



**TOWNSHIP OF MELANCTHON**

**COMMITTEE OF ADJUSTMENT**

**THURSDAY, JUNE 15, 2017 - 6:00 P.M.**

1. **APPROVAL OF MINUTES - May 18, 2017**
2. **BUSINESS ARISING FROM MINUTES**
3. **APPLICATION FOR CONSENT**
4. **APPLICATION FOR MINOR VARIANCE**
5. **APPLICATIONS ON FILE**
  1. B12/14 - Julian McDowell - West Part Lot 13, Concession 1 O.S.
  2. B1/16 - Wayne Nicholson - Applicant / Bonnefield Canadian Farmland LP III - Owner East Part Lot 18, Concession 3 O.S.
  3. B1/17 - Dave Metz - Part Lot 14, Concession 2 O.S. Church Street
    1. Notice of Decision for NEC Application D/R/2016-2017/361
6. **DELEGATES**
7. **CORRESPONDENCE**
8. **ADJOURNMENT**

Niagara Escarpment Commission

232 Guelph St.  
Georgetown, ON L7G 4B1  
Tel: 905-877-5191  
Fax: 905-873-7452  
[www.escarpment.org](http://www.escarpment.org)

Commission de l'escarpement du Niagara

232, rue Guelph  
Georgetown ON L7G 4B1  
No de tel. 905-877-5191  
Télécopieur 905-873-7452  
[www.escarpment.org](http://www.escarpment.org)



Niagara Escarpment Commission  
An agency of the Government of Ontario

June 1, 2017

**TO:** Applicant/Agent/Owner; Assessed owners of land within 120 m of the subject property; Consulted Agencies, parties who requested Notice or are considered to have an interest in the Decision.

**RE:** NOTICE OF DECISION  
Development Permit Application: D/R/2016-2017/361  
1392119 Ontario Ltd.

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

You have the right to appeal this decision. If you have reason to appeal, you must submit a completed Appeal Form or a written letter, specifying your reasons for appeal, within 14 days of the date of this letter.

An Appeal Form can be downloaded from [www.escarpment.org](http://www.escarpment.org). If you submit a written letter of appeal, please include your name, address, daytime phone number, e-mail address and your fax number. The completed Appeal Form or the letter of appeal must be mailed or faxed to this office (address and fax # above) or sent by email to [necgeorgetown@ontario.ca](mailto:necgeorgetown@ontario.ca).


Please note that the last day that appeals may be received is: **June 15, 2017** (midnight).

The Commission's decision is confirmed if no appeal is received within the 14 days.

If the Commission's decision is appealed, a Hearing Officer will be appointed by the Minister of Natural Resources and Forestry to conduct a Hearing. The Hearing Office may contact you for additional information regarding your appeal, and all parties will be notified by mail of the time and location of the Hearing. If you appealed you are expected to attend the Hearing to present your reasons for appeal. If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission's decision is confirmed.

If you have questions about this process, or about the details of the Development Permit application, please contact me at 905-877-8581.

Yours truly,



Sean Stewart  
Planner  
ss:jw

**NOTICE OF DECISION  
OF THE NIAGARA ESCARPMENT COMMISSION  
REGARDING**

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

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**FILE NUMBER:** D/R/2016-2017/361

**APPLICANT:** 1392119 Ontario Ltd.  
**AGENT:** David Metz  
**OWNER:** Same as applicant

**LOCATION:** Part Lot 14, Concession 2 OS  
Township of Melancthon, County of Dufferin

**PROPOSED DEVELOPMENT:**

To sever an existing 1.19 ha (2.95) existing lot into a 0.41 (1.02 ac) proposed lot and a 0.78 ha (1.93 ac) retained lot and to construct a 2 storey,  $\pm$  418 sq m ( $\pm$  4500 sq ft) single dwelling with a maximum height to peak of  $\pm$  9.14 m ( $\pm$  30 ft), and construct a septic treatment system, driveway, two porches, deck, and well, on each of the proposed lots.

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**DECISION of the NIAGARA ESCARPMENT COMMISSION:**

The application for a Development Permit, as described above, has been **CONDITIONALLY APPROVED**.

The **Conditions of Approval** are listed on the attached **APPENDIX**.

