



The TOWNSHIP of
NORTH DUMFRIES

MEMORANDUM

To: Mayor Foxtan & Members of Council

From: Ashley Good, Clerk

Re: Addendum to Agenda – Council Meeting Agenda for February 10, 2025

Date: February 10, 2025

Staff are seeking the authority of Council to add as an Addendum to the February 10, 2025 Council Meeting Agenda the following items:

- i) Add one (1) piece of correspondence received for item 14.2.1 Report No. BLDG-01-2025: Site Alteration for 1699 Spragues Road



ROBINSON
EST. 1999
HERITAGE CONSULTING

150 Dufferin Street, Guelph, Ontario N1H 4B1
robinsonheritageconsulting@gmail.com Office:
(519) 222-0621

February 7, 2025

Mayor Sue Foxton
c/o clerk@northdumfries.ca; planning@northdumfries.ca
Township of North Dumfries
106 Earl Thompson Road, 3rd Floor
Ayr, Ontario NOB 1E0

Dear Mayor Foxton and Members of Council,

Robinson Heritage Consulting (RHC) has been retained by the North Dumfries Conservation Alliance (NDCA) to review the materials available that assess and describe the cultural heritage value of Spragues Road, Shouldice Road and Greenfield Road as historic and scenic rural roads that are important contributing elements in what has been identified as a broader candidate cultural heritage landscape (CHL) in the Township of North Dumfries.

This letter addresses impacts to this candidate Cultural Heritage Landscape (CHL) from two current applications in the Spragues Road area of the Township of North Dumfries: a site alteration permit application involving a proposed berm at 1699 Spragues Road and also a separate but related application that proposes the Edworthy West aggregate pit. The locations of these applications are indicated on the right in blue and yellow respectively. Text taken from documents have sections bolded where they apply directly to the context of this letter for better clarity.



In 2011, the Region of Waterloo Heritage Planning Advisory Committee identified Spragues Road from Cambridge to the Brant-Waterloo Road as an **extremely scenic rural connector road**. The Spragues Road area is a significant cultural heritage landscape (CHL) for both an **'extremely scenic rural connector road'** that also has significant **designated historic properties** and **natural landscape features** along it including **the Sudden Tract/Sudden Regional Forest**.

In 2022 Christopher DeGeer and Michael Drescher of the Heritage Resources Centre at the University of Waterloo have identified areas in North Dumfries that could be identified as candidate cultural heritage landscape sites. DeGeer and Drescher state that three strong examples are:

- (i) **the Grand River and surrounding valley lands,**
- (ii) **Bannister Lake, Wrigley's Lake, Sudden Regional Forest and the surrounding built and natural heritage, and**
- (iii) **parts of Greenfield Road east of the Greenfield Heritage Conservation District and parts of Alps Road.**

Township of North Dumfries Official Plan

Chapter 3 of the Township of North Dumfries Official Plan (OP) describes **scenic road corridors** and in particular 3.3.1.1. d) also identifies **adjacent landscape or built structures** and 3.3.11.3. ***prominent heritage buildings or natural landscape features will be preserved and protected where feasible***

3.3.11 Scenic Roads

3.3.11.1 *The Township may identify Scenic Road Corridors through amendment to this Plan where:*

- a) they have unique structural, topographic and visual features;*
- b) they are adjacent to an area containing unique vegetation or species, including mature tree cover or enclosure;*
- c) contiguous lands function as a wildlife corridor;*
- d) the adjacent landscape or built structures have been identified as cultural heritage resources of cultural heritage value or interest; or,*

e) the road is located within an approved or proposed Heritage Conservation District.

3.3.11.2 Where necessary, prior to designating a Scenic Road Corridor, the Township will undertake necessary planning, transportation and traffic studies to identify alternative routes for high volume and high speed traffic.

3.3.11.3 The scenic values including the view from Township or Regional Roads to prominent heritage buildings or natural landscape features will be preserved and protected where feasible.

3.3.11.4 Where feasible, the scenic values of designated Scenic Road Corridors will be maintained and preserved by the Township when undertaking road improvements.

Chapter 7 of the Township of North Dumfries Official Plan (OP) explains how the Township supports the identification and conservation of local cultural heritage resources. It contains General Policies that explain how the Township will conserve and enhance cultural heritage resources using the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Funeral and Burial and Cremation Services Act and the Municipal Act.

The Township Official Plan (OP) defines Cultural Heritage Resource as the physical remains and the intangible cultural traditions of past human activities. Cultural heritage resources in the Township include designed or organic/evolved cultural heritage landscapes which the OP Glossary defines as “a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements, which are valued together for their interrelationship, meaning or association.

Section 7.5.1. states the following:

*The Township **will require** the submission of a Cultural Heritage Impact Assessment for any proposed development or site alteration that includes or is adjacent to a designated property or includes a non-designated cultural heritage resource that is identified in the Registry.*

7.4 CULTURAL HERITAGE LANDSCAPES

7.4.1 The Township will identify, document, and designate Cultural Heritage Landscapes and establish associated policies to conserve these areas in accordance with the policies in the ROP and the Regional Implementation Guideline for Cultural Heritage Landscape

Conservation.

