

Kim Rose

From: Greg Kirton
Sent: June 5, 2026 9:10 AM
To: Kari Hanselman
Cc: Kim Rose
Subject: FW: De251527 - Degagne - Lavigne Road Subdivision: Response to Additional Public Comments Subsequent to May 20th PAC Meeting

From: Kari Hanselman <kari.hanselman@eastferris.ca>
Sent: May 25, 2026 3:46 PM
To: Greg Kirton <greg.kirton@eastferris.ca>
Cc: Steve McArthur <steve.mcarthur@tulloch.ca>; Rick Champagne <Rick.Champagne@eastferris.ca>
Subject: RE: De251527 - Degagne - Lavigne Road Subdivision: Response to Additional Public Comments Subsequent to May 20th PAC Meeting

Hi Greg,

Thank you for the email. Procedurally it's too late to add to tomorrow's agenda, but I will circulate to Council for their information. I will add the comments to the June 9th Council meeting for the public's information prior to the 3rd reading of the by-laws (Council will be doing 1st and 2nd readings tomorrow night).

Kari

Kari Hanselman, Dipl. M.A.
Clerk



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From: Steve McArthur <steve.mcarthur@tulloch.ca>

Sent: Monday, May 25, 2026 1:38:12 PM

To: Greg Kirton <greg.kirton@eastferris.ca>; Rick Champagne <Rick.Champagne@eastferris.ca>

Subject: De251527 - Degagne - Lavigne Road Subdivision: Response to Additional Public Comments Subsequent to May 20th PAC Meeting

Greg,

Thank you for the opportunity to professionally respond to the supplemental comments submitted by the public with regards to Council's consideration of our application for OPA/ZBLA/Draft Approval of a Plan of Subdivision tomorrow evening.

We would be most appreciative if you could share this email with the mayor and council in advance. There were many inaccuracies and inflammatory statements made – particularly by Mr. Koning and Mr. Nelson – that we have taken the time to respond to below.

1. Email from Shawn Nelson submitted an email on May 21, 2026. This email contains inaccurate statements. The following points provide a response to his concerns.
 - a. There were actually five 6-hour pump tests conducted to confirm that the proposed development would have an ample supply of ground water and not interfere with existing residence wells. In addition, monitoring of the test wells was performed for 24 hours before and after each test to show that existing well use did not impact the new test wells.
 - b. There are 2 aggregate licenses operated by 1851477 ON Ltd, which are outside the required 500 m study area. One is a Class B licence pit (less than 20,000 tonnes per year) while the other is a Class A licence Quarry (greater than 20,000 tonnes per year). The class A quarry licence does not permit operation below the water table, so no large-scale pumping of groundwater will occur.
 - c. The bedrock aquifer in the study area has not been designated as “highly vulnerable” by the NBMCA or any other regulatory body.

Mr. Nelson continues to involve the aggregate property to the east of the subject lands as part of his objections. This property has nothing to do with the aggregate operation which was approved after an exhaustive process many years ago. For the record, at its closest point, this proposed subdivision is over a kilometer away from the aggregate operation and is in a different watershed. Even the traffic study he has had peer reviewed and commented on at the meeting was for the aggregate operation, not for this development. His personal objection to the aggregate operation is finding its way into this application process and it should be summarily dismissed.

Mr. Nelson made an inaccurate statement when he wrote the following to Council: *“Lastly, there was no ability from the public to interject when the Applicant's Consultant made statements that were inaccurate . Specifically, the road clearing for the proposed subdivision was done in accordance with recommendations both the NBMCA, and the MECP. In fact, The NBMCA were aware of the project but had yet to visit and were waiting for warmer conditions but the MECP was totally unaware of the project. The road was being built outside of those times and there are multiple witnesses and even a member of counsel was notified. Councillor Kelly made sure that the public could not question these statements.”*

