

**OMB CASE NO. PL180077**  
**OMB FILE NO. PL180077**  
**APPELLANT: PRESPA CONSTRUCTION LIMITED**  
**RE: PRESPA CONSTRUCTION LIMITED vs MUNICIPALITY**  
**OF CENTRAL ELGIN**

**WRITTEN EVIDENCE OF FRANK R. BERRY, P.ENG.**

**1. INTRODUCTION**

This summary of opinion evidence has been prepared for the Local Planning Appeal Tribunal Hearing into the matter of an appeal against the Municipality of Central Elgin's neglect to amend Zoning By-law 1507 to permit a mixed use residential/commercial building at 146-156 William Street in Port Stanley. My evidence will address traffic issues.

My qualifications and background are contained in my curriculum vitae, attached as Appendix A. I have been qualified to give evidence to the Board in previous hearings.

**2. RETAINER**

I was retained on November 27, 2014 by Zelinka Priamo Ltd. on behalf of Prespa Construction Limited to prepare a traffic impact study report for the proposed residential/commercial development. I prepared and submitted a report dated October 15, 2015.

The proposal for the mixed use development was subsequently revised in response to Municipal and public comments. I prepared and submitted an updated report on the traffic impact of the revised proposal which included a total of 62 apartment units in two buildings plus approximately 1 885sf of ground floor retail space. This report is dated November 11, 2018 and is included in the document book prepared for this hearing.

**3. EVIDENCE**

My report considered the impact of site generated traffic on traffic operations on William Street, Erie Street and George Street. The assessment of the impact was based on traffic counts made on a weekday in August 2015 which were considered to be representative of normal summer demand.





My report concluded that:

- The proposed development will generate an estimated 21 vehicle trips in the morning peak hour and 28 vehicle trips in the afternoon peak hour;
- All site generated trips are likely to use Erie Street, William street and George Street to access downtown Port Stanley and Highway 4 to the north;
- Under projected 2025 summer weekday peak hour conditions, the intersections of William Street with George Street and Erie Street will continue to operate at a good level of service. No intersection improvements will be required;
- The reconstruction of First Street between Erie Street and the site will ensure safe vehicular access.

**4. DECLARATION**

This statement has been prepared for the purposes of the LPAT Hearing and for no other purpose. My Acknowledgement of an Expert's Duty is attached as Appendix B

Dated at London, Ontario

January 22, 2019

Frank R. Berry, P.Eng.



7



**APPENDIX A**  
**CURRICULUM VITAE**





## **FRANK R. BERRY**

Born	Scotland, 1939
Nationality	Canadian
Languages	English
Education	B.Sc., Civil Engineering, University of Glasgow, 1962 M. Eng. Transportation Engineering, University of California, 1965

Professional Organizations	Registered Professional Engineer, Province of Ontario Designated Consulting Engineer, PEO Certificate of Authorization, PEO Fellow, Institute of Transportation Engineers
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Recipient, Queen's Diamond Jubilee Medal, 2013

## **PROFESSIONAL SUMMARY**

Mr. Berry is principal of F.R. Berry & Associates, offering consulting services in the areas of transportation planning, traffic impact and parking studies and transit planning.

Mr. Berry has over 40 years of professional experience in progressively more responsible positions in transportation feasibility, planning and design projects, the majority of this in Canadian consulting practice with major national engineering firms. He has also held senior management positions in municipal and provincial government administrations.

In research studies, planning and functional design, Mr. Berry's assignments have covered all facets of urban transportation, including traffic, transit and parking operations. As a project manager, he has been responsible for such major planning projects as the London Urban Transportation Study (1974), the Windsor Central Corridor Transportation Study (1986), the Prince Albert (SK) Transportation Study (1978) and the Winnipeg Southwest Transit Corridor Study (1976). All of these projects were multidisciplinary in nature and entailed coordination of teams of professional specialists.

For the past 20 years Mr. Berry's practice has focused on traffic and parking studies for municipal and private sector clients. These studies have ranged from driveway access to arterial corridor studies and area plans. Mr. Berry has frequently been called upon to give expert testimony before the OMB and to make presentations to municipal councils.

Mr. Berry's administrative experience in the public sector has provided him a practical perspective on the maintenance and operation of transportation facilities and systems. For a two year period, he was with a regional planning board in Ontario and actively participated in a broad variety of land use, economic, recreation and transportation studies within the purview of that authority. At the provincial level, Mr. Berry was responsible for Manitoba's northern transportation programs, including air and ferry service, and both all-weather and winter roads.





## POSITIONS HELD

1996-Present	Principal, F.R. Berry & Associates, London, ON
1990-1996	Vice-President, DS-Lea Associates Ltd.
1984-1996	Senior Project Manager and Transportation Engineer, Regional Director, DS-Lea Associates Ltd. London, ON.
1981-1984	Senior Project Manager and Transportation Engineer, Regional Director (London), Damas & Smith Limited, Consulting Engineers and Planners, London, ON
1979-1981	Executive Director, Operations Division, Manitoba Department of Natural Resources, Winnipeg, MB.
1978-1979	Director of Transportation Services, Manitoba Department of Renewable Resources and Transportation Services / Manitoba Department of Highways and Transportation, Winnipeg, MB.
1975-1978	Manager, Winnipeg Operations, DeLeuw Cather Canada Ltd. Consulting Engineers.
1972-1975	Senior Transportation Planner, DeLeuw Cather Canada Ltd. Consulting Engineers, London, ON
1970-1972	Transportation Planner, Central Ontario Joint Planning Board, Oshawa, ON.
1965-1970	Transportation Planner, DeLeuw Cather Canada Ltd. Consulting Engineers, Toronto, ON
1963-1965	Post-Graduate Studies and Research Assistant, University of California, Berkeley.
1962-1963	Structural Design Engineer, James Williamson & Partners, Glasgow, Scotland.





**APPENDIX B**  
**ACKNOWLEDGEMENT OF EXPERT'S DUTY**







Ontario

Ontario Municipal Board  
Commission des affaires municipales de l'Ontario

**ACKNOWLEDGMENT OF EXPERT'S DUTY**

Case Number	Municipality
PL 180077	CENTRAL ELGIN

1. My name is FRANK REID BERRY.....(name)  
I live at the CITY OF LONDON.....(municipality)  
in the COUNTY OF MIDDLESEX.....(county or region)  
in the PROVINCE OF ONTARIO.....(province)
2. I have been engaged by or on behalf of.....(name of party/parties) to provide evidence in relation to the above-noted Board proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
  - c. to provide such additional assistance as the Board may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date

January 22, 2019

Signature

Frank R. Berry