**DATE:** June 1, 2017

**SIGNED:**   
Debbie Ramsay  
Manager, RPP, MCIP

THIS IS NOT A DEVELOPMENT PERMIT  
DEVELOPMENT IS NOT TO COMMENCE UNTIL THE DEVELOPMENT PERMIT HAS BEEN ISSUED

## APPENDIX

1392119 Ontario Ltd.  
D/R/2016-2017/361

### CONDITIONS OF APPROVAL

1. Development shall occur in accordance with the Site Plan, Development Permit Application and Conditions as approved.
2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.
3. The landowner shall advise the Niagara Escarpment Commission in writing of the start and the completion date of the development. This notice shall be provided to the NEC 48 hours prior to the commencement of development, and within 14 days upon completion.
4. No site alteration of the existing contours of the property including the placement or stockpiling of fill on the property is permitted with the exception of that identified within the development envelopes in accordance with the approved Site Plan.
5. No vegetation shall be cut or removed from the development envelopes except for those identified within the development envelopes in accordance with the approved Site Plan. The two Butternut trees identified in the EIS shall be surrounded with hoarding fencing (e.g. Orange Safety Barrier Fencing or equivalent) 2 m from the base of each tree. Tree clearing and other contractors shall be informed of the location of each tree and that it is a protected species. Tree removal shall not occur between April 1<sup>st</sup> and August 31<sup>st</sup> to avoid impacts to bird nests.
6. All disturbed areas shall be re-vegetated and stabilized, in accordance with the approved Site Plan, by the end of the first growing season following the completion of site grading and building construction. All trees, shrubs and nursery stock shall be native to Ontario. Only in extenuating circumstances will non-native species be considered. Native plant material should be sourced from local plant nurseries when available; bush dug plant material is not acceptable.
7. **Prior to the issuance of a Building Permit**, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for review and approval. The approved Final Site Plan shall form the Site Plan referred to in Condition # 1 and will be stamped "NEC Approved". The approved Final Site Plan shall indicate the location of the proposed structures (including on-site sewage disposal systems), driveway and well locations, area(s) of disturbance and the location of sediment control and tree protection fencing. The limit of tree removal shall also be noted on the final site plan and should be minimized to the degree possible. Development shall proceed in accordance with the approved Final Site Plan.

## APPENDIX

1392119 Ontario Ltd.  
D/R/2016-2017/361

### CONDITIONS OF APPROVAL

8. Prior to the commencement of any development, appropriate erosion/sediment control and tree protection measures shall be implemented around the proposed construction site and maintained as shown on the approved Site Plan (Condition #1) until all disturbed areas are stabilized. The landowner shall confirm the installation of the erosion/sediment control measures through the submission of photographs to the Niagara Escarpment Commission. It is the responsibility of the landowner to implement, monitor and maintain all erosion/sedimentation control and tree protection structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.
9. Prior to the issuance of a Building Permit, the applicant shall submit for the approval of the Niagara Escarpment Commission, **final construction details** for the dwelling (s), 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 form part of the Development Permit referred to in Condition # 1.

#### Advisory Notes:

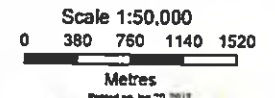
- a) This Development Permit does not limit the need for or the requirements of any other applicable approval, licence or certificate under any statute (e.g., Ontario Building Code, Consent, *Conservation Authorities Act*, *Endangered Species Act*, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
- b) The Niagara Escarpment Commission supports the protection of the night sky from excessive 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).



