The significance from this woodlot does not appear to come from it being a continuation of the larger woodlot across the road but rather its fruit trees and contribution to wildlife. these trees add a few more fruit trees to the area but are by no means the only fruit trees in the area with 30% of the larger woodlot containing Oak spp.

Buffer ability

The property 6 Elmhurst St has minimal to no buffer effect on the larger woodlot across the road; there is a large two lane highway separating the woodlots that mitigates most buffer effects allowing wind damage and invasive and native species to enter the larger woodlot without the buffering ability of this smaller woodlot. This cluster of black walnuts contains a very low density of trees which creates a poor buffer for the neighboring property. With only a 15sqm BA, wind and invasive species can pass through the 6 Elmhurst cluster of black walnuts and enter the adjacent woodlots. There is a fence row of mature large walnut trees between 6 Elmhurst and the adjacent property which contributes more of a buffer effect than the whole cluster of walnut trees on 6 Elmhurst. In terms of wildlife, the 6 Elmhurst woodlot is too small to offer sustainable habitat to animals like deer and turkey, instead it offers food and habitat to smaller animals like squirrels and birds, but even these animals would need to cross a highway first with a large risk of injury. The only buffer contribution these trees have to the larger woodlot and area is there fruiting capabilities which is a drop in the bucket compared to the larger woodlot containing 30% oak trees.

Conclusion

We can conclude with our professional opinion that the woodlot stand within the property at 6 Elmhurst St is not a continuation of the larger woodlot to the north, nor is it significant to the overall area. The stand in question is a monoculture of Black Walnut trees that have been heavily managed over the years with all other species cut out in the significant area of the property. This results in a tree stand that is unable to support any other species, black walnut secretes Juglans that poison the soil to almost all plants but Black walnuts resulting in no other native species able to grow or take root in the area. The only significant part of this cluster of trees is the fruiting capability of black walnuts for wildlife, but these are not the only fruiting trees in the area. The larger woodlot is 30% oak supplying more than enough fruiting trees to the area for animal consumption.

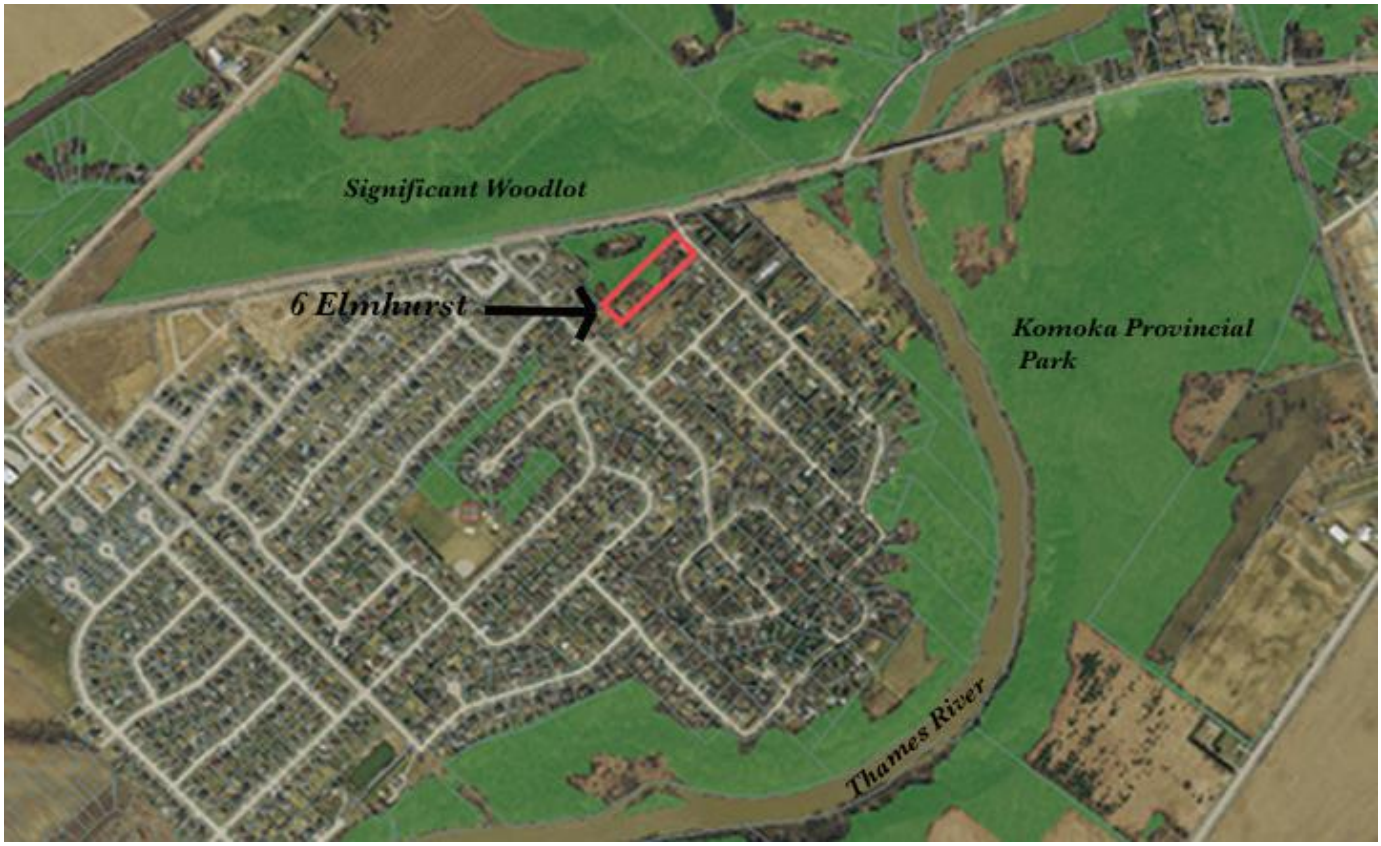
The adjacent property between 6 Elmhurst and the larger woodlot was at one time managed and had multiple nonnative trees planted such as Norway Spruce, this property has been left to naturalize and is a cluster of nonnative and native mid-sized to large trees. If 6 Elmhurst was a continuation of the larger woodlot we would expect to see similarities between this property and the neighboring one, but both have significantly different tree compositions. Both properties are separated from the larger woodlot by a heavily used two lane paved highway. This road negates any buffer capability these two properties might have had resulting in all wind or storm damage as well as the introduction of invasive species and plants having direct access to the larger woodlot. It is with our opinion that most of these walnut trees on 6 Elmhurst could be removed with minimal to no impact on the adjacent property or the larger woodlot across the road.

