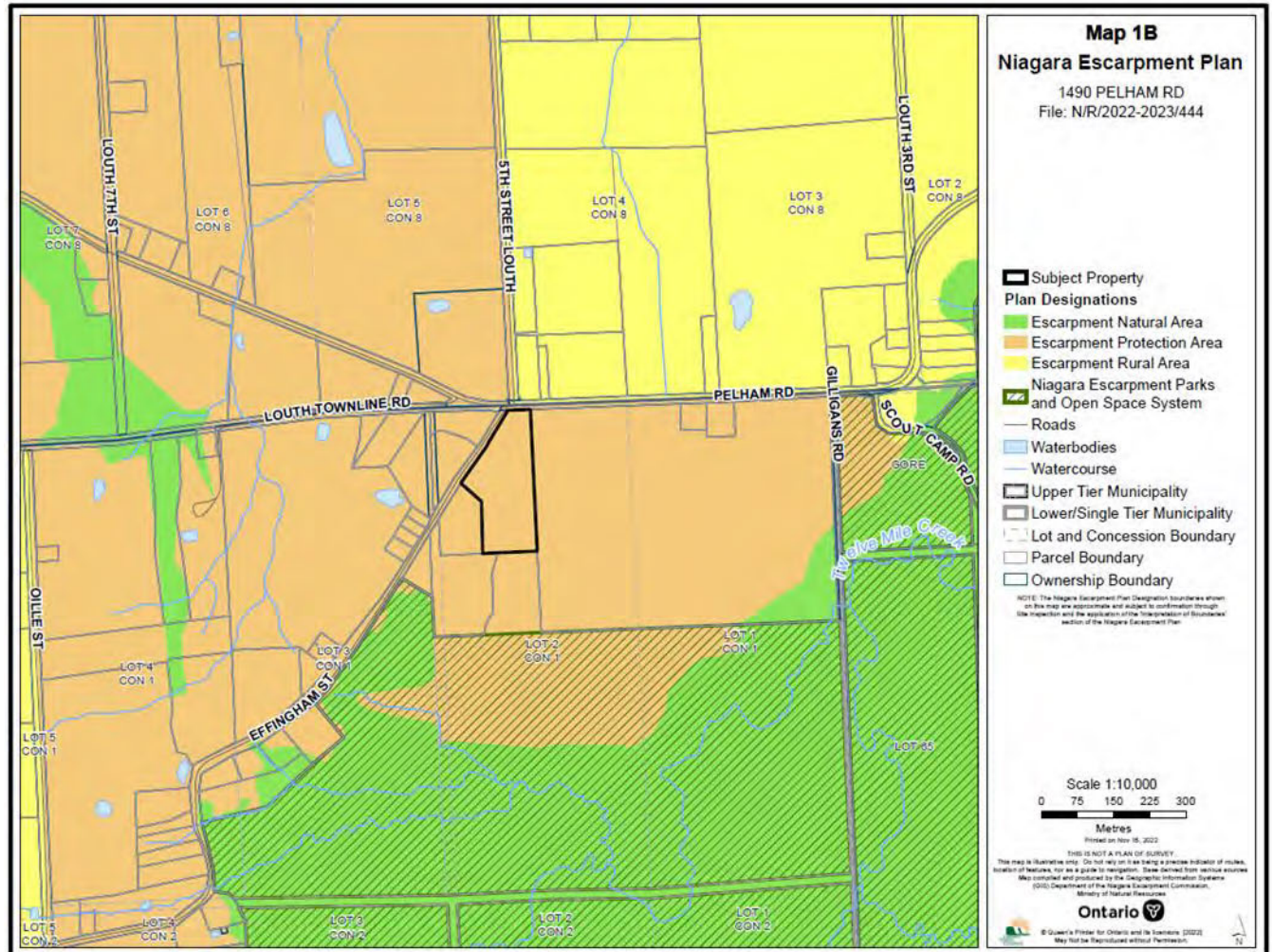


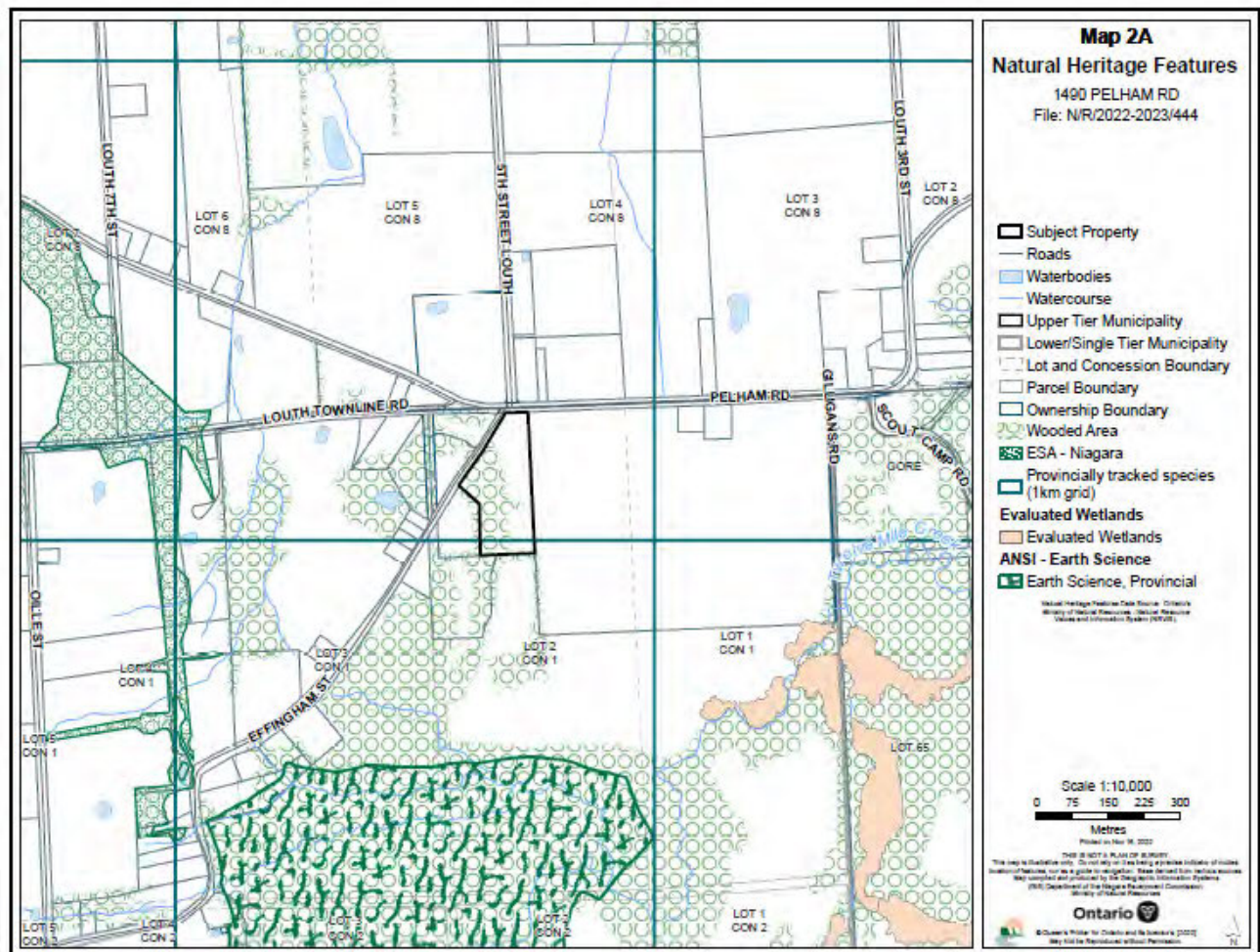
Appendix 1 – Staff Report # N/R/2022-2023/444

Niagara Escarpment Plan Mapping (Page 1 of 2)

NEP Map 1B Designation



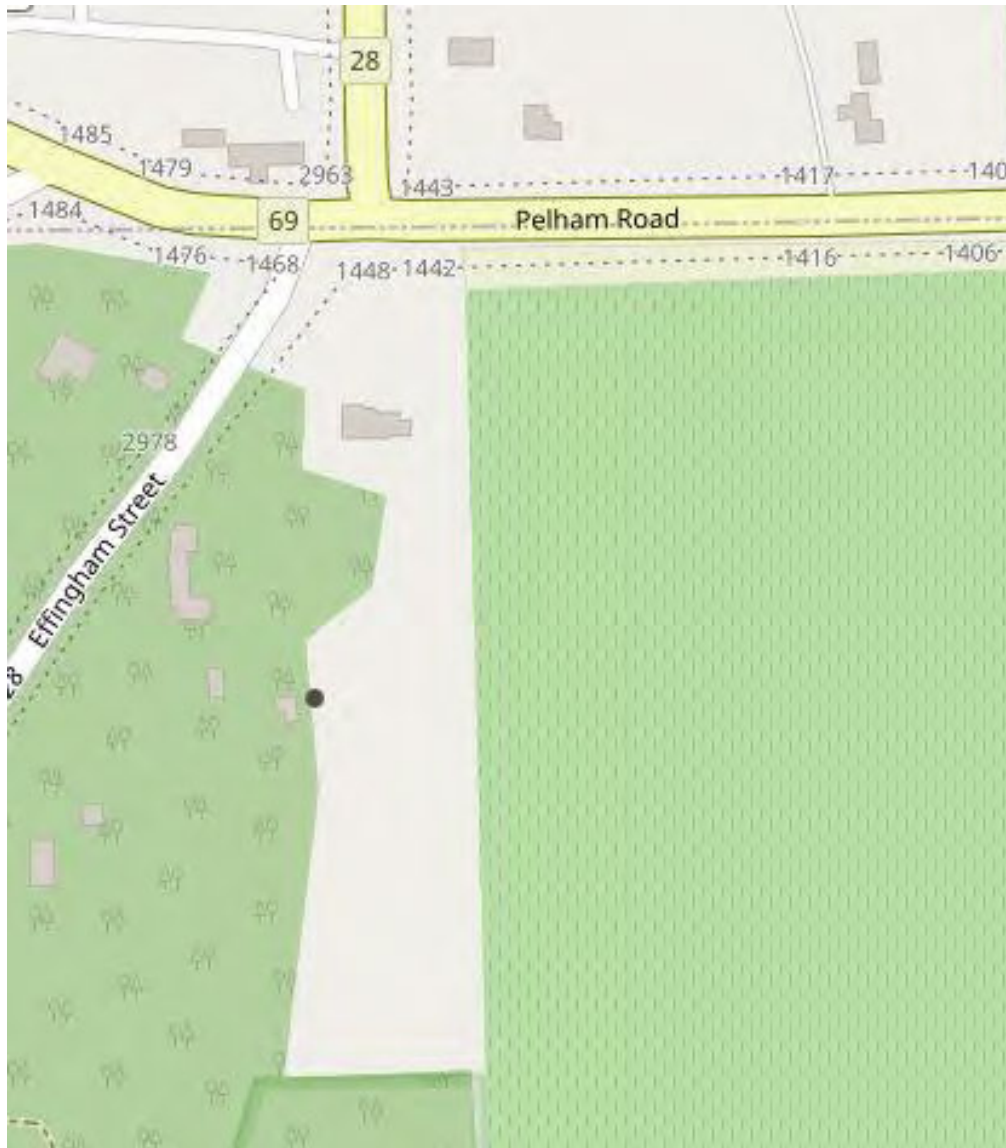
NEP Map 2A Natural Heritage Features



Appendix 2 – Staff Report # N/R/2022-2023/444

Mapping: Other Agencies (Page 1 of 3)

