MINUTES OF M765/11-2015
NIAGARA ESCARPMENT COMMISSION
OWEN SOUND, ONTARIO
November 18 and 19, 2015

Members Present: D. Alexander, B. Baty, G. Beattie (left at 3:30 pm on November 19), N. Borodczak, C. T. Cambray, S. Davidson, J. Downey, A. Elgar, P. Greig, J. Little, C. Louis, P. McQueen, M. Miller (left at 3:30 pm on November 19), A. VanderBeek, D. Scott.

Regrets: None.


Also Present: R. Pineo, Niagara Escarpment Program Team Leader, S. Cooper, Land Use and Planning Advisor, Natural Heritage Section, D. Kappos (November 19), Counsel, MNRF; R. Patrick, President, C.O.N.E.

Meeting called to order: 10:00 a.m., Wednesday, November 18, 2015.

Chair Don Scott presided.

Introductions:

Chair Don Scott introduced the Commission to the new Commissioner for Peel Region, Johanna Downey. Commissioner Downey thanked the Commission for their welcome and is looking forward to her new role as a Niagara Escarpment Commissioner.

The Chair also welcomed back Commissioner Shawn Davidson. Commissioner Davidson is pleased to once again represent the County of Simcoe on the Commission.
INITIAL STAFF REPORT
PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PH 211 15
(UNION GAS)
Part Lot 10, Concession 4, Nelson
City of Burlington  Halton Region

APPLICANT/OWNER:  Union Gas Limited
AGENT:  Harold Elston, Barriston Law LLP
RECEIVED:  October 28, 2015

PROPOSAL:
To amend the Niagara Escarpment Plan (NEP) by adding a special provision to apply to a portion of Limestone Creek located in Part Lot 10, Concession 4 (Geographic Township of Nelson) in the City of Burlington in Halton Region, to permit development associated with the construction of a buried natural gas pipeline in a watercourse that includes the identified habitat of an endangered species, subject to mitigation measures and the issuance of a permit under the Endangered Species Act (ESA).

RECOMMENDATION:
That the Niagara Escarpment Commission instruct staff to initiate and process the proposed Amendment PH 211 15 (Union Gas) for circulation and notification pursuant to Section 6.1(2) of the Niagara Escarpment Planning and Development (NEPDA).

Note: Kim Peters, Senior Strategic Advisor, reviewed the staff report and answered questions.
Union Gas representatives were present to answer questions.

M765R1/11-2015
Moved By:  Baty
Seconded By:  Miller

“That the Commission accept the staff recommendation.”

Motion Carried
C3 SUB # 9583

RE: STAFF REPORT
Review of “A Blueprint for Change – A proposal to modernize and Strengthen The Aggregate Resources Act Policy Framework”

BACKGROUND:

The report entitled “A Blueprint for Change – A proposal to modernize and strengthen the Aggregate Resources Act policy framework” was posted on the Environmental Registry until December 15, 2015. This staff report evaluated the proposed changes to the ARA and responded to the questions posed in the Blueprint paper and indicated whether or how the previous comments of the NEC were addressed in the proposed changes to the legislation.

RECOMMENDATION:

That the Niagara Escarpment Commission (NEC) endorse the Report and submit it to the Ministry of Natural Resources and Forestry (MNRF) for posting on the Environmental Registry.

Note: Nancy Mott, Senior Strategic Advisor, reviewed the staff report and answered questions.

Moved By: Louis
Seconded By: VanderBeek

“That the Commission accept the staff recommendation.”

Motion Carried

NOTE: Ministry of Natural Resources and Forestry (MNRF) staff also made a presentation to the Commission on the Blueprint for Change Report at the November 18, 2015 Policy meeting. The Commission requested information on supplies of aggregate from operations within and adjacent to the Niagara Escarpment Plan Area during the presentation.

The Commission noted that the Blueprint Report is good housekeeping and will streamline the legislative process while allowing more time for review of applications.
REVISED PROPOSAL:

To construct one new entrance and access road into the 99 ha (245 ac) former Queenston Quarry site to facilitate progressive and final rehabilitation of the quarry as required by the Aggregate Resources Act and associated site plans, and to retain the availability of this road to facilitate future site development.

RECOMMENDATION:

That the revised proposal be approved subject to Conditions.

