



Report to: Mayor and Members of Council

From: Ian Clendening, Planner

Date: January 25, 2018

Subject: Report #18-008 Planning  
Assessment of Claude Brown Road Boat Launch Option

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### **Report Purpose:**

The purpose of this report is to provide Council with additional information regarding the potential establishment of a public boat launch on an unopened road allowance at the north end of Bob Lake.

### **Background:**

The Township historically maintained a public boat launch located at the south end of Bob Lake and situated adjacent to the reservoir dam used by Parks Canada. Based on historic records it would appear as though the former Township of Lutterworth was of the belief that the boat launch was located on Township property, being the shoreline road allowance associated with Bob Lake. Unfortunately due to the nature of Bob Lake and the extent to which its water levels were raised to accommodate its role within the larger Trent-Severn Waterway system, there is no shoreline road allowance in this location, as the area is flooded land.

In the Spring of 2017 the Township was informed that the boat launch was located on private land and was asked by the landowner to cease its operation. After extensive deliberations, Council decided not to take action regarding opportunities to purchase the property or to pursue the development of an alternative boat launch site.

On November 30, 2017, the newly formed Bob Lake Association presented a delegation to Council identifying what they determined to be a feasible site for the development of a boat launch and asked Council to pursue its development. The proposed location utilizes the unopened road allowance between Lots 10 & 11, Concession 3, Anson, where Claude Brown Road changes from a “forced” Township Road to a private road. The proposed boat launch, the Association suggested, would make use of the existing snow plow turn around which would be further expanded to facilitate the boat launch development.

Given Council's interest in rectifying the loss in public boat access on Bob Lake, this report has been prepared to evaluate the feasibility of the site identified by the delegation and illustrated below.

### **Analysis of Claude Brown Road Launch Site:**

The issues associated with the Claude Brown Road Launch Site can broadly be grouped into the following categories:

#### **1. Traffic Safety**

The primary concern identified by the Township's Roads Superintendent is the fact that Claude Brown Road traverses directly through the proposed travel path of vehicles loading/unloading boats. Based on the concept plan provided, the existing shoreline is 2m. (6'7") from the edge of the southwesterly limit of the travelled road and 3m. (9'10") at the southeasterly limit. Claude Brown Road separates the launch area from the associated parking and turn around area.

This arrangement would not be desirable as traffic would be forced to either stop or navigate around vehicles maneuvering for a proper alignment into the water. This is compounded by the relatively narrow width of the proposed boat launch which would make reversing down the boat launch more difficult and therefore more time consuming.

Due to the fact that Claude Brown Road becomes a private road over private property to the west of the road allowance it is not within the Township's right to realign the private road's approach leading up to the launch site, without pursuing expropriation.

The development of the boat launch at this location would require the re-alignment of Claude Brown Road to as great an extent as possible, however, it would be unlikely that the resultant development would be either safe or desirable and would likely carry with it significant liability/insurance implications.

#### **2. Encroachments:**

Claude Brown Road is a forced road (Township road over private property) to the east of the unopened road allowance whereas it is a private road (private road over private property) to the west of the road allowance. A survey of the area prepared for the Township identifies the snow plow turnaround as being roughly half on the unopened road allowance and half encroaching onto the private property to the east.

**Figure 2 – Private Encroachments**



As the Township does not own the land under which the eastern half of the snow plow turnaround is situated, there is significant concern about the legal right of the Township's to expand the use of the area to include a parking area or a more general turn around area.

The Township's ability to allow for the eastern half of the snow plow turnaround to be used for general vehicular turnaround rests on the assumption that the area forms a part of the road network. While this may be a valid assumption, the Township should not readily assume its right to expand its use over this area to include parking of any sort, and possibly as a boat launching turnaround specifically. This point is well articulated in the decision of *City of Toronto v. J.F. Brown Co* which states:

The diversion of a highway to any purpose except its paramount and primary purpose of a highway is unlawful, constitutes per se a common law nuisance, and subjects the municipality to indictment and to an action for damages at the suit of any one sustaining special and peculiar loss or inconvenience.

