

**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

July 3, 2020

**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: N/C/2018-2019/64  
103 Overholt Road  
Town of Pelham, Region of Niagara

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: **July 17, 2020** (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 If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission's decision is confirmed.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 [dmitry.kurylovich@ontario.ca](mailto:dmitry.kurylovich@ontario.ca).

Yours truly,

Dmitry Kurylovich, (A)Senior Planner

**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:** N/C/2018-2019/64  
**LOCATION:** 103 Overholt Road  
Town of Pelham, Region of Niagara

**PROPOSED DEVELOPMENT:**

On a 11.17 ha (27.6 ac) existing lot that is privately serviced and supports an existing agricultural use (apple orchard) and a single dwelling, to carry out the following development associated with establishing an Agriculture-related Use (cidery):

- To convert an existing  $\pm 365.71$  sq m ( $\pm 3936.5$  sq ft) agricultural accessory structure (pole barn) to a structure supporting an Agriculture-related Use (cidery production/processing building);
- To convert an existing  $\pm 89.77$  sq m ( $\pm 966.3$  sq ft) agricultural accessory structure (timber frame barn) to a structure supporting an Agricultural-related Use (cidery tasting room);
- To construct a  $\pm 38.49$  sq m ( $\pm 414.3$  sq ft) connection between the two proposed cidery buildings to support the Agriculture-related Use;
- To construct a  $\pm 47.47$  sq m ( $\pm 511$  sq ft) patio to support the Agriculture-related Use;
- To construct an attached  $\pm 122.62$  sq m ( $\pm$  sq ft) agricultural accessory structure (drive shed);
- To construct an attached  $\pm 27.28$  sq m residential accessory structure (greenhouse);
- To construct a detached, two-storey  $\pm 89.88$  sq m residential accessory structure (garage and storage);
- To install a new septic system to service the Agriculture-related Use;
- To erect a sign to advertise the Agriculture-related Use; and,
- To realign the driveway and construct parking areas.

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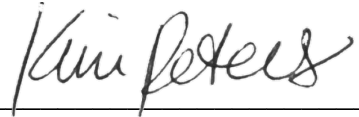
**DECISION of the NIAGARA ESCARPMENT COMMISSION:**

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

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

DATE: July 3, 2020

SIGNED: \_\_\_\_\_

  
Kim Peters, RPP, MCIP  
(A) Manager

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

### CONDITIONS OF APPROVAL

N/C/2018-2019/64

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 envelope in accordance with the approved Site Plan.
5. No vegetation shall be cut or removed from the development envelope except for that identified within the development envelope in accordance with the approved Site Plan.
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 Development Permit by the Niagara Escarpment Commission**, an accurate and detailed Final Site Plan shall be submitted to the Niagara Escarpment Commission for approval. The Plan shall include but not be limited to the following:
  - a) 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 denote the relevant consultant;
  - b) An accurate delineation of the approved development envelope with temporary erosion and sediment control fencing;
  - c) The accurate location of all existing and proposed development showing setbacks from the property lines, wooded area and top of slope;
  - d) Extent of all disturbed areas;
  - e) Extent and amount of fill removal or placement. Grading and drainage design including the areas of excavation and temporary or permanent fill placement. The type, quantity, quality and source location of any imported fill material must be accurately identified. Any fill material approved for importation under this Permit shall conform to the definition of "inert fill" per Ontario Regulation 347 and Table 1 of the Soil, Groundwater and Sediment Standards for use per Part XV.1 of the Environmental Protection Act, dated March 9, 2004;

*Condition 7 continued:*

- f) Final building design to be consistent with the information and drawings provided with the application and any modifications required by the Niagara Escarpment Commission. This would include, but not be limited to height to the peak of roof, area/square metres, architectural treatments, location of lighting and fenestration.

The approved Final Site Plan shall form the Site Plan referred to in Condition #1 and development shall proceed in accordance with the details of the approved Final Site Plan.

