**Niagara Escarpment Commission**
232 Guelph St.
Georgetown, ON L7G 4B1
Tel: 906-877-5191
[www.escarpment.org](http://www.escarpment.org)

# MINUTES OF M840/01-2025

NIAGARA ESCARPMENT COMMISSION

HYBRID

(Georgetown office and Microsoft Teams)

January 16, 2025

## MEMBERS PRESENT

J. Chevalier (virtual - left 11:45 a.m.), M. Francis (virtual – left at 12:05 p.m.), R. Gibson, L. Golden (virtual), D. Hutcheon (virtual), L. Kiernan, G. Krantz (virtual), K. Lucyshyn (virtual), D. McKinlay (virtual), D. Measures (virtual), D. Nielsen (virtual), R. Vacca (Chair), J. Vida, A. Witteveen.

## REGRETS

Driedger, Little.

## STAFF PRESENT

S. Carey, J. Isaac, M. Cairns, M. Thompson, J. Sperling, S. Robinson, B. Henderson,
R. Burns, L. Wang, A. Bochenek, J. Olah, R. Van Massenhoven.

ALSO PRESENT

Robert Patrick, C.O.N.E.

## MEETING CALLED TO ORDER 9:35 a.m.

Chair Rocco (Rocky) Vacca presided.

## INTRODUCTIONS / ANNOUNCEMENTS

The Chair wished the Commissioners and staff a happy New Year. He noted that 2025 will be a busy year with the preparing for the Coordinated Plan Review and the implementation of new processes and procedures. He also noted that the Commission and staff are a good team to carry out the positive changes ahead.

## LAND ACKNOWELDGEMENT

The Chair read the Land Acknowledgment.

DIRECTOR’S REMARKS

The Director advised the Commission that the new Public Participation Guidelines have been posted to the website and the Commissioner portal. The changes have been implemented and the new timelines will be in effect starting with the February 20th Commission meeting. He also noted that the current meeting procedures are also being revised to follow Robert’s Rules of Order and should be ready for the March or April meeting for the Commission to review.

## BUSINESS ARISING FROM PREVIOUS MEETINGS

No business arising.

APPROVAL OF MINUTES

**M840R1/01-2025**

Moved By: Gibson

Seconded By: Witteveen

*“That the Commission approve the November 21, 2024, Commission Minutes M839-11-2024, as written.”*

**Motion Carried**

## CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

## Commissioner Kiernan declared a conflict with Agenda Item A3.

## MOTION FOR SPEAKERS

**M840R2/01-2025**

Moved By: Vida

Seconded By: Lucyshyn

*“That the persons representing the applications listed on the agenda be invited to address the Commission.”*

**Motion Carried**

## DISCUSSION AGENDA: A PACKAGE

## (Staff Reports, Information items)

**A1**

**ADDENDUM STAFF REPORT**

**DEVELOPMENT PERMIT APPLICATION W/R/2022-2023/620**

411 Sulphur Springs Road

Part Lots 42 and 43, Concession 2 (former Town of Ancaster)

City of Hamilton, Region of Halton

**PROPOSAL**

To construct a one-storey, ± 535.1 sq m (5,760 sq ft) single dwelling with a maximum height to peak of ± 8 m (26.2 ft), to construct a two-storey ± 171.9 sq m (1,850.3 sq ft) accessory building (personal storage) with a maximum height to peak of ± 11 m
(36.1 ft), to construct a ± 1,242 sq m (13,368 sq ft) driveway, to install a private sewage treatment system and well, on a 10.12 ha (25 ac) vacant lot.

**CONCLUSION**

On the direction of the Commission from the November 21, 2024 meeting, staff drafted Conditions of Approval for the Commission’s consideration. NEC staff have not changed their professional planning advice to the Commission but have prepared the Conditions of Approval for the Commission’s consideration.

SPEAKERS

Brandon Henderson, Senior Planner, reviewed the staff report and answered questions.

Brenda Khes, Principal Planner, GSP Group, was available to answer questions.

**M840R3/01-2025**

Moved By: Francis

Seconded By: Lucyshyn

*“That the Commission approve application W/R/2022-2023/620 with the conditions of approval.”*