**Map 1A**  
**Niagara Escarpment Plan**  
 CHURCH ST  
 TOWNSHIP OF MELANCTHON

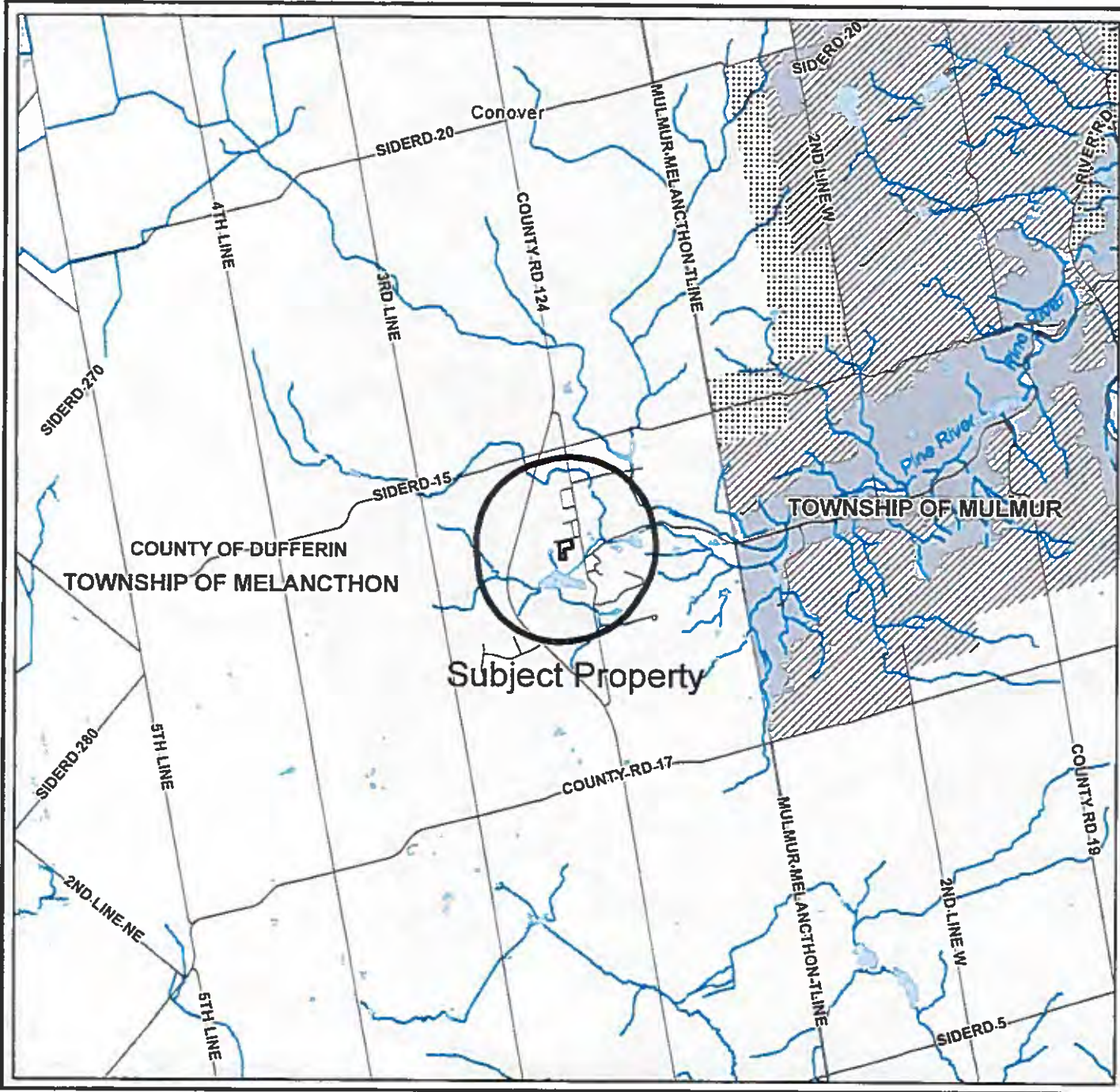
-  Subject Property
-  Subject Property
-  Subject Property
-  Subject Property
- Plan Designations**
-  Escarpment Natural Area
-  Escarpment Protection Area
-  Escarpment Rural Area
-  Public Land (in Parks and Open Space System)
-  Roads
-  Waterbodies
-  Watercourse
-  Upper Tier Municipality
-  Lower/Single Tier Municipality

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



Printed on Jan 20, 2017

THIS IS NOT A PLAN OF SURVEY. The map is illustrative only. Do not rely on it as being a precise indicator of routes, location of features, nor as a guide to navigation. Do not derive from or use sources. Maps compiled and produced by the Geographic Information Systems (GIS) Data Branch of the Niagara Escarpment Commission, Ministry of Natural Resources.

