



The Corporation of the Town of LaSalle

Date	May 17, 2017	Report No:	PW-21-17
Directed To:	Mayor and Members of Council	Attachments:	~ Figure 1 ~ April 4 2017 Biologist Assessment ~ Arborist Report May 13, 2017 ~ May 16 2017 Biologist Interim Report ~ Fortis Group May 16 2017 letter
Department:	Public Works	Policy References:	
Prepared By:	Peter Marra, P.Eng. – Director of Public Works		
Subject:	Kenwood Park Temporary Access		

RECOMMENDATION:

For Council to concur and continue to allow temporary access to the resident at 842 Golfwood and the Fortis Group through Kenwood Park and the unopened right-of-way until the beginning of September 2017 at which time restoration will occur subject to the recommendation by the arborist and biologist.

REPORT:

The following report outlines the discussion and decisions that have been made by Town administration with respect to the currently in place temporary construction access through Kenwood Park and the unopened right-of-way backing onto the lots on the south side of Golfwood. The main points of contact on this matter has been the resident at 842 Golfwood and the contractor representing the resident, Fortis Group.

In mid-February 2017, the Town received an official request from the Fortis Group to access Kenwood Park and the unopened right-of-way at the back of 842 Golfwood to facilitate a renovation project occurring at 842 Kenwood. The request was accompanied by a sketch outlining what exactly they we are requesting and in enclosed as Figure 1.

As in past request similar to this one, Town administration dealt with this request in the same manner as all other request to access private property across Town owned lands. Administration generally agreed to allow this access under the following conditions;

- The Town will seek to obtain a \$5000 deposit, which will be returned once the site is restored to match existing conditions. If restoration is not completed this deposit will be used by the Town to complete it on your behalf.
- The Town will require a certificate of insurance from the contractor naming the Town as an additional insured for \$5 million.
- The Town will require a commitment from the person supplying the insurance that they take full responsibility for all contractors utilizing this access across Town owned property.
- The final location must be determined in the field to minimize tree damage and excessive compaction on the existing trees root system.
- You must hire a biologist to give an opinion on the nature of this access prior to installation and how this might affect and comply with the Endangered Species Act.

These conditions were communicated to the resident and contractor at the end of February.

Nothing further occurred on this matter at this point until April 12, 2017. In my travels, I observed construction activity through Kenwood Park and at that time, no information was supplied to the Town as requested above. Immediately, a message to the resident and contractor to relinquish use of the park was delivered. On April 13, 2017 the following documents were provided;

- A biologist report prepared by Dillon dated April 4, 2017 (copy enclosed).
- A certificate of insurance
- A letter of commitment from Fortis Group
- The \$5000.00 security deposit

Upon receipt of the April 13, 2017 information, the Town was now in possession of the originally requested information and access was allowed to continue.

Around the beginning of May, enquiries began to be received on the access provided through Kenwood Park. There were concerns with trees being removed from Town property, debris and material storage, tree damage, etc.

On May 9, 2017, Mark Beggs and Peter Marra met on-site with Mr Vollmer and Mr Vanderloo to review the situation. During that meeting, Town staff observed the concerns of construction material storage on Town property, cut tree wood stored, existing trees being damaged, and general dilapidation of the construction access. Following that meeting, additional actions were requested of the resident and contractor as follows;

1. We discussed the general storage of materials and such on Town property. The access was granted to you for solely access purposes and not to store construction materials, debris, etc on Town property. Please have the site cleaned up by weeks end.
2. There appears to be a number of cut trees on Town property. You had indicated that all those trees were generated from the Vollmer property and you have placed them temporarily on Town property. Please have the cut trees cleaned-up as part of the work carried out in number 1 above.
3. To address concerns of tree removal, you were going to send me a summary and pictures from prior to construction commencing, of where the trees noted in number 2 above were generated.
4. You were going to arrange for your biologist to visit the site shortly to do an interim report. Please send us copies of their findings once completed.
5. You were going to arrange for the biologist/arborist to review the trees within the park that might have superficial bark damage to address the health of the tree and any impacts this damage might have on the health of the tree. They should also recommend any remedial actions that might need to be carried out on these trees on an interim basis.

