July 19, 2020

Town of the Blue Mountains
32 Mill Street, PO Box 310
Thornbury, Ontario
N0H 2P0

To: The Town of the Blue Mountains: Mayor and Town Council Members

REFERENCE: Landsdowne Street North: Unopened Street

We are the Owners of Lakeshore Drive, which is the last house on the water at the west end of Lakeshore Drive, adjacent to the extension, of “Landsdowne Street North” to Georgian Bay. We are writing on behalf of ourselves and other adjacent land owners at 149 & 151 Bay Street, who abut this street to the west, and in addition other concerned residents on both of these streets, as to the most recent turn of events of this portion of Landsdowne Street North.

When we purchased our Property in 2017, we had conducted extensive research, regarding the adjacent “Unopened Street” we had abutted; which was a heavily vegetated area with a fairly narrow and un-announced opening with a foot-path that lead to a small stony landing that had provided a lookout area over the Bay, that was largely used by local residents to view the water and take their dogs. We understood quite clearly that this was essentially un-constructed portion of Landsdowne Street, as depicted on our Plan of Survey and that had no zoning, as it was a “Street” and functioned as part of the natural sheet-storm drainage system that assisted in handling storm run-off, to the Bay from Landsdowne Street North. It was an attractive feature for us, as we were not likely to ever have an adjacent residential development directly beside us and found the limited seasonal use of the foot path not to be too troublesome.

I had informally approached the Town last summer in an attempt to purchase this Property, not to develop, but rather to protect the quiet natural buffer, so we could enjoy the peaceful setting we thought we had purchased. The Town was reluctant to sell, indicating that this was considered a “Water Access Point”, for public use and their Policy was not to sell any public water access lands. I found this somewhat odd given that there is a Public Park, Marina and Boat Launch 300m up the street, which is properly zoned (OS) for this type of use and properly regulated and monitored by the Town with proper signage and By-Law Enforcement protection. I did not pursue my efforts of the purchase, but had kindly asked the Town to erect the required signage of the use of this “Foot Path”, in order to treat this area like any other Town regulated Path/Trail that would be subject to regulation, so dogs were on-leash, litter was regulated and parking and illegal boat lunch would be restricted.

After a couple of back and forth e-mails, the “Signs” never happened and my request was never fulfilled. As a result my Wife and I have had to endure several unpleasant moments of illegal use of this Street, being occupied used contrary to the zoning by-law and its current legal status as a “Street”.

Today; I write to inform you of the most recent, unfortunate turn of events that has left several of us “Home Owners” quite angry and extremely concerned. Recent storm events in April, had Georgian Bay Waters wash out onto the Lakeshore Drive and Landsdowne Street, thus wiping out all the vegetation on portion of Landsdowne Street North and creating a vast open area with a newly found shoreline by the general public. Since then, Covid-19 forced the closure of this area and for several weeks we had our peaceful environment back. Since re-opening this past week things have dramatically changed again and getting worse each and every day! We now have droves of people coming down to this area all day long and using this property as a “Public Beach”, (Not a “Street” any longer), not to mention that we are still in the thick of a “Pandemic Phase 2”, and it is our opinion that the Town should have had this area still sectioned off to the Public as part of its Mitigation Protocol’s, as this has become now a place of Public Congregation, where Social Distancing is hardly being observed.

The following is a list of disturbing issues, experienced by both myself and my Neighbours over some period of time now:

- Illegal parking in front of our Properties. Cars park in any direction and orientation they like.
- Early morning fishing boat launching.
- Constant flow of people coming and going all day long and have to put up with disturbing loud voices and music on occasion.
- Vandalism to one of my Vehicles
- Teenagers drinking and littering the areas in the evenings, and trespassing on neighbours beach fronts.
- Dogs running free on the beach, violating and trespassing on Private Property.
- People setting up beach chairs and lingering for hour’s on-end.
- I have seen ATV’s and Motorcycles drive in and have been horrified by these occurrences.
• Last Saturday there were over 30 different folks coming in and out of this area during the day and the associated noise and lack of privacy was ridiculous.
• People setting up tents and umbrellas and beach chairs, and tents, trespassing on adjacent landowners properties.

Our Concerns:
• Every week more and more people learn of this new spot and traffic continues to build at a alarming rate.
• Every week will be more beach chairs and associated music and possible camp fires and other related activities as people think they found a new beach area.
• More cars, more traffic and more reckless and disturbing behaviour, both during the day and into the late hours as well.
• With more development slated for the immediate area in the near future this traffic can only intensify and become more unsettling.

Proposed Immediate Minimum Actions Required by: “The Town of the Blue Mountains”:
• Erect all appropriate signage to ensure this Properties “Public Use” is consistent with its current legal status. There is currently no Town Signage anywhere on this property.
• Find a way to block cars from parking on the expanded street shoulder around the complete turning radius transition from Lakeshore Drive to Landsdowne Street North. People are not obeying the “No Parking” signs.
• Tighten the access across the Street frontage so that Motorized vehicles cannot enter, with more larger type stone boulders.
• Ensure that there will be more frequent By-Law Control Visits to monitor activity in this area.

The facts are quite obvious, in that this piece of Private Property, owned by the Town, which is legally considered a “Street”, is now being occupied and used by the Public as a “Beach” and “Beach related activities” and that use is in contravention of the Definition of a “Street”, and in clear violation of the Towns Zoning By-Law. As a result this has violated adjacent Landowners/Tax Payers, rights to have quiet enjoyment of their Properties. I would respectfully suggest to the Town that this Portion of Landsdowne St. North, be restored to its original defined historical use as “Water Access” for the Public get to and from the water or that there be consideration to close this access; as I see no reason why the General Public cannot access the water from the Town Regulated “OS Zone”, Public Park, which is only a few 100 meters up the street. I assure you that this problem will grow and only get worse if immediate action is not taken to resolve what has become a very concerning issue for a number of Home Owners in our little pocket. We are all available to digitally meet with Town Council Members at any time to have an open round-table discussion on this problem as a means to come up with a joint resolution that can benefit all parties. I cannot emphasize enough the urgency of dealing with this issue as the numbers exponentially are increasing on a daily basis, and the daily disruptive is horribly concerning to all of us.

I look forward to your response.

Regards,

Jeffrey M. Swartz