Note: Nancy Mott, Senior Strategic Advisor, reviewed the staff report and answered questions.

Moved By: Alexander
Seconded By: Borodczak

“That the Commission accept the staff recommendation with the following revised Conditions which changes Condition 11 to note that no internal roads are to be developed and Condition 4 should note that it is subject to Condition 11.”

Frank Racioppo, Queenston Quarry Reclamation Company

REVISED CONDITIONS OF APPROVAL

1. Non-fulfilment or breach of any one of the conditions shall render the Development Permit void.

2. A site inspection(s) to the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the conditions of the Development Permit. Persons may accompany the Commission representative on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.

3. No municipal permit or other licence, certificate, permit or other similar permission relating to development shall be issued or be considered to be in force unless a Development Permit is in effect.
4. The Development Permit shall expire three years from its date of issuance unless a valid municipal permit issued within the three years is in effect and the development has been completed subject to Condition 11.

5. Development shall take place only in accordance with the site plan and revised development permit application submitted (except where special conditions are to apply as noted below).

6. No grading of the existing contours of the development site in the area of the development is permitted, with the exception of that which is absolutely necessary for the construction of the new entrance and internal road access to the existing quarry.

7. No trees other than dead or diseased trees shall be cut or removed from the lot in the area of the development, except those absolutely necessary for the construction of the new entrance and internal road access to the existing quarry.

8. Screening, landscaping and rehabilitation shall be completed within the first growing season following completion of the development. All trees, shrubs and nursery stock shall be native to Ontario.

9. Prior to commencement of development, the applicant shall submit for the approval of the Town of Niagara-on-the-Lake and the Niagara Escarpment Commission, in consultation with the Niagara Peninsula Conservation Authority, a Final Site/Grading Plan which eliminates the plans for the second easterly entrance and road access, includes existing and proposed final grades and associated temporary limit of work barriers and erosion/sedimentation control measures as required, and establishes entrance specifications as required by Condition 10. Once approved, this Plan shall form part of the Development Permit.

10. The entrance shall be a minimum 6 metres wide and shall conform to Article Div. B 3.2.5.6 of the Ontario Building Code to the satisfaction of the Town of Niagara-on-the-Lake.

11. The use of the approved temporary entrance and access road to the quarry shall be restricted to mineral resource extraction/quarry rehabilitation use only. Any consideration for a permanent road would be considered through a separate Development Permit application. There is to be no development of internal roads.

12. No temporary or permanent fill, machinery or equipment associated with the entrance and internal access road construction shall encroach beyond the work zone identified in the approved final site/grading plan under Condition 9.
13. Prior to commencement of development, the applicant shall obtain all necessary approvals under the *Aggregate Resources Act* from the Ministry of Natural Resources and Forestry.

*Motion Carried*

**Meeting Adjourned:** 5:00 p.m.

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**Meeting called to order:** 9:30 a.m., Thursday, November 19, 2015

Commissioner Arlene VanderBeek chaired the meeting until 10:00 a.m. Chair Don Scott presided as Chair from 10:00 am until the meeting was adjourned.

**AGENDA ITEM I – M764/10-2015**

**M765R4/11-2015**

*Moved By:* Borodczak  
*Seconded By:* Greig

“That the Commission accept the Minutes of October 15, 2015 as written.”

*Motion Carried*

**Business Arising from the Previous Minutes.**

The Commission reviewed the outstanding action items. NEC staff will continue to request information on the remaining production of aggregate on the Escarpment and in vicinity of the Escarpment. NEC staff is preparing summary documents on the Discussion Papers which will then be sent to the Niagara Escarpment municipalities. The Minutes Action Items chart will be amended as per the discussion and changes noted.

**AGENDA ITEM II – Declaration of Conflicts of Interest**

None declared.
AGENDA ITEM III – Applications & Planning Reports

M765R5/11-2015

Moved By: Miller
Seconded By: Beattie

“That the persons representing the Applications listed on the Agenda be invited to address the Commission.”

Motion Carried

C2 SUB # 9582

RE: STAFF REPORT
NEC Guidelines for Procedure at Meetings
New Procedure for Closed Meetings

BACKGROUND:

The NEC Guidelines for Procedure at Meetings underwent a comprehensive update in May of 2014. Since then, there have been instances where it was unclear whether the Commission should go in-camera to deal with a particular matter, and this drew attention to the fact that the NEC did not have a procedure governing these situations.

