May 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: W/C/2019-2020/289
Carlisle Cider Co. Ltd. c/o Jordan de Lima

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: May 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 If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission’s decision is confirmed.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 905-877-6370.

Yours truly,

Jim Avram, Senior Planner, RPP, MCIP
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: W/C/2019-2020/289
APPLICANT: Carlisle Cider Co. Ltd. c/o Jordan de Lima
AGENT: N/A
OWNER: Same as Applicant
LOCATION: Part Lot 1 FE FLM, Concession 8
(Former) Town of Flamborough, City of Hamilton

PROPOSED DEVELOPMENT:
To convert approximately 215 square metres of an existing apple packhouse and
storage building into a space used for on farm diversified uses (production and limited
retail of hard cider) on an existing 18.5-hectare lot that supports agricultural production
(apple orchard).

Notes:
1. The existing septic system is proposed to be moved and replaced.
2. The existing number of employees on site (2) will not increase as a result of the
proposal.
3. The site’s current retail hours of Monday-Friday: 3 to 5 pm & Saturday-Sunday: 9 am
to 5 pm would continue.
4. An existing on-site groundwater well is proposed to supplement the production of
cider (used only for the washing of production tanks).

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: May 6, 2020
SIGNED:
Kim Peters, RPP, MCIP
A/Director

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 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 Final Site Plan shall indicate:
   
   a. the location of the existing and proposed septic system and leaching bed;
   
   b. location of the existing parking area.

   The approved Final Site Plan shall form the Site Plan referred to in Condition # 1 and will be stamped “NEC Approved”. Development shall proceed in accordance with the approved Final Site Plan.

8. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant shall submit a **Technical Memorandum** detailing the operation of the proposed cidery to the satisfaction of the City of Hamilton (Hamilton Water) and the Niagara Escarpment Commission. The memorandum shall include details regarding water usage and wastewater treatment.
9. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions # 7 & 8 of this conditional approval shall be fulfilled before the expiry date.

ADVISORY NOTES:

a) This Conditional Approval 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 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.

c) Should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) should be notified immediately (416-212-8886 or archaeology@ontario.ca). In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

d) On-street parking on Milburough Line is prohibited under City of Burlington By-law No. 39-2016.

e) The production and mobile canning of hard cider shall comply with the City of Hamilton’s Noise By-law (No. 11-285).


**Note regarding Sections 11, 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 garages, etc), plus walkout basements, plus full or half second storeys, etc.

Maximum Height is measured from the lowest grade (e.g., walkout site), to the peak of the roof.

<table>
<thead>
<tr>
<th>Ground Floor Area (Exterior measurements)</th>
<th>Total Floor Area</th>
<th># of Storeys</th>
<th>Maximum Height (to peak)</th>
<th>Use of structure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
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<td></td>
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<tr>
<td>Dwelling Addition</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Building 1</td>
<td>1,298.94 ft²</td>
<td>1</td>
<td>234 ft³</td>
<td>Production/retail</td>
</tr>
<tr>
<td>Accessory Building 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Building Addition</td>
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</tr>
<tr>
<td>Other Building</td>
<td></td>
<td></td>
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<tr>
<td>Demolition</td>
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</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, Berm, Parking Areas, Tree Site Clearing, etc.) (See next page for Pond)

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

Concrete will be poured in Accessory Building one.

→ It will be graded every 5', minimum thickness being 10".
13. HOME BUSINESS, CHANGE OF USE, NEW USE:

(e.g. Establishing a Home Business, Home Occupation, Home Industry or Bed and Breakfast business. Converting or changing the use or establishing a new use on a property or within any dwelling building or structure on a property.)

Describe the proposed business or new use and provide information such as:
Type of business or use, size or area of building &/or land to be occupied or altered by the use, construction or alteration details, number of employees, access, parking, storage details, sales, hours of operation, signage, etc.

Note: A separate, detailed, business overview or plan should be provided.

- The current business is the use of the orchard for commercial use. (There is equipment for these practices.)
- The new business will add to this being a place for producing hard cider and retail space for selling.
- Currently, 2 full-time employees.
- Open for sales seasonally.
- 2 current cold storage (30x40ft) (M-F 3-5pm, SS 9-5)

14. PONDS – New pond / Existing pond work – dredging, maintenance, repair, etc.)

The following information is the minimum information that is required for pond construction or alteration/maintenance. Generally, a hydrology/hydrogeology report and/or an environmental impact assessment is also required.

Pond is:  [ ] Propose  [ ] Existing  [ ] Other (e.g., on-stream, bypass) __________________________

Type of Pond:  [ ] Dug  [ ] Spring-fed  [ ] Irrigation  [ ] Other __________________________

Use of Pond:  [ ] Recreation  [ ] Livestock/farm  [ ] Well  [ ] Other __________________________

Water Source:  [ ] Precipitation/run-off  [ ] Springs __________________________

Size of Pond:  Water Area __________________________ Depth of Water __________________________

Height of Banks __________________________ Width of Banks __________________________

Setbacks:  Distance to nearest watercourse, wetland and/or roadside ditch: __________________________

Distance to nearest existing or proposed septic system: __________________________

Construction Details/Inflow/Outflow Details, Emergency Outflow/Spillway Details: (describe type of construction, water supply, receiving area or watercourse, etc.)

________________________________________________________________________

________________________________________________________________________

Erosion/sediment control measures: __________________________

Placement of excavated material: __________________________

Finish grading and landscaping: __________________________