

Application B19-017 and A19-121 (67 Main Street South)

Submission by Christine and Tony Helik

E-mail dated September 24, 2020 with attached Arborist Report
Peer Review

Myers, Jeanie

From: Chris Helik
Sent: 2020/09/24 3:27 AM
To: Caruso, Carmen; Swinfield, Shelby; Vanderberg, David (PD&D); Myers, Jeanie; Quinn, Danica; Fay, Peter
Cc: Carol McClelland; Heather Picken; Betty Lee; Claudio Ana Teixeira; Derek Sim; Jennifer Sansalone; Mona Frial-Brown; Nick Sansalone; Lynn Rudolph; Edo & Robi van Belkom; McNair Jackie; Laura Benner; Jaime Richards; John Mummery; Sandi Tracgona; CYNTHIA HARTZENBERG
Subject: [EXTERNAL]67 Main St S Applications #B19-017 and #A19-121 Arborist peer review
Attachments: 67 Main St S Arborist Report Peer Review 20200922.pdf; ATT00001.htm

Good morning Mr. Caruso,

As promised, attached you will find the peer review report completed by our experts, Dougan and Associates.

The summary of this report states that **“The updated arborist report by KFCI (August 2020) is more effective than the previous report by DA White (July 2020) at identifying and quantifying impacts to trees resulting from the proposed development. However, the report does not follow the City of Brampton’s tree protection fencing standards, does not properly interpret the City’s tree by-law or the Forestry Act, and does not consider the full implications of site development on existing trees.”**

As a reminder to planning staff, neighbours have already stated (to you) both in writing and verbally, that they will not be giving consents that would be needed for the resultant injuries to boundary trees and therefore a permit for the construction of the development project as planned cannot be granted.

Our arborist is being fair and balanced so her conclusions including that no permit can be issued for the project when no consents to injure the boundary trees are going to be forthcoming, should be heeded.

Again, a separate planning and legal position will be forthcoming today.

Regards,
Chris Helik
71 Main Street South
Brampton, L6Y 1M9

Chris Helik, PPNI

September 22, 2020

Chris Helik
71 Main Street South
Brampton, ON

RE: Peer review of Arborist Report for 67 Main Street South, Brampton (DRAFT)

Background and Purpose of Peer Review

Dougan & Associates (D&A) were retained by Chris Helik to peer review the report "*Arborist Report for 67 Main Street South, Brampton*" prepared by DA White Tree Care dated July 30, 2020. This arborist report was prepared in support of an application to divide the existing lot at 67 Main Street South and to construct a new, 2-storey residence on the created lot, which is accessible via an existing gravel laneway to Elizabeth Street South. The purpose of the peer review conducted was to:

- Determine compliance with applicable by-laws and policies regarding trees and Brampton's urban forest;
- Assess the findings of the study with regard to best practices in tree assessment and preservation; and
- Recommend further studies or next steps to address any deficiencies.

D&A prepared a peer review letter dated August 12, 2020, which found significant deficiencies and inconsistencies in the original arborist report. Following the submission of this peer review a new arborist report has been prepared by Kuntz Forestry Consulting Inc., titled "Tree Inventory and Preservation Plan, 67 Main Street South, Brampton, ON" (August 28, 2020). This updated letter has been prepared in response to the KFCI report.

In addition to the review of the updated report, D&A staff visited the subject site and neighbouring properties on September 17, 2020. Permission to access the subject property was provided via verbal confirmation by Martin Quarcoopome from Weston Consulting, and permission to access neighbouring properties was organized by Chris Helik. The purpose of the site visit was for D&A's arborist to review the trees and site in order to better understand the existing conditions and inform the preparation of this report.

Kuntz Forestry Consulting Inc (KFCI) Report Review

D&A have reviewed the August 2020 report prepared by KFCI; in general it is a significant improvement on the previous report. Many inconsistencies and deficiencies regarding the DA White report have been rectified (i.e. status of laneway, which will not be resurfaced), and the new report is clearer overall and well written. The appropriate City policies have been identified and interpreted in the report and anticipated impacts to trees are more clearly identified and explained (e.g. root zone impacts, pruning required).

We are not satisfied, however, with all aspects of the updated report. We do not believe that the magnitude of impacts to neighbouring trees is adequately assessed, and that policy regarding impacts is appropriately interpreted. There are also details of the site development that are incomplete which may have impacts on trees both on and off site.

Magnitude of Impacts:

The limit of development is shown on the Tree Inventory and Preservation Plan (TIPP) as the building envelope and is surrounded by tree protection fencing. The report recommends the use of horizontal hoarding along the existing laneway to Elizabeth St to prevent soil compaction. Pruning is recommended for 6 trees, primarily along the laneway, and removal of 5 trees is recommended (3 due to development impacts, 2 due to condition).

