

November 25, 2019

Town of Hudson Mayor + Councillors

Mayor Jamie Nicholls

District 1 Councillor Helen Kurgansky

District 2 Councillor Austin Rikley-Krindle

District 3 Councillor Chloe Hutchison

District 4 Councillor Barbara Robinson

District 5 Councillor Jim Duff

District 6 Councillor Daren Legault

Dear Mayor and Councillors,

The following is a summary of our concerns regarding *Draft By-law 526.8-2019 – Amending Zoning By-law 526 to Modify Certain Provisions Concerning Wetland Protection*.

.1 Draft By-law 526.8-2019

During the August 2019 meeting, Council passed *Notion of Motion 526.7-2019 – Amending Zoning By-law 526 to Modify Certain Provisions to Protect Natural Habitats & Natural Constraints*. In the Mayor's words at the time it triggered an immediate "effet de gel" and began a period where the Town could begin to implement reforms to existing by-laws. However, two months passed with little public engagement or education on environmental issues. This was followed by *Draft By-law 526.8-2019* which was tabled in October 2019, again followed by weeks with no public engagement or education, culminating in a disastrous public consultation on November 18. This poorly drafted by-law now has neither the support of the public nor of the council.

.2 Eco2Urb

Environmental consultants Eco2Urb were contracted to conduct a town-wide Conservation Plan as a first step in developing a guiding toolset for urban planning, by-law reform, and protection of Hudson's natural heritage. The final report and wetland inventory maps are expected imminently, and we assume this wetland inventory map will be incorporated into town by-laws, and not the two maps mentioned in the draft by-law. As the Eco2Urb map is a consolidation of existing information and new ground-truthing completed this year, it was a serious mistake not to wait for this map before drafting this by-law.

.3 Citizen Information on Wetland Science, Functions and Benefits

Wetlands and natural areas provide critical functions that support our way of life in Hudson. They provide recreational and tourist opportunities; mitigate floods by acting as sponges; feed groundwater, streams and rivers; are natural filters and improve our water quality; provide important habitat for animals and plants; are great at storing carbon and mitigating the effects of climate change and species extinction; and, lastly, provide cleaner air.

In Hudson, these areas include woods, swamps, ponds, marshes, bogs, rivers, streams, creeks and shorelines, and bring many benefits to the population. Council has a responsibility to protect what remains of these areas for the benefit of present and future generations. A public awareness campaign that addresses the importance of these areas and explains why an increase to the buffer zone is required is essential.

.4 Petition for a Moratorium by Nature Hudson

Unfortunately, Hudson still does not have an established, integrated or enforceable plan for protecting and minimizing the impact of future developments on our wetlands and natural areas, and as such these areas are still not given proper consideration in Hudson's urban planning process.

Because we and fellow citizens are concerned that current residential development is not being adequately planned to protect our natural areas, water resources and distinctive natural heritage, we launched a petition requesting that Council put a **temporary moratorium** on all residential developments that have the potential to negatively impact natural areas in our town, previously identified as conservation areas, and shown on Plan 3 of the Hudson 2017 Conservation Plan for Wetlands and Natural Areas (to date, unadopted by Council).

We did not believe, nor did the 661 Hudson residents who signed our petition believe, that the petition would result in draft by-law 526.8. By signing the petition, citizens stated the following:

1. I confirm my support for such a **temporary moratorium**;
2. I ask council to adopt a Notice of Motion to put a temporary moratorium on conservation areas previously identified in the 2017 Conservation Plan for Wetlands and Natural Areas;
3. I ask Council to maintain this moratorium in effect until such time as Council has:
Adopted a Conservation Plan, incorporated this plan into By-laws, and implemented these By-laws in order to ensure Hudson's natural areas, water resources and natural heritage are protected.

We feel the message sent with the petition is being ignored.

.5 Town By-laws Require Complete Overhaul

The rationale for point three of our petition was to show support for Council to immediately and with purpose embark on a systemic review of its by-laws and to address various conflicts within them, while at the same time addressing environmental concerns. Given these various conflicts and the numerous, seemingly *ad hoc*, amendments to these by-laws, it is clear a major reworking is required.

There are currently:

1. Two working versions of our Master Plan By-law 525 + 688, and 2 amendments; as this bylaw is the foundational bylaw for all others, and is unclear in many instances, *all work should begin with this document*;
2. Two working versions of the Zoning By-law 526 + 689, and 8 amendments; there are many conflicting and self-cancelling sections within this By-law;
3. Two working versions of the SPAIP By-law 571+ 690, and 4 amendments;
4. The Tree Cutting By-law 611 + 620 is weak and often contradicted in other By-laws;
5. There is no By-law to specifically address environmental protection in the Town;
6. There are many other examples.