Subsequently in the late afternoon of May 9, 2017, access was revoked until the additional action items were completed and submitted to the Town and further that this matter was to be brought before Council.

On May 17, 2017 all of the additional actions items were received as follows;

- Photo documentation that the tree material on Town property was generated from the residents private property received May 11th
- Arborist report dated May 13 2017 (copy enclosed)
- Photo documentation that the site was cleaned up received on May 16th 2017
- Biologist interim report dated May 16, 2017 (copy enclosed)

In addition, a letter from Fortis Group, copy enclosed, dated May 16 2017, was also received outlining that the temporary access was requested until September 5 2017 at which time restoration of Town property would commence.

At this time, upon review of all the documentation provided, it would be administrations recommendation to continue to allow temporary access to the resident at 842 Golfwood and the Fortis Group through Kenwood Park and the unopened right-of-way until the beginning of September 2017 at which time restoration will occur subject to the recommendation by the arborist and biologist.

Respectfully submitted,



Peter Marra, P.Eng.

Director of Public Works


Reviewed by:							
<input checked="" type="checkbox"/> CAO 	Treasury	Clerks	Public Works	Planning	Cult. & Rec.	Building	Fire

Figure 1





MEMO

TO: Ministry of Natural Resources and Forestry, Aylmer District Office
FROM: Sara Ross, Dillon Consulting Limited
DATE: April 4, 2017
SUBJECT: Stage 1: Species at Risk Information Request for a Proposed Temporary Construction Access Road the Town of LaSalle
OUR FILE: 17-5430

Executive Summary

A desktop background review and preliminary site assessment were conducted for a proposed temporary construction access road to be built on the property located at 842 Golfwood Crescent, in the Town of LaSalle, to determine potential for impacts to Species at Risk (SAR) and/or SAR habitat as a result of a proposed residential development. See **Appendix A**.

Land use within the property consists of an existing residential dwelling and manicured (residential) treed area. Existing residential development is located to the north, south and east of the property and Matchette Road to the west.

The proposed area of disturbance is located within the maintained treed area and may require individual tree removals. The preliminary field survey noted that minimal potential for SAR or SAR habitat exists within the proposed area of disturbance and no incidental SAR observations were recorded. Although no specific SAR or SAR habitat was identified within the project location, general mitigation measures will be implemented throughout the construction phase to prevent potential impacts to SAR and other wildlife species within the general vicinity of the proposed development.

Based on the information available to us and described within the following memo, Dillon Consulting Limited (Dillon) is of the opinion that there is a low likelihood that the proposed development will impact SAR and/or SAR habitat.

1. Introduction

Dillon Consulting Limited (Dillon) has been recently retained by Vollmer Inc. to conduct Environmental Consulting Services, which involves an assessment of potential impacts to the natural environment. The purpose of this memo is to provide information about the project and request further information regarding Species at Risk (SAR) from the Ministry of Natural Resources and Forestry (MNRF). The format for this memo follows the *Technical Memo: Aylmer District Species at Risk Screening Process*.

The purpose of this memo is to:

- Provide information about the project;

- Request any additional SAR and/or natural heritage information, if available;
- Screen for potential effects to SAR;
- Provide information to the MNRF that will assist in the determination of whether there is a *Low Likelihood* or *High Likelihood* for SAR species and/or habitat to occur and be impacted; and,
- If there is a *High Likelihood* to clearly identify the SAR species and/or habitat for which specific additional field assessments are recommended and indicate if there are specific MNRF protocols to follow or whether MNRF approval for survey methodologies and timing windows is required.

2. Proponent Information

The proponent is Vollmer Inc. care of Mr. David Ducharme. Dillon is the agent of Vollmer Inc.

Proponent information: Vollmer Inc.
c/o Mr. David Ducharme.
3822 Sandwich Street
Windsor, Ontario
N9C 1C1
Telephone: 519-966-6100 x222
Fax: 519-966-0934
Email: dducharme@vollmer.ca

3. Detailed Property Information

The property is legally described as part of Lot 12, Concession 8 in the Town of LaSalle and is located south of Golfwood Crescent, east of Matchette Road and west of Tanglewood Court. The property primarily consists of an existing residential dwelling with manicured mature treed areas. A pathway has already been established where the temporary access road will be installed. Existing residential development is located to the north, south and east of the property and Matchette Road lies to the west.

