

Meeting of the Upper Thames River Conservation Authority
Hearing Committee – Agenda
Friday January 21, 2022 9:00am

Virtual Meeting Due to COVID-19 Pandemic

Memo to Hearing Committee Members: M. Blosch, T.Jackson, B.Petrie, A. Dale, S.Levin

Please be advised that a meeting of the Hearings Committee will be as follows:

- 1. Approval of Agenda**
- 2. Minutes of the Previous Meeting: December 17, 2021**
- 3. Business Arising from the Minutes**
- 4. Application #03-22**
181-183 Harris Road
Middlesex Centre (Delaware), Ontario
- 5. Adjournment**



Tracy Annett, General Manager

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act, R.S.O. 1990, Chapter C. 27 as amended;

AND IN THE MATTER OF

An Application By: Brad Scott (Application #03/22)

For the permission of the Upper Thames River Conservation Authority pursuant to Regulations made under Section 28 (12) of said Act.

TAKE NOTICE that a hearing before the Hearings Committee of the Upper Thames River Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act electronically using the Zoom video conferencing platform for remote hearings at the hour of 9:00 am, Friday, January 21st, 2022 with respect to the application by Brad Scott to permit interference with a wetland and to permit development within an erosion hazard associated with a river or stream valley and within an area regulated by the Upper Thames River Conservation Authority under Ontario Regulation 157/06 - *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* made pursuant to Section 28 of the Conservation Authorities Act at 181-183 Harris Road in the Municipality of Middlesex Centre (Delaware), Ontario.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material (electronically) to the Hearings Committee for the meeting of January 21st, 2022. If you intend to appear and/or submit further written material, please contact Karen Winfield ((519)-451-2800, e-mail winfieldk@thamesriver.on.ca). Any further written material (submitted electronically) will be required as soon as possible, to enable the Committee members to review the material prior to the meeting.

The Hearing is being held electronically due to the global COVID-19 pandemic. Participants who intend to join must provide:

- **full name;**
- **email address;** and,
- **a phone number where they can be reached during the Zoom hearing** (should technical support from our Zoom host/administrator be required);

to Karen Winfield at least 48 hours prior to the scheduled Hearing. Participants will be sent an e-mail with a hyperlink to access the Zoom hearing as well as further instructions.

If you believe that holding the hearing electronically is likely to cause significant prejudice please contact Michelle Viglianti ((519)-451-2800, e-mail: vigliantim@thamesriver.on.ca).

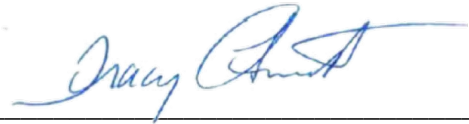
AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Hearings Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

PLEASE NOTIFY THIS OFFICE by 12:00 noon January 19th, 2022 (local time) as to whether you and/or your agent(s) will be attending. A copy of Ontario Regulation 157/06 and Section 28 of the Conservation Authorities Act will be made available to you upon request.

DATED the 14th day of January, 2022

Registered

The Hearings Committee of
The Upper Thames River Conservation Authority

A handwritten signature in blue ink, appearing to read "Tracy Annett", written over a horizontal line.

Tracy Annett, General Manager/Secretary-Treasurer

HEARING PROCEDURES

1. Motion to sit as a Hearings Committee to consider the application from Brad Scott for 181-183 Harris Road in the Municipality of Middlesex Centre (Delaware), Ontario (Application #03/22)
2. The Chair asks if any of the Hearing Committee members have any conflicts to declare related to the hearing.
3. Roll Call followed by the Chair's opening remarks. For electronic hearings, the Chair shall ensure that all parties and the Hearings Committee are able to clearly hear one another and any witnesses throughout the hearing.
4. Staff will introduce Hearings Committee members (and the UTRCA Solicitor if present) to the applicant/owner, his/her agent and others wishing to speak.
5. Staff will indicate the nature and location of the subject application.
6. Staff will present their report on the application.
7. The applicant and/or their agent will present their material.
8. Staff and/or the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.¹
9. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.²
10. Members of the Hearings Committee will question, if necessary, both the staff and the applicant/agent.
11. The Hearings Committee may make a motion to adjourn and go into camera and/or may make a motion to arrange to visit the subject site. For electronic hearings, the Hearings Committee will separate from other participants for deliberation.
 - i) In the event that the Hearing Committee is able to make a decision within a reasonable length of time, the Hearing Committee will reconvene the hearing and announce its decision.
 - ii) In the event that the Hearing Committee wishes more time within which to consider its decision, the hearing will be adjourned and the applicant and staff will be advised that a decision will be made by the Hearing Committee, which decision will be communicated to both the applicant and staff.
12. Members of the Hearing Committee will move and second a motion.