The fundamental purpose of the petition was to convince Council to address the above issues immediately and with purpose, and to incorporate environmental concerns **into all by-laws.**

.6 Summary of Chelsea's Zoning By-law (see below)

We strongly suggest you review section 4.15 of the Town of Chelsea's *Zoning By-law 636-05*. As per section 4.15.4: "A thirty (30) metre buffer zone must be maintained around a wetland area. This provision takes precedence over all other provisions of Zoning By-law Number 636-05. Any and all construction, installation, development, or fencing in a wetland area is strictly prohibited. Clearing and removal of vegetation is also prohibited, with the exception of the removal of ... plants shown on the *Répertoire de plantes pouvant être enlevées d'un milieu humide*, which is authorized" (p. 105). This is an example of a town with a 30 metre buffer.

There are, of course, further provisions and clauses regarding lots with and without existing cadastral numbers (see 4.15.8), which would alleviate many of the comments and concerns of property owners expressed on November 18. These are examples of more subtle applications of this law available to Hudson's Urban Planning.

.7 Conclusion

We do not agree with the process used to develop *Draft By-law 526.8*. How it was prepared and presented to the public, with inadequate public dialogue and participation, is a serious issue that needs to be addressed. Public participation is necessary and expected in Hudson. The Town needs a transparent, effective, public engagement plan.

While we agree with an extension of the buffer zone (there is ample scientific evidence of the multiple benefits), this by-law should have incorporated provisions for existing properties (see Town of Chelsea); and should also provide provisions to increase the buffer zone for exceptionally sensitive wetlands. Again, the consolidated Eco2Urb map should form the basis for this.

We also suggest the Town launch a communication and outreach campaign to raise awareness of the importance of our natural areas and wetlands to the populace as a whole. How many residents are aware their properties currently lie within the ten- or fifteen-metre buffer zone? How is the Town enforcing the existing by-law and how does it plan to enforce any new by-law? The Town should provide affected homeowners with micro maps of all cadastral lots within the proposed buffer zone, something that could easily be done using Eco2Urb's mapping software.

We hope this information will aid you when considering *Draft By-law 526.8-2019* at the council meeting on Monday, December 2, 2019, and more importantly when considering a way forward.

Sincerely,

Nature Hudson

cc. Director General Philip Toone
Urban Planner Étienne Lavoie
Town Clerk Zoë Lafrance

4.15 WETLANDS

Objective:

To protect the biodiversity of this exceptional natural environment and maintain its role as a natural filter for the water system, protection measures have been approved.

4.15.1 Definition

Wetland. Wetlands are areas where permanent or seasonal water renders damp or water saturated soils that as a result permit the growth of water tolerant plant life.

The boundary of the wetland is the line between the area of primarily aquatic plants and that of non-aquatic plants, i.e. at least fifty percent (50%) of the specified plants score three or more with twenty-five percent (25%) of the plants having a score of four or more.

The document entitled Inventory of plants used to define wetlands for Municipality of Chelsea By-laws (*Inventaire des plantes servant à préciser la définition d'un milieu humide pour la réglementation municipale de Chelsea*) – shall be used as a plant reference.

The minimum surface area of a wetland is 1,000 m².

4.15.2 Identifying wetlands ⁽¹⁴⁾

Wetlands covered by Section 4.15 and following are those located outside boundaries of the LA-212 Zone of the Zoning By-law Number 636-05 and boundaries of Gatineau Park. In addition, they are identified in the following matter:

- a. Wetlands are identified on the plan known as "Human land use restrictions map" and bearing the number: PU-635-05-03
- b. Wetlands corresponding within the definition of Sub-section 4.15.1 of this By-law.

4.15.3 Provisions respecting wetland boundaries

Within a wetland area, all construction, installation, development, or fencing is prohibited as is the destruction or modification of any beaver dam. Clearing and removal of vegetation is also prohibited, with the exception of purple loosestrife, buckthorn, and other plants shown on the *Répertoire de plantes pouvant être enlevées d'un milieu humide* whose removal is authorized.

For any work involving the modification or rehabilitation of plant life or shores within wetland areas, a biologist's report is mandatory. For any filling and/or stabilization work affecting the stability of a wetland area, a soil engineer's report is mandatory. Said reports must demonstrate how the proposed intervention will enhance the ecological functions of the wetland area or system with which the wetlands are associated.

4.15.4 Provisions respecting the edges of a wetland area

A thirty (30) metre buffer zone must be maintained around a wetland area. This provision takes precedence over all other provisions of Zoning By-law Number 636-05. Any and all construction, installation, development, or fencing in a wetland area is strictly prohibited. Clearing and removal of vegetation is also prohibited, with the

(14) Amended by By-Law Number 793-11 (effective October 24, 2011)

exception of the removal of purple loosestrife, buckthorn, and other plants shown on the *Répertoire de plantes pouvant être enlevées d'un milieu humide*, which is authorized.