7.5 CULTURAL HERITAGE IMPACT ASSESSMENTS

7.5.1 *The Township will require the submission of a Cultural Heritage Impact Assessment for any proposed development or site alteration that includes or is adjacent to a designated property or includes a non-designated cultural heritage resource that is identified in the Registry.*

7.8 GRAND RIVER CORRIDOR

7.8.1 *The Township supports the national recognition given to the Grand River as a Canadian Heritage River, including its major tributaries: the Nith River, Speed River and Conestogo River. The Township will co-operate with the Region and the GRCA in efforts to conserve, manage and enhance, where practical, the Grand River's natural, cultural, recreational, scenic and ecological features. "*

7.8.2 *To complement the Canadian Heritage River status of the Grand River, the Township, in collaboration with the Region and GRCA, will **seek to maintain the character of Significant Valleys by identifying, conserving, interpreting and enhancing cultural heritage resources of recreational and scenic value within Significant Valley.***

Edworthy West Aggregate Pit application

MacNaughton Britton Hermsen Clarkson Planning Limited (MHBC) in their draft Cultural Heritage Impact Assessment for the proposed Edworthy West Aggregate Pit application (dated December 1, 2022) **also noted the significance of this area.**

In their description of the heritage status of properties and features within the report's study area, MHBC stated that:

"It was determined through the review that Sprague's Road (which traverses the Study Area) is identified as a Scenic Road/ Rural Connector within the Region of Waterloo's Scenic Roads and Streets Study. The Study has rankings ranging from: 'some scenic qualities' to 'extremely scenic.' Sprague's Road is identified in Section 4.4.3 and Appendix 'A' of this Study as being "Extremely Scenic" (MHBC, p.17)

In their Executive Summary within the draft Cultural Heritage Impact Assessment for the proposed

Edworthy West Aggregate Pit, MHBC states the following:

*“There are also potential cultural heritage landscapes in the form of scenic roads which include: **Shouldice Road, Spragues Road and Greenfield Road** as rural roads with ditches, culverts, tree lines, rural topography and **Spragues Road** also represents a historic land route.”*

With regard to the proposed Edworthy West aggregate pit we read the following in MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC) draft Cultural Heritage Impact Assessment for the proposed Edworthy West Aggregate Pit application (dated December 1, 2022):

The following lists the adverse impacts to 1262 Greenfield Road as a result of the proposed development:

- *Temporary impact of isolation as the proposed development will isolate the historic farmstead from associated agricultural fields, however, this is a temporary impact and the original lot fabric has already been altered by severances; and,*
- *Temporary impact of change of land use as the proposed land use will have an impact on the property as it removes the associated agricultural fields associated with the historic farmstead, however, this will be a temporary impact since the lands will be returned to agricultural use once the aggregate extraction is complete.*

The property at 1354 Spragues Road was not assessed for impact as it was determined that it does not have significant CHVI. No impacts were identified for the adjacent properties at 1261 Alps Road.

The following lists the adverse impacts to identified potential cultural heritage landscape features within the Study Area as a result of the proposed development:

- *Temporary impact of direct and indirect obstruction of views as the background view of identified historic scenic roads, particularly Shouldice Side Road, will be altered due to the development.*
- *Temporary impact of change of land use as the proposed development will impact the character of the immediate surrounding area as it relates to existing historic farmsteads.*

The above-mentioned impacts are identified as ‘temporary’ as post the extraction period, the land that has been disturbed on the property will be reverted to its original state after a 12-year period, eliminating identified impacts.

Alternative development options were reviewed in Section 7.0 of this report including the increase of the existing buffer just north of the farmstead, however, as the impact is temporary and the fields will be reinstated following extraction, it is recommended that the development proceed as proposed.” (MHBC, p. 6)

In spite of identifying numerous negative impacts with the proposed aggregate removal activity the authors of the CHIA seemingly dismiss them under the premise that the aggregate removal activity is ‘temporary’ yet the Ontario Farmland Trust states – that if extraction of aggregate resources on acres of prime agricultural lands is permitted the rehabilitation of those replaced soils “may not happen for many years – if it ever occurs” which is clearly echoed by the recent Auditor General’s Value-for-Money Audit: Management of Aggregate Resources. In this report of December 2023, the Auditor General stated that:

“We also found that the Ministry was not ensuring that land from which aggregates are fully extracted is rehabilitated effectively and in a timely manner. The number of sites that have remained dormant and unrehabilitated for more than 10 years, and in some cases for over two decades, challenges the notion within the Provincial Policy Statement that aggregate extraction is an interim use of land.”

It is for this reason that RHC would question the validity of MHBC’s seemingly confident statement that the impacts posed by this development and site alteration along three of North Dumfries’ most scenic and historic roads within their associated cultural heritage landscapes are “temporary [...] since the lands will be returned to agricultural use once the aggregate extraction is complete”.

For clarity, elements from the report have been highlighted in bold text by RHC to remind all that the rural topography, including all the elements that comprise them along the scenic roadside, has been identified not only by this consultant but confirmed in preceding studies. Therefore, the construction of berms would be a distinct alteration that has a direct negative impact on the cultural heritage landscape and should be avoided. If the activities proposed by commercial aggregate or private ownership are not negative impacts, then it begs the question as to why the berms or screening are in fact needed at all.

Perhaps a better, more accurate evaluation of the proposed activities should be undertaken, and a

more historically sensitive mitigation be recommended. After assessment and mitigations in cases where activities that cause negative impacts that cannot be entirely avoided one example of a type of mitigation could include screening that may help provide historic context and wildlife corridors is in the form of a reintroduction of native hedgerows (not plantation or hedge style plantings) consisting of grasses, perennials, shrubs and trees in areas that would be historically appropriate along heritage corridors.

The identification of the Spragues Road as an extremely scenic road was reiterated in the Peer Review of MHBC's CHIA prepared by LHC Heritage Planning & Archaeology Inc. (LHC) for the Township of North Dumfries dated 20 December 2023.

However, in their evaluation of the MHBC Cultural Heritage Impact Assessment, LHC has commented that the site analysis and evaluation sections **do not provide sufficient detail** to clearly describe the surrounding area or the relationship between the cultural heritage resources and their surrounding context. LHC also commented that the **potential impacts made by the proposed pit entrance/exit and berm locations as well as the haul route along Spragues Road (an identified scenic route) are not discussed.**

The best conservation outcomes preserve the original quality or condition of the heritage attributes of a cultural heritage resource. This aspiration should hold true as well for the fertile agricultural resources that the township has in its CHLs.

