

Letter sent to residents of Mansfield Park as an email in advance of Gord Speirs' address of City of Hamilton Planning Committee meeting at Council Chambers 4, April, 2017. Response email confirming support requested of each recipient.

106 Mansfield Drive
Ancaster, Ontario

3April, 2017

Hello Neighbours in Mansfield Park:

RE: Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward12) (PED17037)

I'm writing to solicit your immediate help in ensuring that the impact of a proposed multi-residence development for 125 Wilson St. is either modified through amendment of the zoning changes/variances sought, or at least minimized in its impact on our neighbourhood as a whole, and particularly on those living along Dalley Drive, Cait Ct., Irma Ct., the upper reaches of Mansfield Drive, and Reding Rd.

I truly apologize for the short notice I'm giving you, but I am going to make a presentation to the Planning Committee at its meeting at City Hall Council Chambers tomorrow 4, April @ 9:30 and would like to solicit your email reply, if you're so inclined, which I will take as support in the form of a sort of 'electronic petition' in support of additional points to be made to the committee/council in its deliberations regarding the above as are outlined at the end of this email.

Introduction and Background

Many of you will have received notice of this proposed development in August '16 when Citystaff solicited comments from local parties (notice completed application and preliminary circulation to some 91 property owners within 120m of the subject lands— per usual) on the proposal and its application for amendments to the Official Plan and Zoning By-Law. At that time, the sign advertising/picturing the originally approved commercial building remained on site, but the property had been recently (within a very few weeks) clear cut, starting on a weekend, and another printed sign had been installed giving notice of a new proposed development. A few of us provided written feed back at that time. The Public Notice Sign was updated with public meeting information on 22 Feb. and on March 3rd the Notice of Public Meeting was circulated to the same 91 property owners and any others who had provided a response to the original Notice. City staff subsequently completed their assessment report and recommendations and made that report available on the City's website on 15 March, in advance of a public meeting of the planning department that was held on 21 March '17.

The Staff report clarified what was proposed, the details regarding variances sought, confirmation that the City had sold 130 Daley Drive (strip along the south side of Daley) to the developer in mid-summer 2015 - long before this new application had been made, details regarding proposed zoning changes as a means to protect the buffer between the proposed building and Daley Dr., and ultimately recommended approval of the new proposal to Planning Committee/Council. The public were invited to provide input at the 21 March Public Meeting of the Planning Committee where this proposal was to be considered. A few neighbours submitted written comment and/or made formal presentation as individuals to the committee outlining specific questions and concerns and received staff responses. Many of you will have seen the newspaper reports/accounts of the meeting in the Ancaster News and Spectator.

I had intended to rally our neighbourhood as was done in our dealing with respect to the severance application at 114 Reding Rd. and provide representative input at the meeting. Unfortunately, I was not

going to be able to attend the meeting due to long-planned commitment in the USA and, due to work constraints, I simply could not pull the cohesive effort required to canvas the neighbourhood in time, once the staff report was received. However, I was in touch with Councillor Lloyd Ferguson and knew that while he issues with this new proposal that he intended to address at the meeting. He was unable to attend the meeting on the 21st due to the tragic passing of his wife on the 19th, and therefore he'd requested that the Committee Chair consider denial or postponement of making a decision until its next meeting when he would be available. The Committee proceeded with receiving the Public Input as planned, but they deferred making its decision until it next meets at 9:30 on Tuesday 4 April in Council Chambers. As a result there is a second opportunity to provide input to the Committee at the meeting tomorrow and after further discussion with Councillor Ferguson I feel it is important to rally the neighbourhood and present a strong message in support of his opposition/concerns and some specific issues that negatively impact our neighbourhood. Although I was away last week on business, I have registered to make a presentation at the meeting and am soliciting neighbourhood support by obtaining your reply emails, which I will consider support to the specific items outlined near the end of this message.

You may ask "What difference can this make? ... It appears to be a done deal." Well, in the face of similar support/recommendation from its own staff, Council has previously, in Ancaster, denied a similar scale application, and when the proponent appealed that decision to the Ontario Municipal Board (OMB), hired outside planning and legal expertise and fought and won at the OMB hearing - it can be done. Council may be reluctant to go through the expense very often, but You may also ask, can a neighbourhood stop such a proposal from being approved by Committee/Council? Well maybe yes or no, but one thing is certain - a collective expression of opposition/concern coming from a neighbourhood like Mansfield Park does weigh considerably in the final details of constraints that Council may put on a development/developer, even if the proposal is approved.

