

Mansfield Ski Club- Public Meeting Questions – FEB 3, 2021

What monitoring and reporting requirements will the site plan agreement contain?

Legal Response: Detailed site plan agreement will govern this development, typically 20-30 pages, how it will be constructed, maintained, and governed in the future. The agreement has not been drafted yet, and therefore an opportunity to address resident concerns. Monitoring will be addressed through broad rights for the Township to inspect as they feel fit.

Will the SPA include financial securities? What specific financial securities are being requested from MSC/MPM to protect Mulmur taxpayers?

What happens to these units if the development goes under, and the owners wish to sell the units as “Residential Properties”?

If the Ski Club no longer exists, how will the Municipality limit ownership to Ski Club members only, and limit rentals to Ski Club members only. In that scenario, can the SPA prohibit rental altogether?

How will the municipality prevent these accommodation units from becoming residences?

Legal Response: Securities are addressed on page 4 and 5 of the matrixes. Lawyer will work with applicant and engineer to quantify securities items and amounts. Securities are to make safe and deal with aesthetics opposed to complete a project. If a project becomes unviable and a different form of subdivision is proposed, further Planning Act approvals and public process would be required.

We are pleased to see Council taking steps to reduce the potential for AirBnB party rentals and restricting any rentals at this private ski club to other ski club members. What monitoring and reporting requirements will the site plan agreement contain to ensure this happens? It would seem helpful for MSC / MPM to make this clear to potential buyers by updating their website.

Legal Response: Matrix provides AirBnB response. (Please note original Matrix has been updated with respect to AirBnB)

Is it possible for Mulmur to require MSC / MPM to commit to connecting to a centralized water supply and sewage treatment system should one be constructed in future to have water supply and sewage effluent connected to a future central water system?

Legal Response/Engineering Response: This question is difficult without a definite supply. If there were municipal water and sewer services, the Township would explore the ability to require connections.

Mansfield Ski Club’s marketing material repeatedly refers to the stacked townhomes as Residences and the buyers of the life lease interests as Residents,

while the Township refers to the townhomes as Accommodation Units which are NOT residences. Which are they and will potential buyers understand that they can be evicted if the infrastructure fails?

Legal/Planner Response: Legal has had discussion with applicant to ensure there is consistency in terminology in the legal documents.

Does MSC propose to prohibit or to permit a life lease holder to rent the unit to a third party and, if renting will be permitted, must the renter be a member of MSC?

Finley McEwan responded that they have 60 years' experience accommodating members and guests. The club has had up to 2000 guests in the past.

Have any life lease interests for the proposed stacked townhomes been sold? If so, how many?

Finley McEwan – no sales to date.

Could the CAO please explain how the demise of the MSC would impact the Township if it were to go bankrupt during or after building these units? Will they stand derelict like the Talisman Ski Club in Kimberley unable to be sold as they are not allowed to be primary units? Would a motel be its possible employment? Or will the Township have to allow them to become primary units and service them?

Legal: (Financial risks are noted on page 4 of matrix.) The result will depend on the stage of development and the determination of the use of securities. The purpose of holding securities is to ensure safety and visual impacts. If the project is constructed, any proposed land division would go through a planning process. Other uses would require speculation. A motel may be something that could be considered.

Will third party rentals be permitted, and will they be members? Renters would need to be members or board approved.

Finley responded that owners must be members. Guests can rent the units and must be approved in advance in writing.

Site plan will contain definition of "use" that would prohibit rentals.

Legal response: Agreement will be drafted to be as enforceable as possible.

Finley McEwen: Why should subleasing apply to the ski club more than the freehold properties in the vicinity?

Gord Feniak: Matrix uses the word "could" be restricted. AirBnB/rentals could be restricted throughout the Township through a by-law.

Why not do everything we can to limit the harm for any development particularly in light of the newly established fish restocking program in the Pine River?

As good stewards of the area as Council and MSC agree they are, should not we do everything possible to avoid any risk of water contamination to any Mulmur water way and keep our area known as some of the cleanest in Ontario.

Mayor response: We have retained professional experts in the field to review the submission and ensure that the development meets all guidelines. The zoning that was passed includes criteria for obtaining all necessary environmental compliance approvals.

Engineering response: Township's role is not to direct the applicant, but rather to respond to an application. The original application started with one form of technology (subsurface), discharge to pond for temporary storage and has moved to other technology which is peer reviewed.

