

Our ref: 11229733

12 October 2021

James Griffin, Planner  
Corporation of the County of Prince Edward  
280 Picton Main Street,  
Picton, ON K0K 2T0

**RE: Planning Consulting Services for Peer Review**  
Applications for: Draft Plan of Subdivision and Zoning Amendment

**Applicant: Cressy Bayside Estates**

**Location: Across from 1048 County Road 7, Prince Edward County**

**Peer Review of Environmental Impact Study-Cressy Bay Estates**

Dear Mr. Griffin

GHD Limited was retained by the County of Prince Edward to peer review an Environmental Impact Study (EIS; November 23, 2020) prepared by Ainley and Associates for a development on County Road 7. This letter has been prepared to provide comments to the County on the EIS and includes GHD's opinion and comments on the following analysis:

- **Purpose and Scope of the EIS** – Is the reason for the completion of the EIS and the scope clearly defined?
- **Background Review, Field Studies and Methodology** – Are there potential deficiencies in the field methods (timing, method, season) used and/or desktop sources consulted during the collection of baseline data to determine potential natural heritage features which could be impacted as a result of the proposed development and are significant/key natural heritage features appropriately identified?
- **Existing conditions, figures and significant species/habitats** – Does the report include detailed lists and text regarding ELC communities, plants and wildlife and dates/times of surveys that characterize the site conditions.
- **Impact Assessment and Mitigation Measures/Recommendations** – Have potential environmental impacts of the project been identified, does the EIS propose appropriate mitigation measures to address the potential impacts, and did the authors complete a suitable review to identify potential residual concerns?
- **Additional measures/compensation/permitting**- Does the EIS recommend or discuss any compensation/restoration/rehabilitation requirements or on-site/off-site work, and are any permit recommendations made.
- **Conformity to the County's Official Plan (OP) Requirements, the Provincial Policy Statement (PPS)** – Does the application conform to the PPS, and County of Prince Edward OP requirements
- **Summary** – Does the EIS generally meet the requirements and standards for an EIS under County and provincial policies and guidelines, are residual impacts expected on significant features as defined under provincial policies and does GHD agree with the conclusions of the report?

GHD has conducted this peer review in keeping with our standard practice for peer reviews. We have formed our opinions and made our comments based on a review of the EIS as presented. GHD did conduct a site visit, with the applicants permission, to see the site conditions as described in the EIS and to view first hand the natural heritage features and habitats identified.

## Purpose and Scope of the EIS

The purpose of the EIS is outlined in Section 1.0:

*Ainley Group was retained to conduct an Environmental Impact Study (EIS) relating to the proposed development of Cressy Bayside Estates along County Road 7, in Prince Edward County, approximately 3 km east from the community of Lake on the Mountain.*

Furthermore, the EIS states in Sections 1.0 and 2.0:

*The development is proposed to include eight (8) freehold single detached lots, with a private road, and common element areas.*

*This report is being prepared to document the environmental features of the subject property and to provide an overview of potential impacts from the undertaking on the study area environment in consideration of Provincial and municipal planning policies.*

*The scope of work for this investigation was completed per the Official Plan of the County of Prince Edward, with consultation from the Quinte Conservation Authority (QCA) – Planning Department. Pre-consultation was held with the County of Prince Edward Planning Department and QCA to confirm the scope of work. The following aspects have been addressed through desktop review and field investigations as part of the EIS for the proposed development on the subject property:*

- *Vegetation and vegetation communities per the Ecological Land Classification (ELC).*
- *Species at risk (SAR) review.*
- *Significant features on the subject property and surrounding lands.*
- *Birds, wildlife, and herpetofaunal species and habitat.*

Comment #1: In consideration that the proposed development is in support of potential development application, the stated purpose and scope of the EIS is clear and provides the appropriate context for the reviewer.

## Background Review, Field Studies and Methodologies

The EIS report includes a detailed breakdown of the background literature review components. The sources are all typical sources of information for birds and Species At Risk. This included a response to their inquiry to MNRF regarding natural features and SAR species in this area (attached as appendix).