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, **final construction details** for the proposed additions/structures 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.
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 and the Region of Niagara, a **Grading and Drainage Plan** that shows all proposed development, and existing and proposed grades and drainage. Any grading or filling to be conducted on the property shall be designed to maintain existing overland flows and the Plan shall demonstrate this.
10. **Prior to the commencement of any development**, appropriate erosion/sediment control measures (e.g. silt fencing) shall be implemented 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 structures until vegetative cover has been successfully established. Any deficiencies shall be addressed immediately.
11. All events shall be cidery-related and not exceed a capacity of 60 people. The events shall also be limited in number to not more than 15 per year and no more than 2 per month.

## APPENDIX

### CONDITIONS OF APPROVAL

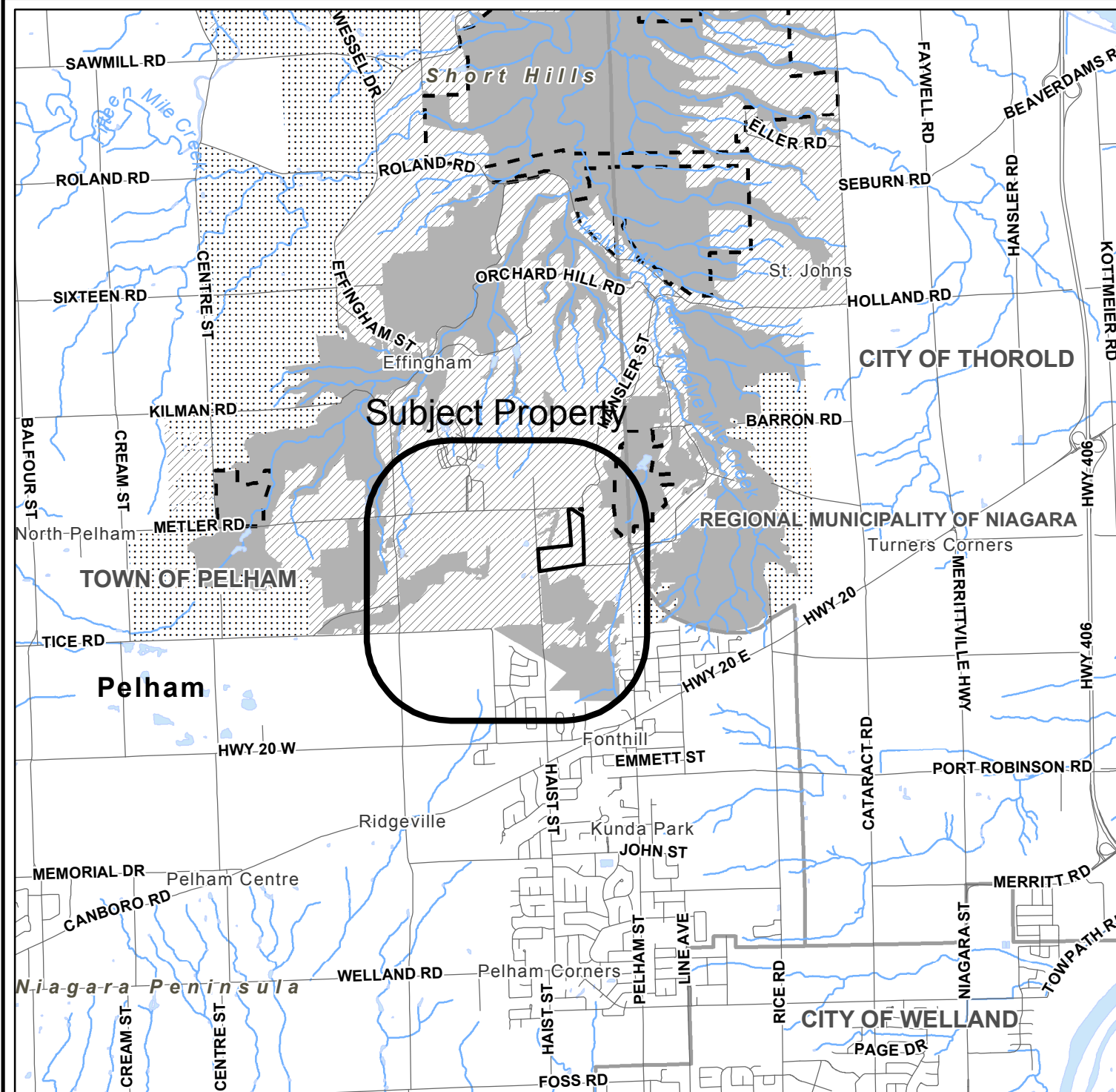
N/C/2018-2019/64

12. **Prior to the erection of a sign associated with the Agriculture-related Use (Cidery),** the applicant shall submit to the NEC a drawing showing the location and size of the sign and demonstrating that it meets the following criteria:
  - a. not be illuminated;
  - b. be limited to one;
  - c. not exceed 0.9 square metres in size; and,
  - d. comply with municipal official plan policies and standards respecting signs.
13. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions # 7, 8, and 9, of this conditional approval shall be fulfilled before the expiry date.

### NOTES:

- A. Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately; the proponent is to notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (416-212-8886) 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, MHSTCI 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.
- B. This Conditional Approval 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. As this proposal is subject to Site Plan Approval with the Town of Pelham, it should be noted that any required changes to the Site Plan that constitute development through the Site Plan Approval process that are not reflected in the NEC Development Permit will require additional approval from the NEC.
- C. The Niagara Escarpment Commission supports the protection of the night sky from excessive residential and commercial 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



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

Scale 1:50,000

0 380 760 1140 1520

Metres

Printed on May 14, 2018

THIS IS NOT A PLAN OF SURVEY.  
This 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. Base derived from various sources.  
Map compiled and produced by the Geographic Information Systems (GIS) Department of the Niagara Escarpment Commission, Ministry of Natural Resources