13. A motion will be carried which will culminate in the decision.
14. In all events, the Chair or Acting Chair of the Hearing Committee will advise staff and the owner/applicant of the Hearings Committee's decision in writing.
15. If decision is made to "to refuse", or "approve with conditions", the Chair or Acting Chair shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.

¹ As per the Statutory Powers Procedures Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

² As per the Statutory Powers Procedures Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

To: Chair and Members of the UTRCA Hearings Committee

From: Jenna Allain, Manager – Environmental Planning and Regulations
Karen Winfield, Land Use Regulations Officer

Date: January 14, 2022 **Agenda #** 4

Subject: Section 28 Permit Application #03/22 for Proposed Interference With a Wetland and Proposed Development Within an Erosion Hazard Associated With a River or Stream Valley and Area Regulated by the Conservation Authority at 181-183 Harris Road, Municipality of Middlesex Centre (Delaware), Ontario. **Filename: Document#** 125134

RECOMMENDATION

THAT Application #03/22 for the proposed interference with a wetland and proposed development within an erosion hazard associated with a river or stream valley and area regulated by the Conservation Authority at 181-183 Harris Road, Municipality of Middlesex Centre (Delaware), Ontario be denied as it is contrary to UTRCA approved wetland alteration and erosion hazard policies.

The Application

A Section 28 Application for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit application (No. #03/22) has been submitted for the proposed installation/construction of a driveway/laneway/access that would traverse through wetland and erosion hazard (slope) features at 181-183 Harris Road in the Municipality of Middlesex Centre (Delaware), Ontario. Applicant has advised the driveway is needed to facilitate removal of invasive species, rehabilitate the wetland features and undertake revegetation/planting plans on the property.

Site Information

The properties located at 181 and 183 Harris Road in Delaware are entirely regulated by the Upper Thames River Conservation Authority (in accordance with Ontario Regulation 157/06) due to the presence of: a) riverine flood and erosion hazard lands associated with Dingman Creek and one of its tributaries; b) wetland features; and, c) the Area of Interference surrounding these wetland features. (While all wetlands – regardless of size and designation -

are protected under Conservation Authority Regulations, the wetland on the subject property is considered an unevaluated wetland, meaning it has neither been designated as Provincially Significant nor Locally Significant. The wetland traverses multiple properties and is greater than 2 hectares in size meaning there is a regulated Area of Interference surrounding the wetland features of 120 metres.) Woodlands on the properties are also protected and have been identified as being Significant in the Middlesex County Natural Heritage Study. The properties are zoned as agricultural land.

Attachment #1 is a basic location map of the properties. UTRCA Regulation Limit mapping outlines the approximate location of the flood hazards (**Attachment #2**), erosion/slope hazards (**Attachment #3**) and wetland features (**Attachment #4**) on the property. **Attachment #5** outlines the location of the woodlands on the property identified as being of Natural Heritage Significance in the Middlesex County Natural Heritage Study (2014). Contour mapping (**Attachment #6**) provides more detail on slope features on the property. Comparison of 2015 aerial imagery (**Attachment #7**) and 2020 aerial imagery (**Attachment #8**) as well as Google Street View imagery taken along the frontage of the property from 2014 (**Attachment #9**) and 2021 (**Attachment #10**) shows the construction of a new pond extending onto both properties adjacent Harris Road.

Background

In early December of 2021 UTRCA staff received complaints of tree removal, site grading and drainage works occurring on property located along Harris Road in Delaware in the vicinity of municipal address 183. UTRCA staff attended the site (December 10, 2021), noted construction works had recently been undertaken, and met with the landowner of the subject property. Recent tree removal and site grading were observed associated with a new driveway/laneway entrance off Harris Road on the west side of the property heading back towards the valleyland above Dingman Creek. UTRCA staff advised the landowner of the protected wetland/woodland/slope features and that permits were required prior to undertaking any clearing, filling, excavation or grading on site.