Township has similar questions and requiring obligations be to Mansfield Ski Club and all parties involved and has asked the MSC legal.

What steps can Council take to ensure that the community is adequately protected from development in general? What is Council as elected officials willing to do to protect the environment?

Mayor Response: Council has an approved Official Plan and Strategic Plan, that are in conformity and go beyond the Provincial Policy Statement for the protection of the environment. Council has ensured that it peer reviews all developments that have the potential to contaminate or segregate the environment. The gas stations, for example, were peer reviewed to ensure that the design would not impact the environment and all fuel containment, grit separates, and this is Mulmur's general practise for development applications. This term of Council approved an energy plan, supported electric vehicle charging, sits on conservation authority, climate change committees and has passed voluntary bans on single use plastics.

Councillor Boxem responded and has been part of a communication committee and encourage involvement and learning regarding the Official Plan. Boxem also spoke to the importance of the Conservation Authority mandate and powers.

What density of development is acceptable to Mulmur Council – as officials representing the interests of its constituents?

Mayor Response: The proposed development is consistent with the Official Plan policies for the Recreational Area that was approved in 2012, and not appealed. The concerns raised at the formal public meeting in 2016 were considered and have been represented through the holding provision that was approved in 2019, which placed very stringent environmental criteria on the development.

How is allowing 93 units on less than 1 acre consistent with Mulmur's vision of acceptable density and "rural character"? Is that vision for Mulmur now abandoned?

Planner response: Rural Character definition is in our Official Plan in section 5.26 and has been misinterpreted. Density is calculated on a total lot coverage not the floor area.

Would a 1,000-unit timeshare development at the Mansfield Outdoor Centre be acceptable to Council if the developer could obtain all required environmental permits?

Planner response: an application for such a development would have to be reviewed in detail, with respect to the Growth Plan, Official Plan, Provincial Policy, and assessed on its own merits. Should a development be contemplated you are encouraged to review the Growth Plan and pre-consult with the Township Planner.

What is Council's vision or goals for development in Mulmur? What requirements can be put in place to manage future applications, and what message does Council want to send to developers in the future? How dense is too dense?

Planner response: Township's Official Plan includes goals and visions. Strategic Plan also provides a clear articulation of the current Council's plan. Both documents are available on the Township website or by contacting staff. Densities are prescribed in the regulatory zoning by-law, and include different densities for different land uses, and ties development to lot coverage.

What steps are being taken to ensure that the impact on brook trout and salmon in the Pine River will not adversely impact fish habitat and spawning patterns, due to the direct discharge of sewage effluent into the Pine River? Have you studied whether the water temperature will be compatible with the stocking of the river with brook trout? Can we see the results of that study?

Have the studies performed to date (Assimilative Impact Study – others?) been designed to ensure there are studies that show impacts will meet criteria all

throughout the length of the river system not just at the point of discharge into the Pine River? (cumulative impact downstream). Will this be part of the Environmental Compliance Approval?

Engineer Response: All questions asked are answered in the assimilative capacity study. Gord Feniak provided an overview of the assimilative capacity issue.

Where is MPM/MSD in seeking the required approvals referenced in the holding provisions?

Specifically - Permit to Take Water for each phase?

Environmental Compliance Approval – water source?

Environmental Compliance Approval – treatment and discharge?

Is a development permit from the NVCA required – if so status?

Any other progress on approvals?

How will Council be communicating the community's environmental concerns to MECP and NVCA or other regulatory bodies?

Engineer Response: Both phases rely on 4 wells. First two have been drilled and permits to take water applied for. We are not aware of permits for the first two and the second two wells are not drilled yet. The MECP approval is not required for the water source until after the water source comes into place. The assimilative capacity study was approved in 2018. The ECA will look to the technical design and assimilative capacity study in their review for the ECA. The application is still pending.

ECAs are required for wastewater. A similar approval is required for source water. This will be the determination of the Ministry.

Tracey Atkinson spoke to the comments received from NVCA on the latest submission, and that a permit has not been issued to date.

Shirley Boxem commented on the NVCA process, water temperature and restoration projects.

Can you please describe in detail the design of the wastewater discharge directly into the Pine River?

Is there to be mixing of storm water and wastewater through the same discharge pipes?

Can MSC MPM consider a design that is a closed loop system as this would-be best practice to protect the river?

Or Can MSC MPM consider discharging the treated wastewater into the snow making pond (as is being done in some US ski resorts) or into a leaching bed to ensure additional natural filtering through the earth before finding its way into the water table or river?

