August 6, 2020

TO: Applicant/Agent/Owner; Assessed owners of land within 120 m of the subject property; Consulted Agencies, parties who requested Notice or are considered to have an interest in the Decision.

RE: NOTICE OF DECISION
Development Permit Application: N/R/2019-2020/347
339 Warner Road
Town of Niagara-on-the-Lake, Region of Niagara

Attached is a Notice of Decision from the Niagara Escarpment Commission regarding an application for a Niagara Escarpment Development Permit.

You have the right to appeal this decision. If you have reason to appeal, you must submit a completed Appeal Form or a written letter, specifying your reasons for appeal, within 14 days of the date of this letter.

An Appeal Form can be downloaded from www.escarpment.org. If you submit a written letter of appeal, please include your name, address, daytime phone number, e-mail address and your fax number. The completed Appeal Form or the letter of appeal must be mailed or faxed to this office (address and fax # above) or sent by email to necgeorgetown@ontario.ca.

Please note that the last day that appeals may be received is: August 20, 2020 (midnight).

The Commission's decision is confirmed if no appeal is received within the 14 days.

If the Commission's decision is appealed, a Hearing Officer will be appointed by the Minister of Natural Resources and Forestry to conduct a Hearing. The Hearing Office may contact you for additional information regarding your appeal, and all parties will be notified by mail of the time and location of the Hearing. If you appealed you are expected to attend the Hearing to present your reasons for appeal. If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission's decision is confirmed.

If you have questions about this process, or about the details of the Development Permit application, please contact me at dmitry.kurylovich@ontario.ca.

Yours truly,

[signature]

Dmitry Kurylovich
(A)Senior Planner

Ontario's Niagara Escarpment - A UNESCO World Biosphere Reserve
NOTICE OF DECISION
OF THE NIAGARA ESCARPMENT COMMISSION
REGARDING
AN APPLICATION FOR A DEVELOPMENT PERMIT UNDER SECTION 25
OF THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT,
R.S.O. 1990, CHAPTER N.2

FILE NUMBER: N/R/2019-2020/347
LOCATION: 339 Warner Road
Town of Niagara-on-the-Lake, Region of Niagara

PROPOSED DEVELOPMENT:
To construct a ± 234.2 sq m (± 2521 sq ft) attached accessory structure (three bay garage and storage) with a maximum height to peak of ± 6.9 m (± 22.5 ft) onto an existing two-storey, 249.9 sq m (2690 sq ft) dwelling with a height to peak of 8.5 m (28 ft), to widen and realign driveway, and to place excess fill from the attached accessory structure construction and other site excavation in a designated area of the property, on a 1.49 ha (3.7 ac) existing lot with municipal water and private septic services.

Note: the site plan and application also propose a ± 60.2 sq m (± 648 sq ft) pool and a ± 23.7 sq m (± 256 sq ft) covered deck. Based on information provided, the pool and covered deck are exempt from requiring a Development Permit under Ontario Regulation 828/90 Sections 5.16 and 5.21.

DECISION of the NIAGARA ESCARPMENT COMMISSION:

The application for a Development Permit, as described above, has been CONDITIONALLY APPROVED.

The Conditions of Approval are listed on the attached APPENDIX.

DATE: August 6, 2020

SIGNED: ____________________
Kim Peter, RPP, MCIP
(A)Manager

THIS IS NOT A DEVELOPMENT PERMIT
DEVELOPMENT IS NOT TO COMMENCE UNTIL THE DEVELOPMENT PERMIT HAS BEEN ISSUED
APPENDIX

CONDITIONS OF APPROVAL

1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.

2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.

3. The landowner shall advise the Niagara Escarpment Commission in writing of the start and the completion date of the development. This notice shall be provided to the NEC 48 hours prior to the commencement of development, and within 14 days upon completion.

4. No site alteration of the existing contours of the property including the placement or stockpiling of fill on the property is permitted with the exception of that identified within the development envelope in accordance with the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the approved Site Plan.

6. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario except those where approved under the Development Permit. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.

7. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for approval. The approved Final Site Plan shall demonstrate the setbacks of the addition, the work zone, and the limit of disturbance. The Site Plan referred to in Condition # 1 will be stamped "NEC Approved". Development shall proceed in accordance with the approved Final Site Plan. The Final Site Plan shall include the following:

   a. Location and species of all new plantings;
   b. Location of Sediment and Erosion Control fencing installed to the specifications of OPSD 219.110;
   c. Location of the reconfigured driveway; and,
   d. The accurate location of all structures, sewage disposal system and driveway within the development envelope showing setbacks from the property lines, watercourse, top/bottom of slope, wooded areas, etc.;
APPENDIX

CONDITIONS OF APPROVAL

N/R/2019-2020/347

8. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the applicant shall submit for the approval of the Niagara Escarpment Commission, final construction and architectural details for the addition to the satisfaction of the NEC and the Town of Niagara-on-the-Lake, including exterior elevations, floor area, height above existing and proposed grades, and the number of stories. Upon approval, these plans will be stamped “Details Approved” and shall form part of the Development Permit referred to in Condition # 1.

9. The applicant/owner and/or their agent(s) shall ensure that no foreign material including fill and soil is imported onto the property to correct the depression on the northeast corner of the property. Should the applicant/owner need to import any additional material, the applicant/owner shall apply for a new Development Permit from the Niagara Escarpment Commission.

10. Prior to the commencement of any development, appropriate erosion/sediment control measures shall be implemented and maintained as shown on the approved Site Plan (Condition # 1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all erosion/sedimentation control structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.

11. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Condition # 7, and Condition # 8 of this conditional approval shall be fulfilled before the expiry date.

ADVISORY NOTES:

a) This Development Permit does not limit the need for or the requirements of any other applicable approval licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.

b) The Niagara Escarpment Commission supports the protection of the night sky from excessive residential lighting and recommends that the applicant obtain information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at www.darksky.org.
ADVISORY NOTES CONTINUED:

c) Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport.
Existing small caliper tree (moveable)

Existing larger caliper tree (less moveable)

Proposed
Native Ontario coniferous tree (5-6) planted
20’ on centre depending on availability will
include one of the following: White Spruce,
Red Pine, Eastern White Pine, Balsam Fir,
Black Spruce, Jack Pine, min 5’6” tall
Note regarding Sections 11.1, 12.13, 14, 15, 16:

Depending on the type or nature of the proposed development and/or the characteristics of the property, supporting information such as Environmental Impact Studies, Landscape Plans, Lighting Plans, Visual Assessments, Grading Plans, Erosion Control Plans, Slope Stability Studies, etc., may be required in support of the following information.

11. CONSTRUCTION DETAILS

PLEASE NOTE

Ground Floor Area is the total exterior measurements of any building, including attached garages and enclosed decks (as applicable).
Total Floor Area (i.e., total mass) is based on the exterior measurements of the building and includes the total of the ground floor area (including attached garage, etc.), plus walkout basements, plus full or half second stories, etc.
Maximum Height is measured from the lowest grade (e.g., walkout side), to the peak of the roof.

<table>
<thead>
<tr>
<th>Ground Floor Area (Exterior measurements)</th>
<th>Total Floor Area</th>
<th># of Stories</th>
<th>Maximum Height (to peak)</th>
<th>Use of structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>2690 sq feet</td>
<td>28'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Addition</td>
<td>2521 sq feet</td>
<td>22'6&quot;</td>
<td>Garage</td>
<td></td>
</tr>
<tr>
<td>Accessory Building 1</td>
<td>Pool 18x36</td>
<td>0</td>
<td>Recreation</td>
<td></td>
</tr>
<tr>
<td>Accessory Building 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Building Addition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Building</td>
<td>Covered Deck</td>
<td>1</td>
<td>15</td>
<td>Recreation</td>
</tr>
<tr>
<td>Demolition (specify what structure)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*If fill is required for any of the developments proposed above please provide details in Section 12 below.

12. ACCESSORY FACILITIES, STRUCTURES, FILLING, GRADING, etc.

(e.g.: Driveways, Decks, Gazebos, Swimming Pools, Tennis Courts, Lighting, Signs, Wind Turbines, free-standing Solar Panels, Hydro Poles/Lines, Retaining Walls, Placement of Fill, Grading, Berms, Parking Areas, Tree/Site Clearing, etc.) (See next page for Ponds)

Desired and provide information such as: dimensions, size, height, amount of fill etc.

No Fill is required for the proposed building. I would like to make use of the fill from the construction to raise the ground in the proposed greening area. Currently much of the area is very low. I would like to plant native species to create a buffer from Mewburn Rd. Water frequently sits in this area from Mewbourn Rd runoff. Talks are ongoing with the town of NOTL and Niagara Conservation as Mewburn is being redeveloped.