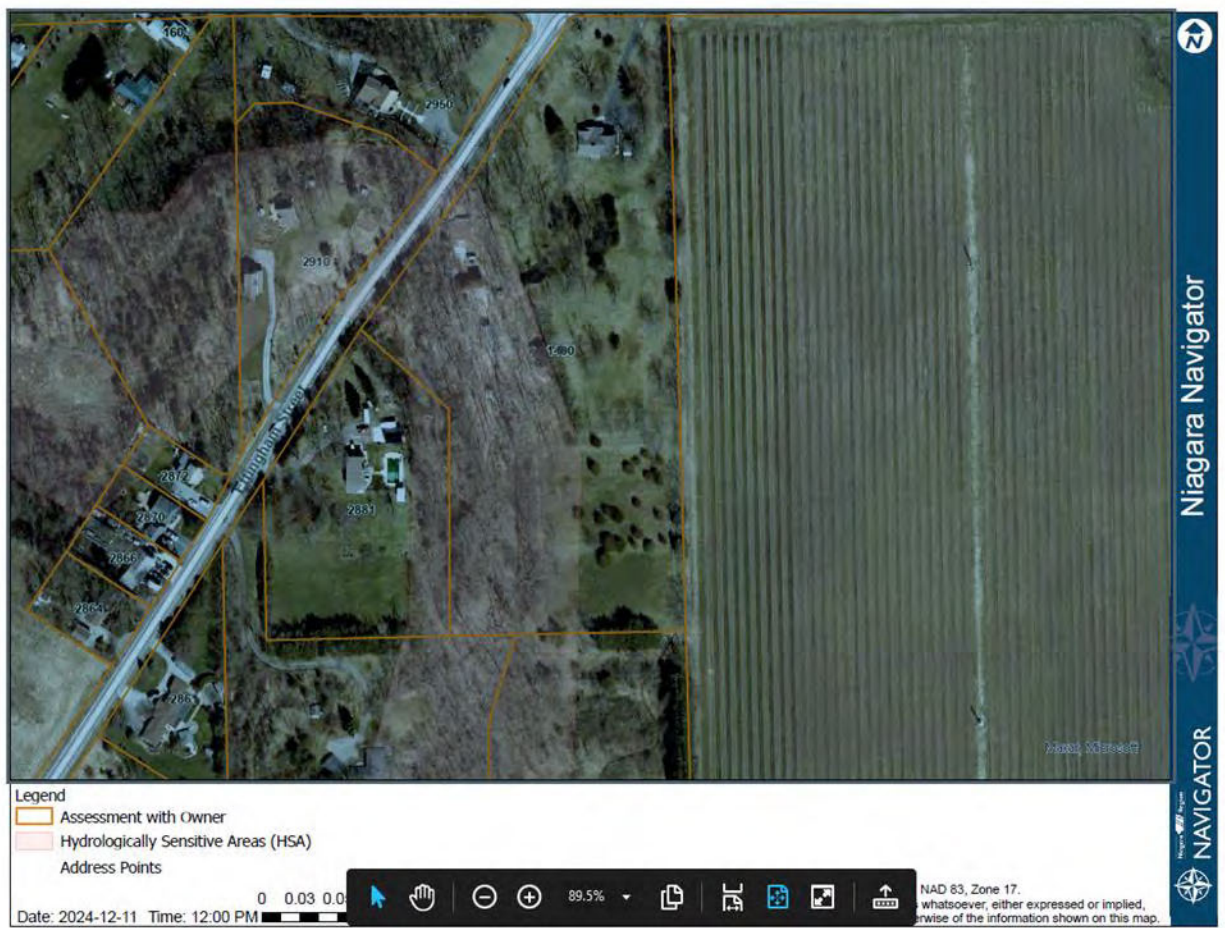
Map 1: Niagara Region Mapping: Significant Woodland



Appendix 2 – Staff Report # N/R/2022-2023/444

Mapping: Other Agencies (Page 2 of 3)

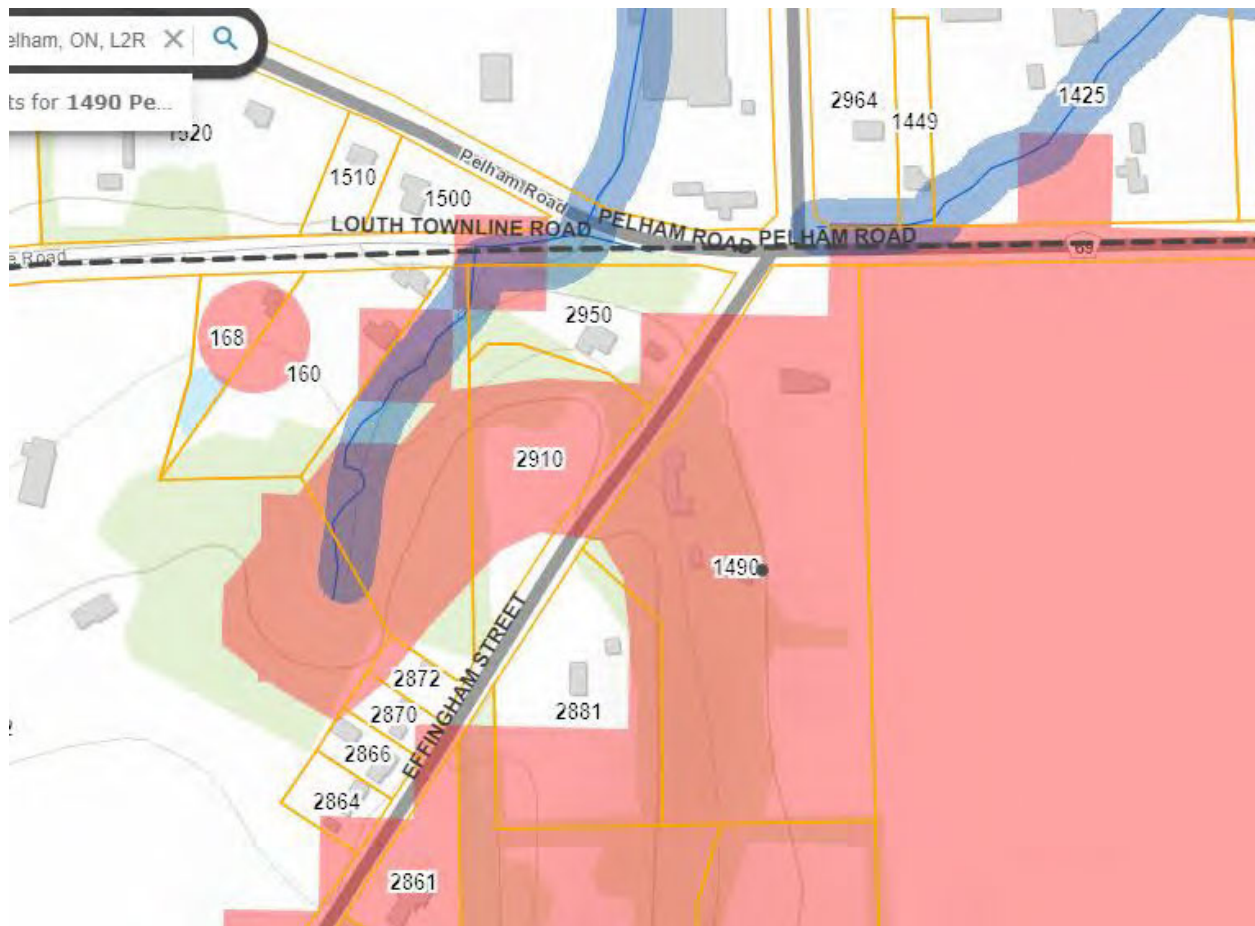
Map 2: Niagara Region Mapping: Hydrologically Sensitive Area