In preparing this new Procedure, staff reviewed a sample of the procedural rules for municipal councils that are passed pursuant to the Municipal Act, 2001. The new NEC procedure has been modified and adapted to suit Commission requirements.

RECOMMENDATION:

To adopt the new Procedure 21 for Closed (In-Camera) Meetings.

Note: Bohdan Wynnycky, Manager, reviewed the staff report and answered questions.

M765R6/11-2015

Moved By: McQueen
Seconded By: Little

“That the Commission accept the staff recommendation with the amendments noted that any matters not covered by the list should be discussed with the Chair before the meeting and that item (f) be amended to indicate ‘confidential advice to and from the Minister or Cabinet’.”

Motion Carried
PROPOSAL:

To construct a 2 storey, maximum 279 sq m (3,000 sq ft) dwelling with a height to roof peak of 9.1 m (30 ft), install a sewage disposal system and a driveway on a 12.1 ha (30 ac) property.

RECOMMENDATION:

The application be refused.

Note: Rick Watt, Senior Planning Coordinator, reviewed the staff report and answered questions.

Motion Carried

That the Commission accept the staff recommendation of refusal for the following reason.

REASONS FOR REFUSAL

1. The property is not recognized as an existing lot of record or as a building lot under the Niagara Escarpment Plan and an Agreement is registered on title to this effect.
PROPOSAL:

To construct a 2 storey dwelling, approximately 120 – 185 sq m (1300 – 2000 sq ft), having a maximum height of 9 m (30 ft), install a private sewage disposal system, all within the proposed building envelope; and, install a driveway on a 10 ha (25 ac) proposed lot, to be severed from a 20 ha (50 ac) existing lot. An existing dwelling is located on what would become a 10 ha (25 ac) remnant lot. (The proposed Building Envelope is approximately 40 m x 80 m (131 ft x 262 ft) and setback a minimum of 20 m (66 ft) from the front lot line.

RECOMMENDATIONS:

1. The application as proposed be refused as the proposed lot creation does not satisfy the General Development Criteria (Part 2.2), Lot Creation Development Criteria (Part 2.4), and New Development Affecting Water Resources Development Criteria (Part 2.6) of the Niagara Escarpment Plan.

2. That a revised application be approved, specifically where the proposed lot is located entirely within the Escarpment Recreation Area, having an area of approximately 2.5 ha (6.3 ac) (160m x 160m), (see attached Map 3B) and pursuant to the Conditions contained in the Appendix of this report.

Note: Bev Nicolson, Planner, reviewed the staff report and answered questions. Ann Urquhart, Applicant, presented and answered questions.
1. Non-fulfillment or breach of any one of the conditions shall render the Development Permit void.

2. A site inspection(s) to the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the conditions of the Development Permit. Persons may accompany the Commission representatives on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.

3. No municipal Building Permit or other license, certificate, permit or similar permission relating to development shall be issued or be considered to be in force unless the Development Permit is in effect.

4. The Development Permit shall expire three years from its date of issuance unless a valid municipal Building Permit is issued within the three years and the development has been completed.

5. Development shall take place only in accordance with the Site Plan and Development Permit Application as approved, and in accordance with the following conditions.

6. No grading of the existing contours of the development area is permitted with the exception of that which is approved on the Final Site Plan.

7. No trees other than dead or diseased trees shall be cut or removed from the development area with the exception of those absolutely necessary for the construction of the dwelling, sewage disposal system and driveway approved on the Final Site Plan. Tree removal shall be kept to a minimum to retain the visual character of the property and the ecological values of the treed area(s).

8. Screening, landscaping and rehabilitation shall commence by the end of the growing season after the development is completed. All trees, shrubs and nursery stock shall be native to Ontario.

9. The dwelling shall not contain an apartment unit, a second residential unit, or an accessory dwelling unit (e.g., an “in-law suite” or a “granny flat”).

10. Prior to the commencement of construction, a municipal Building Permit issued by the Municipality of Grey Highlands, which is in accordance with the Development Permit Application and Site Plan as approved by the Niagara Escarpment Commission, shall be obtained.