The proposed design keeps changing. Have you re-consulted with the NVCA, MECP or MNRF or others to confirm the acceptability of the currently proposed design for the surface water discharge directly into the Pine River?

Has Burnside reviewed the most recent design and confirmed that the impacts in their view are acceptable?

What experience does Waterloo Biofilter have with systems of this scale and direct discharge into rivers?

Has Waterloo Biofilter developed a sampling protocol dictated by the MOECP, that is designed to catch any operating problem early and that has sampling ongoing?

Has a maintenance agreement been put in place for the wastewater treatment system? How will the public request for details of sampling, operations, and maintenance of the system, and annual reports be made available for review?

Engineer Response: A snow-looping technology has found to not generally be successful. Gord Feniak spoke to the Waterloo Biofilter system and technical needs of a wastewater treatment system. No mixing of pipes. Effluent from Waterloo Biofilter is discharged either above or below ground.

What is the currently anticipated timing for this development proposal? Prior public comments mentioned breaking ground in spring 2021?

Planner Response: The onus is on the applicant to fulfill the holding provisions and satisfy our review team. Upon receiving an updated Life Lease, it will take between 2-4 months to draft a site plan agreement. We do not anticipate a spring start is realistic at this time given the ECA approval timelines.

If there is found to be increased stormwater flows because of the development, what is the process for holding the developer to account for any damage to neighbouring properties?

Response: Answered, See Matrix, top of page 4

Is MSC still planning to proceed with a first phase of 12 units? When will the required septic and wells for Phases 1 and 2 be constructed and how will the cost of these be funded?

Response: See Matrix, Page 2, 3rd Row. Township is not responsible for funding the project.

1. What changes are required to the existing pumps from the PW2 well, pipes, holding tank etc.?
2. Is the existing mechanical room within the Main Chalet and infrastructure sufficient to handle the water purification requirements of Block 1 (12 units)?

Engineering Response: Existing pumps are not satisfactory. The servicing report contains the details to answer this question more fully. Phased approach to development.

1. What additional construction is required for water storage to provide fire protection for the Block 1 units?
2. When will any changes be constructed?

Engineering Response: Tanks are proposed part way up the ski hill. They are not part of the drinking water system. They will be equipped with alarms and required prior to building permits.

1. Is MSC dependent on enlarging the club house to house the filtration and chlorination systems required for subsequent townhouse Blocks and other development?

Engineering Response: Yes

1. Will the Waterloo Biofilter system be fully constructed as part of the Phase 1A development? (Block 1 stacked townhouses)?
2. Is this construction to be completed prior to the start of construction of the 12 townhomes? How long is the construction period?
3. What is the plan for the ongoing monitoring and maintenance of this system? (who will perform this work, how will they be trained?)
4. What is the plan for mitigation of any failures or accidents re effects on the environment, the Pine River etc.
5. Will the existing septic system MSC uses now stay online? How will it be used?

Engineering Response: Biofilter is required prior to any of the new development. Construction time depends on contractor. MECP will set out monitoring required. Contingency plans will be developed. Spill protocol to be developed. (Partly answered Matrix, top of page 3) Existing system will be removed.

1. What enhancements are required to the existing stormwater management system to accommodate the Phase 1 Development?
2. When will this work be completed relative to the construction of Block 1?
3. How long is the construction period?

Engineering Response: Ministry approvals were previously given to the melt-water pond. This pond will be enhanced. A new pond will be added for the residential units, prior to the development of Phase 1.

Do townhomes, the height of a 4-story apartment building—housing 93 families on approximately a quarter acre seem congruous to ‘rural character’? Could each

Councilor please address this question for the record? There will be a precedent set with this development, and it would be noteworthy to hear your position on this.

Mayor: Question on Rural character already asked. Ski hills and golf courses are part of Rural Character definition. Official Plan permits and has a balancing policy.

....” The Township shall weigh these impacts against other implications of such proposals, including social, economic and community benefits, the character of the area within which the development is proposed to be located and the policies of this Plan generally, to decide as to the desirability, and ultimately the appropriateness of any such development.”

What are the criteria associated with “preserving rural character” that would allow the building of 93 condominiums on a parking lot, but would recommend to reject permitting “an additional second dwelling within an existing accessory building on a 2.8- hectare property”? (Re: Z7-2020 WOOLNOUGH SECOND DWELLING)

Planner Response: Official Plan Rural Character policy has already been discussed. Woolnough Application will be dealt with later in the meeting. However, the Rural Character policy makes specific reference to strip development.