Recommendations

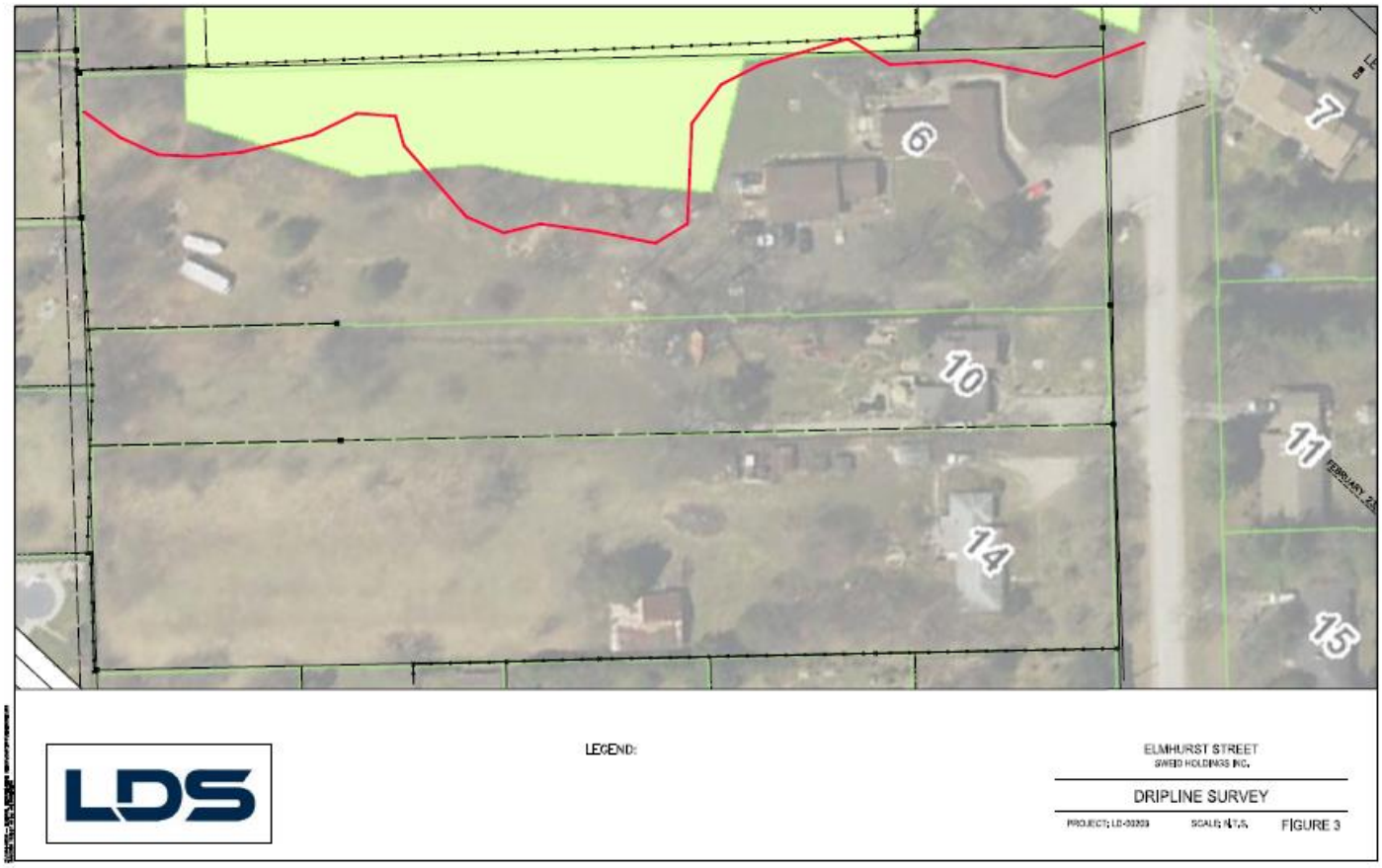
Our client wishes to remove a large proportion of the black walnut trees behind the shed and keep all the trees at the back section of the property to expand the forested area with a large buffer. This back section contains a greater diversity of trees than the monoculture of black walnut directly behind the shed. We believe that with some planting and maintenance of the back section of the property a more diverse and ecologically significant area could be created on this property that would mitigate the removal of the cluster of black walnut trees behind the shed.

