

November 6, 2023 Delivered by individual email to all and the original signed hard copy hand delivered to The Township Office

To: The Mayor and Council Members of Woolwich Township
CC: Jeremy Vink

From: Delmer B. Martin of 460 Arthur Street S. Elmira **re: 461 Arthur Street S. ELMIRA and Proposed New Open Space 0-2 Zoning on Woodlots** - Public Planning Meeting on November 7, 2023, 7 pm

I am the owner of the 52.09-acre farm at 461 Arthur Street South - (shown as Property 1 on the first Map); Township of Woolwich. This farm of 21.08 Hectares (52.09 acres) in total of which approx. 32 acres/13 Hectares is a mature woodlot, with the woodlot containing an existing sap shanty with a concrete base, and 48-foot Dry Van Trailer on wheels, and several drilled water wells. There is an existing driveway off Arthur Street and Hydro service and Gas service are available at the driveway into the woodlot. There is an very old pit run gravel driveway in the woodlot from the main highway driveway on Arthur Street S. going all the way to the corner of my farmland abutting Union Street.

As per documents in my possession and at the Registry Office this farm has been handed down/sold/transferred directly from father to son since 1830 to the present date. It has always been permissible to build a house and barn and accessory farm buildings in this private woodlot and not regulated to be erected only in the open field that is used for crops.

On June 25 1996 Woolwich Township passed site-specific **Bylaw 60-95** which approved me to place a Mobile Home in the center area of the woodlot section (**shown in the site plan of Bylaw 60-95 attached**) to be used as a "Principal Dwelling Unit" and to be in effect for 10 years. I submit with this letter a copy of the Site Plan that was approved in the same Bylaw 60-95 which indicates my proposed residence in this woodlot. I hereby formally request that if Open Space Zoning is applied throughout Woolwich Township on what is currently Agricultural Zoned parcels of Woodlots, Woolwich Township would grant me Site Specific regulation for me or my assignee to build a single detached dwelling residence home in the interior of the woodlot within the large section that is not in the Engineered Floodplain which is clearly outlined by GRCA mapping available online and as shown on map attached.

From 1995 to 2000 I managed my parent's farm and the dairy herd located across the road and shortly after the passing of Bylaw 60-96 I ended up actually purchasing the homestead farm across the road at 460 Arthur Street South (Property 2 on the Map attached) and resided there from then until the present. As a result, no mobile home was located in the woodlot, only a 48-foot-long storage trailer on wheels which has been used only for my own personal items.

On May 10, 2010 (before I bought this vacant farm/land at 461 Arthur Street S from my mother's trustees) Jeremy Vink as Planner for Woolwich Township in an email exchange confirmed that I was allowed to build a residence home and barn buildings in the same woodlot. (Agricultural Zoned) I confirm that I have been paying Agricultural Tax on the whole 32-acre woodlot for all these years.

On July 30, 2010, GRCA Staff conducted a site inspection visit in my woodlot, and after inspection, GRCA officials confirmed that there were NO WETLANDS on our woodlot/farm property and the previous old Wetlands Designation was removed from the woodlot as per GRCA.

On December 10, 2010, after receiving the assurances of the Woolwich Planning Dept. and Melissa Larion of GRCA in writing, I went ahead and purchased the woodlot/farm from my mother's estate trustees.

I found out on October 7, 2023 that it appears that Woolwich Planning Staff are proposing O-2 Open Space Zoning with new regulations and massive restrictions to be applied unilaterally on what is still Agriculturally Zoned Farmland specifically applied to the whole woodlot portion, and if this is the case, I am totally against it. I understand that some of the housing and industrial subdivisions in Woolwich will have small (in size and in ratio) woodlots and Wetlands dedicated and rezoned as parks or Open Space after the Agricultural Zoning has been changed to residential Zoning or Industrial zoning for a new subdivision but in this case there is no new subdivision at all.

I can assure you that many farmers who own woodlots would be offended if it becomes personally evident the community cares more about the woodlot than the current owner of the property who in many cases has also been caretaker of the woodlot for a lifetime without any assistance from the public or government. I

am of retirement age now and have no children to take over the farm homestead at 460 Arthur Street South. It would be unfair and unreasonable since I am now of legal retirement stage that I would be suddenly deprived of being able to build my dream retirement farm with say a log house in my own 32+-acre woodlot right next to my cleared 15 acre crop field.