The statement made by the Senior Planner, Steve McArthur, MCIP, RPP was that: “The Degagne Group of Companies engaged FRiCorp Ecological Services to undertake the required EIS work.” Not the NBMCA or MECP – that is not their role. The EIS study identified candidate and confirmed species at risk habitat on the site. As per the EIS findings, the Draft Concept (and by extension the Draft Plan of Subdivision) was adjusted to avoid confirmed Category 1 and 2 Blanding's Turtle habitat, as well as potential habitat for Eastern Hog-nosed

Snake. You will notice the road corridor swings east to avoid road clearing within those areas and to allow larger buildable envelopes on the west row of proposed lots. Degagne Development has removed trees along the proposed road corridor in March and early April. The purpose of the tree clearing was to facilitate road designs by allowing geomatics studies (e.g., topographic surveys). Those studies are necessary to inform the engineering work for the design of the roadway and culvert to municipal standards. The Owner is aware that tree clearing of this type is best performed in the winter (per environmental best practices) and did not want the project to be delayed upon mid-year approvals.

The Municipality of East Ferris does not have tree removal or site preparation by-laws. As such, this tree removal was not subject to municipal land-use reviews or approvals. There is no work underway on site at this time, and none anticipated until after draft approval and pending detailed road design. Regarding mitigations for protected species, in addition avoiding the identified habitat, the EIS recommended timing restrictions to avoid reptile, bird and bat active periods. Appropriate timing for clearing at this site is prior to April 15 for reptiles, April 12 for the General Nesting Period (forests of Zone C3), and May 1 for endangered bats in Northern Ontario (per MECP 2022 Technical Note).

In summary, our Client has done everything required by Provincial legislation, including:

- 1) Retained professional advice with respect to assessing project impacts to threatened and endangered species,
- 2) Incorporated EIS findings into their project designs
- 3) Cleared the roadway in the appropriate season, being mindful of timing mitigations that apply to their actions on site; and
- 4) Have asked the appropriate questions when necessary and followed advice accordingly – they have consulted with qualified professionals throughout.

2. Letter from Philip Koning dated May 22, 2026. Mr. Koning has provided yet another letter responding to our supplemental letter dated May 15, 2026. It is worth noting that Mr. Koning attended the meeting for the Committee on May 20th where he had the opportunity to voice concerns publicly and to ask questions directly of the qualified professional engineer. He did neither. The following points are in response to this third submission that he has provided.

- a. Number of Test wells. It is important to note that D-5-5 is a “Guideline”, not a regulatory requirement. In the peer reviews and OLT case that we have been involved with, it has been well established that meeting the full number of wells recommended by D-5-5 is not an absolute requirement. What has been established is that the number of test wells required is a professional judgement call by the hydrogeologist in charge. In this case, 5 test wells was deemed suitable because based on the historic well review, the groundwater source aquifer is typically bedrock which displays fairly consistent properties.
- b. Use of Regional Assumptions – The 2006 North Bay Mattawa Conservation Groundwater study is a regional study but is relevant. In addition to using the water budget information from this report (less than 1 percent of groundwater in area being used in 2006), we also presented a water budget for the proposed development property which showed more than 4 times of water required for the development will be available from groundwater recharge within the property boundary. Mr. Koning statement that our May 15th letter “*relies extensively on generalized recharges assumptions*” is misleading. The information was provided as ancillary information to all the other work that was done during the hydrogeological study. Mr. Koning’s statement that our May 15th letter “*repeatedly assumes that septic recharge will largely offset groundwater withdrawal*” is also misleading. Our statement (point 3 on May 15 letter) regarding the amount of local recharge from on-site septic’s was “*rural residential lots do not constitute a 100 % water withdrawal from the environment*”. We then made a statement that “*most of the water that is extracted from the well will be locally infiltrated back into the local groundwater regime*”. When we use the term local groundwater regime, we did not specify overburden or the bedrock aquifer. The main point from our May 15th letter is that “*the net water withdrawal will be less than 25 percent of the available groundwater*”

recharge”. This is a true statement even if there is no local recharge of the local bedrock aquifer from the on-site sewage systems.

