It is hoped that these points and photos will show Council the total erosion of what was once a public waterfront.

1. I emailed Council earlier in August as to the Development Agreement (DA); which the current staff report mentions: Staff suggestion as to why the limestone monuments required by the registered DA were not installed suggest physical difficulty in access: WRONG: See the 2010 aerial showing few obstructions before lot owners began trespass to Town lands. Surely if the Pyramids could be built over 4000 years ago by hand this was not insurmountable task to install these at the lot corners: then or now! Private/ public boundaries are unknown as a result.

   Had these Town required monuments marked public/private at the water-view lot corners these issues would be moot. The Respectfully this is the beginning of ongoing Town failures to enforce the public use of the waterfront that it bargained away from the Developer for whom I acted and took away his right to sell actual waterfront lots. See 08 trail map photo showing the waterfront trail along the shoreline. We bought and built on Town Plans and public dedication of the waterfront forced from the Developer by the Town to give us access.

2. Please see photos which show open access to the waterfront west og the ditch and a sodded path where we could carry paddleboards or just walk along the West edge of the ditch. See photos showing third party installation to block public access to the waterfront followed by more boulders, plants and iron bars even if one climbed these rocks. WHY WOULD THE TOWN ALLOW THIS. Your OFFICIAL PLAN @ A.3.8.2. paragraph 7 speaks to development of open spaces......expanding the number and area of public access points to the shoreline of Nottawasaga Bay.

3. What was the point in having this Development have a sodded pathway along the West side of the ditch all the way to the waterfront and such that prior to the 3rd party blockage allowed easy access down to the Westerly waterfront. Had it not been so easy the barriers installed would not have been installed to block our access. This is surely not at all consistent with your Official Plan. It also in paragraph 9 to open space settings ...in order to expand recreation and leisure opportunities.

4. Respectfully, to suggest the waterfront in front of Lots 1-6 was not to be accessed by the residents flies in the face of the Development Agreement, the trail maps from 2008; the Staff report of 4 April/2016 reciting at page 5 the “westerly connectivity from the Ellis Drive walkway on Block 29”. At page 6 of that report staff recommends opening up an entryway along the middle elevation plateau to provide the East West connectivity with ease of passage. Is it any wonder that water-view owners have attempted to convince the town to prevent the public from enjoying the waterfront contrary to what has been in the documented planning documents for more than a decade? PLEASE RE-OPEN THIS ACCESS; restore the sodded pathway along the West side of the ditch and provide what the Town negotiated and we paid for: free and unobstructed access to the waterfront. Please recall the email from MNR I submitted after the Skelton report that contrary to the report statements MNR felt that passive use of the ANSI for walking, swimming etc is not an issue and not opposed by MNR. The writer of that email Mr. Carey was then Director of MNR did not at all support the stay off the ANSI implications of that report.

Respectfully there is no reason to mix Peaks Bay East into any other waterfront policy because it has a completely negotiated and registered development agreement (based upon town trail maps and policy) which to date has not been enforced by the Town. It is understandable that the trail behind Lots 6,7,8 was not built since as the Town recites there is access at the Ellis Drive pathway and there was also access along the sodded pathway to the waterfront. Legal enforcement, not a politically correct solution, is at issue. The opposition waterview owners bgin their submission with legal reference from a major law firm in aid of “LITIGATION COUNSEL”. Surely Council ought not to be threatened by such boldness.

?? What confidence should a resident have in buying a property with registered documentation if the Town does not have the confidence to stand up and enforce its documents. Please open up the blocked access and waterfront to the West of the ditch on Block 29 and allow it to function as a trail as planned for more that a decade. Recently boulders now have been also laced to the Est of the end of the Ellis access. It is contrary to Town by-law to place such obstruction on Town Lands; similarly Town signs defining Town property have beed moved onto the beachfront at the West end of dephi. WHY IS THIS ALLOWED? Failing to enforce and re-open access along the waterfrontages would with respect, dishonor the planning staff and Council that negotiated this waterfront for public use and enshrined that to be shown by those “monuments” that seem to have been a monumental and impossible task to install and enforce.
7. To encourage the *development* of a system of open spaces and recreational areas which incorporate provisions for expanding both the number and areal extent of public access points to the shoreline of Nottawasaga Bay and to the Niagara Escarpment.

8. To create a high quality, all season trail system, contributing to the *development* of the Town as a world-class tourism destination.

9. To provide for a broad range of open space settings, activities and programs in order to expand *recreation* and leisure opportunities in the area for residents and visitors.
Where are the obstructions to install the monuments required by the development agreement?
If this is a TPZ; where are all the trees?
• Where did the west side sodded path go that provided access without crossing a ditch?
• Sodded path west side

boulders on path-why?
After / Before - WHY? Allowed by?
From: Carey, Shawn (MNRF)
Sent: May-29-18 4:16 PM
To: Vic Vanderhurst
Subject: RE: Delphi Waterfront

Mr. Vanderhurst,

Further to your request below, the ministry's position is that passive uses (e.g. walking, swimming, windsurfing, surfing, fishing, etc.) do NOT pose potential impact to the integrity or function of the ANSI. Given the sensitivity of the ANSI, we do NOT recommend development or non-passive activities that removes or obstructs the bedrock units and that could pose an impact (i.e. construction of shoreline erosion features such as groynes, docks, sea walls, marina facilities, boathouse, anchors/mooring blocks, motorized use, etc).

Please let me know if you have any further questions or require clarification.

Thanks,

Shawn

Shawn Carey
District Manager
Midhurst District
Ministry of Natural Resources & Forestry
2284 Nursery Rd.
Midhurst ON L9X 1N8
Tel: 705-725-7561
Fax: 705-725-7584
Shawn.carey@ontario.ca
Why is this obstructed? Is this not public?
Tree Preservation plans prepared by John Bell only covered the lots.

Cheers, Kevin

<table>
<thead>
<tr>
<th>KEVIN MORRIS P.Eng.</th>
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CROZIER & ASSOCIATES
Consulting Engineers

Land development engineering, from the ground up.
Water Resources, Transportation, Structural, Mechanical, Electrical, Building Science
- TPZ does NOT go beyond lot line