A site visit was conducted on February 28th, 2017 and confirmed the presence of large mature trees lacking understory and manicured lawn. A deciduous woodlot is located south and adjacent to the property. Site photographs are shown in **Appendix B** enclosed. SAR were not observed during field studies.

4. General Description of all Proposed Activities and Extent of Development

The proposed activities would involve the development of a temporary access road for the purposes of facilitating construction vehicles during active construction phases. Activities on the site will consist of the installation of gravel to support construction vehicles. It is anticipated that tree removal will be avoided where possible. Should tree removal be required, it will be minimized to the individual tree. There is no other vegetation removal proposed on the property.

While detailed design information is not yet available at this stage, it is anticipated that the proposed disturbance area required is approximately .14 hectares (**Appendix A**). A detailed description of the

proposed activities may be required to be presented in an Environmental Evaluation Report (EER) and can be made available to MNRF, if requested.

5. NHIC Search Results, and Preliminary SAR and Existing Conditions Survey

A search of the Natural Heritage Information Centre (NHIC) was conducted in March 2017 to obtain records of SAR and to preliminarily determine if SAR may be impacted by the proposed activities. One occurrence record for species protected under the Endangered Species Act (ESA), 2007 from the last 20 years was found for the 1 KM square that encompasses the property (17LG2875). NHIC indicates that Eastern Flowering Dogwood (*Cornus florida*) has the potential to occur within one kilometre of the property. However, this species or suitable habitat (deciduous and/or mixed forests) was not observed during the field investigation.

A preliminary site investigation was conducted on February 28, 2017 under overcast skies with an ambient temperature of 3°C, to document potential existing terrestrial and aquatic environment conditions and record incidental observation of SAR and potential SAR habitat.

No SAR were observed on the property during the inspection. There is a deciduous woodlot south and adjacent to the property. Species composition noted during the field investigation consisted of White Oak (*Quercus alba*) and Sugar Maple (*Acer saccharum*) with occasional occurrences of Red Oak (*Quercus rubra*) and Bur Oak (*Quercus macrocarpa*). It is not anticipated that development will encroach upon this wooded feature. Burrows suitable for hibernation were not found to occur at the time of the site investigation.

6. Timing and Duration of Proposed Activities

The project is anticipated to begin in the spring of 2017 and the duration is expected to be last one year.

7. Summary of Past Available Correspondence with MNRF

To Dillon's knowledge, there has been no past correspondence regarding this property.

8. Type and Status of Planning Process

No planning approvals are required for this work.

9. Additional Information (Setbacks, Mitigation Measures, Approaches, etc.)

During construction, general mitigation measures for erosion and sediment control (ESC) will be installed and monitored. These measures will serve a dual purpose of isolating the site by providing a general barrier to prevent SAR from entering the site. General SAR and construction mitigation practices will also be required for construction staff such as:

- Silt fencing should be installed around the development area in order to control erosion during construction and to exclude species such as snakes and turtles from entering the construction

area. In order for the silt fencing to be effective as a barrier, it should be buried at a depth of 20 cm.

- Any species listed as *Endangered* or *Threatened* on the Species at Risk in Ontario (SARO) List that is present at the project location must be protected from all harm and harassment.
- All on-site personnel must be made aware of the potential presence of SAR on site and the protection afforded under the ESA 2007, prior to conducting any work on the site.
- Any SAR individual that is incidentally encountered in the project location must be allowed to leave on its own accord. Activities within 30 m should cease until the individual disperses. Construction machinery/equipment must maintain a minimum operation distance of 30 m from the individual until it disperses the project area on its own accord.
- Should on-site personnel be unable to allow an incidentally encountered SAR individual to disperse from the active construction area on its own ability, the MNRF must be contacted immediately for additional guidance.
- Any SAR individual that is present at the project site should be reported to the MNRF Aylmer District staff within 48 hours of the observation or the next working day, whichever comes first.
- If an injured or deceased SAR is found, the specimen must be placed in a non-airtight container that maintained at an appropriate temperature and MNRF must be contacted immediately for additional guidance.
- Construction and vegetation clearing equipment that is left idle for over one hour or is parked overnight on the property between April 1st to November 30th must be surveyed for the presence of SAR before re-ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear.

