June 8, 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: H/R/2019-2020/254
5040 Mount Nemo Crescent
City of Burlington, Region of Halton

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 submitted via fax, email, courier or in person 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: June 22, 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 If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission’s decision is confirmed.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 905-877-8538.

Yours truly,

Michael Baran, Senior Planner
FILE NUMBER: H/R/2019-2020/254

LOCATION: Part Lot 1, Concession 3 NS
5040 Mount Nemo Crescent
City of Burlington, Region of Halton
ARN 240203030508310

PROPOSED DEVELOPMENT:
1) Demolish a 2 storey, ± 201.0 sq m (± 2164 sq ft) single dwelling and a ± 52.8 sq m
(± 569 sq ft) accessory building (detached garage) and removal of a swimming
pool/associated deck;
2) To construct a new 2 storey (plus walkout), ± 566.7 sq m (± 6100.2 sq ft) single
dwelling (including attached garage and walkout level), to have a maximum height of
± 12.5 m (± 41.1 ft), a 2 storey, ± 205.3 sq m (± 2210 sq ft) accessory building
(detached garage), with a height to peak of ± 8.1 m (± 26.6 ft), installation of a private
sewage disposal system (also to be connected to the proposed accessory building), a
new/modified driveway access (including a ± 0.6 m high Armor Stone retaining wall and
culvert upgrade); and
3) To recognize the unauthorized construction of a 10 sq m (108 sq ft) storage shed,
having a height of 4 m (13 ft), on an existing 0.4 ha (1.0 ac) lot.

Note: A proposed entrance gate and pillars are exempt from requiring a Development
 Permit per Section 5.23.1 of Ontario Regulation 828/90, as amended.

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: June 8, 2020
SIGNED: Kim Peters, RPP, MCIP
Manager (A)

THIS IS NOT A DEVELOPMENT PERMIT
DEVELOPMENT IS NOT TO COMMENCE UNTIL THE DEVELOPMENT PERMIT
HAS BEEN ISSUED
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 (NEC) in writing of the start and the completion date of the development. This notice shall be provided to the NEC forty-eight (48) hours prior to the commencement of development, and within fourteen (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 on the approved Site Plan.

5. No vegetation shall be cut or removed from the development envelope except for that identified on 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 the site grading and access road construction. All trees, shrubs, herbs and nursery stock shall be native to Ontario. Only in extenuating circumstances will non-native species be considered. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.

7. Appropriate erosion/sediment controls and tree protection measures (e.g. silt fencing and tree hoarding) shall be installed around all parts of the development site prior to commencing demolition/development and photographs verifying the installation of the fencing/hoarding shall be submitted to the Niagara Escarpment Commission prior to commencing construction. The controls shall be maintained until the works are completed and the sites are stabilized.

8. **Prior to the issuance of a Development Permit**, final floor plans and elevations of the new single dwelling and accessory building (detached garage) shall be submitted to the Niagara Escarpment Commission for approval. The plans shall include a schedule signed by the architect/designer confirming the gross floor area of each applicable building level and the maximum height of the building/structure, as defined by the Niagara Escarpment Commission.

9. The new single dwelling shall not contain an apartment unit, second residential unit, or an accessory dwelling unit (e.g., an “in-law suite” or “granny flat”).
10. All waste materials generated from the demolitions (existing dwelling and accessory buildings) shall be completely removed from the property (e.g., taken to an approved landfill site, salvage/reclamation facility, re-used/recycled elsewhere) and not otherwise stored or buried on-site.

11. **Prior to the issuance of a Development Permit**, the owner/applicant shall submit a Comprehensive Landscaping Plan prepared by a qualified professional to the satisfaction of the Niagara Escarpment Commission. The approved Plan shall be a part of the Development Permit.

   The Plan shall identify all trees to be retained, prescribe native tree planting to provide additional foreground screening of the development sites. The Plan shall include details for the type, size and numbers of all new plant material to the satisfaction of the Niagara Escarpment Commission.

12. All exterior site lighting associated with the new dwelling, accessory building, amenity areas and driveway shall be designed to be minimal, subdued, of low height and downward facing (the two upper levels of the dwelling shall not utilize soffit lighting).

13. **Prior to the issuance of a Development Permit**, the landowner shall (at the landowner’s expense), enter into an Agreement (to be registered on title) with the Niagara Escarpment Commission pursuant to Section 24(2.1) of the *Niagara Escarpment Planning and Development Act*, which shall ensure that:

   > The accessory structure (detached garage) shall not be used for human habitation (i.e., living space), as a dwelling or apartment unit, or for commercial, institutional, home business, industrial or livestock purposes.

14. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit Application. Condition No.’s. 8, 11 and 13 of this conditional approval shall be fulfilled before the expiry date.

**Notes/Advisories:**

1. 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/municipal building and demolition clearance/Grading and Drainage Certificate and Tree Permit, etc.). The Niagara Escarpment Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
Notes/Advisories, continued:

2. The Regional Municipality of Halton advises: should deeply buried archaeological remains/resources be found on the property during construction activities, the Ministry of Heritage, Sport, Tourism & Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately notify the police or coroner, the Registrar of Cemeteries and the Ministry of Heritage, Sport, Tourism & Culture Industries.

3. The Niagara Escarpment Commission supports the protection of the night sky from excessive residential lighting and recommends, in conjunction with Condition 12, that the applicant obtains information on shielding the night sky through the use and operation of appropriate lighting fixtures. This information is available at www.darksky.org