The landowner advised he was unaware of the regulations affecting the property and had already received an entrance permit from municipal roads staff and asked why the protected area wasn't flagged by them. UTRCA staff have not yet contacted municipal roads staff to discuss how information on protected areas could better be shared for future projects. Road staff have provided a follow-up letter to the landowner which can be found in the application attachments (#13) below.

Landowner advised that he owns one of the lots while a family member owns the other. He further advised that while there is currently a shared driveway on the east side of the property he would like a separate driveway for the larger lot (to be able to sell as a standalone lot in the future) with potentially a house at the back. He advised he was not interested in a house at this time but rather as a future option. He further advised that he needed the driveway this year as his current intent was to facilitate further restoration of the wetland area where invasive Phragmites had taken hold. He advised that he had already been working through the ALUS program for options for agriculturally zoned properties to undertake restoration/planting plans.

Note: *Phragmites australis* is an invasive and aggressive grass/plant that spreads quickly and outcompetes Ontario's native plants causing damage to our biodiversity and increasing road safety hazards.

It should be noted there are valid concerns with Phragmites spread throughout the wetland areas on both sides of Harris Road and a proper restoration plan would improve the site. As COVID restrictions had interfered with restoration plan timelines with ALUS, he also advised he would be willing to work with UTRCA stewardship staff on an appropriate restoration plan for the site. UTRCA staff advised that we could assist with restoration of the wetland, but that the new driveway/laneway and cleared area at the top of the valley slope remained an outstanding matter. Unless the driveway/laneway was to be removed and that location restored the works would not meet current UTRCA policies for interference with a wetland. We discussed that his options with the CA were to either: a) work with UTRCA for site restoration (including removal of the driveway); or, b) apply for a permit and request a Hearing with our Hearings Committee as approval could not be granted at a staff level. The Landowner indicated that he would be submitting a permit application and requesting a hearing.

Current Proposal

The Landowner submitted a permit application form to our office (**Attachment #9**) and advised that he is working with Proscap Horticulture, St. Williams Nursery and Ecology Centre and ALUS on restoration plans to introduce native trees and plants on the property as well as to assist with a Phragmites control plan.

In support of the application we requested some additional information (**A, B, and C in bold below**) and were provided with the following information and responses:

A) A site plan showing size and location of all work (including vegetation removal, excavation/filling/site grading/alteration) in relation to existing landmarks. For this project you are welcome to complete this yourself (with or without aerial photos) or have your consultants assist;

In response to this request, the landowner submitted the following information in an email (quoted below) with attachments and a YouTube video link.

"Please see attached hand drawing provided in this email along with a you tube video that hopefully gives you a good understanding of the vegetation that is present and what will replace it."

- 181 Harris Road Lot Outline (**Attachment #11**).
- Lot outline showing existing pond and laneway along with area to be filled (**Attachment #12**)
- Hand drawing of the restored area showing trees & plugs (**Attachment #13**)
- Confirmation Letter for New Driveway (**Attachment #14**)

- Live YouTube video of the work area and elevations:

<https://youtu.be/mBg8B6f4mvM>

(***Note – sound is quiet for the video so please turn your speakers up when listening.)

B) Sediment and Erosion Control plan to prevent any exposed soils from entering Dingman Creek and/or the wetland/woodland during a precipitation event;

In response to this request, the landowner submitted the following information in an email (quoted below).

"We do not expect any sediment or erosion to occur, including Dingman Creek. If permitted to move forward, we will be filling the black muck area which has been infested with phragmites(as outline in the video) during the winter months. Due to the time of year that this project will be done its very unlikely to have any rain, but in the case that the weather looks unfavorable we would reschedule filling and work to a more appropriate day. Experts advise we need to add 36 inches of fill and topsoil to smother out the phragmites. No neighbouring properties or township properties will be affected by any sort of runoff."

C) Any other items pertinent for our review such as the restoration plan and/or Phragmites control plan mentioned [previously].

In response to this request, the landowner submitted the following information in an email (quoted below).