11. Prior to the commencement of development, a permit for a sewage disposal system shall be obtained from the Municipality of Grey Highlands.
12. **Prior to the commencement of development**, the requirements of the Municipality of Grey Highlands Transportation and Environmental Services Department shall be satisfied with regard to the driveway entrance.

13. **Prior to the commencement of development**, the applicant shall obtain a Permit under Ontario Regulation 151/06 from the Grey Sauble Conservation Authority in accordance with the *Conservation Authorities Act*. (Note: A copy of the Permit shall be filed by the Applicant with the Niagara Escarpment Commission).

14. **Prior to the commencement of any development**, appropriate erosion/sediment control measures shall be implemented and maintained until all disturbed areas are stabilized to ensure that sediments do not enter any watercourse, wetland, lake, pond or sensitive area within the development or adjacent properties. The applicant/landowner shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. When an erosion/sediment control plan appears to be inadequate, the deficiencies must be addressed and additional measures or practices implemented as needed. It is the responsibility of the owner to implement, monitor and maintain all erosion/sedimentation control structures and practices until vegetative cover has been successfully established.

15. All waste materials generated from the demolition shall be completely removed from the property (e.g., taken to an approved landfill site, savage/reclamation facility) and not otherwise stored or buried on-site. All disturbed areas shall be immediately stabilized/rehabilitated as per the approved Final Site Plan.

16. **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 details for the dwelling, including exterior elevations, floor area, height above existing and proposed grades and the number of stories. Upon approval, these plans will be stamped “NEC Approved” and shall then form part of the Development Permit referred to in Condition # 5. Development shall occur in accordance with the approved final construction details.

17. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted for Niagara Escarpment Commission approval. The Plan shall include but not be limited to the following:

- the perimeter of the building envelope;
- the location of the dwelling, sewage disposal system and driveway,
- related elevation and contour grading, any area to be filled (quantity, storage location, source of clean fill),
• identify barn foundation material to be removed from the site (burying on-site is not permitted) and means of disposal,

• identify type and location of sediment/erosion control measures,
• show all trees to be retained and removed outside of the building envelope area (e.g., trees adjacent to the driveway, etc.)

The approved Final Site Plan shall form the Site Plan referred to in Condition # 5 and will be stamped “NEC Approved”. Development shall proceed in accordance with the approved Final Site Plan.

18. All development on the subject property shall be located below the prominent Escarpment slope within the Escarpment Recreation Area designation.

19. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the Landowner shall enter into an Agreement under Section 24(2.1) of the *Niagara Escarpment Planning and Development Act*, in a form acceptable to the Niagara Escarpment Commission, that all development on the property shall be located below the prominent Escarpment slope within the Escarpment Recreation Area designation (as per Condition 18). The agreement shall be registered on title of the subject property at the Landowner’s expense and the Landowner shall provide proof satisfactory to the Niagara Escarpment Commission that the agreement has been registered against the lands (i.e., copy of the parcel registry extract and a letter from the Landowner’s solicitor that the registration is completed), and that the Landowner under this Development Permit is the Landowner of the lands at the time of registration.

20. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, Consent to sever the proposed lot shall be obtained from the Municipality of Grey Highlands Land Division authority.

21. **Prior to the commencement of development**, the lot shall be registered in accordance with the *Land Titles Act/Registry Act*, as appropriate.

22. This conditional approval shall be void if a Development Permit is not issued within one (1) year of the date of the confirmation of the Development Permit Application decision, except, if the Consent required under Condition # 18 is appealed, the expiry date shall be extended past the one year to 90 days from the date a decision is rendered on the Consent.

**Note:** 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](http://www.darksky.org).

*Motion Carried*
A4 and B2

DEVELOPMENT PERMIT APPLICATION G/L/2014-2015/9088
Bruce Trail Conservancy
Part Lot 7, Concession 12
Town of The Blue Mountains Grey County

PROPOSAL:

To construct a gravel parking area approximately 42 m x 20 m (137.8 ft x 65.6 ft) in size, to serve as a Bruce Trail Access Point on a Bruce Trail Conservancy (BTC) owned property known as Pinnacle Rock. The replacement of an existing culvert and some grading is proposed to improve the existing farm entrance off of 6th Sideroad. Note: The parking area is proposed to fulfill a condition of consent when the lot was created and acquired by BTC. The Town of The Blue Mountains is sharing in part of the cost and is intending for it to be maintained in the winter months.