Appendix 2 – Staff Report # N/R/2022-2023/444

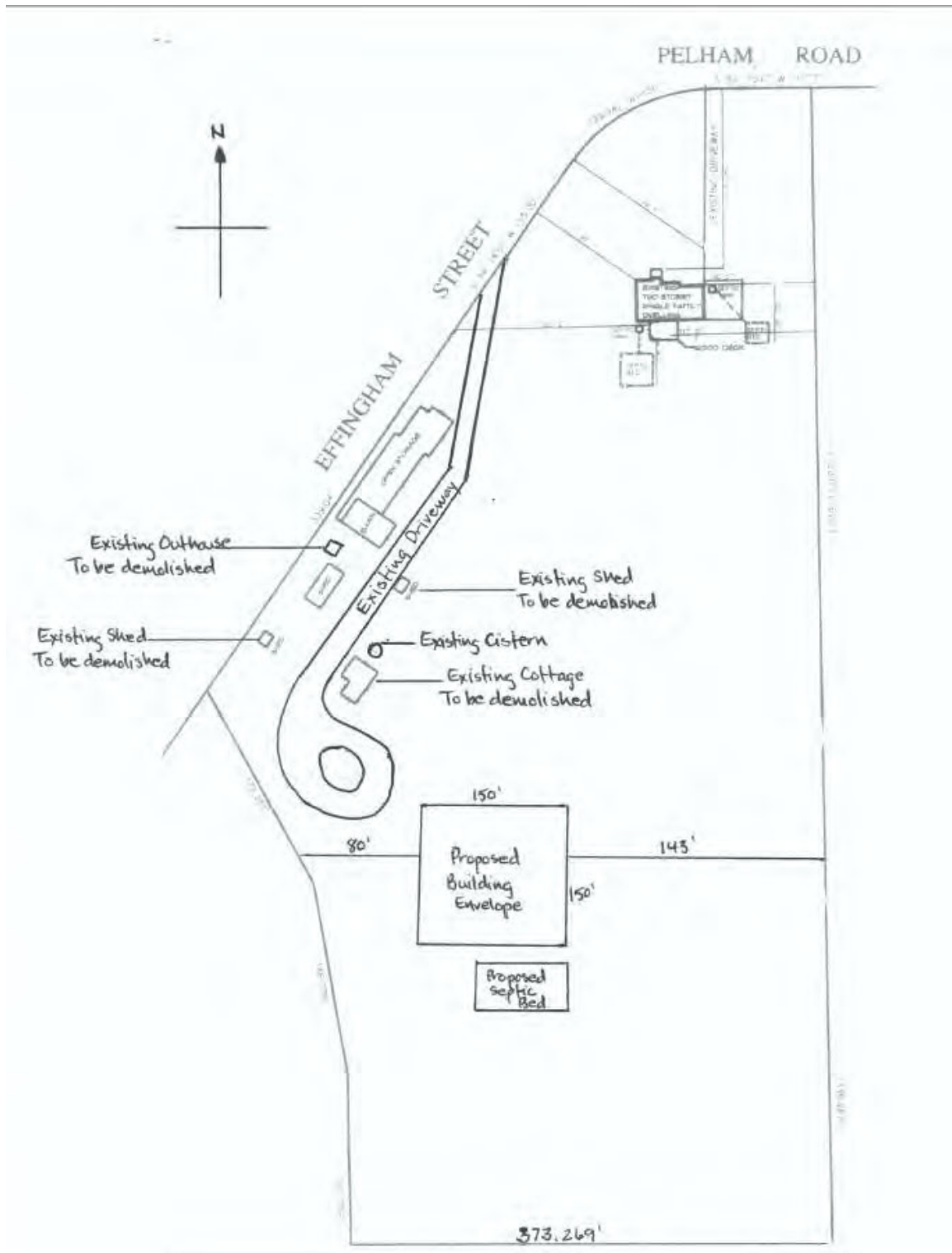
Mapping: Other Agencies (Page 3 of 3)

Map 3: Niagara Peninsula Conservation Authority – area in pink denotes Groundwater Protection Area – Quality (Highly Vulnerable Aquifer)



Appendix 3 – Staff Report # N/R/2022-2023/444

Applicant Submission: Preliminary Site Plan



Appendix 4 – Staff Report # N/R/2022-2023/444

Agency Comments:

1. Town of Lincoln

2. Region of Niagara

3. Niagara Peninsula Conservation Authority

April 26, 2023

Cheryl Tansony, Senior Planner
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B1

Re: NEC File No. N/R/2022-2023/444

1490 Pelham Road, Town of Pelham

Part Lot 2, Concession 1

Roll No. 2732 010 007 00400

Related Files: N/R/2010-2011/358; N/R/1996-1997/104

Planning staff have received your request for comments regarding the above noted NEC Development Permit Application.

The purpose of the application is to:

- Demolish an existing, 64.1m² accessory building (former single dwelling, currently used as accessory to existing single dwelling);
- Demolish two existing accessory buildings (personal storage sheds);
- Demolish an existing outhouse;
- Construct a new two storey, 232.3m², single dwelling with a maximum height of 8.5m;
- Install a new septic system; and
- Install a new cistern.

The lot is approximately 2.71 hectares in area and currently supports one current residential dwelling, one original residential dwelling that is currently used as accessory to the existing dwelling, four detached storage buildings, and private servicing.

The Town of Pelham Official Plan designates the subject parcel as Niagara Escarpment Plan Area (NEPA) and indicates that the policies of the Niagara Escarpment Plan (NEP) apply in addition to the general policies of the Town Official Plan. The lands are designated Escarpment Protection Area in the NEP. The provisions of the Town Zoning By-law are no longer in effect on the property as the lands are subject to NEC Development Permit Control which renders the Zoning By-law inoperable. The Provincial Agricultural System classifies the lands as a Speciality Crop Area. The property is also within the Provincial Natural Heritage System.

The Niagara Peninsula Conservation Authority (NPCA) has identified their Regulation Screening Area to cover the entirety of the subject land. Any development within the NPCA's jurisdiction is subject to their approval. In addition, the Niagara Region has an Environmental Screening layer in place across the subject

lands. The Regional Official Plan Core Natural Heritage mapping (Schedule C) designates the following features on the property:

- Significant woodlands;
- Groundwater protection - quality; and,
- Tertiary watersheds.

It is noted the proposed second dwelling appears to be located outside of the significant woodland feature, but within the groundwater protection and tertiary watershed areas.

Planning staff also note that the lands require private servicing and approval from the Region of Niagara is required for the proposed new private on-site sewage disposal system.

The Town of Pelham's Heritage Master Plan (2012) identifies the property as having composite archaeological potential. As the proposed location is shown to be located on previously undisturbed land, Planning Staff recommend the requirement of an archaeological assessment as a condition of any approval.

Town staff note that according to the applicant, two dwellings have existed on this agricultural property since approximately 1955. The Town does not have any records of when the dwellings were constructed, however according to Municipal Property Assessment Corporation (MPAC) records, a residential dwelling was constructed in 1955 and the applicant has noted that family was living in the original dwelling during the construction and additional family began living in the new additional dwelling upon its completion. The existing two-storey, single family dwelling that is located on the northerly end of the site underwent major renovations as part of NEC permit 10060/N/R/2010-2011/358 which was issued in 2011. This application identified the second dwelling as a 'shed' on the submitted drawings at that time and not as a dwelling and accordingly staff question the continued use of this building dwelling. Further MPAC records indicate one dwelling on the property, not two. The applicant is now looking to demolish this building and construct a new, much larger second single dwelling in a new location on the site.

While the provisions of the Town Zoning By-law are not in effect on the property as the lands are subject to NEC Development Permit Control, Planning Staff would note that the Town Official Plan and Town's new Comprehensive Zoning By-law 4481(2022) does set regulations for the construction of detached second dwelling units. Second dwelling units are intended to provide affordable housing opportunities and are to be accessory to a primary residential use and are permitted to have a maximum floor area of 93m² (1000ft²) when located outside of the Town's urban boundary. The proposed 2500ft² dwelling is significantly larger than what is permitted by the Zoning By-law.

Overall, Planning staff note that the Commission should be satisfied that the proposed development should not negatively impact the Escarpment's natural or rural character. Staff do however have concerns with the scale of the proposed new dwelling and would encourage the Commission to ensure that the property has contained two dwellings and that the objectives of the Escarpment Protection Area as outlined in the Niagara Escarpment plan are satisfied as well as the development criteria.

Town planning staff do not object to the application subject to any conditions of the NEC, NPCA, and/or Niagara Region and:

- That the applicant submit a Stage 1 – 2 Archaeological Assessment, prepared by a licensed archaeologist, (and any required subsequent archaeological assessments) for the proposed disturbed area to where the new dwelling and septic system are to be located and submit to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) and receive an acknowledgement letter from MHSTCI (copied to Town) confirming that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site.
- Submit the necessary Building Permit application to the Town Building Division and obtain Building Permit approval for the construction of the new residential dwelling.

Please do not hesitate to contact this office if you require additional information or have any questions concerning the contents of this correspondence.

Regards,



Lindsay Richardson, MCIP, RPP
Policy Planner

c.c. Barb Wiens, Director, Community Planning & Development, Town of Pelham
Carling MacDonald, Niagara Region – Planning & Development Services

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

April 20, 2023

File: D.09.06.NEC-23-0013

Ms. Cheryl Tansony
Senior Planner
Niagara Escapement Commission
232 Guelph St.
Georgetown, ON L7G 4B1

Dear Ms. Tansony:

**Re: Regional and Provincial Comments
NEC Development Permit Application
NEC File: N/R/2022-2023/444
Applicant/Owner: [REDACTED]
1490 Pelham Road
Town of Pelham**

Regional Planning and Development Services staff have reviewed the circulated Niagara Escarpment Commission (“NEC”) Development Permit Application for 1490 Pelham Road in the Town of Pelham (“subject property”).

The applicant is proposing the following on an existing 2.71 hectare (6.71 acre) lot:

- To demolish an existing 64.1 sq m (690 sq ft) accessory building (former single dwelling currently used as an accessory building).
- To demolish two (2) existing 9.2 sq m (99 sq ft) and 6.7 sq m (75 sq ft) accessory buildings (personal storage sheds).
- To demolish an existing 2.3 sq m (25 sq ft) outhouse.
- To construct a new 2-storey ± 232.3 sq m (2,500 sq ft), single detached dwelling with a maximum height to peak of ± 8.5 m (28 ft).
- To install a new septic system and cistern.

The following comments are provided from a Provincial and Regional perspective to assist the NEC in its consideration of this application.

Provincial and Regional Policies

According to the *Provincial Policy Statement, 2020* (“PPS”), the subject property is located within the ‘Prime Agricultural Area’, and more specifically within the ‘Specialty Crop Area’. Under the *Greenbelt Plan, 2017*, the subject property is identified as ‘NEC Designation Area’ where the *Niagara Escarpment Plan, 2020* (“NEP”) policies apply. Under the NEP, the subject lands are designated as ‘Escarpment Protection Area’ which are subject to development control.

Under the *Niagara Official Plan, 2022* (“NOP”) the property is designated as ‘Specialty Crop Area’. Provincial and Regional plans state that specialty crop areas are to be given the highest priority of protection for long-term agricultural use. Policy 4.1.2.2 of the NOP states that within specialty crop areas, all existing uses lawfully used for such purpose prior to December 16, 2004 are permitted. Regional staff acknowledge that the subject property is not currently used for agricultural operations and has been used for residential purposes since before December 16, 2004.

Regional and Provincial policies permit residential dwellings, dwelling additions, and accessory structures with an existing use provided that new municipal services are not required and the use does not expand into key natural heritage or hydrologic features. Staff note that a portion of the property is identified as a hydrologically sensitive area, however, the proposed building envelope (including the area of the proposed septic system) appears to be entirely or largely outside of this feature. Additionally, as noted in the comments below, the proposed development slightly encroaches upon significant woodland area within the Region’s Natural Environmental System (NES). However, due to the limited area of impact, staff offer no objection to the application as proposed.

Given that the development is consistent with and in conformity to Provincial and Regional policies, staff do not object to the proposed application, subject to the comments below and satisfaction of NEC requirements.

Archaeological Resources

The subject property is located within the mapped Area of Archaeological Potential, as identified in Schedule ‘K’ of the NOP. According to the PPS and NOP Policy 6.4.2.1, development shall not be permitted within areas of archaeological potential unless significant archaeological resources have been conserved.

