



Delegation Request Form

(Please complete both pages – second page to be used for internal purposes only)

Name of Delegate(s)

Miranda D. Reis, CPA, CGA and Elizabeth Booth

Date of Meeting

Council - May 25, 2021 at 6pm

Subject Matter

TO SPEAK TO THE MATTER OF A POSSIBLE TREE VIOLATION AND TO PRESENT EVIDENCE THEREOF.

Recommendation to Council/Committee

For Council to be made aware of a possible tree conservation violation as per Tree Conservation Committee Report dated Dec 17, 2002 and Minutes dated January 7, 2003 and for Council to answer why the 100 – 150 hardwood trees were not planted on 516 Brant Road as dictated by the Report.

Further that if a violation has taken place then our recommendation is that the owner of 524-528 Brant Road (Elizabeth Booth) also be allowed to clear cut and sell her trees on 10 acres of the approximately 50 acres that she currently owns and not be bound by any tree re-planting stipulations on those clear cut 10 acres.

As Council is aware the value of a property with cleared and heavily landscaped acreage is worth far more when the property is sold versus a heavily treed lot. Or if our recommendation is denied then what is the fine per tree and will Council enforce if a tree violation has taken place? We (Miranda D. Reis, CPA, CGA and Elizabeth Booth) both would like to be informed of any future meetings regarding this matter.

TREES CONSERVATION COMMITTEE

Paris Council Chambers
Tuesday, December 17, 2002
5:00 p.m.

Present: Mayor Eddy, Councillors Cooper, Maertens and Gatward.
Staff: Carman and Thompson.
Others: Councillor Mulligan, Tom Luciani, Joe Bogdon and other neighbours

Councillor Maertens in the Chair.

PUBLIC HEARING – MINOR EXCEPTION PERMIT 3-02 – LUCIANI

Clayton Thompson, County of Brant Forestry Officer, reviewed the application from Tom Luciani to cut approximately two acres of trees on his property and replace them with 100 - 150 hardwoods to further landscape his property. Mr. Thompson referred to the letter of opinion supplied by Bruce Zavitz, Forest Technologist, stating that the white pine plantation was 3 - 4 acres in size with 30 - 40 year-old trees that averaged 20 - 30 centimetres in diameter. Mr. Zavitz has suggested that the tree removal be done in stages to minimize blowdown and allow for minimal residual stand stress in the conversion to hardwood. Mr. Thompson agreed that any tree removal should be staged, and also suggested that the tree removal should be done through selective row thinning over a number of years. The marking done by Mr. Zavitz, at the request of the property owner, allows for approximately half of the trees to be cut at one time, which is more than allowed through the County Tree Conservation By-law. By only harvesting one-third of the trees at a time, there is less stress to the remaining trees and allows for natural regeneration. In response to a question, Mr. Thompson advised that the trees in the plantation had been planted closely together, and that there would be 1,200 - 1,600 trees per acre in this woodlot.

Tom Luciani, the property owner, advised that he wished to remove most of the white pine trees in the plantation in order to beautify his property, consistent with landscaping that had been done on the remainder of the property. He noted that the trees in the plantation had been planted too closely together and had not been properly maintained over the years. As a result, he felt that there was no value to have the trees logged. Also, he did not wish to have heavy equipment travelling over his property because of an extensive underground irrigation system. He plans to have the trees cut and then will burn them in accordance with County Fire regulations. He will then replace the removed trees with 100 - 150 hardwoods and plant grass so that this area can be maintained as part of his yard area.

Joe Bogdon, the adjoining neighbour, advised that his forested property surrounds the Luciani property on three sides. He is concerned that the burning of the cut trees may spread to his property and burn his trees and those of his neighbours, as much of the area is forested. The fire would need to be watched constantly to ensure that sparks do not spread and create a hazard. Mr. Bogdon suggested that chipping the trees was a safer and more environmentally sound way to dispose of the trees. He also noted that cutting down the entire plantation may leave his woodlot susceptible to blowdown. Although the other neighbours did not address the Committee, they did indicate that they were in agreement with Mr. Bogdon's comments.

Trees Conservation
December 17, 2002
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In response, Mr. Luciani advised that the burning process would be controlled and done with a permit issued by the County Fire Department. He has contacted George Bramley to cut the trees, to be done in stages, and a designated area will be cleared and used for burning the trees. In order to address his neighbours' concerns, he would be willing to look at other types of disposal, including chipping. It was noted that some of the logs should be salvaged rather than being disposed of.

Clayton Thompson advised that he does not approve of the request to basically clear cut the plantation, but instead recommends that a proper silvicultural thinning take place. Although this plantation has not been managed properly, to cut all the trees at this time would incur environmental and forest management losses. He noted that the marking by Bruce Zavitz to remove 50% of the trees was too heavy, and in order to comply with the County's Tree Conservation by-law, the woodlot would need to be remarked in another colour utilizing the selective row thinning process. Mr. Luciani could then plant hardwoods in the areas where thinning occurs.

