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via email: judy.mabee@gmail.com

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Ms Judy Mabee
President
Belfountain Community Organization

**Re: Manors of Belfountain Corporation Application
Belfountain Community Organization**

Dear Residents,

The Manors of Belfountain Corporation (the “Applicant”) has submitted an appeal under section 51(34) of the *Planning Act* for an Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days. The Applicant has proposed a Draft Plan of Subdivision consisting of 67 estate residential lots, averaging 0.63 hectares in size, three open space blocks, and 2.46 hectares of parkland.

In our opinion, the Application is an arbitrary imposition of an intense, car-dependent development that is totally inconsistent with this sensitive landscape and is contrary to the required ecosystem approach to planning.

In addition, the Application has been vetted by one of the world’s leading hydrogeologists, Dr. Ken Howard, with whom we’ve worked in the past to successfully stop development. Dr. Howard concludes the Application is deficient.

Donnelly Law is very familiar with Belfountain and surrounding environment. Our firm has acted previously for Belfountain Community Organization and has a deep connection to the Greenbelt and Niagara Escarpment.

Our primary recommendation to BCO is to marshal resources to continue with Dr. Howard and to hire an ecologist (we recommend Mr. Gord Miller, MSc) and a planner. It is now less certain how aggressive the provincial government will be in challenging piecemeal development and defending the environment. BCO must play a leadership role in protecting this unique part of southern Ontario.

The Development is located within the “Minor Urban Centre” designation in the Niagara Escarpment Plan (“NEP”). The lands are also designated “Escarpment Rural Area”, “Escarpment Protection Area” and “Escarpment Natural Area” under the NEP.

These lands have an extensive planning history. In 1990, a Draft Plan of Subdivision was proposed to develop 77 homes. In a Consolidated Board Hearing involving the Niagara Escarpment Hearings Board and the Ontario Municipal Board (“OMB”). The Consolidated Board Hearing identified hydrogeology as a specific concern. NEC Planner Michael Baran stated that any new plan would need to reduce density and that extensive study would be needed to determine the effect of the development on the water table and existing wells.

The Developer has conducted a hydrogeological study. BCO has retained Dr. Ken Howard to review this study. In his review of hydrogeological study dated May 3, 2019, Dr. Howard stated:

I find that the proponents have failed to demonstrate that aquifers beneath the site can adequately sustain the development’s proposed drinking water requirements. Significant water quality issues (nitrate and sulphate) affect parts of the site and serious questions must be raised regarding the ability of the target aquifer to provide sufficient water, especially in the longer term.

In the same letter, he also stated that the “hydrogeological investigation is seriously lacking in many respects”. We believe this opinion from a renowned hydrogeologist gives the community a strong case to defeat the development.

Equally powerful are issues such as natural heritage protection, connectivity, traffic safety, noise and a number of planning and compatibility concerns. In addition, there does not appear to have been consultation with First Nations, a regrettable oversight in light of our shared commitment to Truth and Reconciliation.

Please do not hesitate to contact me if you have any questions regarding this letter.

Yours truly,



David R. Donnelly