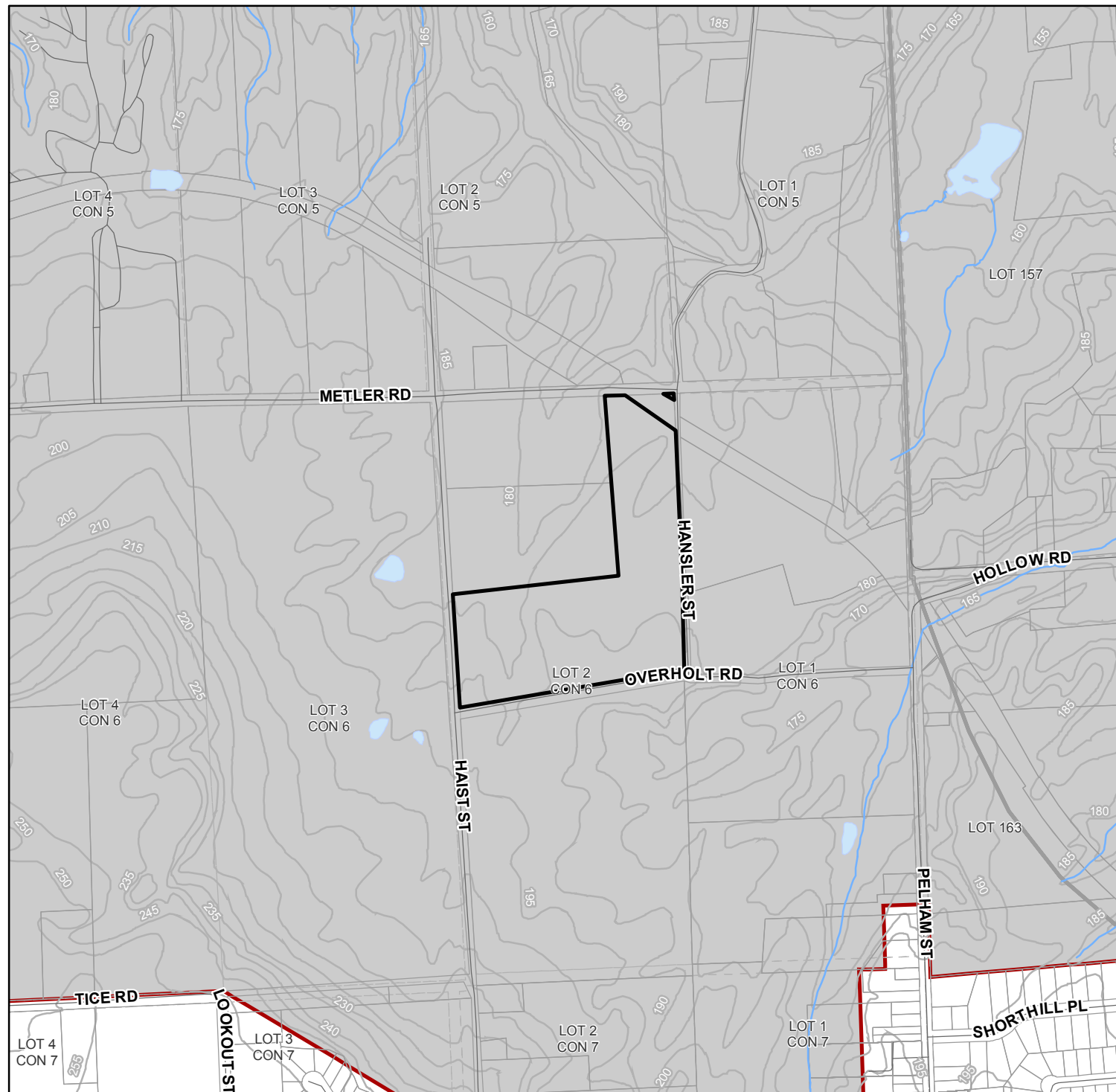


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## Map 2 - Development Control Lot Configuration



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

Area of Development Control Drawn for Convenience 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

Printed on May 14, 2018

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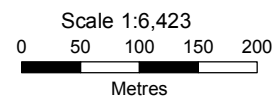




# **Map 2C** **Orthophoto** Todd Barber N/C/2018-2019/64

- Subject Property
- Roads
- Waterbodies
- Watercourse
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary
- Parcel Boundary

Orthophoto Date: 1995-2015



Printed on May 14, 2018

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 location of features, nor as a guide to navigation. Base derived from various sources.  
 Map compiled and produced by the Geographic Information Systems  
 (GIS) Department of the Niagara Escarpment Commission,  
 Ministry of Natural Resources



## PROJECT

# 26 Acre Cidery

103 Overholt Road, Pelham

## GENERAL NOTES

Contractor is to check and verify all dimensions and conditions on the project and report any discrepancies to the designer before proceeding with the work. Drawings are not to be scaled.

Contract documents are the copyright of the consultants and shall not be used or reproduced without authorization. Documents are to be returned upon completion of the project.

#	Revision Description	Date
	Re- Issued for NEC approval	10.11.2019
	Issued For Site Plan Agreement	12.24.2019
	Relissued for SPA comments	05.25.2020


<b>DATE</b>	5/25/2020 10:44:32 AM
<b>SCALE</b>	1 : 250
<b>DRAWN</b>	FC
<b>CHECKED</b>	FC/TJB
<b>PROJECT NO.</b>	17-032

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer

QUALIFICATION INFORMATION  
Required unless design is exempt under 2.17.5.1 of the building code

Todd Barber	22666	
FULL NAME	BCIN	SIGNATURE

REGISTRATION INFORMATION  
Required unless design is exempt under 2.17.5.1 of the building code