"The finished area will include 36 inches of clean fill and topsoil which will smother out any phragmites in existence for the future. The newly filled area will be flatter the noted trees (hemlocks, river birch, native plugs, etc.) will be planted which will revitalize the area on top and will promote better growth in the future."

Discussion

Copies of the UTRCA Permit Application Form, the current restoration proposal, mapping and photos of the property – as well as applicable UTRCA Wetland and Natural Hazard policies - are attached to this report.

Regulation of Development

The grading to create a driveway/laneway and the filling proposed adjacent the wetland are considered development (by definition).

Definitions

Development:

- (a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- (b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,*
- (c) *site grading, or*
- (d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

(Conservation Authorities Act, R.S.O. 1990 c. C.27)

Through our individual “*Development, Interference With a Wetland and Alterations to Shorelines and Watercourses*” Regulations and *Ontario Regulation 97/04*, Conservation Authorities have a legislated responsibility to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and inland lakes shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands within our watershed requires permission from the Conservation Authority.

Section 3 of Ontario Regulation 157/06 states that “*the Authority may grant permission for development in or on the areas described in subsection 2(1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.*” These are referred to as the “5 Tests” and these tests must be considered in Conservation Authority decisions on permit applications. (Please note that UTRCA only considers “4 Tests” as without Great Lakes Shoreline there are no dynamic beaches within our watershed.)

Regulation of Interference With A Wetland

While the grading to create a driveway/laneway and the filling proposed adjacent the wetland are considered development (by definition), these works would also be considered interference with a wetland. Section 6 of the Regulation states that “*the Authority may grant permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland.*”

In general, with the exception of select wetland restoration projects, UTRCA staff do not approve projects within the wetland features proper. When UTRCA staff assess for whether or not a (non-restoration) project immediately adjacent a wetland would detrimentally impact the feature an appropriate buffer/setback is generally required/negotiated which would conform to our policies. Alternatively, further studies (such as Hydrogeological Studies or Environmental Impact Studies (EIS)) proposing mitigation/compensation are required (given all the changes to the wetland on the subject property in the last few years, and that the driveway works have already commenced, UTRCA did not ask for submission of an EIS at this location). If there is a high likelihood for a project to have a detrimental impact on a wetland, then our general position is to not support the proposal.

UTRCA staff have not required detailed restoration plans with the submission package at this time as our policies do not support the clearing and grading for the driveway/laneway through/adjacent the wetland. Should this application be approved by the Hearing Committee, the requirement for detailed wetland restoration plans would be a logical condition of permit approval.

The application has been evaluated for conformity with our general erosion hazard policies (which are based on the "4 Tests"), as well as Section 4.2.4 *Wetland Policies* contained within the *UTRCA Environmental Planning Policy Manual (June 2006)*. There are a variety of policies contained within these sections that would not support the installation of the driveway and these policies are attached with this report for comparison. Specifically, Section 4.2.4 references wetland policies:

1. ***New development and site alteration is not permitted in wetlands. Some restricted uses may be permitted provided that they are supported by an EIS or an Environmental Assessment.***
2. ***Development and site alteration within the area of interference of a wetland shall only be permitted by the Authority if the applicant can demonstrate that such activity will have no impact on the control of flooding, erosion, pollution or the conservation of land. This will involve a scoping process where the UTRCA and the proponent (with the help of a qualified professional as required) will assess a proposed undertaking, having regard for the sensitivity of the wetland features and functions, the extent of encroachment and impact of use. This initial assessment will assist with the formulation of the terms of reference for a scoped EIS or a comprehensive EIS.***

The topography of the subject lands are such that the project is not at risk for impacting the control of flooding. Dingman Creek and it's associated floodplain are at the rear of the properties and well away from the proposed driveway. If any structures were proposed for the cleared area at the back (now or in the future) a favourable geotechnical (slope stability) assessment would be required as the slope at that location towards Dingman Creek is very steep and would be high risk for erosion. The slope the driveway is proposed on is, in contrast, less steep and proper construction, drainage and restoration plantings could mitigate the potential for erosion. The new driveway does, however, route through and adjacent wetland features and this does not meet policy.