From a technical timing point of view, I FORMALLY OPPOSE rezoning any part of my 32-acre woodlot portion that is outside of the floodplain to 0-2 Open Space Zone while the remaining isolated cleared field of about 16 acres being farmed remains as an isolated and standalone section of Agriculturally zoned land. Right now, I see this Open Space Zoning as the Township developing (or redeveloping-subdividing) my land without my application or consent and it is being done in the wrong order compared to any other Open Space zoning in Woolwich. There has never been any real meaningful consultation with me involving the township or the Region of Waterloo concerning my properties from a problem-resolving perspective such as an Elmira Bypass and the viability /planning for my 2 properties.

I first became aware on October 6, 2023 that this proposed 0-2 Zoning is also proposed to be enacted on what appears to be 100's of woodlots owned by farmers and others in Woolwich and It looks like public notices issued by the township did NOT alert these individual owners owning such a woodlot about these site specific zone changes on what is currently all agriculturally zoned land.

This new Open Space zoning proposed to go on what were Agricultural zoned woodlots is a direct regulatory attack on private property woodlots on farms and goes against the interests of the legal owner and the private property which has been so well taken care of by so many many generations of families and farmers. This proposed 0-2 Open Space Zoning is NOT in support of the farming communities, because when one looks at all the wordings and descriptions the brand-new 0-2 Open Space zoning clearly advocates in great detail for the "public" use and enjoyment and benefit of PRIVATE PROPERTY much more so than the farmer who legally and rightfully owns the land currently. I am completely against any such change unless the rightful legal owner has been given informed legal consent and full compensation.

The Region and Woolwich Township planning is hereby proving by actions that there are 2 sides (an actual Conflict of Interest) to what you call "The Countryside Line" but notwithstanding I would simply advocate that Common Law prevails and respect for everyone's private property on both sides of the line including farmers is critical and paramount. You do not see individuals who are outside the countryside line dictating what occurs inside the Countryside Line so reciprocal respect should prevail and, in my opinion, must prevail.

It would be better for the security and the environmental protection of the property ie; illegal dumping /trespassing, if the owner/manager was residing there nowadays and this would even be relevant if the 16-acre cleared field would become part of Elmira's industrial /commercial employment lands especially if the Elmira Bypass goes ahead on the east side...it would also give me or my assignee the option to have a home and farm on the east side of the highway if is decided by the Environmental Impact Study currently underway that the bypass is recommended to be on the west side of the main Road into Elmira. I have always advocated from first-hand knowledge that it is the commuter traffic to/from Birdland Subdivisions that causes the daily traffic jams and that these traffic jams and the resulting regular accidents in stop-and-go traffic are a separate issue from truck traffic.

Changing/Restricting the use of my private woodlot to mostly all public enjoyment and Government and Scientific purposes and simultaneously prohibiting a farmer who owns the surrounding farmland on the same parcel from residing/having a home inside one's own woodlot is completely unfair. This is downright hypocritical since the Birdland Subdivisions of Elmira are based on the same type of mature woodlot. So obviously, residences in woodlots and surrounded by trees are highly desirable and one of my lifelong dreams is to build a log-house/farm in my woodlot someday.

With this proposed 0-2 Open Space Zoning I would be only left with notional/nominal use of my woodlot. This restrictive proposed Zoning is completely unnecessary on my property as I have explained in detail above. This restrictive proposed zoning is unreasonable on my woodlot Property which has Engineered Floodlines and no GRCA Wetlands. This proposed zoning and its restrictions and regulations on my woodlot based on its wording effectively changes my private property land into mostly a

public and or government resource, while simultaneously taking away my current right to build a residence in my own woodlot that is currently zoned AGRICULTURAL. IF this proposed 0-2 Open Space Zoning is placed on what is now my Agricultural Zoned Regulated land this new zoning would significantly impair my/my assignees' personal and private use and enjoyment of this mature woodlot.

The Region of Waterloo, Core Environmental Feature (aka Constrained Land) is not threatened by the owner/caretaker having a residence in it because all sorts of buildings are permitted for the public/government/institutional uses inside the woodlot area as proposed by 0-2 zoning) **At the core of the issue is that a private property owner takes better care of their own private property than the public or government will.**

My bottom line is that I hereby formally request Woolwich Township to utilize **Site Specific Planning to preserve the right for me or my assignee to build a single detached dwelling residence home and farm buildings in the interior of the woodlot in the large section that is not in the Engineered Floodplain which is clearly outlined by GRCA.** There are no Wetlands on this property as per GRCA.

Sincerely:

Delmer B. Martin
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