RECOMMENDATION:

The application be approved subject to Conditions.

Note: Judy Rhodes-Munk, Planner, reviewed the staff report and answered questions. Vojka Glazar, Interested Party, presented and answered questions. Sabine Abt and Meghan Richardson, Property Owners, presented and answered questions. Tim Richardson was also present to answer questions. Antoin Diamond, Bruce Trail Conservancy, presented and answered questions. Bryan Pearce, Planner, Town of The Blue Mountains, was present and answered questions. Beattie

Moved By: Beattie
Seconded By: Cambray

“That the Commission defer this matter to the February 18, 2016 Commission meeting in order that the Applicant discuss the matter further with the various parties and return with a report following the reassessment of the parking options.”

Motion Carried

NOTE: There was much discussion regarding the possibility of using two other existing parking areas in the general vicinity of the proposed parking lot. These could possibly be expanded to accommodate the requirements for additional parking as an alternate to the proposed new parking lot.
The Bruce Trail Conservancy (BTC) advised that the Conditions of Consent for the severance of the donated property stated that the BTC was required to create a parking lot that could accommodate 20 to 30 cars within 5 years from the date of the Agreement. The Committee of Adjustment decision with this requirement was not appealed.

**A2**

**RE:** INITIAL STAFF REPORT
PROPOSED NIAGARA ESCARPMENT PLAN AMENDMENT PB 208 15
NIAGARA ESCARPMENT COMMISSION
LAND USE RE-DESIGNATION of a former gravel pit operated by the Municipality of Northern Bruce Peninsula
Part Lot 34, Concession 9
Northern Bruce Peninsula Bruce County

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**PROPOSAL:**

To undertake an Amendment to the Niagara Escarpment Plan (NEP) to change the Mineral Resource Extraction Area (MREA) designation on the subject lands to Escarpment Natural Area and Escarpment Rural Area as the licence under the Aggregate Resource Act (ARA) has been surrendered on the former gravel pit operated by the municipality.

**RECOMMENDATION:**

The Niagara Escarpment Commission initiate the Amendment and instruct staff, in accordance with the Report, to prepare the proposed Amendment PB 208 15 for circulation and notification pursuant to Subsection 6.1(2) of the Niagara Escarpment Planning and Development Act.

**Note:** Nancy Mott, Senior Strategic Advisor, reviewed the initial staff report and answered questions.
Barbara Rabicki, Property Owner, presented and answered questions.

**M765R10/11-2015**

Moved By: Louis
Seconded By: Borodczak

“That the Commission accept the staff recommendation.”

Motion Carried
NOTE: The Commission noted that the work that has been done on the property to date is an excellent example of site restoration and the Applicant was commended. Several Commission members thought that all the lands should be Escarpment Natural to direct a higher expectation for the lands.

NEC staff explained the reasons for the designations recommended and that there would be an opportunity for a higher land use designation once all the restoration has been completed.

Commissioner Cambray was of the opinion that the proposed Escarpment Rural Areas should at a minimum be Escarpment Protection Area given the Escarpment location of the property.

A5

DEVELOPMENT PERMIT APPLICATION G/R/2015-2016/9120
John & Frances Foresi
Lot 6, Concession 4
Municipality of Grey Highlands (Euphrasia) Grey County

PROPOSAL:

To construct a 1 storey, 45.7 sq m (492 sq ft) addition (equipment storage shed), with a height to peak of 4.3 m (14 ft), onto an existing accessory building (barn), and on an 80 ha (200 ac) existing lot.

RECOMMENDATION:

The application should be approved subject to Conditions.

Note: Bev Nicolson, Planner, reviewed the staff report and answered questions. Dan Fraser, Agent, was present and answered questions.

Moved By: Elgar
Seconded By: Cambray

“That the Commission accept the staff recommendation with the following conditions.”

CONDITIONS of APPROVAL

1. Non-fulfillment or breach of any one of the conditions shall render the Development Permit void.
2. A site inspection(s) to the property may be undertaken by the Niagara Escarpment Commission to ensure that the development complies with the conditions of the Development Permit. Persons may accompany the Commission representatives on the site inspection(s) who possess expert or special knowledge related to the conditions of the Development Permit.

