



Niagara Escarpment Commission
An agency of the Government of Ontario

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**FINAL MINUTES OF M850/11-2025
NIAGARA ESCARPMENT COMMISSION
HYBRID
(Georgetown office and Microsoft Teams)
November 20, 2025**

MEMBERS PRESENT

J. Chevalier (virtual, in at 10:50 am), M. Francis (virtual), L. Golden (virtual), L. Kiernan, G. Krantz (virtual), G. Little, D. McKinlay, D. Measures (virtual, in at 10:35 am), D. Nielsen (to 12:00 pm), R. Palmer, L. Price, R. Vacca (Chair), J. Vida, A. Witteveen (virtual).

REGRETS

None.

STAFF PRESENT

S. Carey, J. Isaac, M. Cairns, S. Robinson, J. Sperling, S. Dobbyn, L. Wang, B. Fatima (virtual), J. Kowalski, A. Bochenek, J. Olah.

ALSO, PRESENT

P. Johnson, Counsel; W. Wood, Natural Heritage Land Use Planning Advisor (A), Natural Heritage Section, Ministry of Natural Resources.

MEETING CALLED TO ORDER 9:30 a.m.

Chair Rocco (Rocky) Vacca presided.

INTRODUCTIONS / ANNOUNCEMENTS

The Chair welcomed all to the meeting. He advised that there is no update on the coordinated plan review launch date; the commission continues to have three (3) public-at-large vacancies and advised that Commissioner McKinlay's term ends on November 30th and Commissioner Vida's term will expire prior to the January 2026 meeting.

LAND ACKNOWLEDGEMENT

The Chair read the Land Acknowledgment.

DIRECTOR'S REMARKS

The Director advised that he continues to follow up with the ministry weekly on the status of the vacant commissioner appointments. He noted that significant staff recruitment is underway and will provide an update in the new year. He reminded the meeting participants of the accessibility options, code of conduct, and technical support available.

BUSINESS ARISING FROM PREVIOUS MEETINGS

No business arising.

APPROVAL OF MINUTES

M850R1/11-2025

Moved By: Vida
Seconded By: Witteveen

"That the Commission approve the October 20, 2025, Commission Minutes M849-10-2025, as written."

Motion Carried

CONFLICTS OF INTEREST – Declaration of Conflicts of Interest

Commissioners Chevalier and McKinlay declared a conflict with agenda item A1 due to professional associations with companies that may have dealings with the Escarpment Corridor Alliance.

MOTION FOR DELEGATES

M850R2/11-2025

Moved By: Krantz

Seconded By: Nielsen

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

Motion Carried

A1

STAFF REPORT

Approval for Status as an Approved Conservation Organization Escarpment Corridor Alliance

BACKGROUND

The Escarpment Corridor Alliance (ECA) is a nonprofit organization established in 2023 with the mission to create a protected and connected ecological corridor across the Niagara Escarpment of South Georgian Bay through research, education and stewardship. The ECA has recently updated its charitable status with the Canada Revenue Agency to include land acquisition as a conservation land trust.

The ECA has applied to the Niagara Escarpment Commission (NEC) to be formally designated as an *Approved Conservation Organization (ACO)*. This status under the Niagara Escarpment Plan (NEP) would allow the ECA to undertake severances that would not normally meet the severance provisions of the NEP, for the purpose of creating a nature preserve. Staff have undertaken a review of the documentation provided by the ECA towards satisfying the Commission-approved criteria for approval as an ACO in the Policy Interpretation Document and are satisfied that the ECA has demonstrated compliance with all criteria.

STAFF RECOMMENDATION

That the Niagara Escarpment Commission approve the application by the Escarpment Corridor Alliance for Approved Conservation Organization status and direct Staff to add them to the list of approved organizations in Appendix 4 of the Niagara Escarpment Plan once confirmation has been provided from Revenue Canada that the updates to the Articles of Incorporation have been approved.

M850R3/11-2025

Moved By: Kiernan

Seconded By: Palmer

“That the application by the Escarpment Corridor Alliance for Approved Conservation Organization status be approved, and that staff be directed to add them to the list of approved organizations in Appendix 4 of the Niagara Escarpment Plan once confirmation has been provided from Revenue Canada that the updates to the Articles of Incorporation have been approved.”

For the motion:

Francis, Kiernan, Krantz, Little, Nielsen, Palmer, Price, Vida, Witteveen.

Against the motion:

Golden.

Motion Carried

NOTE:

Commissioners Chevalier and McKinlay declared a conflict with the agenda item, were not present, and did not vote or participate in the discussion.