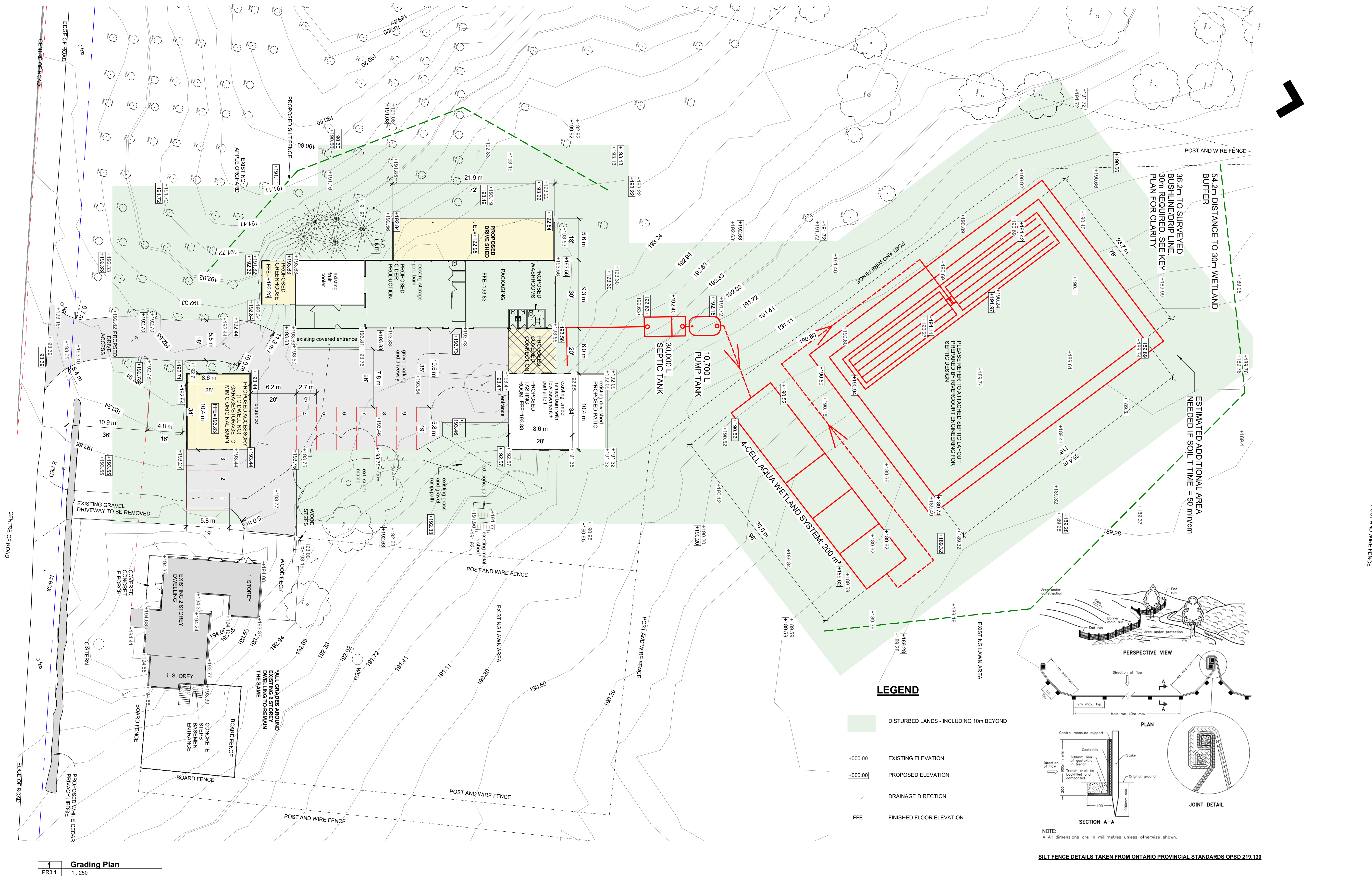
Forestgreen Creations Inc.	30817	
FULL NAME	BCIN	SIGNATURE