1699 Spragues Road

As a property located adjacent to a designated heritage property, the Township's Official Plan should have triggered a full CHIA to be undertaken prior to any site alteration of the property which appears to never have been requested or required. This is particularly erroneous given that the designated property at 1720 Spragues Road is of high cultural heritage value and that the property now addressed as 1699 was part of the original rural lot and farm. The designated buildings at 1720 Spragues Road have been situated in their prominent location on the rise of the property looking east for the past approximately 175 years making both their location and the surrounding landscape of important contextual value. Any proposed alteration to this surrounding adjacent landscape would be important to be studied with any negative impacts identified and discussed and a vital part of an objective, thorough and professional CHIA.

In July 2024, Archaeological Research Associates Ltd. (ARA) prepared a scoped Cultural Heritage

Resource Impact Assessment for a site alteration proposed at 1699 Sprague Road in the Township of North Dumfries. It is important to note that this scoped CHIA comes after significant alterations to the property have already been undertaken without the benefit of a CHIA nor protections for the sensitive lands and endangered species that have been negatively impacted resulting in the need for the Ministry of the Environment, Conservation and Parks to become involved. It is unknown at the time of this writing whether the Ministry of the Environment, Conservation and Parks had been notified of the proposed berm that could potentially further negatively impact the environmentally sensitive lands and endangered species but this information should inform a full CHIA.

The proposal would relocate approximately 11,000 m³ of pit-run fill (created from the excavation and construction a new dwelling, accessory structures and a driveway) to form what the proponent refers to as a privacy berm that would stand approximately 1.6 to 1.8 m high along a portion of the Spragues Road frontage.

ARA described the scope of their assignment involved:

- the assessment of possible impacts made by the proposed site alteration on the heritage attributes of the adjacent, protected heritage property at 1720 Spragues Road;
- “an overview of the historical development of the area”;
- “a general understanding of the streetscape”; and
- “As requested by Town staff, recommendations will consider the proposed site alteration and the character of the area.”

ARA conducted a “desktop survey” of the context surrounding the subject properties (1699 and 1720 Spragues Road) by presenting images from Google Street View (dated 2022 and 2023) and using photos provided by their client. It is unclear whether ARA actually visited the assessment site.

ARA does refer to the Region of Waterloo’s Scenic Roads and Special Character Street Resources Document of 2011 and that document’s description of Spragues Road as a Regional road of **extremely scenic value**.

In their report section 5.1 “Contextual Relationship with 1720 Spragues Road” ARA concludes that the photos provided (taken by the client’s builder Slotegraaf Construction) show “the limited views into and out of 1720 Spragues Road are extremely limited due to the mature and dense tree and

vegetative cover.” RHC was able to view both the stone house and stone octagonal building beside it using Google Street View.

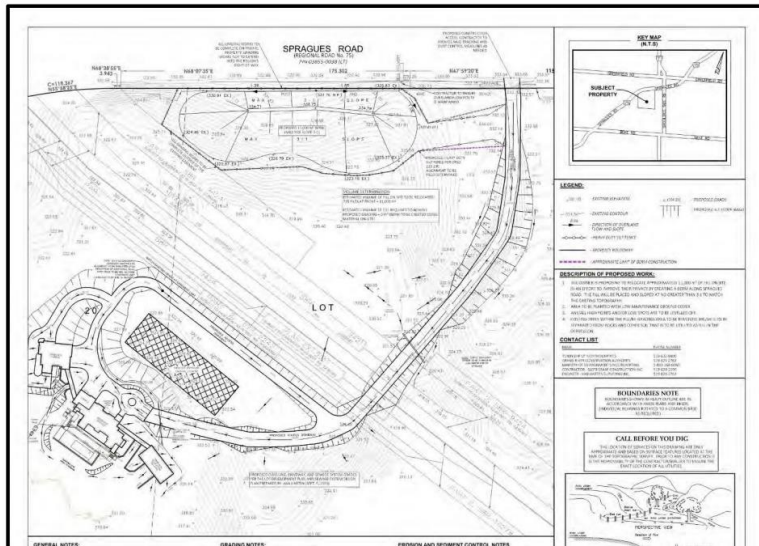


Images from Google Streetview of the property at 1720 Spragues Road taken in February 2022.

In their “Contextual considerations” ARA states that:

“The proposed construction of the berm will not impact the surrounding contextual character. The rise in elevation from the berm is in keeping with the surrounds as there are several rises and falls in topography along Spragues Road.”

The site alteration permit application and the scoped Cultural Heritage Impact Assessment show the proposed berm in a plan view but neither document attempts to illustrate the changes and impacts this development would have on the public’s appreciation of the rolling topography in this portion of Spragues Road, a Regional road recognized for its **extremely scenic value** and as important element of this part of the area as a cultural heritage landscape.



In their summary and recommendations, ARA concluded that:

- No direct or indirect impacts to 1720 Spragues Road were identified and therefore no mitigation measures are proposed.
- No direct or indirect impacts to the overall character of the area were identified and therefore no mitigation measures are proposed.

RHC is of the opinion that ARA should also have commented on and provided visual illustration of the change and impact that the proposed berm would have on the views of the subject property and its

context as seen from the public realm – for example what is seen as people drive or cycle north or south in this section of what the Region of Waterloo has identified as an “**extremely scenic**” roadway. RHC provides two such views below, also taken from Google Street View (dated Dec 2022). These two images could be overlaid with an approximation of the form and extent of the proposed berm.

When reviewing the current application for construction of a berm at 1699 Spragues Road across from the protected heritage property at 1720 Spragues Road it appears completely disingenuous to suggest that the proposed berm is for privacy as it would provide no privacy to or from the buildings on the property. Further movement of soils on the property would likely impact the endangered species further than the activities to date already have.