As indicated in Section 4 of this memo an EER may be required for this proposed development and can be made available to MNRF, if requested.

If it is determined that other agencies such as the Fisheries and Oceans Canada (DFO) and/or the Conservation Authority should be consulted for this project, this will be completed under separate cover.

Closing

We trust that this information meets and in some cases exceeds the requirements of a Stage 1: SAR Information Request. As discussed above, we kindly ask for:

- Any additional SAR and/or natural heritage information including Restricted Records and limits of Regulated Habitat, if available;
- Screen for potential effects to SAR;
- A decision on whether there is a *Low Likelihood* or *High Likelihood* for SAR species to and/or habitat to occur and be impacted; and,
- If there is a *High Likelihood* to clearly identify the SAR species and/or habitat for which specific additional field assessments are recommended and indicate if there are specific MNRF protocols to follow or whether MNRF approval for survey methodologies and timing windows is required.

Based on the information available to us and described within this memo, Dillon is of the opinion that there is a Low Likelihood that the proposed development will impact SAR species and/or habitat, and we would request that a Letter of Advice (LOA) be prepared for this project as outlined in the *Technical Memo: Aylmer District Species at Risk Screening Process*.

Please do not hesitate to call 416-229-4646 ext. 2345 if you have any questions.

Yours sincerely,

Dillon Consulting Limited



Sara Ross, B.E.S, ISA
Environmental Specialist

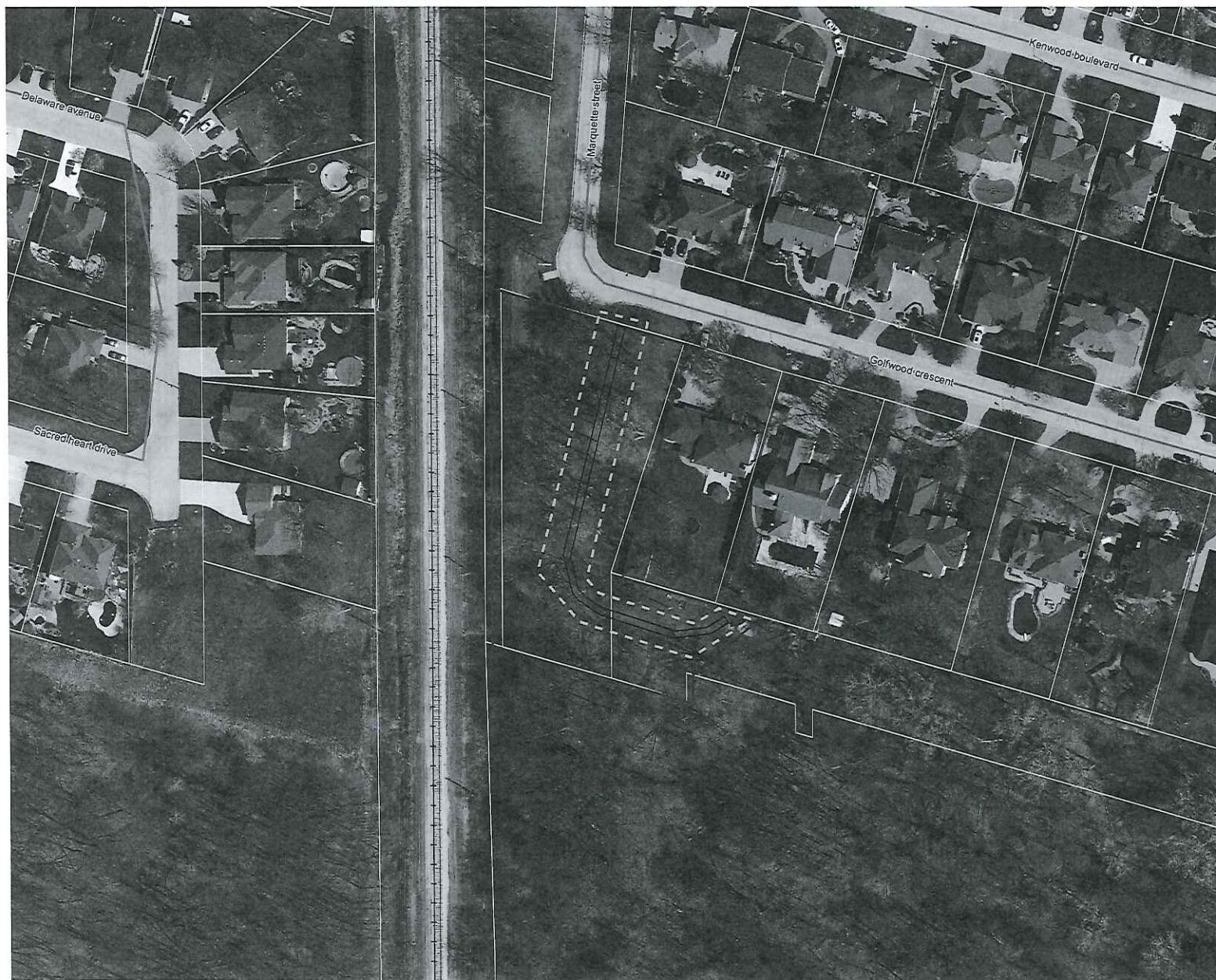
Encl.