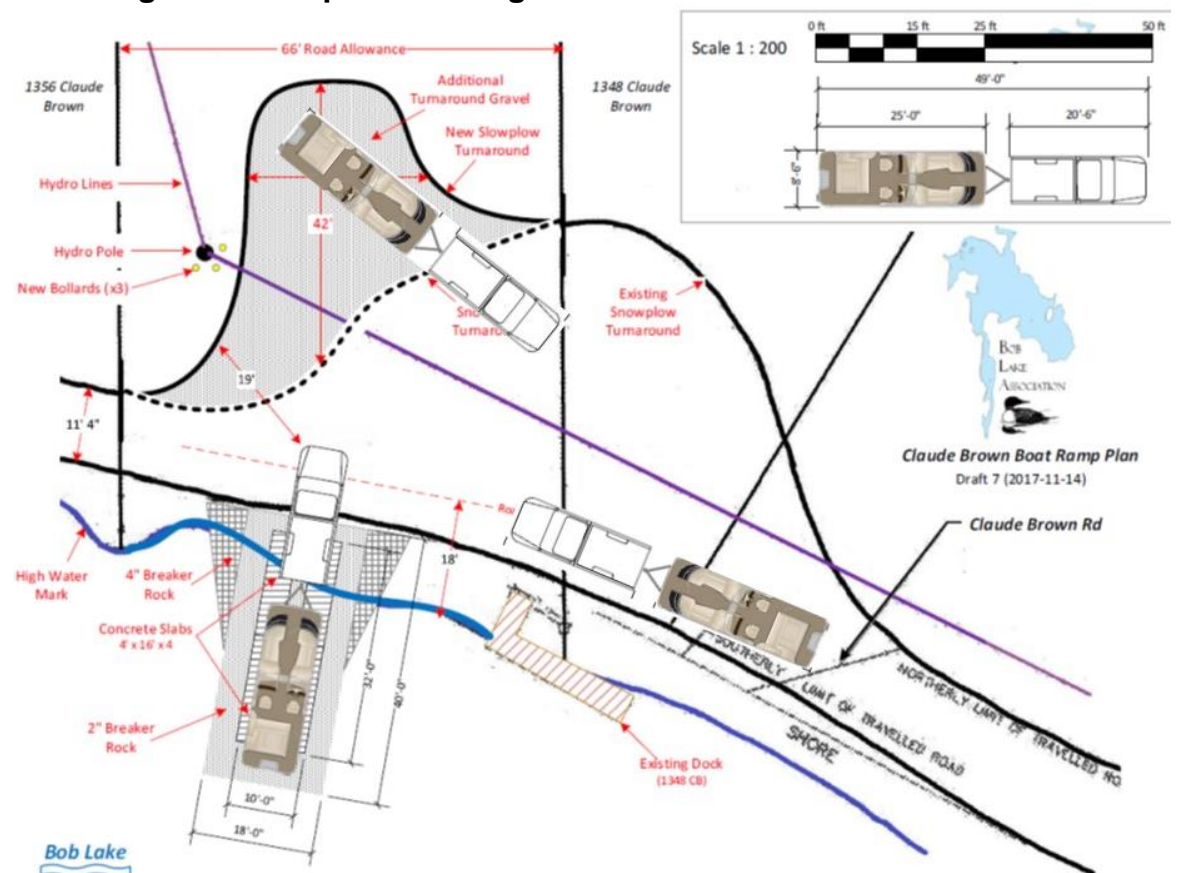
### **3. Parking/Turn-around**

As discussed above, the proposed site attempts to make use of an existing 66' wide unopened road allowance. As a private road to the west, the general public is prohibited from traversing, including

backing up into, this area without specific permission. To the east, Claude Brown Road is a Forced Road, which is to say that any deviation from the road, such as parking along the shoulder, would be a trespass situation. This poses significant limitations on both parking and turn-around facilities.

The illustration shown in Figure 1 is based on the delegation material which has been edited only to illustrate the impact of three trailered vehicles attempting to utilize the site at one time. The scale is fairly accurate and generally illustrative of the impact of the size constraint, and is especially relevant depending on the interpretation of Item 2 (Encroachments) identified above.

**Figure 1 – Proposed Configuration**



Given the constraints of the turn around area, the parking of vehicles at the site would have to be strictly prohibited a matter which would likely result in significant enforcement issues. Similarly, the queuing of vehicles would have to ensure a balance between not trespassing (i.e., deviating from the travelled road), and not encumbering the traffic along Claude Brown Road.

#### **4. Surrounding Land Uses:**

The area adjacent the road allowance to both the east and west is characterized by shoreline residential lots which would be considered undersized by today's standards, averaging 30m (100') of frontage and 0.2 ha. (0.5ac.), whereas 60m (200') and 0.4 ha (1ac) would be the existing standard. To the west of the road allowance Claude Brown Road services 33 lots.

The Lots to immediately east and west are poorly buffered from the proposed launch site, with the property to the east having an encroaching garden and a shed encroach onto the Township's road allowance. Although there is no prescriptive right over a road allowance, this is illustrative of the intensity of use immediately adjacent the proposed launch site. It is immediately to the front of this area which the expanded parking area would be located together with any services (e.g., portapotty).