Example of proposed plan to remove some of the walnut trees but expand the back section of the property

Appendix 1 -Maps



(Map 1) This image depicts the areas designated as significant woodlot in green. It is apparent that most of the area is continuous with very few areas separated by roads or property boundaries such as 6 Elmhurst highlighted in red



(Map 2) This image depicts the property of 6 Elmhurst with the red marker line showing the significant woodlot zoning. The green area is a survey of the existing drip line. The trees that occupy this area are sparse with multiple canopy holes as seen in figures below.

Appendix 2 - Photographs

(Figure 1) This image shows the surveyed dripline of the significant woodlot on 6 Elmhurst. the conifer trees on the left are the property line with the monoculture of black walnuts in the red outlined area. As you can see there is numerous open spaces with no trees as well as little no to understory as the walnuts prevent any saplings to grow or other plant species to habitat the area. There were between 25-35 trees present in the zoned area.

(Figure 2) This image depicts the poor condition of the walnut trees directly behind the property where past landowners have piled debris onto the root zone and trunk of these trees. They appeared to be stressed and in poor condition. The walnut trees in the back of the image were in good to fair condition.

(Figure 3) This image depicts the larger significant woodlot across the road. This image shows what a healthy native woodlot should look like when properly managed, you can see from the stumps present at least 2 harvests have occurred still leaving a good distribution of size classes and a BA of 29sqm. The walnut cluster on 6 Elmhurst is in no way a continuation of this woodlot or other native woodlots in the area.

(Figure 4) This image shows the road that separates the two woodlots. On the right is the larger managed woodlot made up of oak and maple, on the left is the adjacent property to 6 Elmhurst that has been naturalized with a large diversity of native and non-native species. This woodlot has a density greater than the woodlot on the right mainly due to it being left to grow with no management or logging taking place.