For any work involving the modification or rehabilitation of plant life or shores within wetland areas, a biologist's report is mandatory. For any filling and/or stabilization work affecting the stability of a wetland area, a soil engineer's report is mandatory. Said reports must demonstrate how the proposed intervention will enhance the ecological functions of the wetland area or system with which the wetlands are associated.

The maintenance of an existing trail is permitted; however extending, widening, or restoring an existing trail within the buffer zone is strictly prohibited. Building a pathway for restoration or rehabilitation of a wetland area shall be permitted. Relocating an existing trail is permitted as long as the new trail is relocated to a position farther away from the wetland area or when the relocation application is accompanied by a biologist's report demonstrating that the proposed relocation will enhance the ecological functions of the wetland area or system with which the wetlands are associated.

4.15.5 Provisions respecting community uses

Any construction, installation or development in a zone that includes recreation, tourism, or public land use sub-groups is subject to the Municipal Policy entitled *Municipal policy respecting wetlands mitigation measures and the community education initiative*.

All mitigation measures shall be based on the following principles:

- a.** The apparent and potential functional ecological impact of any development within the 30 m buffer zone around the edges of the wetland area shall be assessed;
- b.** Should the assessment results show that major ecological impact is possible, said impact must be mitigated and/or compensated by other measures so that no net decrease in the ecological functioning of the wetland area results;
- c.** Council must approve the mitigation plan and implementation schedule and both the promoter(s) and the Municipality of Chelsea must sign a development agreement;
- d.** The applicant shall make a significant, tangible contribution to education initiatives regarding Municipality of Chelsea wetland areas.

4.15.6 Developing a structure, building, subdivision, or road, or landscaping

Any new structure, building, subdivision, development, or road near or in a wetland area must be sited by a certified land surveyor, who must submit written confirmation that he has been hired to position the proposed building, structure, development, or road according to the plan that has been approved by the administering authority.

In the case of lots that were **not cadastred** prior to approval of this by-law, said siting will be required when a proposed building, structure, road, subdivision, or other development is located less than 50 metres from a wetland area.

For lots **cadastred** prior to approval of this by-law, said siting will be required when a proposed building, structure, road, subdivision, or other development is located less than 20 metres from a wetland area.

4.15.7 Provisions respecting a subdivision

For a subdivision application, a certified land surveyor shall determine the location of the wetland area on the property in question and a distance of at least 50 metres from the lot to be subdivided . The surveyor shall

submit written confirmation that he has been hired to site the proposed building, structure, development, or road according to the plan that has been approved by the administering authority.

4.15.8 Previously cadastred lots

Provisions respecting wetland areas with surface area between 1,000 m² and 2,499 m². For lots cadastred prior to approval of this by-law, the buffer zone established in sub-section 4.15.4 shall be reduced to 15 metres.

Provisions respecting wetland areas with surface area of 2,500 m² or more. For lots cadastred prior to 5 September 2000, the buffer zone established in sub-section 4.15.4 shall be reduced to 15 metres.

4.16 PROVISIONS RESPECTING PARKS, PLAYGROUNDS, AND GREEN SPACE

4.16.1 Lots registered during the cadastral revision

For a lot registered as a distinct lot during the cadastral revision process, the construction permit for a new main building is conditional upon payment of cash in lieu to be deposited into a special fund to be used only for the purchase or development of parks, playgrounds or green space.

However, payment of said cash in lieu is not required if it can be shown that a payment has been made previously or that the lot in question has been transferred.

4.16.2 Calculating cash in lieu

Cash in lieu shall equal ten percent (10%) of the value shown on the tax assessment roll for the lot in question and established as of the reception date of the construction permit application.

For the purposes of this sub-section, lot value is obtained by multiplying the value shown on the tax assessment roll for the lot in question by a mill rate established pursuant to section 264 of the *Municipal Tax Act*.

4.17 SWIMMING POOL⁽²⁾

4.17.1 Scope

The provisions in this section apply to all swimming pools located within Municipality of Chelsea territorial boundaries.

4.17.2 Setbacks

The minimum setbacks to be followed for the installation of a swimming pool are indicated by zone in the Specifications Grid.

4.17.3 Fence surrounding an in-ground pool

All swimming pools shall be surrounded by a fence at least one metre twenty-two centimetres (1.22) and no more than two metres (2) high.

Fences shall be built of planks, steel links or any other material with openings small enough to prevent the passage of any spherical object of five (5) centimetres in diameter.

(2) Introduced by **By-law Number 673-06** (effective October 19, 2006)