3. No municipal Building Permit or other license, certificate, permit or similar permission relating to development shall be issued or be considered to be in force unless the Development Permit is in effect.

4. The Development Permit shall expire three years from its date of issuance unless a valid municipal Building Permit is issued within the three years and the development has been completed.

5. Development shall take place only in accordance with the Final Site Plan and Development Permit Application as approved, and in accordance with the following conditions.

6. No grading of the existing contours of the development area is permitted with the exception of that which is absolutely required for the construction of the addition.

7. No trees other than dead or diseased trees shall be cut or removed from the development area with the exception of those absolutely necessary for the construction of the addition to the existing accessory building. Tree removal shall be kept to a minimum to retain the visual character of the property and the ecological values of the treed area(s).

8. Screening, landscaping and rehabilitation shall commence by the end of the growing season after the development is completed. All trees, shrubs and nursery stock shall be native to Ontario.

9. The addition or the accessory building shall not be used as a dwelling unit, for human habitation / accommodation, for commercial / industrial uses or for animal husbandry purposes.

10. Prior to the commencement of construction, a municipal Building Permit issued by the Municipality of Grey Highlands, which is in accordance with the Development Permit Application and Site Plan as approved by the Niagara Escarpment Commission, shall be obtained.

11. Prior to the commencement of development, the applicant shall obtain a Permit under Ontario Regulation 151/06 from the Grey Sauble Conservation Authority in accordance with the Conservation Authorities Act. (Note: A copy of the Permit shall be filed by the Applicant with the Niagara Escarpment Commission).
12. **Prior to the commencement of any development**, the sediment and erosion control measures detailed in the approved Final Site Plan shall be implemented and maintained until all disturbed areas are stabilized to ensure that sediments or deleterious materials do not enter the watercourse. The applicant shall confirm the installation of the control measures through the submission of photographs to the Niagara Escarpment Commission. When a sediment/erosion measure appears inadequate, the deficiencies must be addressed and additional measures or practices implemented as needed and to the satisfaction of the NEC. It is the responsibility of the applicant/property owner to implement, monitor and maintain all sediment/erosion control measures until all disturbed areas are successfully rehabilitated and/or stabilized.

13. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, the applicant shall prepare a site plan for Niagara Escarpment Commission and Grey Sauble Conservation Authority approval, showing the following:

- identify the location of the proposed addition and accessory building (barn), verifying the setbacks from the stream, on-site staking may be required;
- detail the location and type of sediment and erosion control structures to be installed prior to development (development includes any excavation or stock piling of soil/overburden material which is permitted for redistribution around the development area as a base for seeding and planting);
- identify final grading, including swales or similar surface water features and stabilizing factors of these;
- identify all trees to be removed (e.g. trees adjacent to the building, etc.);
- identifying any proposed landscape planting (with the intent of visually integrating the structure) or building exterior lighting; and,
- identify the location of the access path and any changes to that path.

The approved site plan shall form the **Final Site Plan**, will be stamped “NEC Approved”, and will form part of the Development Permit Application referred to in Condition 5. Development shall occur in accordance with the approved Final Site Plan.

14. **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 details** for the addition, including exterior elevations, and finishes, floor area, height above existing and proposed grades and the number of stories. Upon approval, these plans will be stamped “NEC Approved” and shall then form part of the Development Permit referred to in Condition 5. Development shall occur in accordance with the approved final construction details.

15. This conditional approval shall be void if a Development Permit is not issued within one (1) year of the date of the confirmation of the Development Permit Application decision.
NOTE:

1. 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.

Motion Carried

Broke for Lunch: 12:35 p.m.

Reconvened: 1:05 p.m.

A6

DEVELOPMENT PERMIT APPLICATION S/T/2013-2014/9152
Township of Clearview
Lots 25-31, Concessions 10 and 11
Township of Clearview Simcoe County

PROPOSAL:

To reconstruct 26/27 Sideroad, from the 10th Concession, westerly to the Grey County Road 31. The proposed works include: converting the eastern portion of 26/27 Sideroad which is currently a seasonal road, to a year round open road, within the existing road corridor, improving the vertical alignment, improving the road base, clearing and grubbing and controlling drainage through properly designed road side ditches. A gravel base is proposed initially with the intent to pave when traffic reaches 400 vehicles per day.