Conclusion

The Authority's approval is required for the issuance of permits under Ontario Regulation 157/06 –*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*, in accordance with Section 28 of the *Conservation Authorities Act*. Applications which conform to this Regulation and board approved policy found within the *UTRCA Environmental Planning Policy Manual (June 2006)* may be recommended for approval by Authority Staff who have been granted responsibility to process such proposals. If applications are submitted which do not conform to board approved policy, Authority Staff cannot approve the application, and a

hearing may be requested. The application is then subject to the consent of the UTRCA Hearings Committee. Only the UTRCA Hearings Committee can refuse the application.

This report is provided to the Hearings Committee to advise that the application does not meet our general wetland and erosion hazard policies (4.2.1, 4.2.2, 4.2.3) and specifically *Wetland Policies* Section 4.2.4 of the *UTRCA Environmental Planning Policy Manual* (June 2006). Staff have no choice but to recommend denial of Application #03-22 as it is contrary to policy. The applicants have advised they wish to proceed with a Hearing before the UTRCA Hearings Committee to obtain consent for the driveway/laneway installation and associated wetland alteration.

Recommended by:

Jenna Allain, Manager
Environmental Planning and Regulations

Prepared by:

Karen Winfield
Land Use Regulations Officer

c.c. Members of the UTRCA Hearings Committee
Tracy Annett, UTRCA
Grant Inglis, UTRCA Solicitor

Attachments:

Notice of Hearing
Hearing Procedures
Attachment #1 – General Location Map
Attachment #2 – 181-183 Harris Road, Delaware (Flood Hazard Mapping)
Attachment #3 – 181-183 Harris Road, Delaware (Erosion Hazard Mapping)
Attachment #4 – 181-183 Harris Road, Delaware (Wetland Hazard Mapping)
Attachment #5 – 181-183 Harris Road, Delaware (NHS Woodlands Mapping)
Attachment #6 – 181-183 Harris Road, Delaware (Contour Mapping)
Attachment #7 – 181-183 Harris Road, Delaware (2015 Aerial Imagery)
Attachment #8 - 181-183 Harris Road, Delaware (2020 Aerial Imagery)
Attachment #9 – 181-183 Harris Road, Delaware (2014 Google StreetView)
Attachment #10 – 181-183 Harris Road, Delaware (2020 Google StreetView)
Attachment #11 – UTRCA Permit Application #03-22
Attachment #12 – Lot Outline of property submitted by applicant
Attachment #13 – Hand drawing of Restoration Plan submitted by applicant
Attachment #14 – Letter from Municipal Roads Staff submitted by applicant
Attachment #15 - General Flood and Erosion Hazard and Wetland Alteration Policies from the *UTRCA Environmental Planning Policy Manual* (June 2006).

Legend

- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
 - Open
 - Tiled

ATTACHMENT #1



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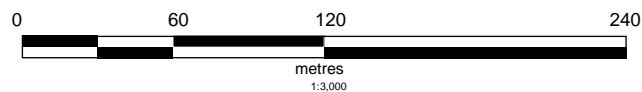
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Notes:
181-183 Harris Road, Municipality of Middlesex Centre (Delaware) - Mapping prepared to show property location only.

Created By: KMW January 14, 2022



Legend

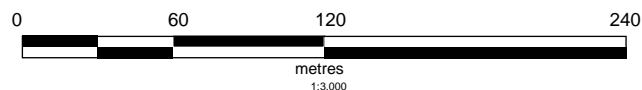
- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
 - Open
 - Tiled
- Flooding Hazard Limit

ATTACHMENT #2



Notes:
181-183 Harris Road, Municipality of Middlesex Centre (Delaware) - Estimated Flood Hazard only