- Appendix A: Study Area
- Appendix B: Site Photos

Appendix A

DILLON CONSULTING LIMITED

www.dillon.ca



846 GOLFWOOD CRESCENT INFORMATION REQUEST

SITE PLAN FIGURE 2

- Project Location
- Remnants of Existing Concrete Sidewalk
- Railway
- Road
- - - Area of Disturbance (approx. 0.14 ha)
- Parcel Boundary

0 5 10 20 Metres

SCALE 1:1,000



MAP DRAWING INFORMATION:
DATA PROVIDED BY COUNTY OF ESSSEX,
TOWN OF LAGALLE, MNRF

MAP CREATED BY: LX
MAP CHECKED BY: GR
MAP PROJECTION: NAD 1983 UTM Zone 17N



STATUS: DRAFT
DATE: 2017-03-31



846 GOLFWOOD CRESCENT INFORMATION REQUEST

PROJECT LOCATION FIGURE 1

- Project Location
- +— Railway
- Road
- Watercourse
- Parcel Boundary



0 10 20 40 Metres

SCALE 1:2,000



MAP DRAWING INFORMATION:
DATA PROVIDED BY COUNTY OF E66EX,
TOWN OF LAGALLE, MNRF

MAP CREATED BY: LK
MAP CHECKED BY: ER
MAP PROJECTION: NAD 1983 UTM Zone 17N



STATUS: DRAFT
DATE: 2017-03-31

Appendix B

Photograph 1

February 28,
2017

Remnant old
pathway and
proposed
construction
access route,
looking south



Photograph 2

February 28,
2017

Remnant old
pathway and
proposed
construction
access route,
looking east.



Photograph 3

February 28,
2017

Temporary
construction
area.



Photograph 4

February 28,
2017

Looking
north, note
Matchette
Road to the
left.



Assessment of Construction Damage to Various Trees along the Temporary
Access Road to 842 Golfwood Crescent

Prepared for:

Brad Vollmer – Vollmer Inc.
842 Golfwood Crescent,
LaSalle, Ontario
N9J 3E3

Prepared By:

Michael Neuheimer, B.Sc.,
Consulting Arborist
ISA Certification #ON-560
5975 North Service Rd East,
Windsor, Ontario
N8T 3P2
Tel: 519-980-2607

13/05/2017

Introduction

At the request of David Ducharme, Michael Neuheimer inspected and assessed the trees along a temporary access road that was built through Kenwood Park to the rear of 816 and 842 Golfwood Drive to facilitate access of heavy equipment for a construction project at 842 Golfwood. Only trees that were directly impacted were visually assessed from the ground for overall health and injuries specifically related to construction activities. This report presents the findings of the assessment as well as remedial action.

Field Observations

Field observations were collected on Thursday May 11th, 2017. A site meeting was attended by Brad Vollmer, Ben Vanderloo and Mike Neuheimer, aspects of the temporary access road building were discussed. The road was built on Town of LaSalle Property through Kenwood Park, then along an easement at the rear of 816 and 842 Golfwood Crescent during the week of April 17th, 2017

It was stated that no trees were removed from the public domain to facilitate construction.