Commission Measures was not present for the presentations and discussion and did not vote on the agenda item.

SPEAKERS

- Sandy Dobbyn, Senior Strategic Advisor, presented and answered questions.
- Jarvis Strong, Executive Director, and Carolyn Thickett, Conservation Director, Escarpment Corridor Alliance (ECA), presented and answered questions

A2

ADDENDUM STAFF REPORT

DEVELOPMENT PERMIT APPLICATION W/R 2022-20-23/054

820 Sulphur Springs Road

Part lot 40 & 41, Concession 1

City of Hamilton (formerly Town of Ancaster)

PROPOSAL

On an existing 22.3 ha (55.18 ac) lot:

- To decommission an existing two-storey 128 sq m (1,377.8 sq ft) single dwelling (listed in City’s heritage inventory) and to convert it into an accessory building (storage),
- to construct a two-storey (plus basement), ± 600 sq m (6,460 sq ft) single dwelling with a maximum height to peak of ± 11.5 m (37.7 ft),
- to construct a one-and-a-half storey, ± 186 sq m (2,002 sq ft) accessory building (detached garage with storage above) with a maximum height to peak of ± 8.3 m (27.2 ft),
- to decommission the existing driveway and to construct a new driveway with an associated culvert, and,
- to install a new septic system and well.

BACKGROUND

The application was brought before the Commission in July 2025 following a formal objection from the City of Hamilton because of policy conflicts with the Rural Hamilton Official Plan (RHOP), as well as additional policy conflicts with both the NEP and PPS. The Commission has expressed support for the application in principle at their July 17, 2025, Commission meeting and moved the following motion:

“That the Commission support the application in principle and defer its decision to allow the applicant an opportunity to complete a Heritage Impact Assessment (HIA) for the Farewell House.”

While the applicant provided a HIA at the Commission’s request, the HIA does not conflict with the Rural Hamilton Official Plan, Part 2.7.5 of the Niagara Escarpment Plan, and Part 4.1.5 of the Provincial Planning Statement.

STAFF RECOMMENDATION:

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

1. The City of Hamilton has objected to the approval of the application as it does not conform to the Rural Hamilton Official Plan.
2. The proposed development conflicts with Part 2.7.5 of the Niagara Escarpment Plan.
3. The proposed development is not consistent with Part 4.1.5 of the Provincial Planning Statement.

M850R4/11-2025

Moved By: Francis

Seconded By: Vida

“That the Commission approve application 23-054 with the following conditions of approval:

1. *Development shall occur in accordance with this Development Permit.*

2. *This Development Permit shall expire three (3) years from the date it has been issued unless the development has been completed in accordance with this 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 this Development Permit, any 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. *Development shall proceed in accordance with the Approved Final Site Plan prepared by Rockside Campbell Inc. and dated August 28, 2025.*
7. *Development shall proceed in accordance with the details of the approved Final Construction Details for both the single dwelling unit and the accessory structure, identified as drawings A2-A13 prepared by Rockside Campbell Inc. and dated August 28, 2025.*
8. *Development shall proceed in accordance with the details of the approved Tree Protection Plan, identified on Map 1-3, prepared by North-South Environmental and dated March 14, 2023.*
9. *Development shall proceed in accordance with the Approved Final Grading and Erosion Control Plan prepared by S.Llewellyn & Associates Limited and revision dated November 6, 2025.*
10. *Development shall proceed in accordance with the Approved Final Restoration and Enhancement Plan identified as drawings L1.0-L1.3 and L2.1, L2.2, prepared by Affinity Habitat Studio and dated November 14, 2025).*
11. *The accessory structures (garage, former Farewell House) shall not be used for human habitation (i.e., living space), as a dwelling, apartment unit, for short or long-term rental accommodation or for commercial, institutional, home business, industrial, or livestock purposes.*

Advisory Notes

- A. *A Development Permit does not relieve the landowner/permit holder from the requirements of any other required approval, licence or certificate under any statute (e.g., Ontario Building Code, Planning Act, Aggregate Resources Act, Conservation Authorities Act, Endangered Species Act), including but not limited to:*
- a. Obtaining a Building Permit under the Ontario Building Code*
 - b. Obtaining a Permit from the Hamilton Conservation Authority*
 - c. Protection of habitat for endangered, threatened, and special concern species under the Endangered Species Act*
- B. *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.*
- C. *Should previously undocumented archaeological resources be discovered, they may be subject to Section 48 (1) of the Ontario Heritage Act. Cease activities immediately and contact the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca). The Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33 requires that any person discovering human remains notify police immediately.*
- D. *Development has the potential to impact wildlife at any time of the year, however, site preparation and/or vegetation removal has a much higher likelihood of harm when work is conducted between March 1 and September 30 of any given year. Any harm to birds, mammals, reptiles or amphibians as a result of development could result in violation with various federal and provincial legislation including (but not limited to) the Migratory Birds Convention Act, the Fish and Wildlife Conservation Act and the Endangered Species Act. Comments received from Ministry of Environment, Conservation and Park recommend avoiding vegetation removal during this sensitive timing window.*
- It is the responsibility of the permit holder to ensure that harm will not come to wildlife. This risk to wildlife can be reduced by ensuring that the best available information is obtained related to the presence of sensitive species, by seeking advice from a qualified person or agency and by conducting site preparation and vegetation removal between October and February."*