General Considerations

Most people in the neighbourhood I've talked to recognize that something is going to be built at 125 Wilson. Some have expressed a desire to see something built in order to help mitigate the traffic noise from Wilson and this would certainly do that. However, the feedback from the public both in the August written submissions and at the 21st March meeting expressed a number of significant concerns related to building scale (too high), too large a footprint relative to lot size, setbacks, elevations (style presented), Wilson street traffic impact, impact of density (91 units/hectare vs. maximum of 60 permitted) requested, impact on neighbours, adjoining areas, etc. While these issues were largely addressed in the staff report and through staff responses at the 21st March meeting, my concern remains with the density and resulting lot coverage footprint (maximum fill of useable space South of the high voltage hydro corridor) and most particularly, how that in turn leads to its proximity and resulting visual impact on Mansfield Park and Dalley Drive in particular.

Staff identify in their report the effort made by the developer to ensure the height, orientation, massing, scale and design (façade being divided into smaller components is compatible with abutting uses and address each specifically). However, the excessive density and resulting near complete lot coverage have resulted in the back corners of the building virtually touching the southern boundary of the high voltage corridor. As a result the north face of the building will be ~ 22 m. from Dalley Drive and the peak elevation some 15 m above Dalley's pavement surface. It will have a very dominant and formidable presence from the North. The staff report downplays this impact because of the proposed protection of the existing treed buffer between Dalley Road and the hydro corridor.

Existing Buffer between Dalley Drive and Proposed Development

The staff report recommends designating the zoning for 130 Dalley as Conservation/Hazard (P5) Zone, excluding a small strip along the south boundary of the hydro corridor to allow the building to be built right up to the hydro corridor, and the very small strip immediately along Dalley that accommodates the residential power poles. This designation protects the existing buffer, as its use is extremely restricted in terms of no building or access to Dalley being allowed. In conjunction with a condition of the sale of 130 Dalley that no tree cutting can be undertaken except for safety reasons, theoretically the buffer is protected as-is. Therefore, I very much support this zoning designation, as part of this or any other zoning

request for the 125 Wilson/130 Dalley Drive property.

However, even with that being the case, the buffer as it stands affords very little visual shield from Dalley/Mansfield/Caitfor much of the year (the entire late Fall through late Spring season) as it consists of very tall, spindly coniferous trees with small tops, a few significant deciduous trees along with some relatively low vegetation cover. The tall trees are dying, as evidenced by deadfall within the 'rail trail' portion resulting from hydro crew maintenance along with a number standing dead specimens. If the proposed building is built, its mass will influence strong south/westerly winds to induce swirling currents that could have a much greater impact on the remaining tall, top heavy, trees.

I am also concerned that the covenant in the sale of 130 Dalley stating that "The transferee shall not cut any trees on the Land except instances where such cutting is required for safety reasons" leads one to ask "who defines the safety issue?". It is one thing to have the City maintain the trees on that strip of land and deal with scenarios where the tall trees topple and take out the residential power supply – that has been the City's responsibility (and liability as observed by Staff). When/if that occurs now, what is to stop the developer from declaring all of the similar trees a safety risk/hazard and take them all down? Given how the developer clear cut the 125 Wilson site, starting on a Sunday with no warning to the neighbourhood, I am not comfortable regarding their intentions/motives/ actions in this regard, when need arises.

Further, the architect's renditions of the back elevation of the building shows a "yard look", complete with tree plantings beautifully depicted at mature height behind the building. The original landscape plan shows these trees to be interspersed pairs of hornbeams, gum, black cherry, hawthorns along with smaller scale trees. These are not located in a back yard because there isn't one, but within the high voltage hydro corridor (which isn't shown on any of the renditions). The staff report correctly identified that the height of the major tree species proposed would ultimately cause problems within the corridor and likely be dealt with as in all hydro right away/corridors and be severely cut back or eliminated – shades of Lover's Lane and elsewhere along the rail trail in town at some point. The staff states that as a result "Smaller species are required to be planted within the hydro corridor than what the applicant has proposed" and further, that "A revised Landscape Plan will be required at the time of Site Plan approval which, among other matters, must also address this comment."

