

Henderson Forest advocates claim a victory at Committee

By Brock Weir

Residents fighting for the preservation of woodlands on Henderson Drive claimed a victory Thursday night as Aurora's Committee of Adjustment rejected plans to redevelop the site for residential use.

Cheers rang out from the Council Chamber galleries as three members of the Committee — Tom Plamondon, Clarence Lui, and Daniel Lajeunesse — voted to reject plans put forward for two parcels of privately-owned wooded land — 672 and 684 Henderson Drive, across the street from Case Woodlot — citing both environmental risks and environmental unknowns.

Committee members Michelle Boyer and Steve D'Angeli were not present for the debate.

Property owners will have 20 days from May 14 to appeal the Committee of Adjustment's decision. If an appeal is made, it will go to LPAT, the Local Planning Appeals Tribunal.

Nearly 20 concerned residents, ranging from a Grade 4 student to long-established neighbours, approached the podium to express their concerns while planners on behalf of the property owner were present to state their case and answer questions posed by Committee and public alike.

The area in question was two lots, one of approximately five acres and the second just under three acres. The landowner proposed two builds on the northwest and the southeast of the complete land envelope.

Planner Ryan Guetter, representing consultants retained by the landowner, told the Committee of Adjustment that in his opinion the two applications before them were both minor variances and had planning merit.

The applications, he said, have undergone a number of changes since they were first filed at Town Hall based on comments from both municipal staff and members of the public. Additionally, he said the proposed builds were smaller than the building envelopes allowing for flexibility further down the planning line.

He offered examples of analysis — environmental and otherwise — carried out by the proponent and said that impacts to the surrounding area would be minimal, arguing that the application for a new dwelling would be allowed under the provisions of the Oak Ridges Moraine Conservation Plan.

“That is central to the basis of the application,” he said. “The policy is intended to allow that to take place. It is recognized further in that test that it is not the test of there being no impact or no

disturbance [on the land], it is a test that applies the demonstration to the extent possible the ecological integrity of the Moraine is not adversely affected. Based upon the analysis of our ecologist, the peer review findings, Conservation Authority analysis, that test has been met for both properties.?

Residents in Council Chambers last week, however, had a decidedly different view on the matter.

First to speak on the issue was George Skoulikas, President of the Henderson Forest Aurora Ratepayers Association. In addition to the Ratepayers, he told the Committee there were 5,700 people who had signed a petition on Change.org trying to stop the development.

Much has been made, he said, that the land in question is privately owned, with some arguing this should give the landowners the right to build.

?While this was undoubtedly the case prior to 2001, the opposite is true today,? he argued. ?After November 15, 2001, when the Oak Ridges Moraine Conservation Plan came into effect. Since that time, specific conditions must be met in order for an owner to build on Oak Ridges Moraine Settlement Lands. These criteria are clearly violated in multiple ways by the two variance applications in question.?

Policies in place prohibit all developments and site alterations on lands with key natural heritage features, he said, and the development proposal encompasses ?significant woodland occupied by a forest and valley corridor with a watercourse and wetland at the base of the valley.?
Further policy statements go on to note that legacy building rights ? that is, lands with specific zoning prior to 2001 ? state that building can take place only if it can be demonstrated that there will be no negative impacts to the site's ecological integrity.

?The applicant told you this evening that everything has been done to reduce impacts and further, to reduce impacts even further and that continued effort will be made during the design process,? said Mr. Skoulikas. ?This deflects from the issue that is not relevant. The bylaws clearly state that there should be no negative impact to the ecological integrity of the lands.

?The applicant is asking the Town to set aside municipal and provincial protections in order to permit development where it is explicitly prohibited. We're asking the committee to reject both of these applications and preserve the lands not only for us here today but future generations of Aurorans who stand to lose if this area of pristine environmentally protected woodland and endangered species habitat is destroyed. Once it is gone, it's gone. It's easier to protect than restore.?

These views were echoed by the nearly 20 other residents who stepped up to speak to the committee.

While many spoke to the present situation, some spoke to the future impacts of whatever decision the Committee was poised to make, including 22-year-old Kurt Mighton who said his generation will be left to pick up the pieces.

The Town of Aurora's Official Plan says its intent is to protect and enhance the natural environment for current and future generations, future generations obviously speaks to me and I cannot see how the proposal to destroy so much of this forest represents or reflects any of that intent, he said. The vast majority of climate change experts consider climate change to be the most serious environmental issue facing human kind. Addressing this at the local level is crucial. Dismissing these proposals is crucial for my generation. The unfortunate reality is we have been tasked to deal with climate change in the future, so we rely on members of the committee like you to enact change at local levels to make positive change for the future. The decisions you guys make today effects my generation and all future generations to come.

These comments were taken to heart by members of the committee, who ultimately sided with the residents.

Committee chair Tom Plamondon recognized the passion demonstrated by both sides, while his two fellow committee members moved to block the application.

I do not believe it maintains the general intent of the Town's Official Plan, said Daniel Lajeunesse, moving a motion to reject the proposal for 672 Henderson Drive. One example being the environmental designations. I do not believe it is appropriate development of the land and I do not believe it is a minor variance as the impact of both the building envelope and the driveway as well.

The same reasoning was used by Clarence Lui, who moved to reject the 680 Henderson application.

We have a duty to protect the land of this Town in which we live, he said. That is why this Committee is composed of residents of this Town. I share the concerns expressed by my colleagues and members of the public over the impact on the ecological integrity, including the number of trees that could be removed, the actual number of which is not yet known, together with the negative impact on wildlife, the significance of which, in my mind, is unclear but the negative impact will be permanent should the proposed development on the land is permitted to proceed.

With respect to this particular application, the size of the proposed building envelope at 916 square metres and the area of disturbance is troubling in my view. The proposed variance is not minor in nature. Accordingly, I move to reject the application.