Travelling south: 1699 Spragues Road is on the left; 1720 Spragues Road is on the right



Travelling north: 1720 Spragues Road is on the left; 1699 Spragues Road on the right.

For both proposed alterations the construction of berms is not an acceptable alteration or an acceptable screening device along scenic roads and within cultural heritage landscapes that contain important long views of valleylands over rolling hills. A more acceptable solution may involve the re-establishment of hedgerows and windrows in appropriate locations with an ample buffer zone that seeks to recreate the historic roadside character of the restoration period.

Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada provides the following recommendations on additions or alterations involving vegetation and landforms within cultural heritage landscapes: 4.1.8 Vegetation (p. 81); 4.1.9 Landforms (pp.82-84).

"Introducing new vegetation, when required by a new use, to ensure that the heritage value of the cultural landscape is preserved, including planting a hedge [hedgerow] to screen new construction."

"Recreating a missing vegetation feature that existed during the restoration period, based on physical, documentary or oral evidence."

"Understanding landforms and how they contribute to the heritage value of the landscape."

"Designing a new feature when required by a new use that is compatible with the character-defining landform" [and not] "Introducing a new feature where it may alter the character-defining landform."

RHC could **not recommend** proceeding with any decisions around any applications for zone changes or alterations with impacts for either proposed project in this identified area until the above studies have been completed and updated including the further documentation and study determined to be missing from the MHBC CHIA followed by confirmation by peer review of the revised study.

The **overwhelming evidence** from numerous studies from a wide variety of experts confirms that the undertaking of a full study of this candidate CHL area should occur. Recommendations regarding policies, implementation and designation as set out within the Township of North Dumfries Official Plan and the Regional Implementation Guideline for Cultural Heritage Landscape Conservation (noted in the Townships OP) should be completed in order for the Township to be in accordance with its own OP policies and to be consistent with the Region of Waterloo Cultural Heritage Landscape Conservation plans and policies. However, RHC feels compelled to reiterate the evidence provided to the Mayor and Council by the Ontario Farmland Trust – that if extraction of aggregate resources on acres of prime agricultural lands is permitted the rehabilitation of those replaced soils "may not happen for many years – if it ever occurs" which is also stated within the recent Auditor General's Value-for-Money Audit: Management of Aggregate Resources.

A local example within the Region of Waterloo is found at the City of Kitchener who has rigorous policies around scenic (recently renamed as 'heritage corridors' in Kitchener) and all activities and applications along scenic corridors require a Heritage Corridor Enhancement Plan (HCEP).

The HCEP requires photographic documentation of the heritage corridor, adjacent buildings/structures and roadside vegetation, road details, views and vistas, identified heritage attributes, and any additional documentation that contributes to the understanding of the context of the scenic corridor adjacent to the subject property. A detailed description of the development proposal including any new lot and its proposed frontage, changes to grading, new structures or buildings, and site details such as driveway location, landscaping, lighting, etc. is required along with the assessment of alternative options, mitigation measures, preferred conservation measures and strategies to avoid or limit adverse or negative impacts on the existing vegetation, views and vistas is required.

A Tree Management Plan must be submitted and include identification and measurements of all trees including invasive species to be removed and new plantings and the amount of land that needs to be dedicated in order to provide for the opportunities to restore, replant, protect and enhance the scenic corridor. Through this process endangered species would be identified and the appropriate mitigations and protections would become part of this process.

A study including a description of and the avoidance of impacts to the existing grades and profile, shoulders and materials of the scenic corridor is part of the HCEP. A description assessment and recommendations for the appropriateness of any proposed fencing or screening at or along the properties abutting scenic corridors is a required aspect of all HCEPs. An accurate cost estimate and a letter of credit for 100% of the work recommended in the HCEP is required.

This is the type of study that needs to be adopted to assist the township in being better stewards of their CHLs and scenic heritage corridors. Between the work undertaken by the Region of Waterloo and the City of Kitchener there is much that could provide inspiration and policy direction which could be adjusted for use by the Township of North Dumfries to help fulfill the commitments set out in their own policies and OP.

Some consideration should be given to working with the Ontario Farmland Trust and other experts to develop a long-term plan for agriculture and extraction so that there is a sustainable future for coming generations that does not strip the township of its economic opportunities through the loss of its prime agricultural lands and striking cultural heritage, natural systems and beauty. Our younger

generations are already looking at us to curb our consumerism and to leave them with sustainable economic benefits into the future. Again, to reiterate, the massive number of existing aggregate extraction pits in the Township of North Dumfries is something that should be setting off alarms. We would encourage Council to revisit imposing an interim by-law to pause any current or new applications for alterations including zone changes and commit to further study of the township's cultural heritage landscapes and to the implementation of the resulting recommendations, designations, conservation and policies that are established to conserve and protect CHLs and heritage corridors through sensitive and sustainable development.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature on the left is 'Tracie Seedhouse' and the second signature on the right is 'Stephen Robinson'. Both are written in a cursive, flowing style.