Motion Carried

M850R5/11-2025

Moved By: McKinlay
Seconded By: Witteveen

“That Section 2.75 of the Niagara Escarpment Plan be included in the topic list for the upcoming Coordinated Plan Review:

Where policies or standards of other public bodies or levels of government exceed the policies related to key natural heritage features or key hydrologic features in this Plan, such as may occur with habitat of endangered species and threatened species under the Endangered Species Act, 2007; with natural hazards where section 28 regulations of the Conservation Authorities Act apply; or with fisheries under the Federal Fisheries Act, the most restrictive provision or standard applies.”

Motion Carried

SPEAKERS

- Janet Sperling, Senior Strategic Advisor, presented and answered questions.
- Raj Kehar, Partner, Weir Foulds LLP, Agent, presented and answered questions.
- Marcia Oliver, Agent, Sal Spitale, Ecologist, and Anthony Quinn, Property Owner, were present and available to answer questions.

A3

STAFF REPORT

N/R/2022-2023/493

Eller Road (No municipal address)

Part of Township Lot 85 Part 1 on Plan 59R4279

City of Thorold, Region of Niagara

PROPOSAL

To undertake the following on a 0.82 ha (2.03 ac) vacant lot created by testamentary devise:

- To construct a one storey ± 377.93 sq m (4,068 sq ft) single dwelling with a maximum height to peak of ± 9.14 m (30 ft)
- To construct a driveway with two (2) driveway accesses and two (2) associated culverts with a width of ± 7 m (23 ft)
- To install a septic system
- Tree removal

RECOMMENDATION

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

1. NEP Part 2.2.3: permits development only on Existing Lots of Record and the subject property does not meet the NEP definition of an Existing Lot of Record.
2. NEP Part 1.4.4 and 2.4: The lot was not created and cannot be created in conformity with the Lot Creation provisions for lands within the Escarpment Protection Area.

M850R6/11-2025

Moved By: McKinlay
Seconded By: Price

“That the Commission move into closed session.”

Motion Carried

M850R7/11-2025

Moved By: McKinlay
Seconded By: Vida

“That the Commission return to open session.”

Motion Carried

M850R8/11-2025

Moved By: Measures
Seconded By: Vida

“That Development Permit Application N/R/2022-2023/493 be referred to the February 2026 Commission meeting to provide time for the applicant to seek a legal opinion on the effective date on which the lot was created. The legal opinion must be provided to NEC staff by February 1, 2026, to be considered at the February 2026 meeting.”

Motion Carried

SPEAKERS

- Rosi Zirger, Senior Planner, reviewed the staff report and answered questions.
- Paul Johnson, Counsel, Ministry of Natural Resources, was present and answered questions.
- Darko Jakovina, Agent, presented and answered questions.
- Tiberiu Nezezon and Edit Boldog, Property Owners, were present and available to answer questions.

CONSENT AGENDA ITEMS

Information only Items

G1 Director Approvals and Dashboards for month of October 2025

G2 Appeals and Hearings update as of October 31, 2025

G3 Plan Amendments Status update as of October 32, 2025

M850R9/11-2025

Moved By: Palmer

Seconded By: Price

“That the Commission accept Consent Agenda items G1, G2 and G3.”

Motion Carried

DISCUSSION:

The Director advised that Development Permit Application 24-00102 for Bubble Grove has been appealed; due to the appeals, there will be no report back in February 2026. He also noted that Plan Amendment 226 22, Brampton Brick, was approved, and consultations for Plan Amendment 213 18, Blueland Farms are still in progress.

NEW BUSINESS

No new business.

ADJOURNMENT

M850R9/11-2025

Moved By: McKinlay

Seconded By: Witteveen

“That this meeting be adjourned.”

Motion Carried

Time of Adjournment: 12:30 p.m.



Rocco (Rocky) Vacca
Chair