

June 2, 2023

planning@seguin.ca

Taylor Elgie
Director of Planning
Seguin Township
5 Humphrey Drive
Seguin ON
P2A 2W8

Dear Director Elgie,

Re: Draft Site Alteration and Tree Conservation By-laws

The Muskoka Lakes Association (“MLA”) and Friends of Muskoka (“FOM”) have reviewed the draft Site Alteration By-law and Tree Conservation By-laws published for comment on May 19, 2023, and applaud the Township for the many provisions we believe will protect the natural environment and promote responsible development along our shorelines. These are key goals of our respective members and supporters.

The MLA has over 2,000 family members (representing approximately 11,500 people), and FOM has approximately 3,800 supporters, who are waterfront property owners and users in Muskoka, including in Seguin Township.

The MLA and FOM are supportive of the two draft by-laws, including:

- protecting the riparian area within 5m of the water’s edge
- protecting all of islands
- prohibiting site alteration or tree removal in advance of a building permit or planning approval
- consulting an arborist or obtaining photographic evidence before removing diseased trees
- prohibiting tree removal/injury and site alteration more than 3m outside of the building envelope for buildings and septic systems
- prohibiting tree removal/injury and site alteration more than 1.5m outside of the building envelope within 20m of the high water mark
- limiting pruning branches of trees to no more than 10% of the height of the tree
- requiring Council approval for blasting within 20m of the high water mark
- creating set fines as an additional enforcement tool
- increasing maximum fines to \$100,000
- permitting maximum special fines to exceed \$100,000 where there is economic gain

We have described below our comments and suggestions on the two draft by-laws. We also attach a copy of each by-law, marked up with suggested edits we believe will improve clarity and enforceability.

Site Alteration By-law

1. We suggest consideration be given to protecting 20m to 90m (rather than 20m to 60m) in the Shoreline Area, in order to achieve the objectives of the by-law. (s. 2.1(a)(i) and 4.5(b)) Out of interest, the site alteration by-law adopted last fall by the Township of Muskoka Lakes protects 20m to 90m from a navigable waterway.
2. We suggest deleting the exemption for Landscaping since it will permit unrestricted altering of grade through blasting, placing/removing fill, and placing soil for the installation of lawns, gardens and patios. (s. 3.1(r)) This would be contrary to the stated objective of this By-law: "Preventing extensive topographical changes and significant site alteration of properties in the Shoreline Area, including islands .. and Sustaining a healthy and aesthetically pleasing natural environment."
3. We suggest adding permission for a Parking Area up to a certain maximum size and subject to the same location restrictions as a Driveway. (s. 3.1(k)).
4. We suggest requiring a Permit to carry out site alteration within 20m of the high water mark to construct a waterfront accessory building, patio or walkway. (s. 4.1 and ss. 3.0 (o) to (q)). We agree a Permit should not be required for site alteration within 20m of the high water mark for the other situations in s. 3.0, such as where a building permit has been issued.
5. We suggest reducing the permitted size of Patios within 20m of the high water mark under s. 3.1(p) of the draft By-law, especially since it is in addition to the waterfront accessory structures permitted in s. 4.1.9 of the Zoning By-law (a Pumphouse (max 10 sq.m.), Inclinor (max 10sq.m.), one Gazebo, Pergola or Sauna (max 24 sq.m.), Deck (max 12 sq.m.) and open stairs (10 sq.m.).
Our understanding is that within 20m of the high water mark, coverage of up to 72 sq.m. would be permitted for lots with frontage of 90m or less. For lots with more than 90m of frontage, coverage of up to 84 sq.m. would be permitted.
We suggest this amount of site alteration within the sensitive 20m waterfront buffer area is too much.
Out of interest, the Township of Muskoka Lakes permits:
 - Only one patio, gazebo, sauna or pumphouse within 15.2m of the high water mark
 - The patio must be set back 4.5m
 - Minimum 4.5m between structures
 - Maximum patio size of 18.5 sq.m. for lots with frontage of 90m or less, and 27.8 sq.m. if there is no other structure
6. We suggest including a set fine for installing non-permeable Patios and Walkways, and installing a Patio exceeding the maximum permitted elevation. We also note that a set fine amount was not stipulated for items 9 and 10 of Schedule "D", which we expect was an oversight. (Schedule "D" - Set Fines)

Tree Conservation By-law

7. We suggest consideration be given to protecting 20m to 90m (rather than 20m to 60m) in the Shoreline Area, in order to achieve the objectives of the by-law. (s. 2.1(a)(i) and 4.4(b)) Out of interest, the tree conservation by-law adopted last fall by the Township of Muskoka Lakes protects 20m to 90m from a navigable waterway.
8. We suggest deleting the exemption for Landscaping since it will permit unrestricted tree injury/removal for the installation of lawns, gardens and patios. (s. 3.1(x)) This would be contrary to the stated objective of this By-law: "Maintaining shoreline vegetation in order to protect water quality, the aesthetic character of the Township and to minimize erosion potential."
9. We suggest adding permission for a Parking Area up to a certain maximum size and subject to the same location restrictions as a Driveway. (s. 3.1(t))
10. We suggest requiring a Permit to remove Trees within 20m of the high water mark to construct a waterfront accessory building, patio or walkway. (s. 4.1 and ss. 3.0 (u) to (w)). We agree a Permit should not be required to remove Trees within 20m of the high water mark for the other situations in s. 3.0, such as where a building permit has been issued or the trees are dead, dangerous or severely injured.
11. We suggest reducing the permitted size of Patios within 20m of the high water mark under s. 3.1(v) of the draft By-law, for the reasons explained in paragraph 5, above.
12. We note that a set fine amount was not stipulated for item 4 of Schedule "D", which we expect was an oversight. (Schedule "D" - Set Fines)

Thank you for this opportunity to provide comments on the draft Site Alteration and Tree Conservation by-laws, and we hope they are helpful. Thank you also for your continued efforts to protect Muskoka's natural environment and shorelines on behalf of our community and future generations.

Sincerely,



Ken Pearce
Vice-President
Muskoka Lakes Association



Laurie Thomson
President
Friends of Muskoka

Cc. Mayor MacDiarmid
Councillor Buszynski
Councillor Getty
Councillor Fellner
Councillor Collins
Councillor Finnson