Tracie Seedhouse and Stephen Robinson, MA, CAHP
Robinson Heritage Consulting

Sources

Township of North Dumfries

Township of North Dumfries Official Plan

<https://www.northdumfries.ca/en/doing-business/resources/Documents/2018-Oct-North-Dumfries-Official-Plan.pdf>

Ontario Ministry of Tourism, Culture and Gaming

Criteria for Evaluation of Archaeological Potential

<https://forms.mgcs.gov.on.ca/dataset/021-0478>

Region of Waterloo Heritage Planning Advisory Committee

Scenic Roads and Special Character Streets Resource Document (December 2011)

<https://www.regionofwaterloo.ca/en/exploring-the-region/resources/Documents/Scenic-Roads-and-Special-Character-Streets-Resource-document-access.pdf>

Christopher DeGeer and Michael Drescher

Heritage Resources Centre, University of Waterloo

Identification of Candidate Cultural Heritage Landscapes in the Townships of Wilmot and North Dumfries (2022)

<https://uwaterloo.ca/heritage-resources-centre/sites/default/files/uploads/documents/identification-of-candidate-chls-in-wilmot-and-north-dumfries.pdf>

MacNaughton Britton Hermsen Clarkson Planning Limited (MHBC)

Cultural Heritage Impact Assessment (Draft)

dated December 1, 2022 prepared for Cambridge Aggregates regarding the proposed Edworthy West Aggregate Pit Application

<https://www.northdumfries.ca/en/doing-business/resources/Documents/Current-Planning-Applications/Edworthy-West-Pit/Cultural-Heritage-Impact-Assessment-Report-MHBC-December-2022.pdf>

LHC Heritage Planning & Archaeology Inc. (LHC)

Final Report: Peer Review – Cultural Heritage Impact Assessment Part of Lots 16-18, Concession 9,

Township of North Dumfries, Ontario

dated 20 December 2023 prepared for the Township of North Dumfries

<https://calendar.northdumfries.ca/council/Detail/2024-11-19-1900-Heritage-Advisory-Committee/efb9dccb-054f-40c4-9284-b22801359c1a> (page 462)

Archaeological Research Associates Ltd. (ARA)

Cultural Heritage Impact Assessment – Scoped

1699 Spragues Road, Township of North Dumfries

(dated August 15, 2024) prepared for Slotegraaf Construction

<https://calendar.northdumfries.ca/council/Detail/2024-10-22-1800-Public-Planning-Council-Meeting/d5b01816-d940-4899-8b2d-b228015e40ee> (page 138)

Auditor General's Value-For-Money: Management of Aggregate Resources report (December 2023)

https://www.auditor.on.ca/en/content/annualreports/arreports/en23/AR_mgmtaggregates_en23.pdf



The TOWNSHIP of
NORTH DUMFRIES

MEMORANDUM

To: Mayor Foxtan & Members of Council

From: Ashley Good, Clerk

Re: Addendum to Agenda – Council Meeting Agenda for February 10, 2025

Date: February 10, 2025

Staff are seeking the authority of Council to add as an Addendum to the February 10, 2025 Council Meeting Agenda the following items:

- i) Add one (1) piece of correspondence received for item 14.2.1 Report No. BLDG-01-2025: Site Alteration for 1699 Spragues Road
- ii) Add one (1) piece of correspondence received for item 14.2.3 Report No. PD-05-2025: Proposed Zoning By-law Amendment and Plan of Subdivision, 1940 Wrigley Road (File Nos. ZC-01/20 and 30T-20301)



21 October 2024

To: Mayor Foxton, Councillors Rolleman, Ostner, Wilms, and Tilley
Township of North Dumfries
Public Planning Council Meeting, 22 October 2024

From: Board of Directors
Cambridge and North Dumfries Branch
Architectural Conservancy Ontario (ACO)

Re: 7.2.1 Report BLDG 03-2024:
Site Alteration - 1699 Spragues Road.

The members of Architectural Conservancy Ontario (ACO) Cambridge and North Dumfries branch strongly object to the proposed construction of a 6' high berm at 1699 Spragues Road and ask council to deny this application to alter the site.

Such upheaval of this landscape is unwarranted, highly destructive, and contrary to the best practices of conservation.

The applicant's own CHIA Report identifies the presence of significant natural heritage features on the site and within the area. The property is adjacent to the Sudden Regional Forest, within the Sudden Tract, and is home to several unique species of flora and fauna, including populations of the Jefferson complex and Four-toed salamanders.

Protection of a Part IV, Designated Farmstead, with views to and from the property, is required under the Ontario Heritage Act.

Spragues Road, identified as a Scenic Road within North Dumfries and by the Region of Waterloo as an Extremely Scenic Road, is also a candidate for Cultural Heritage Landscape protections. The installation of a berm would negatively and irreversibly damage the unique character of this landscape.

Best practices demand that priority be given to maintaining scenic or special features unique to this rural road. This includes maintaining Spragues Road's existing historical road patterns, curves, alignment, width, views and vistas; and conserving the historic rural fabric along its corridor to maintain diversity. Like many regional roads in Waterloo region, Spragues Road, in the Sudden Tract, has been in use since the early 1800s when the area was first settled.

ACO, a province-wide charitable organization, is mandated through education and advocacy to encourage the conservation and reuse of structures, districts and landscapes of architectural, historic and cultural significance, to inspire and benefit Ontarians.

P.O. Box 22704, Galt Central Postal Outlet, Cambridge, Ontario N1R 8E3
Preserving Historic Buildings and Areas of Natural Beauty in Cambridge and North Dumfries



Region of Waterloo

February 7, 2025

To:
CAO, Township of North Dumfries – Andrew McNeely
Township of North Dumfries Council (clerk@northdumfries.ca)

From:
Acting Commissioner, Transportation – Doug Spooner

Re: Region’s Objection to Inclusion of Draft Approval Conditions for
Plan of Subdivision 30T-20301, 1940 Wrigley Road, Ayr
TOWNSHIP OF NORTH DUMFRIES

Regional Staff have reviewed Staff Report [PD Report No. 05-2025 dated February 10, 2025] and **object to the inclusion of Conditions 1.34, 1.37 and 1.38 and amended Regional conditions 14.6, 14.7, 14.8 and 14.9** as they relate to Regional Road #49 (Wrigley Road / Scott Street).

Those conditions would result in unwarranted road improvements to a road within the Region’s jurisdiction that compromise pedestrian safety, could lead to unsafe road and crossing conditions, and create a potential liability issue.