One Special Concern species, northern map turtle was identified by MNRF in their data.

Comment #2: Vegetation surveys were conducted in the early spring and early summer. The dates are appropriate for this site that is relatively open with bare soils, where summer plants would prevail.

Comment #3: The section 2.0 second paragraph states that *The scope of work for this investigation was completed per the Official Plan of the County of Prince Edward, with consultation from the Quinte Conservation Authority (QCA) – Planning Department. Pre-consultation was held with the County of Prince Edward Planning Department and QCA to confirm the scope of work*

- a. Was a Terms of Reference prepared and submitted to QCA and the County. If so, the report would benefit by attaching the TOR and listing the key elements in this section of the report. I would like to review that document.
- b. If a TOR was not required or submitted, the key QCA comments should be added to the report
- c. Was there a specific request for amphibian surveys. If not include rationale.
- d. Was there a specific request for a 2 season or 3 season vegetation survey from QCA.

Comment #4: During my site visit on August 26<sup>th</sup>, 2021, a few fall plants and later blooming species were observed. One species, slender gerardia was found at several locations. Can the biologists comment on this species status and if the presence poses any constraints to development of the site. Found in turtle nesting area and equisetum area of former aggregate pit. That area contained large dense stand of common scouring rush and some other species representative of wetter conditions. Can the biologist provide additional discussion on that vegetation.

Comment #5: Wildlife surveys were designed based in part on the general list provided by MNRF in their response. The wildlife section of the methods, states specific attention re SAR species.

Additional details on the timing of visits (day, time of day, and season) and type of survey completed is requested. Were specific searches for gravid female turtles, nesting, basking and habitat assessments completed.

Comment #6: Specific targeted surveys for eastern meadowlark and eastern whip-poor-will were stated in the methodology. The only mention subsequently is in the SAR table in the appendix. Result of the surveys and lack of habitat/observations should have been included in the report.

Comment #7: The bird list includes mostly terrestrial species. Was the shoreline and lakeshore inventoried during surveys for waterfowl, herons and gulls/terns offshore or along the shoreline.

## **Existing conditions section, figures and significant species/habitats**

Comment #8: Existing conditions section describes ELC communities and details on findings re Species at Risk, as well as the fish habitat, substrates and water depths in the littoral zone studied.

- a. The descriptions do not include a list of plants, vegetation/wetland communities along the shoreline or the specific tree species that are present on the shore.
- b. Characterization of littoral zone should include in-water vegetation (submergent, emergent, floating vegetation), if present.
- c. Aquatic section includes discussion regarding setbacks, fisheries permitting and docks. This information is reiterated in the recommendations. A 30m setback from Adolphus Reach shoreline is recommended by Ainley. Further details on the use of the buffer on privately owned lots and methods of preventing vegetation removal, installing structures (sheds, fire pits, gardens, sitting areas, gazebos) should be included in the discussion and recommendations.
- d. Page16 bottom paragraph notes that water access will likely be a part of each shoreline lot and a possible dock. More detailed assessment of the shoreline and if certain sections are more sensitive

to docks and if having multiple docks and boat movement will impact any habitat along the shore, not just for Species at Risk but other fish species.

Comment #9: Butternut trees (26) were found on the subject property with 6 being Category 2 or retainable. An overlay of the site plan on Figure 2 would be helpful to clearly show the location of the trees relative to the road pattern. Recommendations on possibly excluding trees from lots or the building envelope should be included.

Comment #9: Section 6.6.5. The section describes the SWH criteria and the candidate habitats that were assessed. The presence of turtle nests indicates extensive use of the disturbed sandy areas. The ELC codes for shoreline wetlands do not meet the criteria for SWH, re significant turtle nesting area. However the authors do comment on mitigation measures for nest sites. The presence of northern map turtle, a Species of Concern does meet the SWH criteria of Species of Conservation Concern, and measures should be included to protect nesting areas.