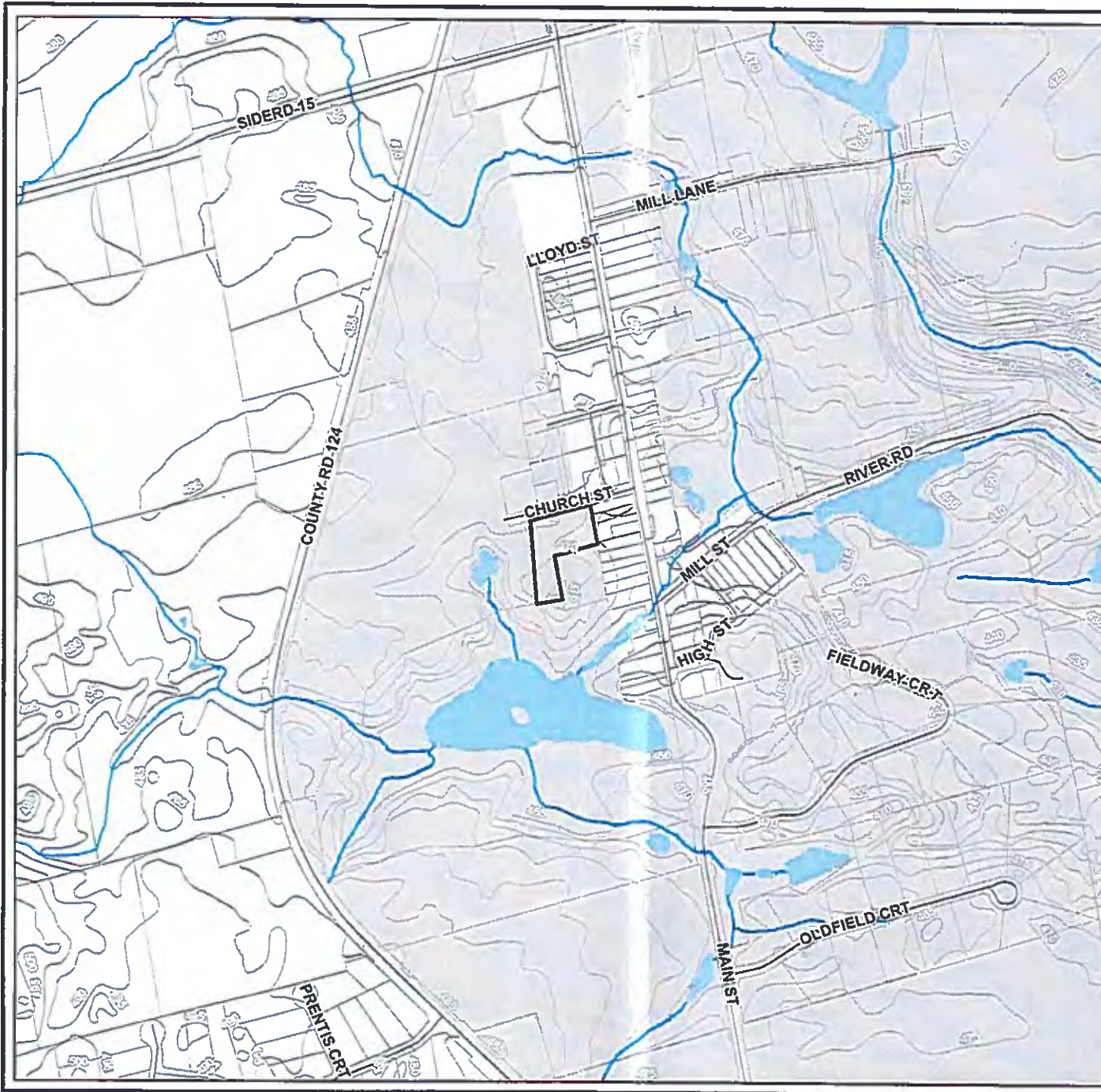




## Map 2 - Development Control

### Lot Configuration

CHURCH ST  
TOWNSHIP OF MELANCTHON



- Subject Property
- Subject Property
- Subject Property
- Subject Property
- Niagara Escarpment Plan Area
- Area of Development Control
- Roads
- Waterbodies
- Watercourse
- Contour (5 metre intervals)
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Parcel Boundary

Area of Development Control Drawn for  
Consultation Only. Refer to the appropriate  
Ontario Regulation for an accurate interpretation  
of the Development Control Area.

Scale 1:10,000

0 75 150 225 300

Metres

Passed on Jun 16, 2017

**THIS IS NOT A PLAN OF SURVEY.**

This map is illustrative only. Do not rely on it as being a precise indicator of results, location of features, nor as a guide to navigation. Errors derived from various sources. Map compiled and produced by the Geographic Information Systems (GIS) Division of the Niagara Escarpment Commission, Ministry of Natural Resources.