Regional staff appreciate and share the Township’s desire to improve pedestrian safety in the area and have been engaged in ongoing dialogue to try to achieve a mutually agreeable solution to achieve a safe intersection for pedestrians, along with slower speeds into the settlement area. However, we do not agree with the recommendations outlined in RJ Burnside Transportation Review Letter dated January 13, 2025.

As part of our comments on the application we requested several conditions that provide an ability to address pedestrian safety in the interim until it can be determined if additional improvements are warranted and can be implemented safely. **We are requesting that the conditions provided by the Region as it relates to Regional Road #49 (See Attachment ‘A’) be included in the Draft Approval and that conditions 1.34, 1.37 and 1.38 and amended Regional conditions 14.6, 14.7, 14.8 and 14.9 be removed.** Additional details on the rationale supporting the requested conditions are included in Attachment ‘B’.

Further, should the Township impose conditions **1.34, 1.37 and 1.38 and amended Regional conditions 14.6, 14.7, 14.8 and 14.9** in the staff report the Region would not permit the work within the right-of-way resulting in the developer being unable to satisfy

the conditions or fulfill obligations in the subdivision agreement. The Region is committed to rapidly increasing the housing supply, and as these conditions can not be met by the developer, the Township is introducing an unnecessary delay to the project.

In short – the Region can not support the conditions imposed by the Township as they result in unsafe conditions on a regional roadway and will delay the project.

By copy of this letter to the Township Clerk please forward a copy of any Notice of Decision on this application to PlanningApplications@regionofwaterloo.ca

Regards,

Doug Spooner
Acting Commissioner, Transportation Services Department
Region of Waterloo

Attachment 'A'

BOLD indicates conditions to be included in Draft Approval (non bolded conditions were addressed in Township's report)

- 1) That this approval applies to Plan of Subdivision 30T-20301, for 2825618 Ontario Inc., prepared by MHBC Planning, File No. 19129G, last revised January 16, 2025 which shows the following:

Block 1	- 17 Single Detached Dwellings
Block 2	- 11 Single Detached Dwellings
Block 3	- 13 Single Detached Dwellings
Block 4	- 4-5 Street Townhouse Dwellings
Block 5	- 9-10 Street Townhouse Dwellings
Block 6	- 8-9 Street Townhouse Dwellings
Blocks 7-10	- 4 Single Detached Dwellings
Block 11	- 8 Single Detached Dwellings
Block 12	- 13-14 Street Townhouse Dwellings
Block 13	- 13-14 Street Townhouse Dwellings
Block 14	- 7 Single Detached Dwellings
Block 15	- 6 Single Detached Dwellings
Block 16	- 6 Single Detached Dwellings
Block 17	- 3 Single Detached Dwellings
Block 18	- 27-37 Multiple Residential Dwellings
Block 19	- 29-39 Multiple Residential Dwellings
Block 20	- Park
Block 21-22	- Trail Network
Block 23-25	- Walkway
Block 26-28	- 0.3 metre Reserves
Blocks 29-32	- Daylight Triangles
Total Units	178-203 Residential Units
Total Area	8.75 hectares

- 2) That the Owner agrees to stage and/or phase the development of this plan of condominium in a manner satisfactory to the Township of North Dumfries and the Regional Municipality of Waterloo.
- 3) That prior to final approval, the Owner is required to complete a detailed design and cost estimate of the off-site works associated with the required modifications to the existing sanitary sewer collection system to facilitate the development all to the satisfaction of the Regional Municipality of Waterloo and Township of North Dumfries. The approved functional design and cost estimate must be secured in a registered development agreement with the Township of North Dumfries, to the

satisfaction of the Regional Municipality of Waterloo and Township of North Dumfries.

- 4) That prior to final approval, the Owner complete an updated Hydrogeological Study, if construction is proposed below the water table due to the strong artesian pressure with the high-water table in Ayr, to the satisfaction of the Regional Municipality of Waterloo and Township of North Dumfries.
- 5) That prior to final approval, the Owner completes a Salt Management Plan for Blocks 18 and 19 (Multiple Residential) to the satisfaction of the Regional Municipality of Waterloo.
- 6) That prior to final approval, the Owner conveys the required 25 foot (7.62 metres x 7.62 metres) daylight triangle dedications identified on the draft plan as Blocks 29-32 at the proposed intersections of Regional Road #49 (Scott Street/Wrigley Road) and Street A, to the satisfaction of the Regional Municipality of Waterloo.
- 7)
 - a. **That prior to final approval, the Owner provides a functional design and cost estimate for the pedestrian refuge island initially assessed through the reports entitled, “1940 Wrigley Road, Ayr, Transportation Impact Study”, dated February 2023 (Paradigm Transportation Solutions Limited) and the Response letter from Paradigm: Township of North Dumfries Staff Comments (Transportation) 1940 Wrigley Road, dated November 2023 (Paradigm Transportation Solutions Limited), which is to be located on the east side of Scott Street at Hilltop Drive and Street A within the parameters of the westbound left-turn lane, all to the satisfaction of the Regional Municipality of Waterloo.**
 - b. **That prior to final approval, the Owner enter into a registered development agreement with the Regional Municipality to secure the letter of credit for the approved functional design, to the satisfaction of the Regional Municipality of Waterloo.**
- 8) **That prior to final approval, the Owner must enter into a registered development agreement with the Regional Municipality of Waterloo to provide a functional design and cost estimate for a future pedestrian crossover (PXO) (type to be determined) located on the east side of Scott**

Street at Hilltop Drive and Street A, when the development reaches 50% occupancy, and if necessary, enter into a supplementary agreement, to secure the letter of credit for the approved functional design of the future pedestrian crossover (PXO), to the satisfaction of the Regional Municipality of Waterloo.