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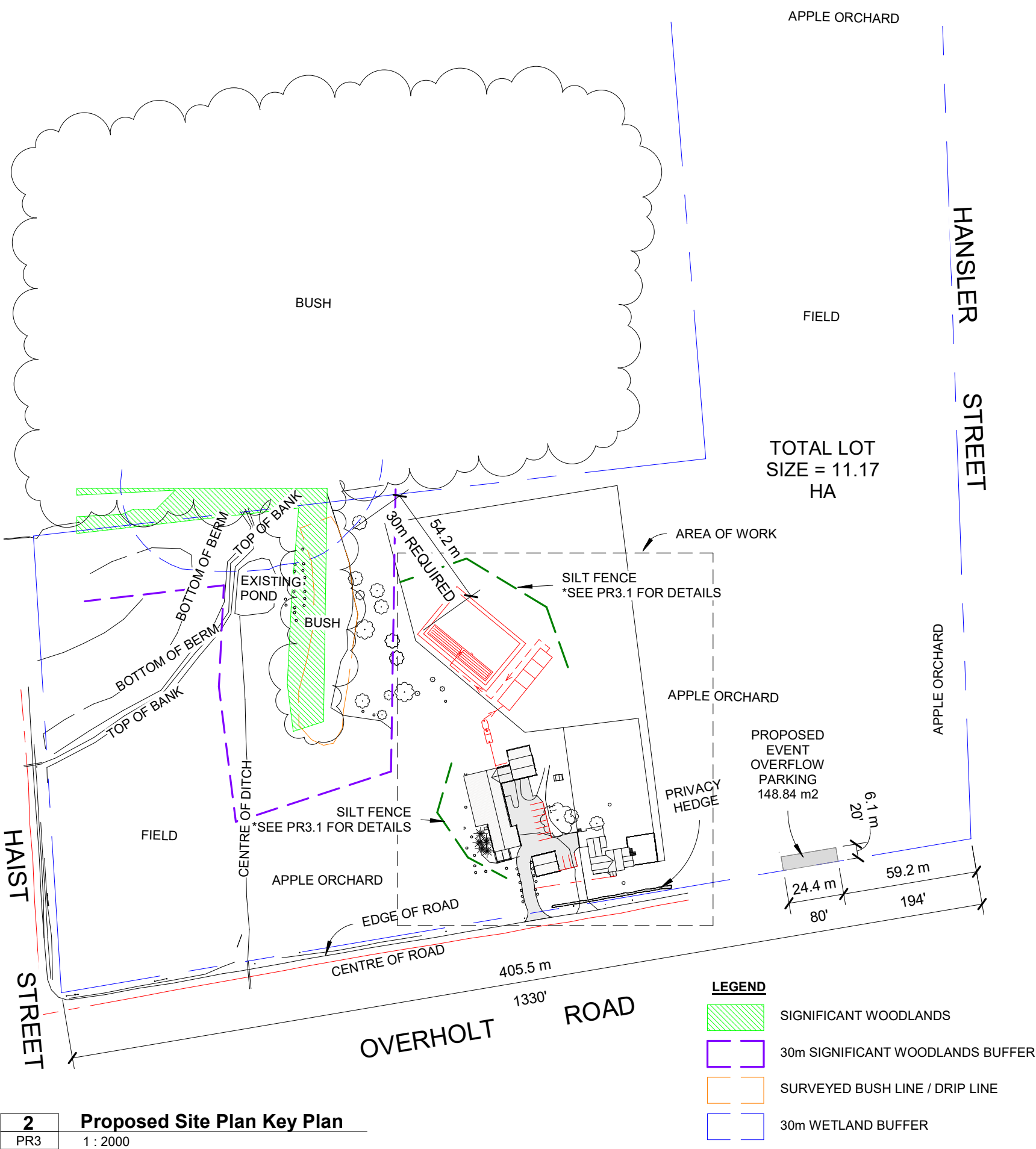
DRAWING                      DRAWING NO.

