

Since February 2024, our community has been working with the Township to find a viable, cost-effective option that will allow homeowners to fill in ditches for safety and aesthetic reasons. It is our expectation that within the next 60 days an agreeable solution will be reached.

We understand that, on September 24, 1999, the Township entered into a subdivision agreement on Part Lots 2 and 3, Con.A. Although an agreement was in place, the developer did not move forward with construction at that time.

In 2017, Raymax Construction Ltd., purchased the property and entered into a new agreement with the Township. The agreement was amended and updated in some parts to ensure compliance with current regulations, such as the water main design.

Separately, a few years prior to the 2017 Raymax agreement, Huron Road was reconstructed, at which time storm drains/culverts were installed along it allowing water to flow to Lake Huron.

What follows is taken from your staff report, File Number C11 PW 24

“The subdivision construction went well until lots were sold and built on beginning in 2020. The subdivision drawings did not specify how the driveways were to be constructed; they were the responsibility of the lot owners. When the first few driveways were constructed, the developer was diligent in ensuring that they did not interfere with the subdivision design and the assumption process by the Township. However, this changed in 2021, with the developer having less and less oversight over the development.”

We have to ask why the Township did not require documentation of any agreed-upon updates with the developer and execution of a revised subdivision plan prior to construction. Secondly, knowing the developer

was providing less oversight, why was construction not delayed until the Townships concerns were addressed?

Again, from your staff report,

“Most of the ditches in this development are functioning as they were originally designed. However, there are areas where the ditches have been eroded during heavy rain events.”

We contend that the original ditch bed has minimal eroded soil that could prevent water flow. In the areas of drainage concerns noted in your pictures, the original ditch grade and driveways installed by the developer remain in place.

Further, from your staff report:

“The native sandy soil is susceptible to this type of erosion, so repairing these areas with a clay soil may be necessary if the ditches are to remain in this form”.

Our site Lot #3, prior to development, was shown to have a layer of glacial clay 3'-5' below the lot surface. That would mean the existing ditch depth is within 1-2ft of glacial clay. What is more clay soil going to do? Erosion is not the problem!

The west side of Huron Road where our home lies, has no drainage issues. After being advised that our driveway culvert was flat and might need to be regraded, we had the elevations retested. The testing proved that the driveway culvert is not flat. The remeasuring indicates a 7" - 8" or 1.1% slope. Furthermore, the 500' distance from our driveway to the culvert located on the south side of Huron Road has a fall of 33.5". This ensures that there are no drainage issues. During construction of the driveway, all documented grade requirements were followed.

As noted in your pictures, the east side of Huron Road Lots #17, #18, and #19 has drainage issues, these driveways and ditch grades have not changed from the original subdivision drawings. Even if the water drained to the culverts located on the northeast side of Huron Road, water would still pool in these locations. The culverts leading to the lake are at a higher elevation than the opposing ditch – one such culvert has at least a 5% kick-up and would require a significant amount of water in the ditch for it to drain effectively. If due diligence took place before construction, Sunset Place would not be faced with drainage issues with these three properties, nor with the corner lot of Huron Road and Sunset Place.

Although, John Yungblut Director of Public Works, worked to find a solution, that solution should not have put the burden on the community to contribute to the cost associated with the upgrading of storm sewers/ culverts on Huron Road. Furthermore, the mention of the potential removal of existing finished driveways is NOT ACCEPTABLE, when the Township was in a position to prevent any drainage issue prior to construction.

Is this not what we pay taxes for?

This work should have preceded the development of the subdivision to meet the updated Huron Road elevations. Furthermore, we must ask why the Township proceeded with the installation of a walkway, which cost upwards of \$130k? If drainage was a concern when the Township installed the walkway, we would like to know why the ditch surrounding that area was filled in and seeded?

The money spent on the unnecessary walkway should have been used more economically, maybe to pay for the needed updates to Huron Road.

As noted in the August 7, 2024, presentation to the Committee of the Whole File # C11 PW 24, the Township recommends that the only way forward is a cost-sharing agreement with property owners. Such an agreement should pertain only to property ditches. We strongly believe that residents should not be required to pay for upgrades to Huron Road.

Again, this is what we pay taxes for.

The option we provided at the outset of these discussions is still the best solution. Each property owner should be allowed to fill in the ditch fronting their property, should they so desire. We are very willing to work with Huron-Kinloss Public Works staff as they provide oversight to ensure that we meet their requirements.

Regards,

Peggy Zeppieri

Tom Cole

Sunset Place Community