9)

- a. That prior to final approval, the Owner provides a functional design and cost estimate for review and approval to correct the sight line deficiency to the west of the intersection of Street A, Hilltop Drive and Scott Street, to achieve the required intersection sight distance, all to the satisfaction of the Regional Municipality of Waterloo.**
- b. That prior to final approval, the Township of North Dumfries enter into a registered development agreement with the Regional Municipality of Waterloo to make arrangements for the required works as specified in Condition 9 a) for the correction of the required sight distance within the Scott Street (Regional Road 49) road allowance, to the satisfaction of the Regional Municipality of Waterloo.**

10) That prior to final approval, the Owner obtain the required Regional Access Permit(s) of Street A to Regional Road #49 (Scott Street/Wrigley Road) for the proposed development, to the satisfaction of the Regional Municipality of Waterloo. The Regional Access Permit for the westerly connection of Street A to Scott Street, adjacent to Hilltop Drive, will not be issued until the sight line deficiency as per Condition 9 a) and b) has been addressed to the satisfaction of the Regional Municipality of Waterloo.

11) That prior to final approval, the Owner submit an addendum to the noise study entitled "Noise Compatibility Study, proposed Residential Development, ND Landco Ayr, Part of Lot 33, Concession 8, Ayr Ontario" authored by HGC Engineering (April 2019) to reflect the most up to date draft plan and block/lot numbering and enter into a registered development agreement with the Township of North Dumfries to include the following clause(s) in all agreements of Offers of Purchase and Sale, lease/rental agreements and/or condominium declarations, all to the satisfaction of the Regional Municipality of Waterloo and Township of North Dumfries:

a. Blocks 11 and 17

- i. *“Purchasers/tenants are advised that, despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”*
- ii. *“This dwelling has been with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”*

12) That prior to final approval, the Owner enters into a registered agreement, with the Regional Municipality of Waterloo regarding servicing for any additional residential unit on the subject lands, to the satisfaction of the Regional Municipality of Waterloo.

- a. *That any additional residential unit is serviced with water and sanitary services to the satisfaction of the Region and Township. It is to be demonstrated that the use can be accommodated within the capacity of the water and sanitary sewage system and where site conditions are suitable for the long-term provision of such services;*
- b. *That any additional residential unit obtains water services from the primary dwelling and that there shall only be one water meter per property.*

13)

- a. That the Owner enters into an Agreement for Servicing with the Regional Municipality of Waterloo to preserve access to municipal water supply and municipal wastewater treatment services prior to final approval or any agreement for the installation of underground services, whichever occurs first. Where the Owner has already entered into an agreement for the installation of underground servicing with the area municipality, such agreement shall be amended to provide for a Regional Agreement for Servicing prior to registration of any part of the plan. The Regional Commissioner of Transportation and Environmental Services shall advise prior to an Agreement for Servicing that sufficient water supplies and

wastewater treatment capacity is available for this plan, or the portion of the plan to be registered.

- b. That the Owner include the following statement in all agreements of lease or purchase and sale that may be entered into pursuant to Section 52 of the Planning Act, prior to the registration of this plan:

"The lot, lots, block or blocks which are the subject of this agreement of lease or purchase and sale are not yet registered as a plan of subdivision. The fulfilment of all conditions of draft plan approval, including the commitment of water supply and sewage treatment services thereto by the Region and other authorities, has not yet been completed to permit registration of the plan. Accordingly, the purchaser should be aware that the vendor is making no representation or warranty that the lot, lots, block or blocks which are the subject of this agreement of lease or purchase and sale will have all conditions of draft plan approval satisfied, including the availability of servicing, until the plan is registered."

- 14) Prior to commencing any grading, construction activities, or the issuance of any final approval, whichever shall first occur, the Owner shall enter into an agreement with the Regional Municipality of Waterloo to satisfy all requirements, financial or otherwise, of the Region, concerning the provision of water and wastewater services.
- 15) That the Owner shall retain a consulting engineer to prepare an engineering design, engineering specification, and detailed itemized cost estimate in accordance with the Region of Waterloo and Area Municipalities Design Guidelines and Supplemental Specifications for Municipal Services, 2017, for all works required for the construction of water and sanitary service mains and lateral connections for all proposed serviced lots all to the satisfaction and approval of the Regional Municipality of Waterloo.
- 16) That the Owner enters into an agreement with the Regional Municipality of Waterloo to construct, at the Owner's sole cost, all water and sanitary services to the satisfaction of the Region, including, but not limited to the construction of the water and sanitary service mains and lateral connections for all proposed serviced lots in accordance with the approved engineering design and engineering specifications.
- 17) That the Owner enters into an agreement with the Regional Municipality of Waterloo to retain a consulting engineer (contract administrator) to oversee the

installation of water and sanitary services mains and lateral connections for all proposed serviced lots, and that the Owner submits the consulting engineer's signed and sealed inspection report indicating all works have been completed according to the approved engineering design, engineering specification.

- 18) That the Owner shall provide securities to be held by the Township of North Dumfries, or the Regional Municipality of Waterloo, to the satisfaction of the Region, in the amount of 100% of the detailed itemized cost estimate for water and wastewater services during the construction period. Once the construction is completed and inspected to the satisfaction of the Region and preliminary acceptance of the water and wastewater services is granted, up to 40% of the securities may be returned to the Owner. The remaining 60% of the securities shall be held by the Region during a maintenance period. After a minimum of 2 years following preliminary acceptance and a reasonable degree of build out in the development, as determined by the Region in its sole discretion, and prior to installation of final course of asphalt, the Region and the Owner's consulting engineer shall inspect the said works and any and all deficiencies shall be rectified to the satisfaction of the Region. Following rectification of deficiencies and final acceptance of the said works the Region will release the remaining securities.
- 19) That the Owner provides the final record drawings as public record of the works to the satisfaction of the Regional Municipality of Waterloo.
- 20) That the Owner satisfy all the requirements for the Regional Municipality of Waterloo contained in the post-circulation comments dated January 28, 2025.