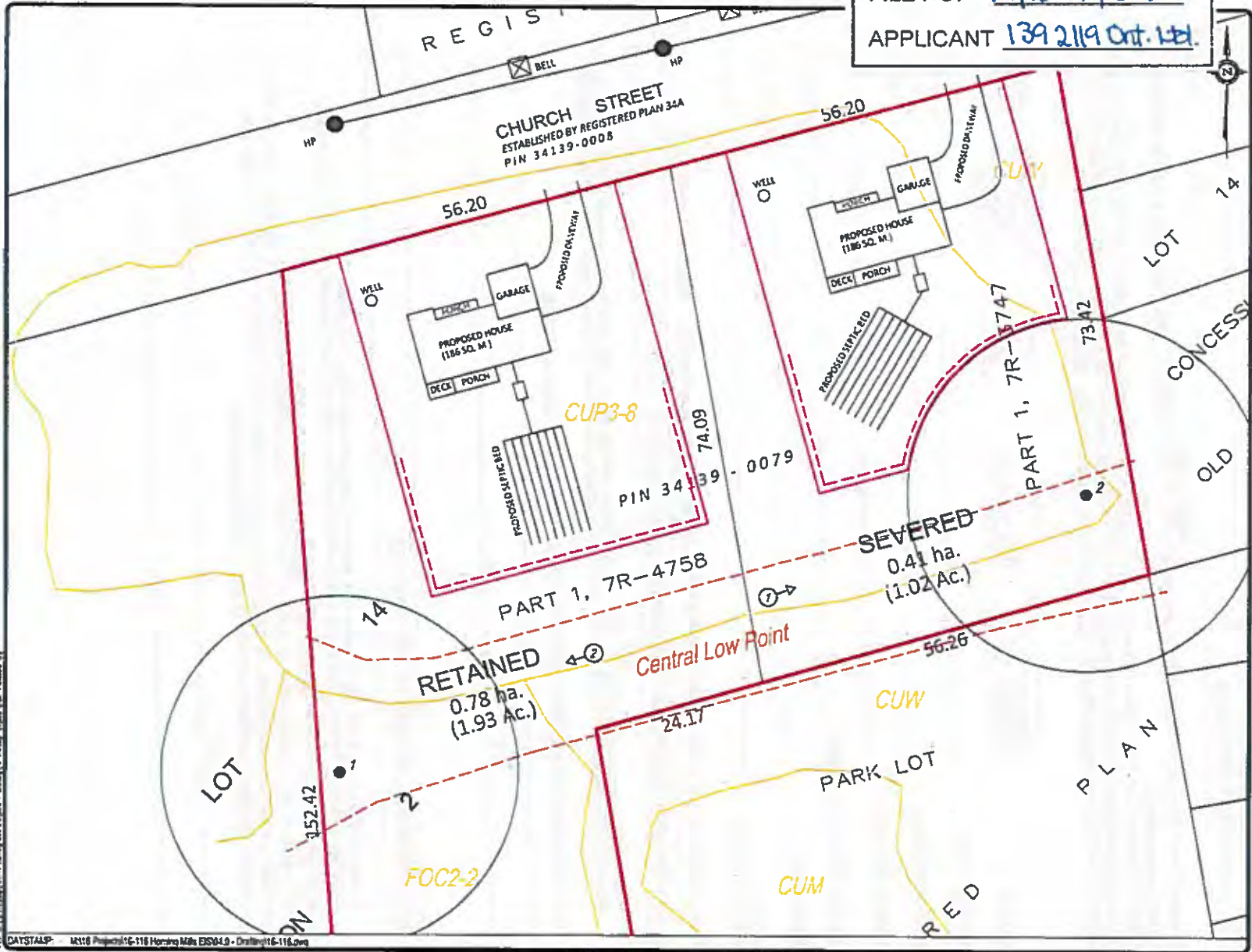


Ontario  
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**MAP 3**  
**Site Plan**  
 FILE NO. D/R/16-17/361  
 APPLICANT 1392119 Ont. Ltd.



- LEGEND:**
- Approx. Property Boundary
  - ← Photo Stations and Direction (white)
  - Butternut Sapling Locations
  - 25m Butternut Buffer
  - Sediment Control Fence
  - Building Envelope
  - Bottom of Bank
  - Vegetation Communities
  - CUP3-8 White Spruce Coniferous Plantation
  - CUM Cultural Woodland
  - FOC2-2 Dry-Fresh White Cedar Coniferous Forest



**AMUTH ENVIRONMENTAL CONSULTING INC.**

Revised Building Envelope

Church St. EIS,  
 Horning Mills, ON

DATE ISSUED:	April 2017	Figure No.
CREATED BY:	JLM	
PROJECT NO.:	16-118	X
REFERENCE:	First Base Solutions	

Project No. 16-118  
 Date: April 2017  
 Scale: 1:500  
 Author: JLM  
 Check: JLM  
 Date: April 2017  
 Project: Church St. EIS, Horning Mills, ON



**Note regarding Sections 11, 12, 13, 14, 15, 16:**  
 Depending on the type or nature of the proposed development and/or the characteristics of the property, supporting information such as Environmental Impact Studies, Landscape Plans, Lighting Plans, Visual Assessments, Grading Plans, Erosion Control Plans, Slope Stability Studies, etc., may be required in support of the following information.