Appendix 3 – Glossary of Common Arboricultural Terms

Arborist	A professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of trees and other woody plants in residential, commercial, and public landscapes.
ANSI A300	Acronym for American National Standards Institute. In the United States, industry-developed, national consensus standards of practice for tree care.
Bark Tracing	Cutting away torn or injured bark to leave a smooth edge.
Branch Bark Ridge	Raised strip of bark at the top of a branch union, where the growth and expansion of the trunk or parent stem and adjoining branch push the bark into a ridge.
Callus wood	Undifferentiated tissue formed by the cambium, usually as the result of wounding.
Clinometer	A device used to calculate the height of trees.
Consulting Arborist	An Arboricultural consultant is one of the following: ● American Society of Consulting Arborists, Registered Consulting Arborist (ASCA RCA#___) ● International Society of Arboriculture, Board Certified Master Arborist (ISA BCMA #_____B) ● ISA Certified Arborist/Municipal Specialist in good standing for a minimum of 6 years with 6 years of proven experience in a management role related to arboriculture, and has attested and signed to a code of ethics related to arboriculture (ISA#_____)
Compartmentalization	Natural defense process in trees by which chemical and physical boundaries are created that act to limit the spread of disease and decay organisms
Critical Root Zone – (CRZ)	Area of soil around a tree where the minimum amounts of roots considered critical to the structural stability or health of the tree are located. CRZ determination is sometimes based on the drip line or a multiple of dbh (12:1, 12cm of ground distance from the trunk for every cm of dbh) but because root growth is often asymmetric due to site conditions, on-site investigation is preferred.
Daylighting	Also known as Hydro-vac, this is the process by which soil is vacuumed up. In the context of tree care this allows workers to access the soil below the roots without mortal damage to significant roots.
DBH	Acronym for tree diameter at breast height. Measured at 1.4m above ground.
Decurrent	Rounded or spreading growth habit of the tree crown.
Directional Pruning	Providing clearance by pruning branches that could significantly affect the integrity of utility facilities or other structures, and leaving in place branches that could have little or no effect.
Dripline	Imaginary line defined by the branch spread of a single parent or group of plants
Excurrent	Tree growth habit characterized by a central leader and a pyramidal crown.
Included bark	Bark that becomes embedded in a crotch (union) between branch and trunk or between codominant stems. Causes a weak structure.

Lion's Tailing	Poor pruning practice in which an excessive number of branches are thinned from the inside and lower part of specific limbs or a tree crown, leaving mostly terminal foliage. Results in poor branch taper, poor wind load distribution, and higher risk of branch failure.
MTPZ	Acronym for Minimum Tree Protection Zone, also known as the Structural Root Zone (SRZ), which is the distance from the tree equal to 6 times the dbh, within which the likelihood of encountering roots that are structural supports for the tree.
Moment	Rotational force that is created by any line force on a body. The magnitude of a moment is defined as the product of the force magnitude and perpendicular distance from the line of action of the force to the axis of which the moment is being calculated.
Mortality Spiral	A sequence of stressful events or conditions causing the decline and eventual death of a tree.
Mulch	Material that is spread of sometimes sprayed on the soil surface to reduce weed growth, to retain soil moisture and moderate temperature extremes, to reduce compaction from pedestrian traffic or to prevent damage from lawn-maintenance equipment, to reduce erosion or soil spattering onto adjacent surfaces, to improve soil quality through its eventual decomposition, and/or to improve aesthetic appearance of the landscape. Mulch can be composed of chipped, ground, or shredded organic material such as bark, wood, or recycled paper; unmodified organic material such as seed hulls; organic fiber blankets or mats; or inorganic material such as plastic sheeting.
Organic Matter	Material derived from the growth (and death) of living organisms. The organic components of the soil.
CRZ	Acronym for Critical Root Zone, also known as the Critical Root Zone (see definition above), within which there is a high likelihood of encountering roots that are necessary for the survival for the tree.
Project Arborist	The consulting arborist retained to provide all tree preservation recommendations to the project manager or contractors on a given construction project.
Qualified Arborist	An arborist who has documented related training (i.e. ISA, MTCU, or equivalent) and on-the-job experience (minimum of 5 years)
Radial trenching	Technique for aerating the soil or alleviating compaction around a tree by removing and replacing soil (which may be amended) in trenches (typically 300mm deep and 150mm wide) made in a spoke like pattern (radially from the trunk) in the root zone to improve conditions for root growth.
Reaction Wood	Wood formed in leaning or crooked stems or on lower or upper sides of branches as a means of counteracting the effects of gravity.
Removal Cut	A cut that removes a branch at its point of origin. Collar cut.
Reduction Cut	A pruning cut that reduces the length of a branch or stem back to a lateral branch large enough to assume apical dominance.
Resistograph®	A brand name of a device consisting of a specialized micro-drill bit that drills into trees and graphs density differences that are used to detect decay.