2. Has the Township studied the effects in downstream townships to the dumping of the effluent which is likely to negatively affect spawning of the brook trout (critical fall spawning season temperatures must remain below 10 Degrees Celsius, and the resulting trout populations downstream?)

Engineer Response: Answered already. Assimilative study report, which did consider temperature affects.

Has the MNRF (Ministry of Natural Resources and Forests) been consulted?

Planning Response: All planning applications are circulated through the Provincial One-Window Circulation.

Will Council ask that a Thermal Assessment be done that also considers Climate Change and the challenge that our cold-water dependent fish will already face without the addition of 118,000L/day of water warming effluent?

Planning Response: The Official Plan sets out the functions and features that are protected and the triggers for studies. A Thermal assessment is not a requirement of the Official Plan and was not asked for by the Conservation Authority as part of their peer review process. This is part of the assimilative capacity study.

With the new diversion of stormwater without a stormwater pond, will there now be a *significant* increase in water diverted to the Township stormwater system?

Engineer Response: Some water flows north and some flows south. No new pond is associated with water flowing north. Engineers have diverted water away from the northern outlet, such that flows will not increase. This increases stresses going south, and result in Pond being oversized for diversion.

It is my understanding that a maintenance check of the Waterloo Biofilter system is required only twice yearly. How often will water samples at the exit of the effluent route? What will be studied in the samples? Ammonia, oxygen levels, phosphorus, E. coli.? What is the reporting structure for results that do not comply with the targets set by the regulating agencies? Will those results be publicly reported, how soon and how will they be made available? What is the earliest time frame that the regulatory bodies will have assessed this project (MOECP, NVCA, MNRF etc.)?

Engineers Response: Answered previously. MOECP commits to a one – year review. ECAs are published on a website.

How will MSC do this? What rights do buyers have if the project is not completed for years?

Finley McEwen confirmed that development can go within bird season. Wetland and other development will be season restricted.

Why has the Township not required a traffic impact report for this development?

Engineers Response: traffic impact is found within the servicing report. The accommodation units are for existing club members and therefore not anticipated an increase in traffic. The ski hill is limited by the lifts. The recreational use is the limiting factor. Traffic may decrease with overnight accommodation opportunities.

Why has the MSC changed the effluent route to an open ditch down the hill with no leaching pond or inground bed as was the original intention of the Waterloo Biofilter creators? WB staff informed me that the Ontario Building Code requires all effluent to terminate inground to process it more fully. Why does MSC not do this? In fact, why does MSC not choose a closed loop system where there will be no effluent put into the river at all but processed and reutilized, especially as they claim to be environmentally friendly in the media interviews?

Why has MSC not submitted a landscape drawing of the view of the development from the north—Sideroad 17? Will the treed areas on the slopes to the northeast remain to hide the new apartment blocks from view?

Why has the stormwater pond in the southeast been removed from the Stormwater Management Plan in the Dec 2020 Site Plan submission?

The Hutchinson Environmental assessment stated clearly that the removal of the cattail wetland in the south east was contingent upon the replacement by means of a storm water pond?

Engineers response: Questions answered previously. Landscaping viewshed drawings not required and not typically requested. No tree removal planned. Landscaping plan included in package.

Why do you allow the term 'accommodation unit' when there is no such term in our Official Plan? and why are you establishing a precedent for this type of building density and the dumping of effluent into our pristine river as an appropriate standard for development in our Township?

Planner Response: Question previously responded to.

Questions are being asked by membership. There appears to be a lot of questions from the membership. What are you doing with membership?

Finley McEwan responded that a few members have expressed concerns, but the majority are in support. Annual meetings and direction are directing proceeding with the project.

Why is this not directed to the hamlet instead of the recreational area?

The Mayor and Planner responded with respect to Official Plan policies, designated areas, and development opportunities within the various designations.

Is there anything to encourage walking on 15th?

Mayor response: We do not have designated walking trails/paths. Without a proposal we would not further examine this. A resident can submit a proposal.

Snow effluent "closed loop" information from 20 years ago. Can it be reviewed?

Engineer response: We will revisit the closed loop system as suggested.

Finley McEwen discussed loop systems with the Ministry 6 years ago, but the Ministry and biologist discouraged the technology, due to temperature impacts. A piped, underground system preserves temperature.