Attachment 'B'

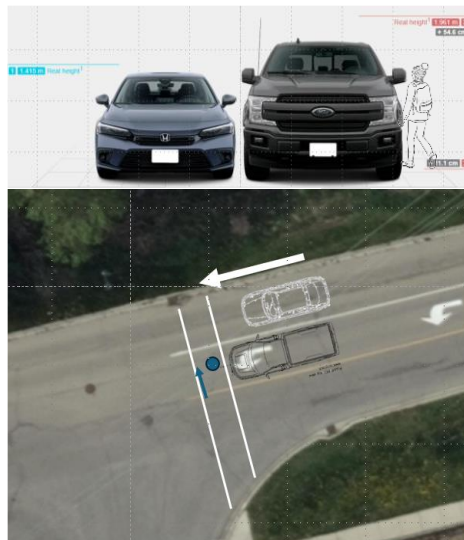
The rationale for the Region's conditions included in Attachment 'A' are contingent on the removal of the existing westbound left-turn lane as detailed below.

1) Removal of the westbound left-turn lane with the installation of a pedestrian refuge island improves pedestrian safety

The Highway Traffic Act requires vehicles to stop for all pedestrians crossing at a PXO, but it is relatively common for vehicles to not stop for pedestrians in PXOs, even if flashing beacons are present and this condition worsens with fewer pedestrians present.

With a through lane and dedicated left turn lane on the approach to a PXO, the pedestrians crossing the street would likely be obscured by vehicles waiting in the westbound left turn lane as demonstrated in the figures below. This increases the safety risk and likelihood of an accident between traffic in the through lane and pedestrians. This 'double threat' is not appropriately mitigated by signage or flashing beacons as the onus is on the westbound vehicle in the through lane perceiving the pedestrian actively crossing the road.

The first figureⁱ compares a Ford F-150 and a Honda Civic, noting that the front of the Ford below the windshield is roughly 1.4 metres tall. This is the same as the average height of a 10-year-old child.ⁱⁱ The second figure illustrates the proposed configuration that maintains the westbound left-turn lane, where an average height 10-year-old child is shown crossing from the south side of Hilltop Drive and Scott Street/Wrigley Road. This demonstrates that if a car, similar in size to the Ford F-150, were to stop appropriately in the dedicated left-turn lane for the pedestrian, an approaching vehicle in the westbound through lane is likely to not identify the pedestrian crossing due to the height of the truck.



2) Removal of the westbound left-turn lane, along with supplementary road design improvements, will assist in slowing traffic into Ayr

While the existing westbound left-turn lane is warranted, this is not a substitute for engineering judgement based on the site conditions at this location. There is no requirement at this location to implement warranted controls. While left-turn lanes remove impediments to free flowing traffic, at this location an impediment to free flowing traffic will help to reduce traffic speeds into Ayr.

While a left-turn lane can reduce incidents of rear-end collisions, at this location the left-turn lane would introduce a double threat condition for the more vulnerable pedestrians as described above. Regional Staff therefore recommend removal of the existing left-turn lane, replacing it with a pedestrian refuge island.

3) Maintaining the full closure of the westerly access to the subdivision, other than for emergency purposes, will eliminate considerable safety risks for pedestrians and vehicles

The Township and Region acknowledge that the westerly access at Scott Street/Wrigley Road, Hilltop Drive and Street A remain closed until the sight line deficiencies to the west are corrected. However, Condition 1.34 of the Staff Report [PD Report No. 05-2025 dated February 10, 2025] permits the use of the westerly access for emergency purposes as well as pedestrian and cycling connectivity. The sight line deficiency creates a less than optimal visual for eastbound traffic that would increase safety concerns for pedestrians and other vehicular traffic in this area. While there is no objection to the use of this access for emergency purposes, it must otherwise remain fully closed to pedestrians and cyclists.

ⁱ <https://www.carsized.com/en/cars/compare/honda-civic-2021-sedan-vs-ford-f150-2014-4-door-pickup-supercrew-5.5/>

ⁱⁱ https://www.dietitians.ca/DietitiansOfCanada/media/Documents/WHO%20Growth%20Charts/Set-2-HFA-WFA_2-19_GIRLS_SET-2_EN.pdf



MEMORANDUM

To: Mayor Foxton & Members of Council

From: Andrew McNeely, Chief Administrative Officer

Copy to: Ashley Good, Township Clerk
Shannon Black, Director of Development Services / CBO
Michael Campos, Manager of Planning
Brian Aston, MHBC Planning Consultants

Re: **Revision to Attachment No. 2 Conditions to Draft Plan Approval
PD Report No. 05-2025 1940 Wrigley Road Subdivision File 30T-20301
February 10th, 2025 Council Meeting Agenda Item # 14.2.3**

Date: February 7th, 2025

Staff have noted a minor omission to Attachment No. 2 Conditions to Draft Plan Approval for the plan of subdivision proposed at 1940 Wrigley Road [Subdivision File 30T-20301]

Staff are seeking as part of the February 10th, 2025 Council Meeting that Attachment No. 2, and specifically, the Clearance of Conditions attributed to the Region of Waterloo be amended and adopted as set out below. The revised and expanded text adds four (4) additional Conditions to be incorporated into the document. The red text highlights the additional provisions that form part of the amended and revised Clearance of the Conditions to Draft Plan Approval.

CLEARANCES:

1. That prior to the signing of the final plan by the Chief Administrative Officer, the Township is to be advised by the Regional Municipality of Waterloo that **Conditions 1.35, 1.36, 1.38, 2.8** and Conditions 14.1 to 14.9 have been carried out to their satisfaction. The clearance letter from the Regional Municipality of Waterloo shall include brief but complete statements detailing how each condition has been satisfied.

The proposed amendment does not in any fashion alter the scope or tasks associated with the proposed Plan of Subdivision. The proposed revision is a housekeeping and administrative matter.