Deputation submitted to Committee of the Whole Regarding Ellis Dr water access.

September 4, 2020

To whom it may concern,

I am a full time resident of Ellis Drive

I am aware that there is an attempt to stop up pedestrian access to Georgian Bay via the current pathway on Block 29 between Blocks 5 and 6. It has been clear to me that the access path on Block 29 was to be water access from the first time that I viewed properties on Ellis Dr. While not a legal document, the original sales sign in the subdivision even shows this block as “WATER ACCESS”.

I refer to Schedule E-8 Draft Plan of Subdivision Conditions. Paragraph 6

"Block 25 to 28 shall be conveyed... for Open Space, Trail and Buffer purposes. Block 29 shall be conveyed for Stormwater Management purposes". A water runoff ditch exists in Block 28 but that use is not included in the description for Block 25 to 28. This underlines that actual purpose can vary from what is specified in the Subdivision Conditions.

We all know that the Georgian Trail used to be a railway and is now a multipurpose trail. This underlines that land can be designated by the town for a different purpose if the town deems that it is in the public interest to do so. Dozens of residents who abut the trail live with the result of having hundreds of pedestrians and bicyclists travel adjacent to their property every day instead of a derelict railway line with no pedestrian or bicycle traffic. The greater value to the community won out over any assumed extended property right concerns.

Clearly Block 29 is not strictly a Stormwater Ditch. It has both a ditch and a covered culvert that provides a viable and safe path that has clearly been dealt with by the Town as a pedestrian access for at least 2 years. Examples:

- A letter to Ronald and Kathryn Duke on August 7th, 2018 by Terry Green of the town clearly describes both in words and graphics pedestrian access to the water through block 29.
- The town installed pedestrian safety railings at the outlet of the stormwater culvert in 2018.
- The town allowed a resident to install rocks on block 29 (probably damaging fossils in the process) to prevent pedestrians from entering the ANSI at the high water mark on the west side of the access trail on block 29.
- The town installed poison ivy warning signs and signs prohibiting removal of fossils at the end of the access trail on block 29.

All of this to say that the Town clearly expected Block 29 to be a pedestrian access
There are VERY few people who use the Block 29 access trail. Most simply walk down to the end of the trail to enjoy the view of the bay. Some of the users, almost exclusively Ellis Dr residents like myself, use the access trail to launch kayaks or paddleboards as well as swim. It is VERY rare for a non-Ellis/Delphi Lane resident to use this pathway to launch equipment or swim.

The town occasionally uses heavy equipment to move fossiliferous material from the mouth of the drainage ditch in block 29, so I do not see what excess damage a few local residents using the mouth of that ditch might do. Bottom line... a few local residents using the mouth of the mostly dry ditch will certainly do less damage than a backhoe and about the same damage as a weekend party group at a waterfront residence. As well, using the dry ditch means that non-waterfront users will not be using areas in front of private property on Lot 6 to launch kayaks and paddleboards. Ironically, the ditch rarely has runoff water in it as most of this goes through the culvert. In most cases any water in the ditch is from waves during high wind conditions that gets trapped behind broken shale.

The town has restricted parking near water access points and this could be an option on Ellis Dr. It should be noted, however, that construction and landscape contractors should be exempt from parking restrictions to allow construction on Lot 22 and ongoing landscape and gardening work on all properties on the street.

Any reference to restricted access in any rule referring to the Block 29 Access Trail should specify that restrictions do not apply to Peaks Bay residents on Ellis Drive and Delphi Lane.

Finally, if the town decides to close the Block 29 Access Trail, it would be incumbent on them to build a safe access trail they failed to enforce on the developer on Block 28. This at significant cost, removal of indigenous vegetation, damage to non-ANSI fossiliferous specimens during construction, the same level of pedestrian damage to non-ANSI specimens as would occur at block 29, and impinge on the rear-yard privacy of 3 residents on lots 6,7 and 8.

The obvious option to meet Town goals regarding recreational access to the Bay is PDS.20.53 Option 4, although I fail to see the necessity to install video monitoring equipment unless this is normal practice at other access points.

Regards
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Clarksburg, ON