



PARTNERS IN  
ENGINEERING, PLANNING &  
ENVIRONMENTAL SERVICES

February 23, 2023

Municipality of Brighton  
67 Sharp Road  
Brighton, ON  
K0K 1H0

**Attention: Ron Warne, Manager of Approvals**

**Re: Technical Peer Review - Environmental Impact Study  
Elgin Street Condominium  
Elgin Street & Price Street, Municipality of Brighton  
D.M. Wills Project No. 21-81077**

---

D.M. Wills Associates Limited (Wills) was retained by the Municipality of Brighton to complete a Technical Peer Review of the Environmental Impact Study (EIS) completed by Ainley Group (Ainley) in September 2022. The EIS was completed by Ainley on behalf of JRB Williams Enterprises Inc. (Client) in support of a proposed condominium development on part of Lot 33, Concession C, in the Municipality of Brighton, County of Northumberland (Subject Property).

The following information was received by Wills as part of this Technical Peer Review:

- Environmental Impact Study for Elgin Street Condominium, Municipality of Brighton (Ainley Group, September 2022).

### **Proposed Development Description**

The Client wishes to develop the Subject Property for the purpose of a condominium development which includes the construction of eight fourplex buildings (32 total units). In addition to the fourplex buildings, the proposed development will also include the extension of Elgin Street East (currently terminated at the property boundary), visitor parking, a pedestrian walkway, and a garbage / recycling storage enclosure (Ainley, 2022).

## **1.0 Peer Review Comments**

### **1) Section 7.4 Surface Water Features, Fish and Fish Habitat, and Aquatic SAR**

Ainley notes that the wetland boundary mapping was completed on April 6, 2021, using the "50% wetland vegetation rule" which involves delineating the



boundary of the wetland where the relative abundance of wetland plant species is greater than 50%.

However, in order to complete a wetland delineation accurately, it should be completed when vegetation has established so all plant species can be identified and their relative abundance or cover can be assessed as per the Ontario Wetland Evaluation System manual.

Please provide further rationale for completing the wetland boundary delineation prior to vegetation being established.

## **2) Section 4.0 Data Collection Methodology**

Two nighttime amphibian call surveys were completed on April 28, 2021, with temperatures of 9°C and June 28, 2021, 26°C.

As different amphibian species call at various times throughout the spring which are based on minimum nighttime temperatures, to ensure full coverage of all species during surveys, the Marsh Monitoring Program for Surveying Amphibians (2008) recommends three surveys are completed, one between April 15-30, one between May 15-30 and one between June 15-30 (if minimum nighttime temperatures are met during those dates). Surveys were completed during the first and third time periods, however, not during the second survey period/temperature interval.

While it is understood that the wetlands are being avoided, Significant Wildlife Habitat – Amphibian Breeding Habitat (Woodlands) was identified in Table 4 as potentially occurring on the Subject Property. With the absence of the second survey, and no further discussion on this SWH, please provide comment on the presence/absence of Amphibian Breeding Habitat (Woodlands).

## **3) Section 8.0 Proposed Development**

Wills agrees that the 30 m wetland and 15 m floodplain buffers are sufficient to protect both features. However, with only a maximum of 3.0 m that has been proposed between the buildings and the associated buffers to allow for the amenity space (ie. patio stone), encroachment into the wetland/floodplain buffers seems likely. As such, Wills recommends that additional mitigation measures (such as permanent fencing) be applied to ensure no impacts to the buffers. Fencing will act as a preventative measure to help minimize individuals from destroying vegetation within the buffer by extending their yard space or creating pathways to the wetland/lake, thereby reducing the effectiveness of the buffer.

#### **4) Section 9.1.1 Erosion and Sediment Control**

The installation of sediment fence has been recommended along the downgradient boundary to reduce sedimentation into the wetland. In addition, temporary wildlife fencing has been recommended if any work is being completed during the active turtle season of April 15<sup>th</sup> to September 30<sup>th</sup>. As the sediment fence alone would not provide sufficient protection to prevent turtles from entering the site, Wills suggests installing temporary wildlife fencing around the entire site in order to protect both turtles and prevent sedimentation into the wetland.

#### **5) Sections 9.1.3 and 9.1.4 Vegetation and Wildlife and Bird Migration**

Wills recognizes that the nesting periods for migratory birds are taken from the Environment and Climate Change Canada website. However, in our experience, in order to avoid confusion and provide clarity for the contractor completing the work, Wills recommends providing an exact start and end date for the timing window.

#### **6) Section 9.1.6 Environmentally Sensitive Areas**

Ainley states that:

*“Any vegetation clearing within forest communities on the subject property that is required to support future development should respect the active season for bats, with no clearing completed between April 1 and September 30, in any calendar year.”*

Please provide clarification on which areas are considered forest communities.

#### **7) Section 9.1.6 Species at Risk**

Turtle nesting surveys have been recommended in accordance with the MNR Survey Protocol for Blanding's Turtle. Please provide additional details on the purpose of these surveys and when they should take place.

#### **8) Section 9.1.9 Long Term Use (Cumulative Impacts)**

A significant increase in impermeable surfaces is being proposed with the new development. With no surface water management pond identified in the Concept Plan, how will surface water will be managed on site? If surface water is being directed into the wetland, an assessment on the cumulative impacts to the adjacent wetland should be evaluated and additional mitigation measures should be considered.

## 2.0 Conclusion

We trust that this information is suitable for your purposes at this time. Please contact our office if you have any questions or require clarification.

Respectfully submitted,



Shawn Filteau, BSc.  
Natural Sciences Lead



Ben Radford, BSc.  
Project Biologist

SF/BR/mp