

---

**VIA E-MAIL ONLY**

January 16, 2020

**Sarah Leach, BA.**

**Administrative Assistant to the Clerk**

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

**Submission for Minor Variance Application**

Location: 1121 Effingham Street

In the Town of Pelham

Our File: MV-20-0001

---

Regional Planning and Development Services staff have completed a review of the following materials which were provided as part of an application for a minor variance at 1121 Effingham Street in the Town of Pelham:

- Site Plan, Prepared by Max Ferri

The above-noted documents were received by Regional staff on January 9, 2020. The submitted Minor Variance application is proposing to request an increase in maximum accessory lot coverage and an increase in maximum accessory building height in order to construct a garage. The following comments are provided from a Regional and Provincial perspective based on the information submitted in order to assist the Town in reviewing the application.

**Core Natural Heritage System**

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property consists of Provincially Significant Fonthill Kame Wetland (PSW) Complex and Significant Woodland. The property is also partially mapped as part of the Greenbelt Plan (2017) Provincial Natural Heritage System (NHS). As such, the CNHS features on and adjacent the property are considered Key Natural Heritage/Key Hydrologic Features (KNHFs/KHFs) and the natural heritage policies identified in the Provincial Greenbelt Plan apply accordingly.

Greenbelt Plan policies require the completion of a Natural Heritage Evaluation (NHE) when development and/or site alteration is proposed within 120 metres (m) of a KNHF/KHF. Regional policies similarly require the completion of an Environmental Impact Study (EIS) when development and/or site alteration is proposed within 120 m of PSW and/or 50 m of

Significant Woodland. Further, Greenbelt Plan policies also require that a 30 m Vegetation Protection Zone (VPZ) as measured from the outside boundary of a KHF/KNHF, be established as natural self-sustaining vegetation. In the case of KHF's and Significant Woodland, the vegetation protection zone shall be a *minimum of 30 metres*. Development and/or site alteration is not permitted within a KHF/KNHF or its VPZ.

The proposal is to construct a garage and driveway on the subject property. As all development is proposed more than 120 metres from the identified natural heritage features, no further studies are requested.

## **Archaeological Potential**

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development (including the construction of buildings and structures requiring approval under the *Planning Act*) and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The land has high archaeological potential, as a result of proximity to two watercourses and a historic transportation route between Lots 5 and 6, Concession 9. Regional staff request that, as a condition of approval, a Stage 1 and 2 Archaeological Assessment, prepared by a licensed archaeologist, be required for the areas of the property that will be disturbed as a result of the proposed development.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff recommends that the owner also be advised that:

Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) must be notified and a licensed archaeologist is required 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, the Ministry of Heritage, Sport, Tourism and Culture Industries 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 Review**

According to the plan submitted, the application is to permit the construction of a detached garage with requested relief regarding building height and accessory lot coverage.

According to our records, the sewage system servicing the dwelling was installed in 1994 with approval by the Regional Niagara Health Services Department. The septic system is located on the west side of the property, north of the dwelling. No visible defects were observed at the time of inspection. The proposed detached garage will be located near the southwest corner of the lot, south of the dwelling, and will not encroach onto the sewage system. There also appears to be usable area at the north and southeast corner of the lot for any future septic system repair/replacement that may be required.

Therefore, based on the information submitted for the minor variance application, we have no objections to the proposed garage, provided no plumbing or living space is included.

## **CONCLUSION**

Based on the analysis and comments above, Regional staff offers no objection to the application, subject to the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo  
Development Approvals Technician  
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Elissa Quintanilla, Development Planner, Niagara Region  
Susan Dunsmore, Manager Development Engineer, Niagara Region  
Michael Lim, Private Sewage System Inspector, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region

**APPENDIX**  
**Regional Conditions for Minor Variance**  
**1121 Effingham Street, Town of Pelham**

---

1. That a Stage 1 and 2 Archaeological Assessment, prepared by a licensed archaeologist, be submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval with a copy provided to the Niagara Region. The report must cover the areas of the property that will be disturbed as a result of the proposed development, and must be accepted by the MHSTCI, to the satisfaction of Niagara Region, prior to clearance of this condition. It should be noted that subsequent Stage 3 or 4 study may be recommended to mitigate any adverse impacts to significant archaeological resources found in the area of development, through preservation or resource removal and documentation. If the licensed archaeologist or the MHSTCI recommends/requires further Stage 3 or 4 Archaeological Assessments, these report(s) must also be submitted to and accepted by the MHSTCI, to the satisfaction of Niagara Region. NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MHSTCI confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.