## Grading Plan

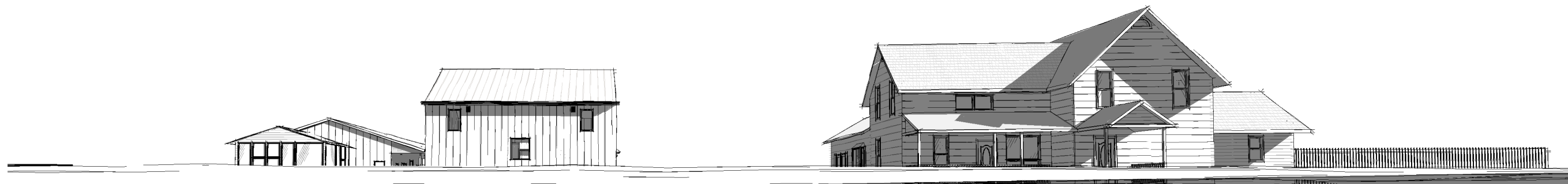
## PR3.1







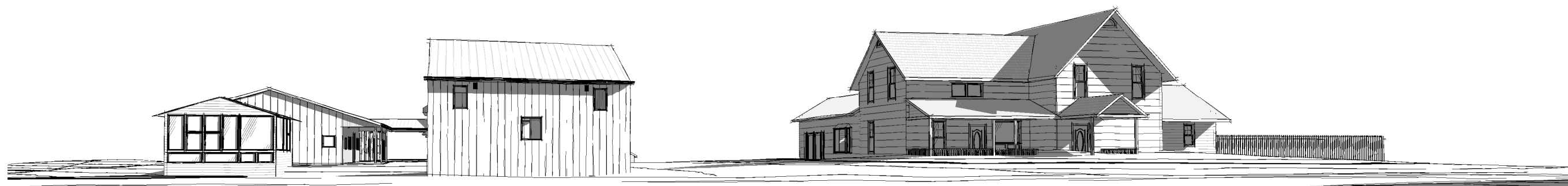
SITE STATISTICS				
Item	Area	%	Use	Height to Peak
Lot area	111700 m <sup>2</sup>	100%		
Existing dwelling	166.64 m <sup>2</sup>	0.15%	Dwelling	8.6m
Existing timber framed barn	89.73m <sup>2</sup>	0.08%	Cidery	7.1m
Existing drive shed	47.47 m <sup>2</sup>	0.04%	Farm	3.9m
Existing metal shed	6.56 m <sup>2</sup>	0.005%	Farm	3.2m
Proposed accessory garage/storage	89.77 m <sup>2</sup>	0.08%	Dwelling	7.1m
Proposed greenhouse	27.82 m <sup>2</sup>	0.02%	Cidery	4.6m
Proposed drive shed	122.64m <sup>2</sup>	0.11%	Farm	3.2m
Existing storage pole barn	365.71 m <sup>2</sup>	0.32%	Cidery	5.1m
Proposed covered connection	38.49 m <sup>2</sup>	0.03%	Cidery	3.1m
Total lot coverage	965.97 m <sup>2</sup>	0.86%		
Proposed retail/tasting room	89.73m <sup>2</sup>	0.08%	Cidery	
Proposed retail/tasting room loft	89.73m <sup>2</sup>	0.08%	Cidery	
Proposed retail/tasting room patio	47.47 m <sup>2</sup>	0.04%	Cidery	
Proposed accessory garage/storage loft	89.73m <sup>2</sup>	0.08%	Dwelling	
Proposed cider production (retail/tasting room basement)	137.2 m <sup>2</sup>	0.12%	Cidery	
Proposed cider production-Existing storage pole barn. (Capacity 30,000 with growth to 100,000 per year)	365.71 m <sup>2</sup>	0.32%	Cidery	
Proposed Septic System	1202.6 m <sup>2</sup>	1.07%	Cidery	
Laneway and parking	863.1 m <sup>2</sup>	0.77%	Cidery	
Total area of on-farm diversified use	2795.5m <sup>2</sup>	1.71%	Cidery	