In accordance with NOP Policy 6.4.2.6, a Stage 1 Archaeological Assessment, plus any subsequent recommended assessments, is required for the proposed development. Regional staff acknowledge that, as noted in e-mail correspondence between the NEC and Applicant (dated January 18, 2023), an archaeological assessment has been initiated. At the time of this letter, the archaeological assessment report(s) has not yet been provided to the Region. Staff request that the Stage 1 Archaeological Assessment report (and any subsequent reports, if applicable) and Letter of Acknowledgement from

the Ministry of Citizenship and Multiculturalism (“MCM”) is provided as a condition of the future Development Permit.

In addition, staff request that a standard archaeological advisory clause as per the NEC’s standard practice be included in the Development Permit that states:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (“MCM”) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

Private Sewage System

Regional Private Sewage System (PSS) staff has reviewed the proposed application. During the site inspection on April 11, 2023, PSS staff noted that two single chamber tanks were exposed on the east and south side of the dwelling. No sewage system records were found for the existing system on the property, however, it appears that the single tank south of the dwelling may gravity feed to an in-ground sewage bed in the rear yard.

Staff note that the proposed development would require a new sewage system to be installed on the property and the existing single chambered tanks would need to be decommissioned to the satisfaction of PSS staff.

The property contains enough usable area for the installation of a new sewage system, however, the specific dimensions and location will need to be determined at the sewage system permit stage. Therefore, staff offer no objections to the application, provided a septic permit is applied for and a new sewage system is installed.

Regional Permit Requirements

The submitted plan shows one existing access to Effingham Street, and one existing access to Pelham Road. Plans do not show any intent to change existing access location on Pelham Road.

Regional Construction Encroachment Permit

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and Entrance Permit must be obtained from the Transportation Services Division, Public Works department.

Regional Sign Permit

Based on the landscape plan provided there is development signage indicated, please note that the placement of any sign, notice or advertising device within 20m of the centerline of the Regional Road will require a Regional Sign permit.

Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Regional Road Allowance / Transportation

- The subject property has frontage along Regional Road 69 (Pelham Road). This section of road has a substandard road allowance. The designated road allowance is 26.2 metres as identified in the Regional Official Plan. Therefore, the applicant is advised that through future Planning Act applications the following widening may be required:
 - A widening across the frontage of the subject property of 3.05 metres. This is required in order to achieve 13.1 metres from the original centerline of this road section.
 - A daylight triangle of 15.0 metres x 15.0 metres at the intersection of Pelham Road and Effingham Street.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following current limits are met:

- No limit blue/grey containers collected weekly;
- No limit green containers collected weekly; and,

April 20, 2023

- 2 garbage bag/can limit collected every-other-week.
- **Curbside Collection Only.**

Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property.

Conclusion

Regional Planning and Development Services staff do not object to the proposed NEC Development Application, provided a septic permit is applied for and a new sewage system is installed, and the above noted archaeological assessment requirements are included as a condition of the future Development Permit.

Should you have any questions, please contact the undersigned at Carling.MacDonald@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send notice of the Commission's decision on this application.

Kind regards,



Carling MacDonald
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Lori Karlewicz, Planning Ecologist, Niagara Region
Quintin Michlik, Private Sewage System Inspector, Niagara Region
Susan Dunsmore, P.Eng, Manager of Development Engineering, Niagara Region

Follow-up Comments: Region of Niagara dated January 31, 2025

From: Busnello, Pat <pat.busnello@niagararegion.ca>

Sent: Friday, January 31, 2025 3:52 PM

To: Zirger, Rosi (MNR) <Rosi.Zirger@ontario.ca>; Michlik, Quintin <Quintin.Michlik@niagararegion.ca>; carling.macdonald <carling.macdonald@niagararegion.ca>

Cc: Development Planning Applications <devtplanningapplications@niagararegion.ca>

Subject: RE: Follow up 1490 Pelham Road [N/R/2022-2023/444] - Regional Comments

Importance: High

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Rosi,

In reviewing the notice and application it wasn't clear to me at first that a second dwelling is being proposed; however, after reading it over several times I do see now that the application includes:

"To construct a new two storey \pm 232.3 sq m (2,500 sq ft), second single dwelling with a maximum height to peak of \pm 8.5 m (28 ft)"

Apologies for our oversight. In regard your question and further to our comment letter, in the Specialty Crop Area the NOP permits single detached dwellings and accessory structures on existing lots of record zoned for such or permitted through other regulation (i.e. NEP and NEC Development Control) as of December 16, 2004 as well as "all existing uses lawfully used for such purpose prior to December 16, 2004".

In this regard I note that the NOP would have permitted the former second dwelling (currently used as accessory to the existing dwelling) to continue and be replaced if it was lawfully used prior to December 16, 2004 and remained in use as such today. It appears from the notice, however, that is not the case.

The NOP would not prohibit a second dwelling unit as a temporary garden suite (e.g. accessory to the single detached dwelling) in accordance with the temporary use provisions of the *Planning Act*. At this time, however, the NOP does not make provision for a second dwelling unit in prime agricultural/specialty crop areas.

Having said that, the 2024 *Provincial Planning Statement* permits ("shall be permitted in accordance with provincial guidance") up to two additional residential units on a lot in a prime agricultural area in accordance with provincial guidance and subject to the criteria set out in PPS policy 4.3.1.5. Unfortunately, due to the timing of the recent proclamation designating Niagara Region as "an upper-tier municipality without planning

responsibilities” effective March 31, 2025 the Region was not able to undertake a conformity exercise in order to bring the NOP into conformity with the 2024 PPS.

I hope this is helpful. Carling and I are, however, available to chat further with you if you have any questions or need clarification.

Regards,

Pat

Pat Busnello, MCIP, RPP

Manager, Development Planning
Niagara Region
Public Works Growth Management and Planning
905-980-6000, ext. 3379
pat.busnello@niagararegion.ca
www.niagararegion.ca

Niagara Peninsula Conservation Authority (NPCA) Email Comments – June 1, 2023

From: Sarah Mastroianni <smastroianni@npca.ca>

Sent: Thursday, June 1, 2023 3:04 PM

To: Tansony, Cheryl (MNRF) <Cheryl.Tansony@ontario.ca>

Cc: Adair, Kendra (MNRF) <Kendra.Adair@ontario.ca>

Subject: RE: Niagara Escarpment Commission request for comments for file N/R/2022-2023/444, 1490 Pelham Road, Pelham

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Thanks for the clarification, Cheryl.

As there appears to be development and/or site disturbances in close proximity to the toe of a slope located along the western side of the property, the NPCA will require a formal Grading Plan which confirms the location of the proposed works in relation to the toe of the slope and the scope/extent of grading activities required for the proposed development.

In accordance with our Hazard policies, if the works proposed adjacent to the toe of a slope hazard, have the potential to create or aggravate a potential erosion hazard, further study may be required. In other words, if grading activities occur adjacent to the toe of the slope, confirmation from a qualified Geotechnical Engineer would be required to confirm the proposed works will not have any negative impact to the over all stability of the slope over the long term. The Grading Plan is needed to confirm if further geotechnical analysis of the slope is required.

I trust this is sufficient at this stage, please let me know if you require any further review. There are review fees associated with NEC applications, however, given that this file may or may not continue, I am fine with only collecting a fee if further action is required by the NPCA.

Thank you.

Sarah Mastroianni

Manager, Planning and Permits

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

Tel: 905-788-3135 | extension 249

smastroianni@npca.ca

www.npca.ca

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the Staff Directory and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal, or on social media at facebook.com/NPCAOntario & twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

From: Tansony, Cheryl (MNRF) <Cheryl.Tansony@ontario.ca>

Sent: Friday, April 28, 2023 3:59 PM

To: Sarah Mastroianni <smastroianni@npca.ca>

Cc: Adair, Kendra (MNRF) <Kendra.Adair@ontario.ca>

Subject: RE: Niagara Escarpment Commission request for comments for file N/R/2022-2023/444, 1490 Pelham Road, Pelham

Hi Sarah,

Since the current site plan is just showing the building envelope, we would require additional information to confirm the location of the building and how close it is to the slope and woodland. From my correspondence with them, I understand that they are proposing the building away from these features, however this does not appear to be accurately represented on the site plan.

However, we do have policy concerns with this application in terms of permitted uses and may not support the construction of a new second dwelling. As such, I have let the applicants know that I would be circulating the application to get agency comments and see what requirements there would be. But I also recognize that the required plans and

studies will be costly and as such have not requested these before circulating if NEC staff will ultimately not support the application.

Let me know if you would like to discuss further.

Kind regards,

Cheryl Tansony

Senior Planner | Niagara Escarpment Commission
232 Guelph Street, Georgetown, Ontario, L7G 4B1
905-703-5354 | www.escarpment.org



As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

The NEC offices are now open to the public in a limited capacity. In order to ensure a safe and secure environment for staff and clients, the NEC **requires** that you make an appointment to meet with staff in person. Alternatively, the NEC will continue to provide services via telephone and email. Updates can be found on our website: <https://escarpment.org/covid-19-update/>

From: Sarah Mastroianni <smastroianni@npca.ca>

Sent: April 26, 2023 10:12 AM

To: Tansony, Cheryl (MNRF) <Cheryl.Tansony@ontario.ca>

Cc: Adair, Kendra (MNRF) <Kendra.Adair@ontario.ca>

Subject: RE: Niagara Escarpment Commission request for comments for file N/R/2022-2023/444, 1490 Pelham Road, Pelham

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good Morning Cheryl,

Before I finalize my comments, can you tell me if the NEC is requesting a formal Grading Plan for this proposal or is the site plan they submitted sufficient for your review? I will be requesting revised information to indicate the location of the proposed works in relation to the toe of the slope on the property, and my preference is to have that done through a formal grading plan (I don't feel their site plan really matches up to what's actually on site). However, I recognize these Plans can be costly and take a long time. If a grading plan is not a requirement for other agencies, I may be able to get away with a revised site plan confirming there will be no regrading or works located too close to the slope provided a few more details are added to the site plan.

Thank you.

Sarah Mastroianni
Manager, Planning and Permits
Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 249
smastroianni@npca.ca
www.npca.ca

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the Staff Directory and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal, or on social media at facebook.com/NPCAOntario & twitter.com/NPCA_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

From: Olah, Jennifer (MNRF) <Jennifer.Olah@ontario.ca>
Sent: Wednesday, March 22, 2023 10:06 AM
To: building-info@pelham.ca; Andrew Edwards <AEwards@pelham.ca>; Busnello, Pat <pat.busnello@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; Sarah Mastroianni <smastroianni@npca.ca>; Ontario Parks - Southwest Zone (MECP) <Ontario.Parks.Southwest.Zone@ontario.ca>
Cc: Tansony, Cheryl (MNRF) <Cheryl.Tansony@ontario.ca>; Adair, Kendra (MNRF) <Kendra.Adair@ontario.ca>; Barbara Wiens <BWiens@pelham.ca>
Subject: Niagara Escarpment Commission request for comments for file N/R/2022-2023/444, 1490 Pelham Road, Pelham

Good morning. Please see the attached NEC request for comments for the above-noted file. Kindly send your comments to Cheryl Tansony with a cc to Kendra Adair and to me by April 19, 2023. If you have any questions, please contact Cheryl, who is copied on this email.

