

Marsh plan shrinks at Tribunal but resident concerns remain

Plans to build 45 townhomes on the southwest edge of McKenzie Marsh on St. John's Sideroad have been whittled down to 30 units in a settlement reached at the Ontario Land Tribunal (OLT).

On August 20, Medal Homes, with the Town, presented a settlement offer to the OLT on the marsh edge proposal, which has been the subject of debate around the Council table and within the wider community.

The settlement will see: the number of residential units reduced from 45 down to 30, with the maximum height of the townhomes set at 12 metres; a minimum of two parking spaces per unit (14 of the units are planned to have three spaces) with 13 visitor spaces; the property owner will convey greater buffer blocks (now 40 metres, up from 30) to the Town, which will be zoned as Open Space; a further Open Space block will include a trail and gazebo provided by Medal Homes; and, in exchange for the Open Space blocks, the Town will convey land to the property owner for an emergency access point, eliminating plans for further access via Pittypat Court.

Since the proposal first came before Council, area residents mobilized to oppose the plan, collecting thousands of signatures in an online petition. While some of the neighbours said the reduction in units was better than nothing, they remain concerned about the environment and how their opposition was reflected at the OLT.

'It was the developer's rationale,' says Brian Horton, a member of the McKenzie Marsh Ratepayers' Association. 'We had no ability to speak, even though over 20 of us had presented objections to Council on January 23 and Council reacted by voting it down. Basically, from that point on, we lost all contact with negotiations. It went into a Closed Door session with Council and we weren't allowed to give any information. We spent two hours basically looking at a Zoom call, listening to the developer make a rationale about what a good deal this was.'

Matters relating to land, particularly land purchases, are often held behind closed doors, but residents nevertheless wanted their concerns considered and reiterated in a more open way.

'I knew there would be some concessions, but that's all we could hear,' said Michele Horton. 'No one was allowed to tell how the deal has been cut, let alone how it is going to impact [the local environment]. At no time did the constituents have a chance to rebut or comment on any of the changes and by the time it got to the Tribunal they had the last and only word about the whole thing. It's like the rest of us didn't have any voice whatsoever.'

'As soon as that Closed Door session started, that was the end of the information for us, and there was no way anyone would tell us what was discussed or even a hint what was coming. It wasn't a tribunal; it was a presentation of the developer.'

Brian says in addition to the delegations made by his neighbours at Council this past winter, their Ratepayers' Association developed a 20 page 'package' on the environmental consequences they believe this development will have on the Marsh. He says he was disappointed the OLT didn't indicate whether or not this had been read.

'People say it's NIMBYism, but it's a concern for the environment and this beautiful wetland. We have seen it develop over 25 years and it will eventually be eliminated by these developments.' Last month, residents brought their continued opposition to Council once the OLT hearings were underway.

Council initially rejected the proposal on a vote of 5 ? 1, voting down a recommendation from staff to bring the proposal back to a future Committee meeting for further review.

Speaking out against rejecting the proposal outright was Ward 5 Councillor John Gallo. He said while he was not in favour of the plan as it stood, the intervening weeks between meetings would allow questions to be answered and put the Town in a stronger

position at OLT.

This is a position he reiterated following the OLT settlement.

‘I communicated it was a mistake, we need to let the developer do all their reports and let everyone review everything, primarily the Lake Simcoe Conservation Authority and our peer reviewers of the Environmental Impact Study,’ said Councillor Gallo. ‘These things needed to be completed before I think anybody can make an informed decision. I said it was an error to deny it, it happened, which led them appealing to the OLT and discussions back and forth in terms of settlement in closed session.’

In addition to keeping everything out in the open, another reason Councillor Gallo cited in favour of not rejecting the original plan outright was to ‘avoid Council using the OLT as a scapegoat in defending an application we knew was not defensible.’

He added that the outcome probably wouldn't have been different, but further public engagement can bring new perspectives into the discussion.

In his column for The Auroran this week, Mayor Tom Mrakas said that while he wasn't ‘fully satisfied with the overall outcome’ he ‘respected the decision made’ through the process.

‘As I have often stated, the OLT process is inherently challenging, requiring us to balance community interests with the legal and planning frameworks that govern development,’ he said. ‘Once an application reaches the OLT, Council has limited influence over land use planning decisions for our community. In this case, the issue was not whether development should occur, but rather how much and what type would be appropriate. The process has been thoroughly followed, and the decision reflects these complexities.’

By Brock Weir