RECOMMENDATION:

The application should be approved subject to Conditions.

Note: Judy Rhodes Munk, NEC Planner, and Linda Laflamme, NEC Landscape Architect, presented and answered questions.

David Donnelly, Donnelly Law, Barrister and Solicitor, presented and answered questions.
List of speakers continued:

Mark Bell, abutting landowner, presented and answered questions.

Norman Wingrove and George Powell, representatives of the Blue Mountain Watershed Trust, presented, answered questions and provided a written submission.

Wendy Franks, interested party, presented and answered questions.

Doug Dingeldein, interested party, presented and answered questions.

Ruth Grier, representative for Clearview Citizen’s Coalition, presented, answered questions and provided a written copy of her presentation.

Deputy Mayor Halliday, Township of Grey Highlands, presented, answered questions and provided written information on his presentation.

Steven Sage, CAO, Township of Clearview, Don McNulty, R. J. Burnside & Associates Limited, David Wood, Envision Tatham (VIA documentation), and Nicholle Smith, Burnside (EIS documentation) presented and answered questions.

Several other observers were also present.

Moved By: Borodczak
Seconded By: Elgar

“That the Development Permit application S/T/2013-2014/9152 be refused for the following reasons:

1. The road project does not meet the test of “essential” as defined in the NEP (Appendix 2, Definitions), which requires consideration of all options in the Escarpment Natural Area. The Development Permit application did not provide adequate evidence that all options had been taken into consideration.

2. A tunnel under (former) County Road 91, that will be used to move aggregate from the new Duntroon Quarry to the processing plant on the floor of the existing Duntroon Quarry, was not in place, or taken into consideration, when the Development Permit application was made and is now operational, which further erodes the case for this road project to be deemed “essential.”

3. Development would offend the objectives of the NEP’s two most sensitive land use designations: Escarpment Natural Area and Escarpment Protection Area.
4. Development would cause environmental harm, in particular to cold water streams and would damage steep Escarpment slopes.”

At the request of Commissioner Elgar, the vote was recorded:

For the Motion
- Borodczak
- Cambray
- Downey
- Elgar
- Greig
- Little
- Louis
- McQueen
- VanderBeek
- Alexander
- Baty

Against the Motion
- Davidson

Motion Carried

A7

DEVELOPMENT PERMIT APPLICATION S/T/2013-2014/9153
Township of Clearview
Lots 25-31, Concessions 10 and 11
Township of Clearview Simcoe County

PROPOSAL:
To reconstruct Concession 10 from Duntroon Sideroad (formerly County Road 91), north to the 30/31 Sideroad by improving the vertical alignment, mitigating site line deficiencies, replacing road-crossing culverts, improving the road base, and addressing road side safety measures. The road will be a paved surface upon completion.

RECOMMENDATION:
The application should be approved subject to Conditions.
“That the Commission defer this matter to the January meeting when there is more time to fully review the Application.”

Motion Carried

AGENDA ITEM IV – Information Reports (Packages G & H)

“That the Commission receive the Deferred Items Chart and the ‘G’ and ‘H’ packages.”

Motion Carried

DISCUSSION

There was discussion regarding the vacant positions for a Public-at-large Commissioner and the County of Dufferin Commissioner.

NEC staff provided the Commission with further details on the Escarpment Truck Route crossing noted in the Director’s Report. Staff will update the Commission when new information is available and will advise the date that public consultation will take place.

The Commission was advised by NEC staff that there will be another Application for the Queenston Quarry Reclamation Company which will address the issue of the golf course holes currently on the property. Staff also noted that the rehabilitation has not yet been completed and therefore the ARA licence has yet to be surrendered.

Staff also advised that there will be a new Plan Amendment coming forward in 2016 to reflect the surrender of a licence on the Walker lands where there is currently landfill related activities on parts of the site. The site is located in the City of Niagara Falls.

NEW BUSINESS

No new business.
AGENDA ITEM VI – Adjournment

M765R15/11-2015 Moved By: Davidson

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: Thursday, November 19, 2015 at 3:55 p.m.

________________________________________
Don Scott
Chair