Soft-Scaped	Landscaping practices that do not involved solid or deeply-dug foundations. Patios consisting of slab rocks laid on-top of the soil with minimal excavation and base (less than 10cm) and causing minimal damage to existing tree roots.
Static Support System	Cabling system that utilizes rigid materials such as rods and steel cables to limit movement and provide constant support of limbs.
Structural cells	Modular system consisting of units of soil and integrated support structures that serve both as a foundation for paved surfaces and a hospitable environment for tree root growth,
Structural pruning	Pruning to establish a strong arrangement or system of scaffold branches.
Structural Soil™	Pavement substrate that can be compacted to meet engineering specifications yet remains penetrable be tree roots in the urban environment. Composed of angular crushed stone, clay loam, and hydrogel mixed in a weight ratio of 100:20:0.03. Developed at the Urban Horticulture Institute, Cornell University, Ithaca, NY.
Supersonic Air Excavation Techniques (SSAT)	A methodology using a device that directs a jet of highly compressed air to excavate soil. Used within the root zone of trees to avoid or minimizing damage to the roots, or near underground structures such as pipes and wires to avoid or minimize damage to them.
Tree Protection Zone (TPZ)	Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction. TPZ is sometimes based on a minimum multiple of dbh (e.g. 6:1, 6cm of ground distance from the trunk for 1cm of dbh)
Walls	Trees have 4 walls in a process known as compartmentalization. ● Wall 1 prevents decay moving up and down in a tree ● Wall 2 prevents decay moving inward in a tree ● Wall 3 prevents decay moving laterally in a tree ● Wall 4 is the new growth formed on the outside of the tree, callus growth.
Woundwood	Lignified, differentiated tissues produced on woody plants after wounding.

Appendix 4 – Arborist/Forester Qualifications

Christopher Preece is a consulting R.P.F. and Arborist with Davey Resources Group. His formal education includes a Bachelor of Environmental Management at York University with a certificate in sustainable energy as well as a Masters of forest Conservation from the University of Toronto, with a focus in long term forest productivity Mr. Preece has a varied work experience in forestry, field research and arboriculture fields. Mr. Preece has worked with well-Known forest researchers around the world and has spent the last three years working in private forestry and Urban forestry in Southern Ontario.

Certifications

International Society of Arboriculture Certified Arborist (ON-2547A)
Forestry Grade Exterminator License # 32964
Registered Professional Forester R.P.F. #2613

Conditions of Assessment Agreement

This Conditions of Assessment Agreement is made pursuant to and as a provision of Davey Resource Group, a division of The Davey Tree Expert Co. of Canada, Limited ("Davey"), providing tree assessment services as agreed to between the parties, the terms and substance of which are incorporated in and made a part of this Agreement (collectively the "Services").

Trees are living organisms that are subject to stress and conditions and which inherently impose some degree or level of risk. Unless a tree is removed, the risk cannot be eliminated entirely. Tree conditions may also change over time even if there is no external evidence or manifestation. In that Davey provides the Services at a point in time utilizing applicable standard industry practices, any conclusions and recommendations provided are relevant only to the facts and conditions at the time the Services are performed. Given that Davey cannot predict or otherwise determine subsequent developments, Davey will not be liable for any such developments, acts, or conditions that occur including, but not limited to, decay, deterioration, or damage from any cause, insect infestation, acts of god or nature or otherwise.

Unless otherwise stated in writing, assessments are performed visually from the ground on the above-ground portions of the tree(s). However, the outward appearance of trees may conceal defects. **Therefore, to the extent permitted by law, Davey does not make and expressly disclaims any warranties or representations of any kind, express or implied, with respect to completeness or accuracy of the information contained in the reports or findings resulting from the Services beyond that expressly contracted for by Davey in writing, including, but not limited to, performing diagnosis or identifying hazards or conditions not within the scope of the Services or not readily discoverable using the methods applied pursuant to applicable standard industry practices.** Further, Davey's liability for any claim, damage or loss caused by or related to the Services shall be limited to the work expressly contracted for.

In performing the Services, Davey may have reviewed publicly available or other third- party records or conducted interviews, and has assumed the genuineness of such documents and statements. Davey disclaims any liability for errors, omissions, or inaccuracies resulting from or contained in any information obtained from any third- party or publicly available source.

Except as agreed to between the parties prior to the Services being performed, the reports and recommendations resulting from the Services may not be used by any other party or for any other purpose. The undersigned also agrees, to the extent permitted by law, to protect, indemnify, defend and hold Davey harmless from and against any and all claims, demands, actions, rights and causes of action of every kind and nature, including actions for contribution or indemnity, that may hereafter at any time be asserted against Davey or another party, including, but not limited to, bodily injury or death or property damage arising in any manner from or in any way related to any disclaimers or limitations in this Agreement.

By accepting or using the Services, the customer will be deemed to have agreed to the terms of this Agreement, even if it is not signed.

Acknowledged by:

Name of Customer: _____

Authorized Signature: _____

Date: _____