The roadway required that approximately 6 inches of top soil be removed, a water permeable filter cloth be installed, then a 6 to 8 inch layer of '2 inch minus' crushed stone be laid.

Piles of soil were located beside the roadway over its entire length. Severed lateral roots as well as fine absorbing roots were observed in the displaced soil.

Five trees were observed to have limited recent cambial damage on the root flares and lower trunk. Four of the trees were observed to have pre-existing damage to the trunk basal area either as trunk decay or root flare injury

Individual Tree Observations

Tree # 1: Red oak *Quercus rubra*, 66 cm DBH (diameter at breast height 1.4 m)

Fair condition, large dead wood present, large basal cavity on north side, old wounding on root flare, recent cambial damage on root flare on west side

Photograph 1 & 2

Tree # 2: White oak *Quercus alba*, 66 cm DBH

Fair condition, significant dead wood in crown, old root flare wounding on east side of trunk, recent root flare wounding on south west side of tree

Photograph 3

Tree # 3: White oak *Quercus alba*, 52 cm DBH

Fair condition, large basal cavity, old root flare wounding, recent bark damage in approx. 2 ft height
Photograph 4 & 5

Tree # 4: Elm *Ulmus americana*., 55 cm DBH

Good condition, recent root flare damage on south side
Photograph 6

Tree # 5: Cherry *Prunus serotina*, 25 cm DBH

poor condition, extensive pre-existing basal decay and root flare wounding, recent superficial bark damage.
Photograph 7

Discussion

Any disturbance to a trees environment will have negative impacts. Six inches of top soil with in the foot print of the access road was removed to facilitate the installation of course aggregate. A portion of the lateral and fine absorbing roots have been eliminated by the removal of top soil.

The effects of the root damage resulting in reduced capacity for nutrient uptake is limited as the as the volume of remaining roots will be able to sustain the trees. Roots that could be deemed statically relevant were observed to be intact and undamaged

Addition of filter cloth and course aggregate reduces the effects of soil compaction caused by heavy equipment and maintains moisture permeability during the construction phase. Remediation of the compacted soil may be required during the post construction phase. Compacting of soils results in a growth medium that is difficult for roots to proliferate in as well as limits nutrient availability.

Wounds that have occurred in the basal area of the trees are relatively minor when compared to the amount of conductive tissue available to support the tree. The trees affected by the damage resulting from the installation of the access road and contact with heavy equipment have the capacity to react and compensate for the injury.

It should be noted that the trees in question have had significant pre-existing damage when assessing the condition.

Recommendations

Hoarding should be immediately installed around trees in direct vicinity to the access road. Flagging tape or bright visual markers should be affixed to tree trunks to ensure visibility while trucks are backing in.

Upon removal of course aggregate during the post construction phase, any exposed roots that have been severed by an excavator should be properly pruned. Compacted soils should be drill aerated or physically fractured by using high pressure air before the top soil is reintroduced.

Top Soil should not be rolled or compacted in anyway after it is applied.

Tree wounds should not be treated with any dressings or covering.

Photographs

Photograph 1



Tree 1 - Recent cambium damage

Photograph 2



Tree 1 - Large Basal cavity and pre-existing root flare damage

Photograph 3



Tree 2 – Recent cambial damage to root flare

Photograph 4



Tree 3 – Recent bark damage, pre-existing basal and lower trunk decay

Photograph 5



Tree 3 – pre-existing cambium damage to root flare and basal decay

Photograph 6



Tree 4 – Recent bark damage to root flare

Photograph 7



Tree 5 – Pre-existing bark damage and basal decay

Limitations of Assessment

To ensure that the client is aware of what is technically and professionally realistic in retaining trees, the author includes the following clause:

The findings of this report are based on an unbiased assessment, using proven arboricultural techniques. The assessment includes a visual examination of all the above ground parts of the tree for structural defects, scars, and external indications of decay (such as fungal fruiting bodies, insect infestation, discoloured foliage, the condition of exposed root structures, the degree and direction of lean, the general condition of the trees and the surrounding site, and the proximity of potential targets- such as property and people). Except where specifically noted, no other means of assessment (such as coring, probing, climbing or root excavation) were employed.