Comment #10: Section 6.6.6. The County policies discuss escarpments and slope stability specifically. While this report states this was outside of the scope of their work and no slope stability report was completed, a road access will be required to the lots. This will involve cutting of forest vegetation, significant site grading and impacts on the slope.

Further direction from the authors would assist in the design of that road and how to limit impacts on the natural features and ecological functions. The alignment and feasibility of using the existing farm lane should be discussed. The report notes a 30 m buffer is typically recommended from the top of bank, however the access road from the County road to the lots will cross the escarpment feature.

## **Impact Assessment and Mitigation Measures/Recommendations**

Comment #11: The section outlines their recommendations regarding setbacks, permitting, timing windows and mitigation measures for several items including grading, sediment and erosion control, vegetation, Species at Risk, SWH, fish habitat and surface water contamination.

The section should be a more detailed discussion of the impacts on each of those natural features, impacts from road construction, site grading, excavation, servicing and site occupancy of the lots.

Comment #12: Shoreline plans of condominiums provide flexibility in their design, use of common elements and communal amenity areas. In particular a layout that includes the full protection of the 30 m shoreline setback outside of the lot (unit) boundaries should be examined. The cumulative impact on the shoreline from 8 individual lot owners and methods to protect that buffer from being cleared, being mowed lawn or used for the lot owners should be assessed. In addition the potential for 8 individual docks on the shoreline should be assessed in terms of impacts compared to the option of a common element of parkland on the entire shoreline buffer with a seasonal communal dock assessed. Recommendations from the biologists could provide some direction on the final design of the condominium.

Comment #13: The presence of turtle nesting on the site, woodlands, areas of sand ridges, 30 m shoreline buffer and protection of butternut trees, should be examined in terms of showing clearly defined building envelopes on each lot on the site plans. Lots 6, 7 and 8 in particular have turtle nesting, woodland and some sand ridges where a defined building envelope outside of those areas could be beneficial.

Comment #14: The site will not have municipal services and will use septic beds for each lot. The impact on the lake water quality is discussed in the report. A recommendation in the EIS regarding setback distance

minimums from the lake for a septic system and general location of a septic (in front of house or behind) should be discussed. The impact of the proposed grassed swales adjacent to multiple septic systems should also be discussed.

Comment #15: The report discusses level spreader berms, swales between lots and other aspect of the development. Inclusion of a site plan drawing or preliminary grading plan would assist the reader in reviewing the EIS report.

## **Additional measures/compensation/permitting**

Comment #16: The report includes possible DFO permitting for any docks, no requirement for ESA permit and required permit from Quinte Conservation.

Comment #17: Mitigation measures include incorporating artificial turtle nesting habitat at the level spreader berms. Further description of the design of those features should be included and how they would be protected (maintained on private lots or in common element blocks) should be included.

Comment #18: The internal access road from the county road and the internal road network are bordering two areas of common elements. Further discussion of any enhancement, restoration or uses of those blocks should be included. Particularly where grading of the sandy slopes may require stabilization through plantings. Edge management or planting recommendations should be included.

## **Conformity to the County's Official Plan (OP) Requirements, the Provincial Policy Statement (PPS)**

Comment #19: Section 5.2.1 and 5.2.2 outline the sections of the County of Prince Edward Official Plan that are applicable. The EIS was prepared prior to the release of the new 2021 PEC Official Plan that includes identification and protection of natural heritage features and content of an EIS report.

As such the policies of the 2006 OP do not outline specific requirements. The content of this EIS would have followed the Terms of Reference submitted to the County and Quinte Conservation. Specific conformity to the OP should be included in the report.

Comment #20: The EIS outlines the natural heritage features included in the PPS in section 5.1 of the EIS. Section 6.6 of the EIS covers each of those features. The report concludes (section 9.0) there will be impact on several identified natural features and states: *The proposed development is not anticipated to have any impacts on other natural heritage features.* A clearer statement on compliance with the PPS should be included.

Regards



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