1. *Development shall proceed in accordance with the Terms and Conditions of the Development Permit.*
2. *The Development Permit shall expire three (3) years from the date it has been issued unless the development has been completed in accordance with the Development Permit.*
3. *No site alteration of the existing contours of the property including the placement or stockpiling of fill (i.e., excess or imported soil) on the property is permitted with the exception of that identified within the development envelope in accordance with the* ***Final Site Plan****.*
4. *No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the* ***Final Site Plan****.*
5. *If development has commenced under a Development Permit, any/all disturbed areas of land or soil shall be re-vegetated and stabilized to the satisfaction of the Niagara Escarpment Commission on or before the date of expiry of the Development Permit.*
6. ***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 following stipulation shall be included directly on the Plan:*
	1. *The Final Site Plan shall be prepared by a qualified professional;*
	2. *All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well), and include the name of the relevant individual or consultant who prepared the drawing;*
	3. *Location of all existing and proposed structures, sewage disposal system, well/cistern, driveway, setbacks from the property lines, any watercourses or water features, top / bottom of slope, wooded areas, etc.*
	4. *Grading and drainage details;*
	5. *Areas of stockpiling and material storage;*
	6. *Tree protection and erosion and sediment control fencing;*
	7. *Areas of tree compensation planting; and,*
	8. *The limit of disturbance.*
7. ***Prior to the issuance of a Development Permit by the Niagara Escarpment Commission****, a* ***Final Landscape Plan*** *shall be prepared for Niagara Escarpment Commission approval. The Plan shall address all vegetation retention and planting requirements in accordance with the standard practices of the implementing authority. The following stipulations shall be included directly on the Plan:*
	* 1. *The Final Landscape Plan shall be prepared by a qualified professional;*
		2. *Identify the number, type, ownership and location of trees to be removed, retained and planted;*
		3. *Identify vegetation protection measures for trees to be retained;*
		4. *All new tree and shrub species (including seed mixes) shall be native to Ontario except where otherwise approved by the Niagara Escarpment Commission. Plant material shall be sourced from local plant nurseries; bush dug plant material is not acceptable;*
		5. *Planting and the rehabilitation of all disturbed areas shall be completed on or before the date of expiry of the Development Permit to the satisfaction of the Niagara Escarpment Commission;*
		6. *All plant material shall be guaranteed for 24 months following installation. All plant material found during this time to be dead or dying must be replaced with a size and species to the satisfaction of the Niagara Escarpment Commission.*
8. ***Prior to the issuance of a Development Permit by the Niagara Escarpment Commission,*** *the landowner shall submit for the approval of the Niagara Escarpment Commission,* ***final construction details*** *for the proposed development, including exterior elevations, total floor area, floor plans, height to roof peak from lowest grade, and any exterior lighting.*
9. ***Prior to the issuance of a Development Permit by the Niagara Escarpment Commission*** *an* ***Archaeological Assessment*** *shall be completed by a qualified professional to the satisfaction of the Niagara Escarpment Commission. The Archaeological Assessment shall demonstrate that the proposed development will not have a negative impact on the heritage attributes and that the heritage attributes will be conserved through appropriate mitigation measures and/or alternate development approaches.*
10. ***Prior to the issuance of a Development Permit by the Niagara Escarpment Commission*** *a* ***Geotechnical Assessment*** *shall be completed by a qualified professional to the satisfaction of the Niagara Escarpment Commission. The Geotechnical Assessment shall demonstrate that the proposed development envelope including driveway is not prone to hazards and shall include appropriate mitigation measures, if applicable.*
11. ***Prior to the commencement of any development****, erosion and sediment control measures (e.g., fencing, blankets, rip-rap), and/or vegetation protection fencing shall be implemented and maintained as shown on the* ***Final Site Plan*** *until all disturbed areas are stabilized. It is the responsibility of the landowner to implement, monitor and maintain all erosion and sedimentation control measures and vegetation protection fencing in good condition until vegetative cover has been successfully established and the development is completed.*
12. *Development shall proceed in accordance with the mitigation measures of the Natural Heritage Evaluation prepared by Natural Resource Solutions Inc. dated February 9, 2023.*
13. *Conditions 6, 7, 8, 9, & 10 must be fulfilled within three (3) years from the date of confirmation of the Commission’s decision or this conditional approval shall lapse and a Development Permit will not be issued.*

***Advisory Notes:***

1. *A Development Permit does not limit the need for or the requirements of any other applicable approval licence or certificate under any statute (e.g., Ontario Building Code, Conservation Authorities Act, Endangered Species Act, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.*
2. *The Niagara Escarpment Commission supports the protection of the night sky from excessive lighting and recommends the applicant obtain information on the use and operation of appropriate lighting fixtures in keeping with dark sky approaches.*
3. *Should deeply buried archaeological remains/resources be found on the property during construction activities, the Ontario Ministry of Citizenship and Multiculturalism (MCM) 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.”*

**For the motion:**

Chevalier, Francis, Gibson, Kiernan, Krantz, Lucyshyn, McKinlay, Measures, Nielsen, Vida.

**Against the motion:**

Golden, Hutcheon, Witteveen.

**Motion Carried**

**A2**

**STAFF REPORT**

**Development Permit Application N/R/2022-2023/674**

N/R/2022-2023/674

457 Main Street West

Part Lot 19, Concessions 2 and 3

Town of Grimsby, Region of Niagara

NOTE:

This item has been deferred to the April 17, 2025 Commission meeting at the request of the applicant.

