

**Planning and Development Services**

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**Via Email**

June 28, 2022

Region File: D.06.06.CS-22-0043

Holly Willford  
Secretary Treasurer of the Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, ON, L0S 1E0

Dear Ms. Willford:

**Re: Regional and Provincial Comments  
Proposed Consent (Boundary Adjustment) Application  
Town File: B6/2022P  
Owners: [REDACTED]  
Agent: [REDACTED]  
631 & 645 Canboro Road  
Town of Pelham**

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Regional Planning and Development Services staff has reviewed the Consent Application for 645 Canboro Road located in the Town of Pelham. Staff received circulation from the Township on May 12, 2022. The Applicant is proposing to convey 0.22 hectares of land (Part 1) from 645 Canboro Road to be added to the abutting property, 631 Canboro Road (Part 3), to rectify existing encroachments. The remainder of 645 Canboro Road (Part 2) is to be retained for continued residential use.

A virtual pre-consultation meeting for this proposal was held on June 17, 2021 with the Agent, Town staff, and Regional staff in attendance. The following comments from a Provincial and Regional perspective are provided to assist the Committee in their consideration of the application.

**Provincial and Regional Policies**

The subject lands are located within the "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS"), and within the Town/Villages in the "Protected Countryside" of the *Greenbelt Plan, 2017*. Town/Villages are subject to the policies of the Growth Plan except for natural heritage features which continue to be subject to the Greenbelt Plan as discussed in the below section (Natural Heritage). With respect to 631 Canboro

Road, it is designated “Delineated ‘Built-Up’ Area” in the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”) and “Urban (Built-Up) Area” in the *Regional Official Plan* (“ROP”). With respect to 645 Canboro Road, it is “Designated Greenfield Area” within both the Growth Plan and ROP.

Provincial and Regional growth management policies for lands designated either Urban Built-Up Area or Designated Greenfield Area allow for a full range of residential uses subject to the availability of adequate municipal services and infrastructure and natural environment considerations.

In the Designated Greenfield Area, the Growth Plan and ROP requires that new development be comprehensively planned to achieve a minimum density target of 50 people and jobs combined per hectare. The Town of Pelham is currently completing the East Fenwick Secondary Plan, which will establish detailed policies for the comprehensive development of the area in accordance with these Provincial and Regional policies. Consideration of these policies will therefore occur as part of any future *Planning Act* applications on the subject lands. The boundary adjustment is being proposed to rectify existing encroachments, with no development proposed. As such, Regional staff is satisfied the proposed Consent (Boundary Adjustment) Application is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the below comments.

## **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 potential for the discovery of archaeological resources due to their proximity within 300m to six registered archeological sites (AgGu-174, AgGu-231, AgGu-232, AgGu-233, AgGu-234, and AgGu-235), as well as a natural watercourse feature.

A boundary adjustment is not defined as “development” under the PPS or the ROP. Therefore, given that no development is proposed, Regional staff does not offer any archeological assessment requirements for the application. The Applicant is advised that any future *Planning Act* Application involving the subject lands may require the completion of an archeological assessment based on Regional staff’s review of the application at that time.

## **Natural Heritage**

The subject property is impacted by the Region’s Core Natural Heritage System (“CNHS”), consisting of the Fonthill Kame Provincially Significant Wetland Complex

("PSW"), and Significant Woodland. The property is within the Protected Countryside of the Greenbelt Plan, which identifies the PSW as a Key Hydrologic Feature ("KHF"), and is subject to the natural heritage policies of the Greenbelt Plan.

Greenbelt Plan policies require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120 metres of a KHF in the PNHS. 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 within 50 m of Significant Woodland. Further, Greenbelt policies also require that a minimum 30 m Vegetation Protection Zone ("VPZ") adjacent to KHF, be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KHF or its VPZ.

The Greenbelt Plan allows for minor lot adjustments and boundary additions, provided they do not create a separate lot for residential dwelling in prime agricultural areas and there is no increased fragmentation of a KHF. The proposed boundary adjustment satisfies these requirements. As such, Regional Environmental Planning staff offer no objection to the Consent.

### **Private Sewage System**

Private Sewage System ("PSS") Inspection staff has reviewed the proposed application. PSS staff have tried to obtain and review an existing file for 631 Canboro Road; however due to an error with the off-site storage system, the file has yet to arrive. Should the file contain previously unknown information pertaining to the existing septic system, then PSS staff will provide updated comments. In the meantime, staff is able to confirm that the existing sewage system at 631 Canboro Road (Part 3) is not being adversely affected by the proposed boundary adjustment and there appears to be sufficient useable area for any future septic system repair and/or replacement that may be required.

With respect to 645 Canboro Road, no record was found for the existing legal non-conforming private sewage system that services the property. PSS staff conducted a site visit of the property on June 22, 2022 and observed that the lids of the septic tank were not fully exposed, and therefore, staff were unable to inspect the levels inside. The septic tank is located north of the dwelling. The location of the in-ground leaching bed is unknown and given information on-site, may not exist. The Owner advised PSS staff that the septic tank is pumped out whenever the toilet stops flushing, which would indicate the system is failing as the leaching bed is no longer accepting effluent. A septic tank cannot be operated as a holding tank and the property contains enough room to support a Class 4 Sewage System.

Therefore, provided that there is no change to either existing dwelling, PSS staff does not object to the Consent (Boundary Adjustment) Application, subject to the Owner of 645 Canboro Road applying for a Septic Permit Application and installing a new Class 4

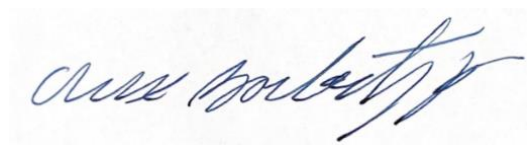
Sewage System to replace the failing sewage system servicing the property. An appropriate condition of consent approval is provided within the attached Appendix.

## Conclusion

In conclusion, Regional staff do not object to the proposed Consent (Boundary Adjustment) Application, in principle, provided that the condition of the attached Appendix is fulfilled. Regional staff is satisfied that the application is consistent with the PPS and conforms to Provincial and Regional growth management policies. Local staff should be satisfied that any applicable local requirements and provisions are met.

If you have any questions or wish to discuss these comments, please contact the undersigned at [Alex.Boekestyn@niagararegion.ca](mailto:Alex.Boekestyn@niagararegion.ca), or Katie Young, Development Planner at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca). Please send a copy of the staff report and Committee's decision on this application.

Kind regards,



Alex Boekestyn  
Development Planning Student, Niagara Region

cc: Katie Young, MSC (PI), Development Planner, Niagara Region  
Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region  
Lori Karlewicz, Planning Ecologist, Niagara Region  
Devon Haluka, Private Sewage System Inspector, Niagara Region

Appendix: Niagara Region's Condition of Consent Approval

## **Appendix**

### **Niagara Region's Condition of Consent Approval**

631 Canboro Road and 645 Canboro Road, Town of Pelham

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1. That the Owner of 645 Canboro Road apply to the Niagara Region for a Septic Permit Application to install a new Class 4 Sewage System to service the existing dwelling on the property.