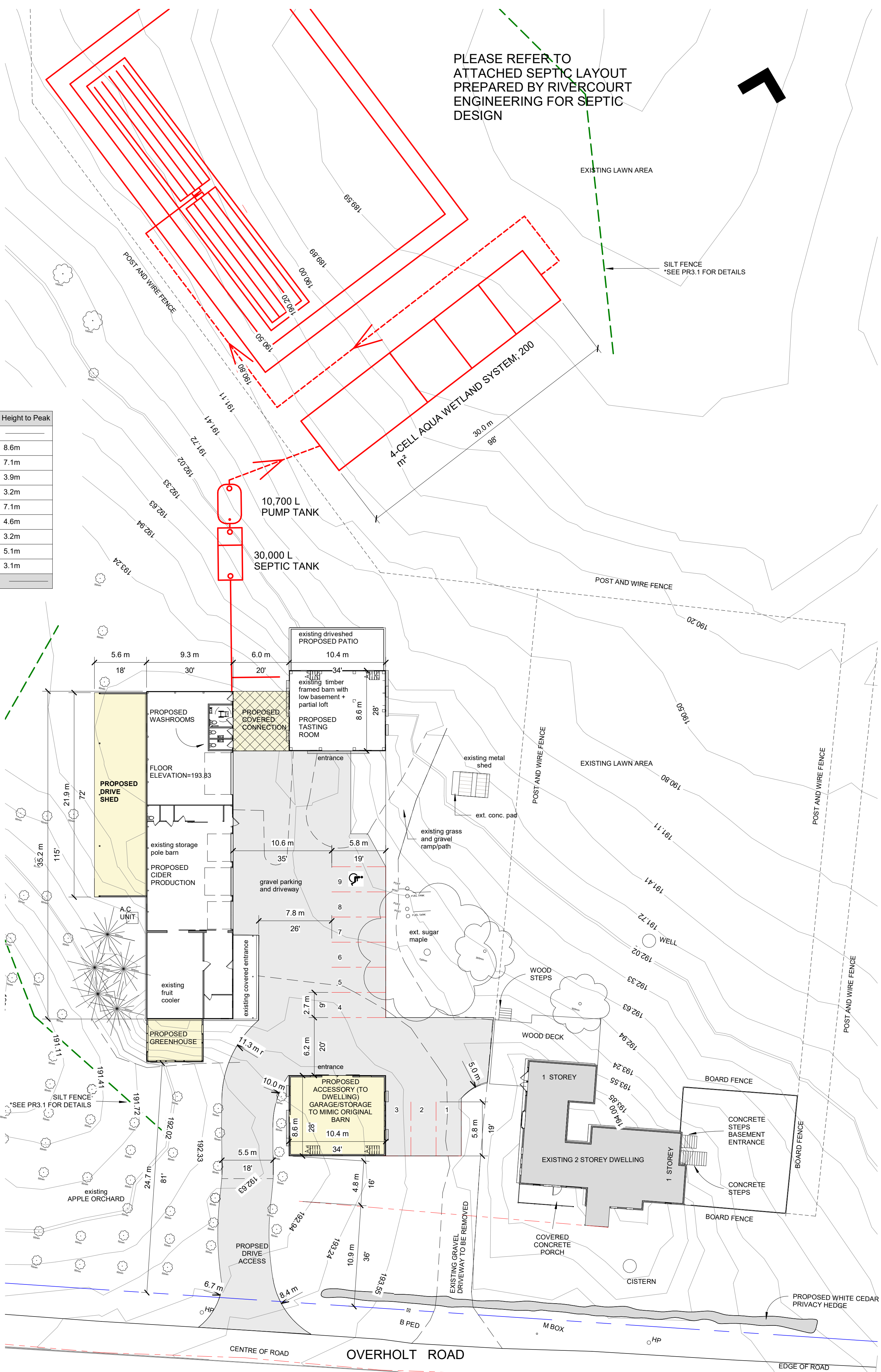
5 front perspective overall straight  
PR3



4 front perspective overall east  
PR3



3 front perspective overall west  
PR3



1 Proposed Site Plan - Extreme Enlarged 2  
PR3 1:250

PLEASE REFER TO  
ATTACHED SEPTIC LAYOUT  
PREPARED BY RIVERCOURT  
ENGINEERING FOR SEPTIC  
DESIGN

FOREST  
GREEN

FORESTGREEN CREATIONS INC.  
DESIGN • BUILD

1423 Pelham Street  
Fonthill, Ontario  
L0S 1E0

T: 905 892 9737  
F: 905 892 4940  
E: todd@forestgreencreations.com

PROJEC

26 Acre Cidery

103 Overholt Road, Pelham

GENERAL

NOTES  
Contractor is to check and verify all dimensions and conditions on the project and report any discrepancies to the designer before proceeding with the work. Drawings are not to be scaled.

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REVISION

SCHEDULE

#

Revision Description

Date

1	Re- Issued for NEC approval with updated layout - re-purposing the old buildings	07.12.2019
2	Re- Issued for NEC approval	10.11.2019
3	Issued For Site Plan Agreement	12.24.2019
4	Reissued to NEC - overflow parking	03.20.2020

PRELIMINARY

DAT	2020-03-20 12:43:27 PM
SCAL	As indicated
DRAW	TJB
CHECKE	TJB
PROJECT NO.	17-032

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer

QUALIFICATION  
Registered Professional Engineer design is exempt under 2.17.5.1 of the building code

Todd Barber 22066  
FULL NAME BCI SIGNATUR  
N E

REGISTRATION  
Registered Professional Engineer design is exempt under 2.17.5.1 of the building code

Forestgreen Creations Inc. 30817  
FULL NAME BCI SIGNATUR  
N E

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DRAWING  
G  
Proposed Site Plan - Large 2

PR3