**CLOSED SESSION**

**M840R4/01-2025**

Moved By: McKinlay

Seconded By: Measures

*“That the Commission move in-camera.”*

**Motion Carried**

**M840R5/01-2025**

Moved By: Hutcheon

Seconded By: Vida

*“That the Commission move out-of-camera.”*

**Motion Carried**

**CLOSED SESSION**

**M840R6/01-2025**

Moved By: Hutcheon

Seconded By: Kiernan

*“That the Commission move in-camera.”*

**Motion Carried**

**M840R7/01-2025**

Moved By: McKinlay

Seconded By: Lucyshyn

*“That the Commission move out-of-camera.”*

**Motion Carried**

Broke for lunch: 12:15 p.m.

Reconvened: 12:45 p.m.

**A3**

**STAFF REPORT**

**Development Permit Application P/C/2022-2023/175**

2521 Escarpment Road

Part Lot: 10, Concession: 1

Town of Caledon, Region of Peel

**PROPOSAL**

To recognize the establishment of the following on an existing 10.61 ha (26.23 ac) lot:

* an agricultural use (vineyard),
* a ± 360 sq m (± 3,875 sq ft) agricultural storage tent,
* 1,750 sq m (± 18, 836 sq ft) asphalt parking lot to accommodate 125 vehicles,
* the placement of four (4) storage bins,
* the placement of four (4) portable washrooms, and
* general landscaping.

Note: The proposed on-farm diversified use (wedding events) has been withdrawn from the application.

# RECOMMENDATION

That the application be **refused** for the following reasons:

1. The proposed development conflicts with Part 2.7.2 of the Niagara Escarpment Plan.
2. The proposed development is not consisted with Section 4.1.1 and 4.1.5 of the 2024 Provincial Planning Statement.
3. The proposal does not conform with Town of Caledon’s Official Plan.
4. The Town of Caledon objects to the approval of the application.
5. The proposal does not conform with the Region of Peel’s Official Plan.

SPEAKERS:

Brandon Henderson, Senior Planner, reviewed the staff report and answered questions.

Clara Krapez, agent, presented and answered questions.

Mark Krapez, applicant, presented and answered questions.

Michael Krapez, agent, presented and answered questions.

**M840R8/01-2025**

Moved By: McKinlay

Seconded By: Vida

*“Whereas the Commission is satisfied that the vineyard areas are within agricultural lands, that the Commission approves the application in principle with a reduced parking area to a maximum of 25 parking spaces and that the storage and other uses be moved to the paved portion with conditions to be determined at a subsequent meeting.”*

**For the motion:**

Krantz, Lucyshyn, McKinlay, Vida.

**Against the motion:**

Gibson, Golden, Hutcheon, Measures, Nielsen, Witteveen.

**Motion Defeated**

**M840R9/01-2025**

Moved By: Witteveen

Seconded By: Hutcheon

*“That the Commission approve the staff recommendation and refuse the application for the following reasons:*

1. *The proposed development conflicts with Part 2.7.2 of the Niagara Escarpment Plan.*
2. *The proposed development is not consisted with Section 4.1.1 and 4.1.5 of the 2024 Provincial Planning Statement.*
3. *The proposal does not conform with Town of Caledon’s Official Plan.*
4. *The Town of Caledon objects to the approval of the application.*
5. *The proposal does not conform with the Region of Peel’s Official Plan.”*

**For the motion:**

Gibson, Golden, Hutcheon, Krantz, Lucyshyn, McKinlay, Measures, Nielsen, Vida, Witteveen.

**Against the motion:**

None.

**Motion Unanimously Carried**

NOTE:

Commissioner Kiernan had declared a conflict and did not participate in the vote or discussion for this agenda item.

Commissioners Chevalier and Francis had left the meeting and did not vote.

## CONSENT AGENDA ITEMS

Information Items

G1 Director Approvals and Dashboards for November and December 2024

G2 Appeals and Hearings update as of December 31, 2024

G3 Director’s Report for November and December 2024

G4 Plan Amendments Status update as of December 31, 2024

**M840R10/01-2025**

Moved By: Witteveen

Seconded By: Kiernan

*“That the Commission accept the Consent Agenda items.”*

**Motion Carried**

NEW BUSINESS

Commissioner McKinlay asked to include an item to the list for the Commission’s consideration during the 2025 Coordinated Review. The Director advised that the Commissioners will have an opportunity to discuss the items for the review at the next meeting on February 20th.

## ADJOURNMENT

**M840R11/01-2025**

Moved By: Witteveen

*“That this meeting be adjourned.”*

**Motion Carried**

**Time of Adjournment:** 2:40 p.m.

ORIGINAL SIGNED BY:

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Rocco (Rocky) Vacca

Chair