Moved by – Mayor Eddy
Seconded by – Councillor Cooper

That Minor Exception Application 3-02 submitted by Tom Luciani to cut approximately 2 - 3 acres of trees on his property located at 516 Brant Road in Lot 12, Concession 6, geographic Township of South Dumfries, be denied;

And further that should Mr. Luciani wish to proceed with tree cutting in the white pine plantation on his property, that it be done in accordance with good forestry practices, which requires that the trees be remarked utilizing proper silvicultural thinning, and that any trees to be disposed of be chipped rather than burned.

. Carried

It was noted that Mr. Luciani and/or his neighbours would have an opportunity to speak to this recommendation when it is considered by Council.

NEXT MEETING

The meeting adjourned at 5:35 p.m. to meet again at the call of the chair.

Chairman

Secretary

1538

COUNTY OF BRANT COUNCIL MINUTES

Paris Council Chambers
January 7, 2003
7:00 p.m.

Present: Mayor Eddy, Councillors Cooper, Mulligan, Dancey, Peirce, Haggart, Moore, MacKenzie, Miller, Chambers, Maertens, Gatward, VanSickle and McMillan.

Regrets: Councillor Garn.

Staff: Fiebig, Glassford, Leask, Brenneman and Carman.

Mayor Eddy in the Chair.

DELEGATIONS/PRESENTATIONS**Tom Luciani re: Request to Remove Trees**

Mr. Luciani advised Council that he was not in agreement with the decision of the Trees Conservation Committee in respect to his application for a Minor Exception to cut trees under By-law Number 5-97. Although his initial preference is to clear cut approximately 2-3 acres of white pine, he is willing to compromise and proposes that the trees be cut through a third row thinning. This would allow all the trees to be removed over a three-year period. He is also agreeable to destroy the trees by a method other than burning.

MINUTES

Moved by – Councillor Miller
Seconded by – Councillor Chambers

That the minutes of the December 17, 2002 meeting of Brant County Council be adopted, copies having been forwarded to the members prior to the meeting.

. Carried

BUSINESS ARISING FROM THE MINUTES

Mayor Eddy advised that the following action was being taken on matters referred from the December 17 meeting of Council:

1. Dave Levac, M.P.P. for Brant Riding, has been invited to attend the January 21 meeting to speak to the reasons he voted against the "two-hatter" volunteer firefighters' bill.
2. The John Noble Home Committee will be considering the Council's deferral of the request to rezone a parcel of the Home's property at their January 8 meeting.
3. A letter has been written to the Ministry of the Environment requesting information on their involvement and approval process for the construction and maintenance activities being carried out at the CN landfill solid waste management site in Paris. It was noted that The Expositor had recently printed an article about the work to be done at this site. Councillor Dancey advised that his research of a constituent's complaint had revealed that the Ministry of the Environment has approved the burying of creosote at the CN site.
4. A report on assumption of private cemeteries will be prepared for consideration at the next Community Services Committee.

1542

Brant County Council

January 7, 2003

Seconded by – Councillor Dancey

That the report of the Ambulance Committee from its December 17, 2002 meeting be adopted.

. Carried

In response to a question, Chairman Mulligan indicated that it may be several months until an ambulance vehicle is available to be transferred to the Burford Fire Department as an emergency response vehicle. Once the purchase of new vehicles has been approved in the 2003 budget and the new vehicles are received, it takes some time to outfit them with the required equipment.

TREES CONSERVATION

Chairman Maertens presented the report of the Trees Conservation Committee from its December 17, 2002 meeting:

1. That Minor Exception Application 3-02 submitted by Tom Luciani to cut approximately 2 - 3 acres of trees on his property located at 516 Brant Road in Lot 12, Concession 6, geographic Township of South Dumfries, be denied;

And further that should Mr. Luciani wish to proceed with tree cutting in the white pine plantation on his property, that it be done in accordance with good forestry practices, which requires that the trees be remarked utilizing proper silvicultural thinning, and that any trees to be disposed of be chipped rather than burned.

Moved by – Councillor Maertens
Seconded by – Councillor Cooper

That the report of the Trees Conservation Committee from its December 17, 2002 meeting be adopted.

. Carried

Members of Council discussed Mr. Luciani's proposal to cut fewer trees, noting that there is a need for compromise that takes into consideration good forestry management practices, while still meeting Mr. Luciani's desire to improve his property. It was suggested that Mr. Luciani should meet with Clayton Thompson, the County's Forestry Officer, to discuss the options that may be available to him.

BRAESIDE DEVELOPMENT AGREEMENT

Council received a report from Terry Stortz, Zoning Administrator, advising that the minor modifications required to the development agreement with the Pentecostal Holding Corporation of Western Ontario for the Braeside property, 110-112 East River Road, have been completed satisfactorily.