When considering the recommendations and conclusions made in this report, it must be understood that trees are living organisms, and their health and vitality constantly change over time. They are not immune to changes in site conditions or seasonal variations in the weather conditions.

Both professionally and practically, it is impossible to predict with absolute certainty the behaviour of any single tree, or its component parts, under all circumstances. Therefore, no guarantees are offered or implied that these trees or any of their parts will remain intact. A standing tree will always pose some level of risk and have the potential for failure under adverse weather conditions. The risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the trees should be re-assessed periodically. The assessment presented in this report is valid at the time of inspection.



MEMO

TO:	Town of LaSalle
FROM:	Dana Cofell, Dillon Consulting Limited
cc:	Kyle Edmunds, Dillon Consulting Limited
DATE:	May 16, 2017
SUBJECT:	Interim Report for a Residential Temporary Construction Access Road the Town of LaSalle
OUR FILE:	17-5430

Background

Dillon Consulting Limited (Dillon) has been recently retained by Vollmer Inc. to conduct Environmental Consulting Services. The purpose of this memo is to provide information about the project and the construction status.

Site Visit

A site investigation of the property located at 842 Golfwood Crescent was completed by a Dillon biologist on May 11th, 2017 at 1450h.

During the site investigation, photos were taken of the existing trees along the temporary access path created for construction activities. I did not observe any trees that had been damaged or removed as a result of the construction activities. Silt fencing has been installed but requires some maintenance which the property owner and the construction foreman agreed to complete as soon as possible. The required maintenance work included patching rips, re-staking sections that were on angles and creating a terminating hook at the limits of the fence.

I observed that the trees located within or directly adjacent to the silt fence were protected with plywood to prevent damage from construction equipment. I am aware that the property owner intends to fully restore the temporary construction pathway once construction is complete. Photos of the site investigation are included below. Based on the information available to us, Dillon is of the opinion that there is a Low Likelihood that the proposed development will impact SAR species and/or habitat.

DILLON CONSULTING LIMITED

235 Yorkland Boulevard, Suite 800, Toronto, ON M2J 4Y8 ♦ TELEPHONE: (416) 229-4646 ♦ FAX: 416-229-4692 ♦
www.dillon.ca

Temporary construction
access facing south



Temporary construction
access facing east



Temporary construction
access facing east
(temporary "fast-fence"
fence location)



Temporary construction
access facing north



DILLON CONSULTING LIMITED

235 Yorkland Boulevard, Suite 800, Toronto, ON M2J 4Y8 ♦ TELEPHONE: (416) 229-4646 ♦ FAX: 416-229-4692 ♦
www.dillon.ca

Damaged silt fencing



Repaired silt fencing



DILLON CONSULTING LIMITED

235 Yorkland Boulevard, Suite 800, Toronto, ON M2J 4Y8 ♦ TELEPHONE: (416) 229-4646 ♦ FAX: 416-229-4692 ♦
www.dillon.ca

Closing

We trust that this information meets your expectations for an interim report.

Please do not hesitate to call 416-229-4646 ext. 3248 if you have any questions.

Yours sincerely,

Dillon Consulting Limited

Dana J. Cofell
Biologist

DILLON CONSULTING LIMITED

235 Yorkland Boulevard, Suite 800, Toronto, ON M2J 4Y8 ♦ TELEPHONE: (416) 229-4646 ♦ FAX: 416-229-4692 ♦
www.dillon.ca

May 16th, 2017

The town of Lasalle c/o Peter Marra
Director of Public Works

RE: 842 Golfwood Site Road access – Duration of use

Attention: Peter Marra

This letter is to confirm our intended duration of use of the access road for construction at 842 Golfwood Crescent. We would like to have use of the road until the end of August and remove it beginning September 5th 2017, remediating the park and town property as per the biologist and arborists recommendations beginning on that date.

Should you have any questions or concerns please do not hesitate to contact me.
Sincerely,

Ben Vanderloo
Project Manager
Cell # 519-796-6193
Fortis Construction Group Inc.