

**Planning and Development Services**

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**Via Email Only**

January 3, 2022

File No.: D.17.06.MV-21-0098

Holly Willford  
Town Clerk/Secretary-Treasurer  
Town of Pelham  
20 Pelham Town Square, PO Box 400  
Fonthill, ON L0S 1E0

Dear Ms. Willford:

**Re: Regional and Provincial Comments  
Minor Variance Application  
Town File No.: A1/2022P  
Applicant: [REDACTED]  
Address: 42 Philmori Boulevard  
Town of Pelham**

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Regional Planning and Development Services staff have reviewed the information circulated for the above-noted minor variance application, which has been proposed to facilitate the construction of single detached dwelling on the subject property. The applicant is seeking a variance to permit a decrease in the minimum interior side yard setback and minimum rear yard setback in order to permit the construction of the proposed dwelling.

The subject property was previously subject to Official Plan Amendment, Zoning By-law Amendment (Town File No.: AM-05/12), and Draft Plan of Subdivision (Village of Chestnut Ridge Subdivision, approved by the Ontario Municipal Board in September 2004 and modified by Town File No.: 26T-19-02005) applications. The current site-specific zoning which applies to the subject property was implemented as part of these previous applications. This includes the current rear yard setback of 15 metres, which Regional staff understand was intended to address potential impacts to adjacent natural heritage features.

Pre-consultation comments for the proposal were provided via email on April 29, 2021. The following Provincial and Regional comments are provided to assist the Committee in their consideration of the application.

## **Provincial and Regional Policies**

The subject property is located within a Settlement Area under the Provincial Policy Statement (PPS), designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and designated Urban Area (Built-Up Area) in the Regional Official Plan (ROP).

The PPS and Growth Plan direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. The ROP permits a full range of residential, commercial and industrial uses within the Urban Area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, compatibility and environmental conservation.

## **Archaeological Potential**

The PPS and 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 and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to their proximity (within 300 metres) to a registered archeological site, as well as several past and present watercourses. Regional staff have confirmed that archaeological resources were addressed through the previous subdivision application for the subject property. Accordingly, no further study is required with this application.

## **Core Natural Heritage System**

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Provincially Significant Earth Science Area of Natural and Scientific Interest (ANSI) and Significant Woodland. The proposed reduction in the minimum rear yard setback would permit development in closer proximity to these features.

Based on the nature of the structure proposed within the reduced setback (i.e. a covered deck), and the limited proposed encroachment, Regional Environmental Planning staff requested the completion of an Edge Management Plan in lieu of an Environmental Impact Study (EIS) at the pre-consultation stage, which identifies additional native vegetative plantings adjacent to the rear property line. Staff have reviewed the Edge Management Planting Plan, prepared by Beacon Environmental (dated August 18, 2021) and confirm that the Plan adequately addresses Regional

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concerns. It is staff's understanding that the Town may require the submitted Edge Management Planting Plan to be modified to address any potential impacts to the existing stormwater management infrastructure in this location. Regional staff will require circulation of any revised plans to ensure impacts to the Region's CNHS remain appropriately mitigated. Additionally, to further mitigate potential impacts to the Region's CNHS, staff recommend that the Committee also require the installation of permanent fencing without any gates along the extent of the rear lot line, unless already installed at that location.

## Conclusion

In conclusion, Regional staff have no objection to this minor variance application from a Provincial or Regional perspective, subject to the satisfaction of any local concerns, and the following conditions:

1. That the Edge Management Planting Plan, prepared by Beacon Environmental (dated August 18, 2021) be implemented on the subject property. If the Town requires this plan to be revised, it shall be submitted for the review and approval of Niagara Region prior to implementation; and,
2. That the owner install permanent fencing along the rear property line, without a gate, to prohibit access from the subject property to the abutting Regional Core Natural Heritage System features.

Provided these conditions are addressed, the proposal is consistent with the Provincial Policy Statement and conforms to Provincial Plans and the Regional Official Plan from a Provincial and Regional perspective.

Please send notice of the Committee's decision on this application.

If you have any questions related to the above comments, please contact me at [Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca), or Aimee Alderman, MCIP, RPP, Senior Development Planner at [Aimee.Alderman@niagararegion.ca](mailto:Aimee.Alderman@niagararegion.ca).

Kind regards,



Amy Shanks  
Development Planner

cc: Aimee Alderman, MCIP, RPP, Senior Development Planner, Niagara Region  
Adam Boudens, Senior Environmental Planner, Niagara Region  
Kenny Ng, Planner, Town of Pelham