NORTHERN PRIDE DEVELOPMENT AGREEMENT

From: Fred Natolochny <fnatolochny@grandriver.ca>
Date: April 15, 2021 at 9:30:56 AM EDT
To: "M.D. Reis & Company" <[REDACTED]>
Subject: Potential Violation Trees

Usually it is the municipality for tree cutting. Most – but not all – have a tree cutting by-law. So the County of Brant would have jurisdiction, which seems to be where you started.

The document you had attached is from a 2002 municipal Trees Conservation Committee so unless something changed, that seems to be where they decided on an application about the tree cutting. I wouldn't know if there were subsequent applications or what they may have decided.

Fred Natolochny, MCIP, RPP
Supervisor of Resource Planning
Grand River Conservation Authority

fnatolochny@grandriver.ca
P 1.519.621.2763 x 2229
F 1.519.621.4844
Toll free 1.866.900.4722

From: M.D. Reis & Company [REDACTED]
Sent: April 15, 2021 9:21 AM
To: Fred Natolochny <fnatolochny@grandriver.ca>
Cc: Planning <planning@grandriver.ca>; Ashley Graham <agraham@grandriver.ca>
Subject: Re: Tree Conservation Committee Report Potential Violation

Hi Fred,
Who does handle these types of matters?
Thank-you,

Miranda D. Reis, CPA, CGA
M.D. Reis & Company
[REDACTED]

Private & Confidential - Sent from my iPhone

-----Original Message-----

From: Planning

Sent: April 15, 2021 9:18 AM

To: [REDACTED]

Cc: Ashley Graham <agraham@grandriver.ca>

Subject: FW: RE: Tree Conservation Committee Report Potential Violation

Good morning Ms. Reis;

The GRCA does not regulate tree cutting and would not be investigating or handling the information provided below.

-----Original Message-----

From: Eowyn Spencer <espencer@grandriver.ca> On Behalf Of Grand River Conservation Authority

Sent: April 14, 2021 4:03 PM

To: Planning <planning@grandriver.ca>

Subject: FW: RE: Tree Conservation Committee Report Potential Violation

-----Original Message-----

From: M.D. Reis [REDACTED]

Sent: Wednesday, April 14, 2021 3:54 PM

To: Grand River Conservation Authority <grca@grandriver.ca>

Subject: Fwd: RE: Tree Conservation Committee Report Potential Violation

Good Afternoon,

Please see below emails from the Ontario Woodlot Association is this something that the GRCA investigates and handles? Please see attached document.

Thank-you,

----- Original Message -----

From: john.pineau@ontariowoodlot.com

To: [REDACTED]

Sent: Wednesday, April 14, 2021 1:47 PM

Subject: RE: Tree Conservation Committee Report Violation

Hello Miranda,

I believe I stated that I doubt that a statute of limitations would be in effect, but that Elizabeth should check with the bylaw officer as every jurisdiction is different.

I think a discussion with the officer or other officials on a course of action would be best, rather than a formal complaint. The formal complaint should be the last resort.

The OWA does not have the capacity or resources to be involved in this action, or individual cases like it...

I apologize if I at all misled Elizabeth during our conversation or was misinterpreted. It was not my intent.

John Pineau
Executive Director

[REDACTED]
Email: john.pineau@ontariowoodlot.com

Follow the OWA on social media:

Become an OWA member today!

-----Original Message-----

From: M.D. Reis [REDACTED]

Sent: April 14, 2021 1:07 PM

To: info@ontariowoodlot.com

Subject: Tree Conservation Committee Report Violation – (to be investigated)

Attention: John Pineau, Executive Director for the Ontario Woodlot Association,

My name is Miranda Reis, CPA, CGA daughter of Elizabeth Booth (owner of 524-528 Brant Road 'Titania Tree Farm') whom you spoke with on the morning of April 12, 2021 regarding a Tree Conservation Minor Exception Permit regarding 516 Brant Road.

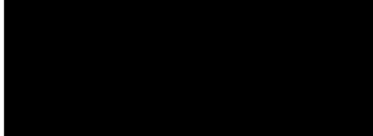
Elizabeth received information on April 9, 2021 from Clayton Thompson Forestry Division County of Brant that he didn't know if a statue of limitations applied in this case.

I have attached the Tree Conservation Committee Report for your review. According to your conversation with Elizabeth Booth the morning of April 12, 2021 you stated that statues of limitations do not apply can you please confirm in an email back to me and is it of your opinion that a By-Law Complaint is warranted in this case as from satellite imagery you can clearly see there was not 100 - 150 hardwoods planted as per the tree conservation committee report please also confirm this in an email back to me. Do you have any other comments to state regarding this matter before a By-Law complaint is filed? Does Elizabeth Booth have full support and

co-operation from the Ontario Woodlot Association regarding this By-Law complaint?

Thank-you,

Miranda D. Reis, CPA, CGA
M.D. Reis and Company



Private and Confidential