Thank you.

Jennifer Olah

Administrative Coordinator | Niagara Escarpment Commission
232 Guelph Street, Georgetown, Ontario, L7G 4B1
905-703-4404 | www.escarpment.org



Appendix 5 – Staff Report # N/R/2022-2023/444

Notice of Decision N/R/1996-1997/104

Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

232 Guelph Street
Georgetown ON L7G 4B1
Tel. No. (905) 877-5191

232, rue Guelph
Georgetown ON L7G 4B1
N° de tél. (905) 877-5191

April 3, 1997

Dear Sir/Madam:

RE: NOTICE OF DECISION

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

You have the right to appeal the decision on this application. Appeals are dealt with by the Minister of Natural Resources. If you have reason to appeal, you must submit your written letter/notice of appeal to the Minister of Natural Resources within 14 days of the date of this letter. Please specify which decision you wish to appeal.

Letters of Appeal must be sent, or delivered to:

Niagara Escarpment Hearings Office
2300 Yonge Street, Suite 1201
Toronto, Ontario
M4P 1E4

Phone: (416) 484-7800
Fax: (416) 484-7825

This Niagara Escarpment Commission office will also accept letters of appeal, for forwarding to the Hearings Office.

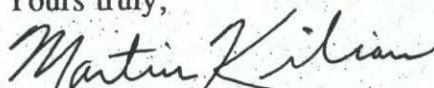
Please note that the last day that appeals may be received is Thursday, April 17, 1997, by 4:30 p.m.

If the Commission's decision(s) is/are appealed, a Hearing Officer, appointed by the Minister, will conduct a Hearing.

The Hearings Office will notify you by mail of the time and location of the Hearing. If you have appealed you will be expected to attend the Hearing, to present your reasons for appeal.

If you have any questions about this process, or about the details of the Development Permit application, please contact me.

Yours truly,



Martin Kilian
Planner

Development Control (905) 877-5191, ext. 229

NOTICE OF DECISION

CONCERNING

AN APPLICATION FOR DEVELOPMENT PERMIT UNDER
SECTION 25 OF THE NIAGARA ESCARPMENT PLANNING AND
DEVELOPMENT ACT R.S.O. 1990, c.N.2

Municipality	County/Region	File No.
Town of Pelham	Region of Niagara	N/R/96-97/104
Lot 2	Municipal Address (if applicable)	
Concession 1		
Applicant	Owner	Agent
	same	n/a

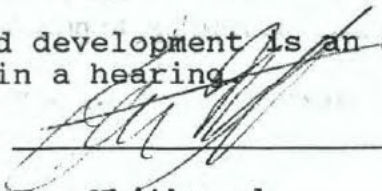
DESCRIPTION OF PROPOSED DEVELOPMENT: To construct a single dwelling with septic system. Details include:

- maximum size 279 sq m (3000 sq ft);
- maximum height 2 storeys and 9.1 m (30 ft);
- existing structures include a former cottage (not used in recent years), a barn with lean-to, a chicken coop, and a small garage;
- lot area 1.4 ha (3.4 ac).

The application for a Development Permit as described above, has been approved, subject to the terms and conditions as set forth on the attached appendix. Development can not begin prior to the issuance of a Permit.

An appeal of any part of the proposed development is an appeal of the entire decision and will result in a hearing.

SIGNED


Ken Whitbread
Senior Planner
Development Control

APPENDIX

CONDITIONS of APPROVAL


NIR/96-97/104

1. Non-fulfillment or breach of any one of the conditions shall render the Development Permit void.
2. No building permit or other licence, certificate, permit or similar permission relating to development shall be issued or be considered to be in force unless a valid Development Permit is in effect.
3. The Development Permit shall expire three (3) years from its date of issuance unless the development has commenced and a valid building permit issued within the three (3) years is in effect.
4. Development shall take place only in accordance with the site plan and development permit application submitted (except where special conditions are to apply as noted below).
5. No grading of the existing contours of the lot is permitted, with the exception of that which is required for the construction of the house, the waste disposal system, and driveway access, unless specifically approved by the Niagara Escarpment Commission.
6. No trees other than dead or diseased trees shall be cut or removed from the lot except those absolutely necessary for the construction of the house, the waste disposal system, and driveway access.
7. Screening, landscaping and rehabilitation shall be completed by the end of the growing season after the development is completed.

NOTE: The Commission recommends that for major trees, species native to the area - e.g. cedar, maple, beech, ash, birch and pine - should be used rather than exotic species.

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 a Final Site Plan that shall include at a minimum the following details: the approved location of the proposed structure(s) on the property showing distance setbacks to all property lines, the location of any natural features i.e.: streams, slopes, ravines and the distance of the development to those features and the location of proposed limit-of-work fences or erosion control measures.

APPENDIX

CONDITIONS of APPROVAL (continued)

NIR/96-97/104

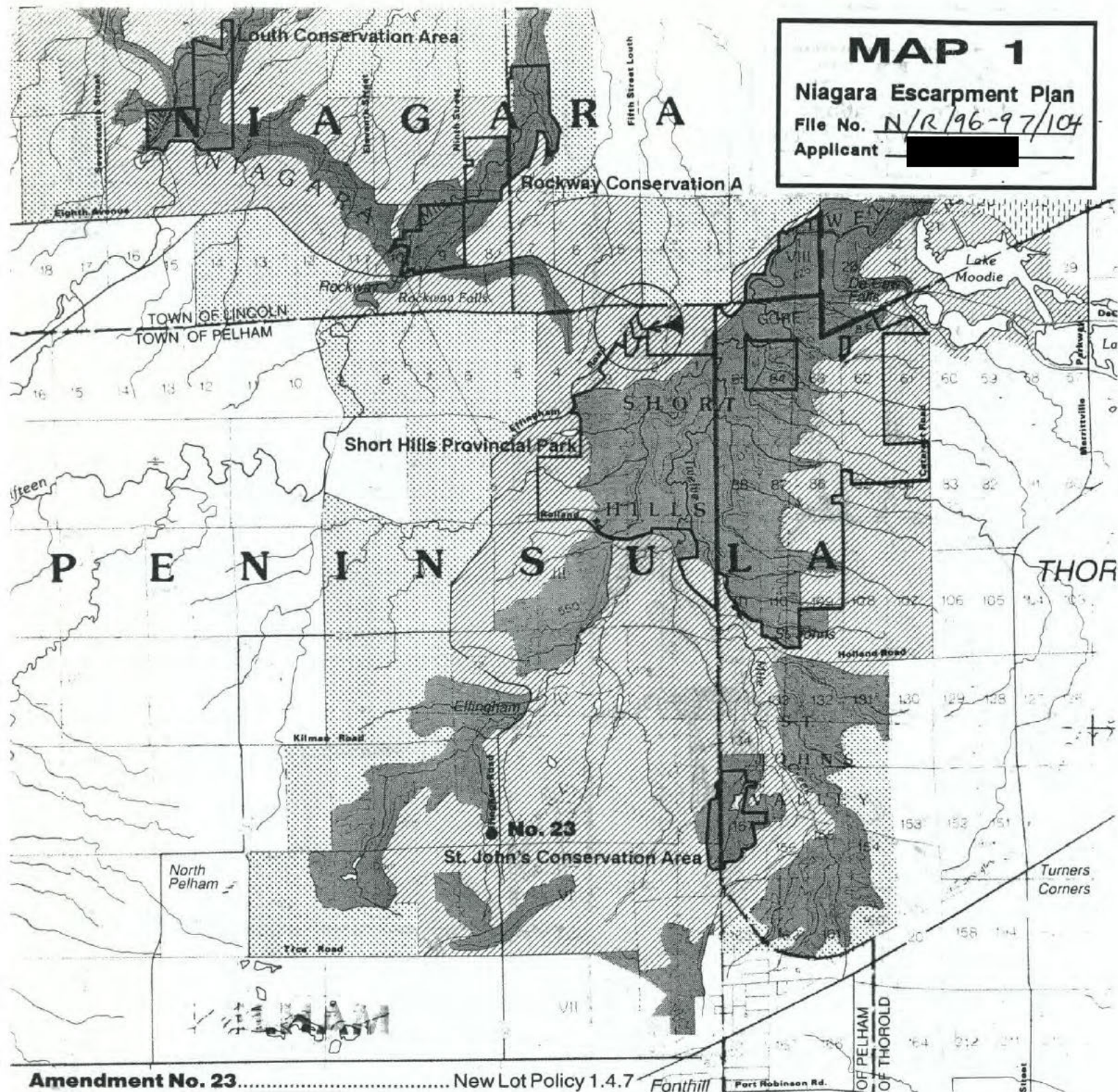
9. Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, the applicant shall submit for the approval of the Niagara Escarpment Commission a Grading and Drainage Plan that shall include: both existing and proposed grades and drainage patterns, areas where there is to be no disturbance of grade, the location of limit-of-work fencing and the location and type of erosion control measures.
10. 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 Building Plans that shall include at a minimum the following: scaled floor plans of each level, scaled elevations of the building from peak to existing grade, and a calculation of floor area.
11. Prior to the issuance of a Building Permit by the Town of Pelham, the applicant shall finalize with the Regional Niagara Public Health Department all details regarding an acceptable design for the sewage disposal system, and shall obtain the required Certificate of Approval.
12. Prior to legal occupancy of the new dwelling, the applicant shall remove all facilities within the identified former cottage to render it non-habitable or usable as a dwelling unit, to the satisfaction of the Niagara Escarpment Commission in consultation with the Town of Pelham.
13. This conditional approval shall expire if a Development Permit is not issued within one (1) year of the date the decision is confirmed.