**11. CONSTRUCTION DETAILS**

**PLEASE NOTE**

Ground Floor Area is the total exterior measurements of any building, including attached garages and enclosed decks (as applicable).

Total Floor Area (i.e., total mass) is based on the exterior measurements of the building and includes the total of the ground floor area (including attached garages, etc), plus walkout basements, plus full or half second stories, etc.

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

	Ground Floor Area (Exterior measurements)	Total Floor Area	# of Storeys	Maximum Height (to peak)	Use of structure
Dwelling	3500 SF	4500 SF	2	30'	
Dwelling Addition	_____	_____	_____	_____	_____
Accessory Building 1	_____	_____	_____	_____	_____
Accessory Building 2	_____	_____	_____	_____	_____
Accessory Building Addition	_____	_____	_____	_____	_____
Other Building	_____	_____	_____	_____	_____
Demolition (specify what structure)	_____	_____	_____	_____	_____

\*If fill is required for any of the developments proposed above please provide details in Section 12 below.

**12. ACCESSORY FACILITIES, STRUCTURES, FILLING, GRADING, etc.**

(e.g: Driveways, Decks, Gazebos, Swimming Pools, Tennis Courts, Lighting, Signs, Wind Turbines, free-standing Solar Panels, Hydro Poles/Lines, Retaining Walls, Placement of Fill, Grading, Berms, Parking Areas, Tree/Site Clearing, etc.) (See next page for Ponds)

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

N/A

**13. HOME BUSINESS, CHANGE OF USE, NEW USE**

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

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

N/A.

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

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

Pond Is:  Proposed  Existing

Type of Pond:  Dug  Spring-fed  Other (e.g., on-stream, by-pass) \_\_\_\_\_

Use of Pond:  Recreation  Livestock/farm  Irrigation  Other \_\_\_\_\_

Water Source:  Precipitation/run-off  Springs  Well  Other \_\_\_\_\_

Size of Pond: Water Area \_\_\_\_\_ Depth of Water \_\_\_\_\_  
 Height of Banks \_\_\_\_\_ Width of Banks \_\_\_\_\_

Setbacks: Distance to nearest watercourse, wetland and/or roadside ditch: \_\_\_\_\_  
 Distance to nearest existing or proposed septic system: \_\_\_\_\_

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

Erosion/sediment control measures: \_\_\_\_\_

Placement of excavated material: \_\_\_\_\_

Finish grading and landscaping: \_\_\_\_\_

**15. AGRICULTURAL DEVELOPMENT** N/A

If your proposal involves agricultural land or uses, indicate and briefly describe here; and complete other sections of this application form as applicable. Note: Additional detailed information may be required.

- Small Scale Commercial Use Accessory to Agriculture: \_\_\_\_\_
- Mobile Dwelling Accessory to Agriculture: \_\_\_\_\_
- Dwelling in Agricultural Area (near barns – MDS I): \_\_\_\_\_
- Livestock Facility (MDS II): \_\_\_\_\_
- Equestrian Facility (e.g., arenas, riding rings, events): \_\_\_\_\_
- Farm Pond: \_\_\_\_\_
- Winery: \_\_\_\_\_
- Winery Event: \_\_\_\_\_
- Farm Vacation Home: \_\_\_\_\_
- 'Agricultural Purposes Only' (APO) Lot Creation: \_\_\_\_\_

**16. LOT CREATION**

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

i) Existing Lot:	ii) Proposed Lot:	iii) Retained Lot:	iv) Use of new Lot
Frontage <u>112.4m</u>	Frontage <u>56.2m</u>	Frontage <u>56.2m</u>	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Agricultural/APO <input type="checkbox"/> Conservation <input type="checkbox"/> Lot Addition <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial
Depth <u>152.42m</u>	Depth <u>73.42m</u>	Depth <u>152.42m</u>	
Size <u>1.19 ha</u>	Size <u>.41 ha</u>	Size <u>.78 ha</u>	

**17. OTHER INFORMATION**

Additional information to clarify your proposal may be submitted here or on a separate attachment: DIVIDE PROPERTY INTO 2 LOTS.