- c. Development Environment 2006 to 2026.
 - i. According to Statistics Canada, the population of the municipality of East Ferris has grown from 4,228 in 2008 to 4,946 people in 2021. East Ferris has a surface area of 155.17 square kilometers (155.17 million square metres), so the overall average population density went from 1 person per 36.7 ha in 2006 to 1 person per 31.4 ha in 2021. From a groundwater supply perspective, the limit is roughly 1 person per 0.25 ha, so there is no concern with population growth since 2006 or continued growth for a very long time.
- d. Climate Change – There is no regulatory requirement to do a climate change analyses for such a small rural subdivision. If in the distance future there are climate change effects that affect water availability, adaptation will no doubt be employed as required if and when necessary.
- e. Recharge of Bedrock Aquifers – Our analyses shows that there will be more than 4 times the required water available based on the water budget assuming no local infiltration back to the bedrock aquifer from the on-site sewage (conservative) so this is a mute point.
- f. Aggregate Operation – See Point 1b above. Our comments regarding the potential impact are based on our experience and professional judgement and stand.
- g. Treadlighty Comparison – This comparison to the Treadlighty development (3 times more dense than the proposed Lavigne Road) does provide anecdotal evidence that groundwater supply at a higher density is viable. A more detailed comparison is not warranted.
- h. Long Term Build-Out – Based on current the population density noted in 2b above, there will be no issues limiting growth in East Ferris for a very long time with respect to groundwater availability. In terms of expected future growth, that is the responsibility of the municipality planning department.
- i. Peer review – As per our May 15 letter, Peer reviews are normally done on high density developments and where there are higher competing demands on water resources. Neither of these scenarios applies to the proposed low density development within an area with a conservative surplus of groundwater resource.

On this last point it should be noted that the HydroG study was accepted and used as part of the requirements for lot creation on over 20 new properties that have been created via Consent on Quae Quae, Corbeil, Derland and Lavigne Roads. In short – the horse is out of the barn. Peer review at this juncture is not only unnecessary for the reasons outlined above, but it is punitive. The Degagne Group of Companies has done everything they were required to do, as have the highly qualified engineers who completed the testing and reporting. As stated at the public meeting on May 20th, Tulloch stands behind the work we have done and has a regulatory requirement to take responsibility and have liability insurance in the event of any issue. To date, there has been zero issues with any of the wells drilled or with the water supply for the homes constructed.

Mr. Koning wrote to Council with the following statement: “*Does not comply with OP or Zoning Bylaw since changes are required.*” Respectfully, this statement indicates that he does not understand the process. This application is a concurrent application under the Planning Act for a site-specific Official Plan Amendment, a Zoning By-law Amendment and Draft Approval of a Plan of Subdivision. This is always the case when a Rural Estate Subdivision is being applied for – in East Ferris or in any other municipality in the Province.

On a final note, the Degagne Group of Companies has met all requirements for a complete application and seeks Draft Approval for a proposed 41 Lots Subdivision off of Lavigne Road. The Municipality of East Ferris can be assured that highly qualified professionals in the fields of land use planning, environmental assessment and hydrogeological study have signed and put their respective professional designation seals on these submissions. While it is commendable that the public has participated in the process, we cannot provide anything further. We have spent three (3) years on this project and these delays continue to impact our clients negatively – both in terms of timing and costs – which in the middle of a Provincial Housing Crisis eventually find their way in whole or in part down to the individual property owner.

Respectfully, this application is complete, has been unanimously endorsed by the Planning Committee, and should be approved by the Council of the Municipality of East Ferris on May 26th, 2026.

Thank you.
Steve



Matthew Parfitt, P.Eng., P.E. (MI)
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We want to build an organization where everyone loves their job and their leaders care for them



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