MAP 1

Niagara Escarpment Plan

File No. N/R/96-97/104

Applicant [REDACTED]



LEGEND

Escarpment Natural Area

Urban Area

Escarpment Protection Area

Escarpment Recreation Area

Escarpment Rural Area

Mineral Resource Extraction Area

Minor Urban Centre

Public Land (in Parks and Open Space System)

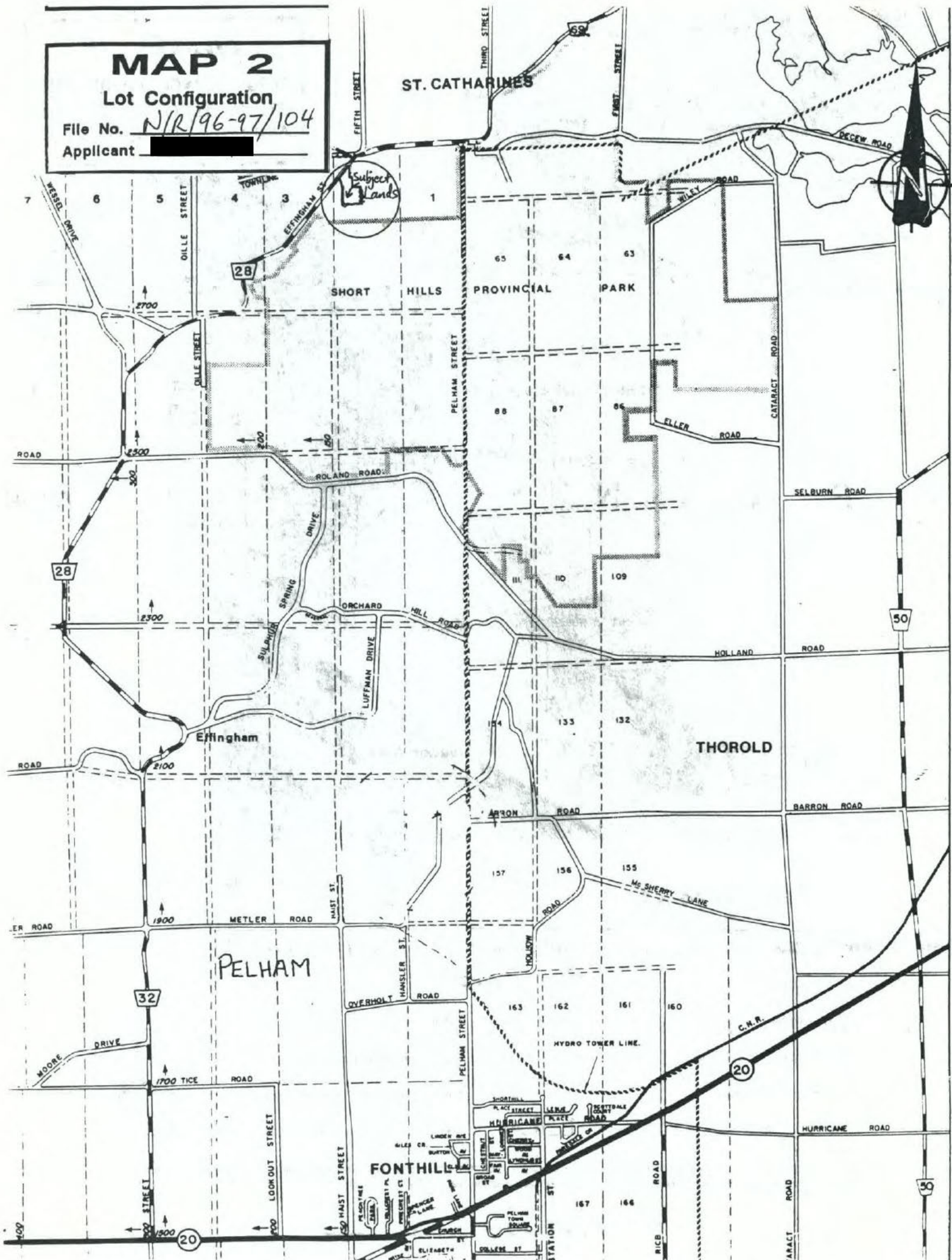
NOTE: The Niagara Escarpment Plan designation boundaries shown on this map are approximate and subject to confirmation through Site Inspection and the application of the "Interpretation of Boundaries" section of the Niagara Escarpment Plan.

SCALE 1 : 50 000

METRES 1000 500 0 1000 2000 3000

Lot Configuration

File No. N/R/96-97/104
Applicant [REDACTED]

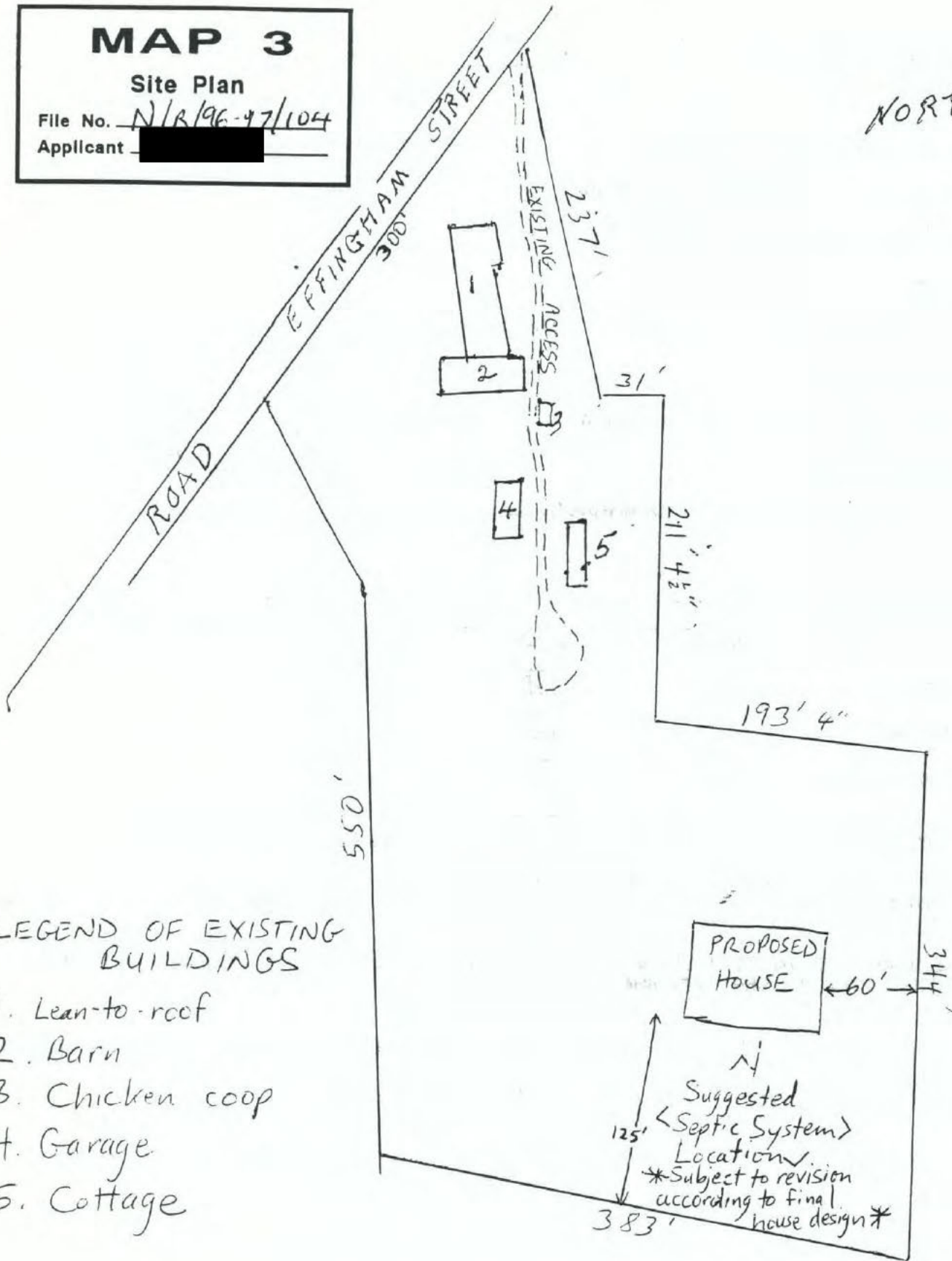


MAP 3

Site Plan

File No. N/R/96-47/104
Applicant [REDACTED]

NORTH
↑



LEGEND OF EXISTING BUILDINGS

1. Lean-to-roof
2. Barn
3. Chicken coop
4. Garage
5. Cottage

6. CONSTRUCTION DETAILS

New building ☒

Addition ☐

Alteration ☐

Demolition ☐

Ground Floor Area 1200 - 3000 sq. ft.

Number of Storeys 2 MAX

Total Floor Area 3000 sq. ft. MAX.

Maximum height above ground 30 FT

Roof Type:

Peaked ☐

Flat ☐

Other (specify) _____

Exterior wall finishes:

Brick ☐

Wood ☐

Aluminum ☐

Other (specify) _____

Exterior roof finishes:

Asphalt shingle ☐

Other (specify) _____

TO BE DECIDED
WITH FUTURE
BUILDING PLANS.

7. SERVICING

municipal

private

Water supply

☐☒

Sewage disposal

☐☒

Frontage on a road

☒☐

8. SITE PLAN (See sample illustration) *

Please attach a site plan drawn to scale or labelled with dimensions and showing:

Site boundaries, existing and proposed buildings, roads and driveways, any trees to be removed or planted, any servicing facilities (well, tile bed, hydro, telephone, gas, etc.)

USE THE SPACE BELOW TO PROVIDE OTHER INFORMATION YOU WISH TO SUBMIT IN SUPPORT OF APPLICATION. ATTACH A SEPARATE SHEET IF NECESSARY.

ORIGINAL DWELLING HAS CURRENTLY NO BATHROOM
FACILITIES OR PLUMBING

If the proposed use is in a sensitive part of the Area of Development Control the Commission may ask you to supply additional information.

Appendix 6 – Staff Report # N/R/2022-2023/444

Permit N/R/2010-2011/358 (issued September 8, 2011)



NIAGARA ESCARPMENT DEVELOPMENT PERMIT

PERMIT: 10060/N/R/2010-2011/358

FILE NUMBER: N/R/2010-2011/358

APPLICANT: [REDACTED]

OWNER: Same as Applicant

LOCATION: Part Lot 2, Concession 1
1490 Pelham Road
Town of Pelham, Region of Niagara

DESCRIPTION OF PROPOSED DEVELOPMENT: To construct a 2 storey, 6.7 m (22 ft) high, 139.35 sq m (1500 sq ft) accessory storage building on a 2.7 ha (6.7 ac) lot which also supports a single dwelling and several old accessory buildings.

Pursuant to the authority to issue Development Permits under Section 24 of *The Niagara Escarpment Planning and Development Act, R.S.O., 1990, Chapter N.2*, delegated by the Minister of Natural Resources under Section 25 of the Act, the Niagara Escarpment Commission hereby issues this **DEVELOPMENT PERMIT** for the proposed development described above, **subject to the attached conditions.**

SIGNED:

Don Scott
Chair
Niagara Escarpment Commission

September 8, 2011

This Development Permit is transferable provided the new Permit holder develops strictly in accordance with the conditions of the Development Permit.