The impact of traffic, noise, and lighting (i.e., from traffic) upon surrounding properties would likely be significant.

#### **5. Environmental:**

If pursued, the development of the boat launch would require the removal of the existing vegetation along the shoreline, including several mature trees. The sloped area opposite Claude Brown Road would also be cleared of vegetation and topped with gravel.

The environmental concerns with removing the shoreline vegetation are compounded in this situation given as the resultant development would have no vegetation between the road and the lake, and there is no barrier between the larger turnaround area sloped behind Claude Brown Road and Bob Lake. Bob Lake is identified as an 'At Capacity' lake trout lake owing to based on existing and modelled water quality conditions conducted by the Ministry of the Environment and the Ministry of Natural Resources, and is reflected on Schedule 'B' of the Official Plan.

At capacity lakes are highly sensitive to further shoreline development which can increase the phosphorus loading of the lake and thereby reduce the dissolved Oxygen content of the lake and threaten the viability of the naturally reproducing lake trout populations. Although the major human related contributor to increased phosphorus is septic systems, increased impervious space, and the resultant stormwater runoff, is another cause of increased phosphorous levels as the phosphorous may bind with particulate and migrate into the waterbody.

One effective mitigation measure against the migration of phosphorus includes the presence of a vegetative buffer strips, particularly where groundcover consists of an underbrush and layer

of decomposing forest litter. Under the proposed development the shoreline buffer, although currently small, would be removed, while the sloped area directly upshore would be made impervious, with the resultant storm water crossing Claude Brown Road taking with it any silt and particulate, and ultimately going into the lake.

## **6. Costs & Construction:**

Accommodating the proposal to the best of the Township's ability would require the turnaround area be cleared of vegetation and dressed with gravel. The boat launch itself would be constructed as a preformed ramp measuring 16' wide (the delegation proposal measured 10' in width, leaving just 1' on either side of a 8' wide truck, being the width of an F-250 measured at rear fenders).

The ideal construction would have a 12%-15% slope with the possible need to increase to 21% at the base only depending on site characteristics (the initial proposal suggested a slope of 21% the entire length).

Claude Brown Road would be realigned to the greatest extent possible with an engineer signing off on the plans.

In addition to the construction side of the project, a large component of the project would address the property related concerns. As such, it is presumed that there would be significant costs associated with property acquisition and legal, planning, and property acquisition costs.

A break down of the costs have been provided in Table 1 on the following page.

The numbers presented here are significantly higher than the cost estimates provided by the delegation (\$22,646.46 & \$28,823.68) based largely on the Township's inclusion of land and legal costs which were not reflected in the delegation's numbers. The Township has also included a significantly higher cost for the ramp itself, owing to the increased width (16' vs. 10').



**Table 1 – Anticipated Costs**

<b>Turn around</b>	
Grubbing/Tree Removal	\$ 2,000
Excavation (including lowering elevation of turning area by 1.5')	\$ 4,000
2"-4" Breaker Run	\$ 3,000
Gran 'A'	\$ 6,500
Installation of Light on Hydro Pole	\$ 2,500
Possible Culvert Installation	\$ 3,500
Signage	\$ 200
Roadway Realignment Delineation	\$ 1,200
Asphalt or concrete Pad	\$ 1,000
<b>Subtotal</b>	<b>\$ 23,900</b>
<b>Ramp</b>	
Concrete Pad	\$ 29,000
<b>Subtotal</b>	<b>\$ 29,000</b>
<b>Planning, Legal, &amp; Property</b>	
Zoning Amendment	\$ 5,000
Legal	\$ 15,000
Property Acquisition	\$ 65,000
<b>Subtotal</b>	<b>\$ 85,000</b>
<b>Contingency</b>	
Turn around @ 20%	\$ 4,780
Ramp @ 5%	\$ 14,500
Planning, Legal, & Property @ 30%	\$ 25,500
<b>Subtotal</b>	<b>\$ 44,780</b>
<b>Grand Total</b>	<b>\$ 182,680</b>

**Financial Implications:**

Should Council wish to pursue the development of the site, Staff have estimated a total cost of \$182,680 which has not been included in the 2018 draft budget.

**Energy Impacts and Renewable Energy Readiness:**

There are no energy impacts associated with this report.

**Recommendation:**

That Council receive Report #18-008 Planning Assessment of Claude Brown Road Boat Launch Option as information.

Respectfully submitted,

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Reviewed by,

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Road Superintendent

Attachments:

- Compiled Imagery