Tree preservation fencing locations provided in the TIPP do not reflect the City of Brampton's standard requirement for 2x dripline limit for trees >30cm DBH and at the dripline limit for trees <30cm DBH. The KFCI report includes the City of Brampton's tree preservation fence detail which shows appropriate tree protection fencing locations, however as identified in the KFCI report *"encroachment into 2x the dripline will be required for Trees 906, 913, 926, 927, and 935, and encroachment into the driplines themselves for Trees 906, 913, 915, and P will be required to accommodate the proposed development."* 2x dripline is shown on the KFCI drawings as blue dashed circles, and the dripline is shown as a green dashed circle. Abiding by the City's standards would avoid impacts to existing trees. D&A's arborist also measured the DBH and dripline radius for several trees on adjacent properties and found that they were different than those shown on the drawings; in particular tree F was found to have a crown radius of 6-7 m, rather than the 5m shown on Table 1. This will affect the tree dripline and recommended preservation fencing location for this tree in particular; other tree DBH and driplines measured by D&A were reasonably accurate. The report provides a minimum tree protection zone "utilized by most surrounding municipalities" on the drawings, shown as a magenta solid circle. This is not the City of Brampton's standard and it is unclear why this was used. We recommend amending the tree preservation fencing location to reflect protection of trees found on the site to reflect the City of Brampton's standards in order to avoid impacts to boundary and neighbouring trees. Oversight would also be required during installation of the tree protection fence and during construction to ensure that the fencing is installed in the correct location, and regularly monitored and maintained throughout the construction period.

Protection of trees along the proposed access laneway was a key concern of D&A's August 2020 peer review. The KFCI report recommends horizontal hoarding to avoid root zone impacts; this horizontal hoarding is recommended to be comprised of *"300mm of coarse wood chips laid beneath two layers of 2x4s or steel plates"* with a detail provided on the TIPP. The principle of horizontal hoarding is supported in concept, however it may not withstand the weight of construction vehicles and loads of excavated soil dug during the foundation construction. Significant monitoring of the horizontal hoarding would be required during construction, and construction would need to be suspended if the hoarding is not effective (similar to the note about structural or feeder roots on page 5).

Pruning of trees is recommended for 3 trees along the laneway to accommodate construction equipment passage, and in combination with potential root zone impacts could have cumulative impacts on the long-term health of these trees. Trees 929, 930, and 932 requiring pruning up to 10%, and tree 915 requiring pruning up to 30%. ANSI A300 pruning standards allow up to 25% of live crown removal on mature trees, but mature trees have lower tolerance for pruning impacts and typically recover more slowly than young trees. Several of the laneway trees show recent pruning wounds, as noted in Table 1 of the KFCI report. Therefore the pruning of tree 915 should be reduced as much as possible, and the importance of maintaining the horizontal hoarding in good condition along the laneway would be of extra importance in reducing impacts to adjacent trees.

DOUGAN & ASSOCIATES

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Policy:

The KFCI report correctly identifies that the subject site is subject to the provisions of the City's Tree Preservation By-law 317-2012, which requires a permit to injure trees >30cm DBH. The report does not, however, identify that boundary trees cannot be injured without the written consent of the adjacent property owner. Injure under the By-law is defined as *"to injure or Destroy a Tree by any action that causes physical, biological or chemical damage or death to a Tree, but does not include pruning or removing branches for maintenance purposes"*; Section 20(e) of the By-law further states that *"A Person who intends to Injure a Tree shall file an application for a Permit by submitting the following to the Commissioner... the written consent of the adjacent property owner if the Tree to be injured is a boundary tree"*.

According to Figure 1 of the KFCI report, trees 906, 913, 929, 930, 931, 949, PT, and P are boundary trees and written consent of adjacent property owners for impacting boundary trees has not been provided. A permit therefore cannot be granted for this project.

Similarly, the Forestry Act regulates impacts to boundary trees and states "Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the landowners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21." Injury to trees 906, 913, 929, 930, 931, 949, PT, and P would therefore constitute an offence under the Forestry Act.

Site Development Details:

Within the KFCI arborist report, the limits of development are identified as the building envelope and tree impacts are based on this being the anticipated maximum limits of development. At this time no other plans are available, such as servicing, grading, architectural, or landscaping plans. These plans, particularly grading and servicing, have the potential to have additional impacts on trees such as if trenching is required for servicing or if water infiltration or drainage on the property is altered. The arborist assessment should be updated when these plans are available in order to fully understand, avoid, and/or mitigate impacts to trees.

Summary

The updated arborist report by KFCI (August 2020) is more effective than the previous report by DA White (July 2020) at identifying and quantifying impacts to trees resulting from the proposed development. However, the report does not follow the City of Brampton's tree protection fencing standards, does not properly interpret the City's tree by-law or the Forestry Act, and does not consider the full implications of site development on existing trees.

Best regards,



Mary Anne Young, BLA, OALA, CSLA, ISA
Landscape Architect, Ecologist, Arborist
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Dougan & Associates



Jim Dougan, MSc, Hon. OALA
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