DEVELOPMENT PERMIT

CONDITIONS

10060/N/R/2010-2011/358

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 building 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 the development has been completed and a valid building permit issued within the three years is in effect.
5. Development shall take place only in accordance with the site plan and development permit application submitted (except where special conditions are to apply as noted below).
6. No grading of the existing contours of the lot is permitted in the area of the development, except that which is absolutely necessary for the construction of the accessory storage building.
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 accessory storage building.
8. Landscaping and rehabilitation shall be completed within the first growing season following completion of the development.

NOTE: The Commission recommends that, for major trees, species native to the area shall be used rather than exotic species.
9. The approved storage building shall be restricted to an accessory building to the existing single dwelling. This building shall **not** be equipped with any plumbing fixtures and shall **not** be used for human habitation, as a dwelling unit, for the housing of livestock, or for any commercial/industrial or business purposes.

FINAL DETAILS
APPROVED

NK 11-09-08

FINAL SITE PLAN
APPROVED

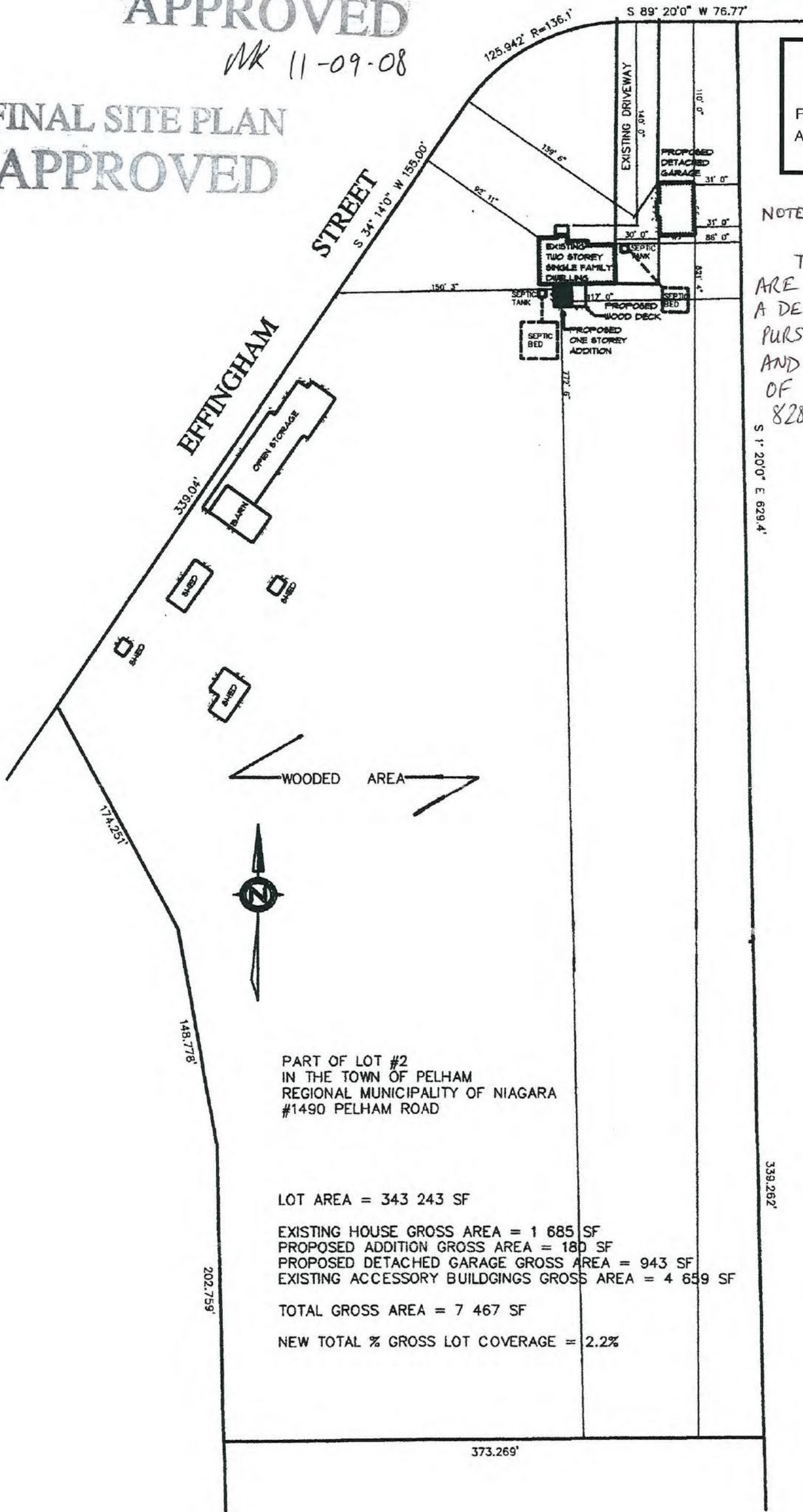
PELHAM ROAD

MAP 3

SITE PLAN

File No. N/R/2010-2011/358
Applicant [REDACTED]

NOTE: PROPOSED DECK AND
LIVING AREA ADDITIONS
TO THE EXISTING DWELLING
ARE EXEMPT FROM REQUIRING
A DEVELOPMENT PERMIT
PURSUANT TO SECTIONS 5.21
AND 5.11.1 RESPECTIVELY
OF ONTARIO REGULATION
828/90, AS AMENDED.



PART OF LOT #2
IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA
#1490 PELHAM ROAD

LOT AREA = 343 243 SF

EXISTING HOUSE GROSS AREA = 1 685 SF

PROPOSED ADDITION GROSS AREA = 180 SF

PROPOSED DETACHED GARAGE GROSS AREA = 943 SF

EXISTING ACCESSORY BUILDINGS GROSS AREA = 4 659 SF

TOTAL GROSS AREA = 7 467 SF

NEW TOTAL % GROSS LOT COVERAGE = 2.2%

FINAL DETAILS
APPROVED

11-09-08

FIGURE 1

FRONT ELEVATION

File No.