I have yet to see a hydro corridor that allows any significant growth directly under the lines to obtain a height sufficient to effectively add to the buffer between the proposed structure and Dalley Drive, before it would be clear cut (on a 5 – 10 year basis) by the Utility as has been done before in this specific area. In essence there is no expectation these additional plantings will add anything to visually buffer the views from the north.

I propose and request, that the developer be required to plant a variety (colour and species) of interspersed conical evergreen trees (ie colorado spruce or other species native to the area), and minimum 7-10 feet in height), the length of the parcel of land known as 130 Dalley Dr., along the top of the berm (historic rail trail bed) located on the south side of Dalley Drive immediately North of the Hydro lines/right of way. This would provide the visual buffer between Dalley Drive and the new development proposed for 125 Wilson Street required to protect our neighbourhood privacy particularly in the event that existing trees are removed either by Hydro maintenance staff, the owner, or natural means ie high winds. I recognize that there may be need to ultimately minimize their impact on the low voltage power line, but it should be minimal in comparison. I assume that this could be dealt with as part of the Site Plan approval, but I feel very strongly that it be a condition of the approval of any development. This is the only way that an appropriate screening of the north elevation will be maintained over time.

I expect that the owner will complain about cost, etc. but given they only paid a little over \$20,000 for the 130 Dalley Drive property, they can certainly afford it, and to do it right. We all know that if it isn't done now, as a condition for approval, along with appropriate longterm caveats as to its maintenance, it will never be done.

Finally, there is no fence identified on the North side of the parking lot and I have concern that the

headlights from vehicles turning into the development will most likely cast across/through the existing buffer directly into the South facing windows of the homes on Dalley Drive. This will be very intrusive and is completely unacceptable – again something to be handled through Site Plan Approval.

Most of my concerns center on the negative impacts that the development, as proposed, has on the very unique and very desirable Mansfield Park neighbourhood. It is a residential development that has very successfully maintained a long established character. Having to view what is proposed without the necessary and effective buffering is truly an assault on that unique character that Mansfield Park represents. We all recognize things change with respect to the residences of Mansfield Park. Many of us have undertaken extensive renovations/additions over the years and, like many established neighbourhoods in Ancaster, we're seeing homes replaced. However, the nature and character of the subdivision needs to be preserved.

In this instance that can only be achieved if as much attention is paid to the 'back side' of the 125 Wilson development as is paid to the front elevations.

Therefore, I request that specific issues identified above are addressed in the Planning Committee/City Council's consideration of this proposal, namely:

1. That the proposed density and lot coverage be reduced to address concerns that arise from the current proposed structure.
2. That the developer be required to truly enhance the buffer afforded Dalley Drive by the existing historic rail trail between Dalley and the high voltage hydro corridor through the planting of a dense, species diverse "wall of evergreens. That this be done in conjunction with the City's Urban Forestry department and at the developer's sole expense.
3. That the Committee/Council address the details and definitions inherent with the private owner's responsibility to maintain the trees in the buffer for safety reasons.
4. That the Site Plan approval address specifically the issue of vehicular headlight and overhead parking lot lighting intrusion to the surrounding neighbourhood.

These are the main points that I intend to make at the Planning Committee meeting. I realize, and apologize for giving you such very short notice to support this presentation on this matter, but please consider lending your support to this very important issue. If you agree with the points I intend to make, as outlined above, please reply to this email as soon as you can tonight or tomorrow (even after meeting).

Simply reply to this message indicating:

I, name, address, support you (Gord Speirs) in delivering these concerns and requests to the City's Planning Committee at its 4 April '17 meeting.

I do not see the neighbourhood collectively going beyond this step as we successfully did with respect to a severance, no matter what the Committee/Council's decision may be regarding approval, denial, or appeal. However, I will be pleased to serve as 'scribe' to provide followup communication as may be appropriate in this matter.

I've attached a copy of the notice of the meeting for March 21, 2017 and if you have interest in reading the actual staff report that was presented to that meeting, it is available at the following link: <https://www.hamilton.ca/council-committee/council-committee-meetings/planning-committee> click on the "report" associated with the 21 March meeting and on the right side of the page the various sections of the report are available in .pdf. form.

I ask that you send me your email expressing interest in participating as soon as possible.

If you're able to attend the meeting on such short notice, please do so. The particulars and agenda is also attached.

Thanks very much and warm regards,

Gord Speirs
106 Mansfield Drive

attachments.
21 March Notice of Public Meeting
4 April Planning Committee agenda.