N/R/2010-2011/358

Applicant



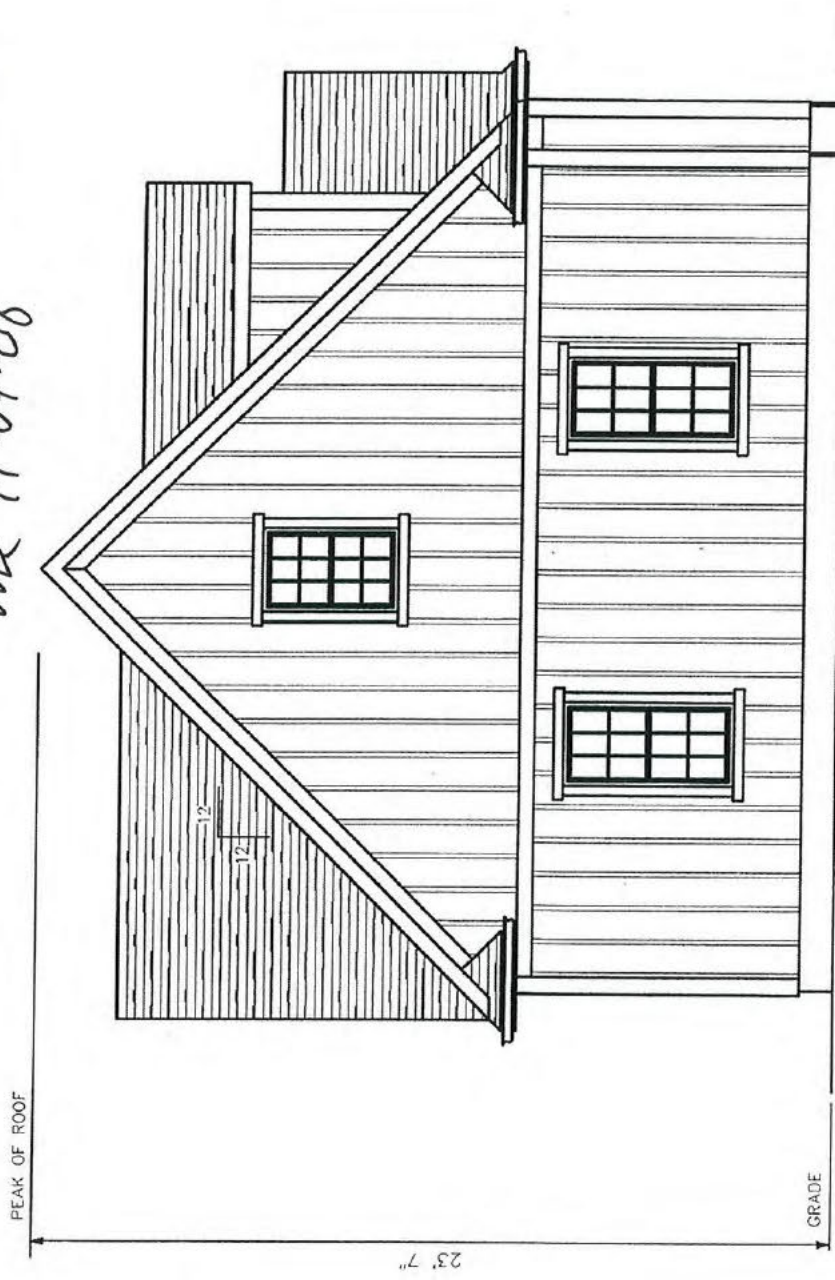
FIGURE 2

File No. N/R/2010-2011/358

Applicant

FINAL DETAILS
APPROVED

WK 11-09-08



LEFT ELEVATION

FINAL DETAILS
APPROVED

WK
11-09-08

FIGURE 3

REAR ELEVATION

File No. N/R/2010-2011/358

Applicant



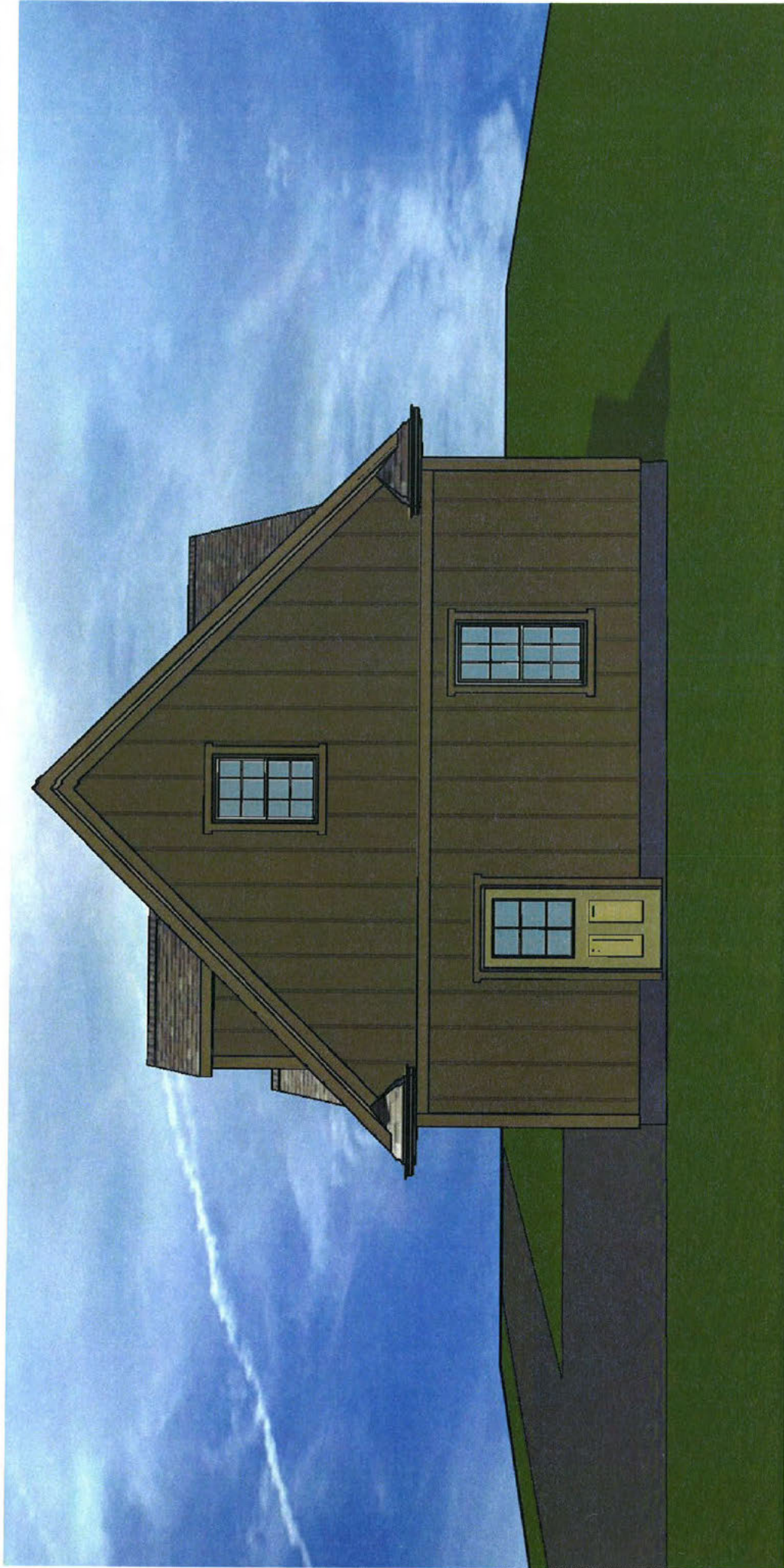
FINAL DETAILS [✓] MK
APPROVED 11-09-08

FIGURE 4

RIGHT SIDE ELEVATION

File No. N/R/2010-2011/388

Applicant [REDACTED]



10. DATE OF PURCHASE

Date the property was purchased by the current owner: September 2005

Date the property will be purchased by the applicant (if purchasing from current owner): _____

11. CONSTRUCTION DETAILS

NOTE

DEPENDING ON THE NATURE OF THE PROPOSED DEVELOPMENT AND/OR THE CHARACTERISTICS OF THE PROPERTY, SUPPORTING INFORMATION SUCH AS BUILDING PLANS, LANDSCAPING PLANS, VISUAL ASSESSMENTS, EROSION CONTROL PLANS, GRADING PLANS, OR AN ENVIRONMENTAL IMPACT ASSESSMENT MAY BE REQUIRED, IN ADDITION TO THE FOLLOWING INFORMATION:

Ground Floor Area is the total exterior measurements of the building, including attached garages and enclosed decks (as applicable). **Maximum Height** is measured from the lowest grade (e.g., walkout side), to the peak of the roof. **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.) + walkout basements + full or ½ second stories, etc.

Please fill in complete details for each proposed building, below:

	Ground Floor Area (Exterior measurements)	Total Floor Area	# of Storeys	Maximum Height (to peak)	Roof Type (peaked, flat, etc.)
<input type="checkbox"/> Dwelling	_____	_____	_____	_____	_____
<input checked="" type="checkbox"/> Accessory Building	<u>943 sqft.</u>	<u>1500 sqft.</u>	<u>2</u>	<u>22 ft.</u>	<u>Gable</u>
SEE ATTACHED SHEET <input checked="" type="checkbox"/> Addition	<u>180 sqft.</u>	<u>180 sqft.</u>	<u>1</u>	<u>18 ft.*</u>	<u>Gable</u>
<input type="checkbox"/> Demolition	_____	_____	_____	_____	_____
<input type="checkbox"/> Other Building	_____	_____	_____	_____	_____

* Not to exceed existing roof height

12. ACCESSORY FACILITIES, OTHER STRUCTURES, FILLING AND GRADING

(e.g., Gazebos, decks, swimming pools, tennis courts, lighting, signs, retaining walls, filling, grading, berms, parking lots/areas, tree clearing, wind power towers, wind machines (fans), solar panels, geothermal systems, hydro services/poles & lines, etc.) (See next page for ponds)

SEE ATTACHED SHEET → Please describe and provide information such as: location, dimensions, size, height, etc.

PRESSURE TREATED DECK AT REAR DOOR of ADDITION

SIZE: 16' x 20'

HEIGHT: 3.0. ft.

13. HOME BUSINESS, CHANGE OF USE, NEW USE

(e.g., Establishing a Home Business, Home Occupation, Home Industry or Bed and Breakfast business within an existing dwelling or other building. Converting or changing the use of a dwelling, building, property, etc.)

Please describe the proposed business or new use and provide information such as: type of business, size or area of land or building to be occupied or altered by the use, construction or alteration details, number of employees, access, parking, storage details, signage, etc.

NA

14. POND CONSTRUCTION/POND ALTERATION (dredging, maintenance, repair, etc.)

NA

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

☐ Proposed New Pond ☐ Existing Pond

Type of Pond: ☐ Spring-fed ☐ By-Pass ☐ Other (e.g., on-stream pond) _____

Use of Pond: ☐ Recreation ☐ Livestock ☐ Irrigation ☐ Other _____

Water Source: ☐ Springs ☐ Precipitation/run-off ☐ Well ☐ Other _____

Size of Pond: Water Area _____ Depth of Water _____

Height of Banks _____ Width of Banks _____

Distance to nearest watercourse, wetland &/or roadside ditch: _____

Distance to nearest existing or proposed septic system: _____

Constructions Details, Inflow/Outflow Construction Details, Emergency Outflow/Spillway Details:
(describe types, water supply, receiving area or watercourse, etc. Attach drawings)

Related erosion/sediment control measures, placement/use of excavated material, finish grading & landscaping:

FINAL DETAILS
APPROVED

15. LOT CREATION DETAILS (if applicable) NA

WK 11-09-08

If this application involves the creation / severance of a new lot, please provide the following information:

i) Proposed use of lot to be severed

Residential ☐
Commercial ☐
Industrial ☐
Farm Retirement ☐
Lot Addition ☐
Other _____ ☐

ii) Agricultural Information (If applicable)

Type of farming: _____
Do you own this farm? _____ Date of purchase? _____
Do you live on this farm? _____ Since what date? _____
Do you farm this property? _____ Do you rent it out? _____
Is farming your main occupation? _____
Have you severed a retirement lot previously? _____

16. OTHER INFORMATION

Additional information to clarify your proposal may be submitted here, or on a separate attachment:

Existing outdoor structures are outdated and are not suitable for proper storage for our vehicles and other residential equipment. Also, due to the location, these structures are not easily accessible from the main dwelling.

NIAGARA ESCARPMENT DEVELOPMENT PERMIT APPLICATION

Applicant: [REDACTED]

Mailing Address: 1490 Pelham Road, St. Catharines, ON L2R 6P7

Phone: 905.685.1717

Email: kbwoernert@yahoo.ca

FINAL DETAILS
APPROVED
MK 11-09-08

8. EXISTING LAND USE and PROPOSED DEVELOPMENT

A) Existing Land Use/Buildings – RESIDENTIAL

- Modify interior of existing attached single-car garage to usable interior living space with a small laundry room.
- Modify interior of existing living space above the attached garage into a proper master bedroom with a bathroom ensuite.
- Replace and modify the exterior of the existing home with new vertical board and batten siding, new windows and doors.

Based on dimensions and conditions from the Ontario Regulation 828/90, the above items are exempt for development permits.

B) Proposed Development – RESIDENTIAL

- Construct an additional room at the rear of the dwelling that will be used as a home office. (180 sq ft.)
- Construct a deck at the rear door of the addition. (16' x 20')

Based on dimensions and conditions from the Ontario Regulation 828/90, the above items are exempt for development permits.

Therefore, we are applying for a development permit for the proposed development:

- New construction of a detached 3-car garage with loft space for storage. (943 sq ft.)

Appendix 7 – Staff Report # N/R/2022-2023/444

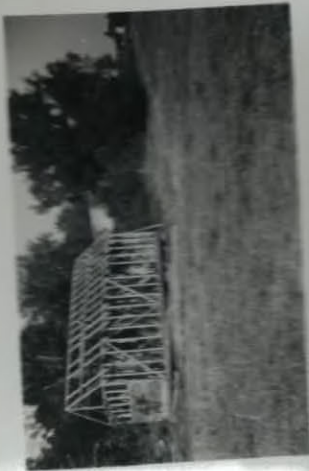
Applicant's Historic Photos ca 1955



FEB 56



FEB 55



Appendix 8 – Staff Report # N/R/2022-2023/444

Site Photos (October 2024)

Appendix 7: Site Photos October 2024

Figure 1: Existing “Serviced” Dwelling at 1490 Pelham Road



Figure 2: Driveshed



Figure 3: Barn and Outhouse



Figure 4: Shed



Figure 5: Cottage - west view (front)



Figure 6: Cottage - East View (Back)



Figure 7: Cottage interior



Figure 8: Looking west toward Driveshed and Driveway to Effingham Rd.



Figure 9: Back of Property - South View



Figure 10: Back of Property - East View



Figure 11: Looking North toward Existing House