Created By: KMW January 14, 2022



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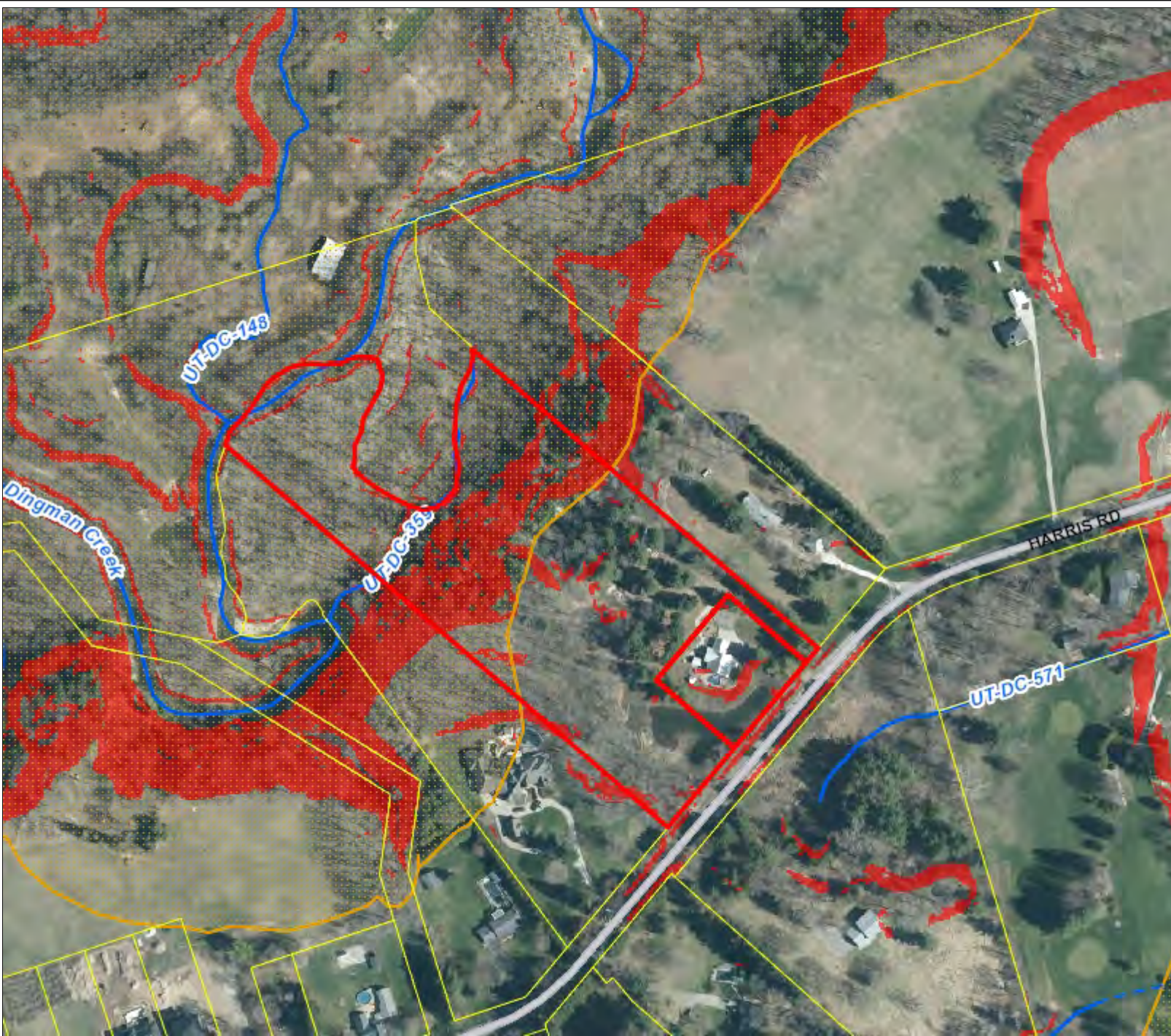
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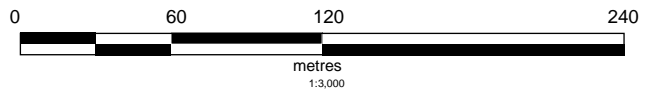
- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
 - Open
 - Tiled
- Erosion Hazard Limit
- Potential Slope Hazard

ATTACHMENT #3



Notes:
181-183 Harris Road, Municipality of Middlesex Centre (Delaware) - Estimated Erosion (Slope) Hazard only

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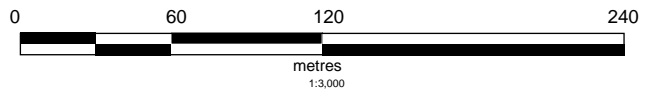
- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
 - Open
 - Tiled
- Regulated Wetland

ATTACHMENT #4



Notes:
181-183 Harris Road, Municipality of Middlesex Centre (Delaware) - Estimated Wetland Hazard only

Created By: KMW January 14, 2022



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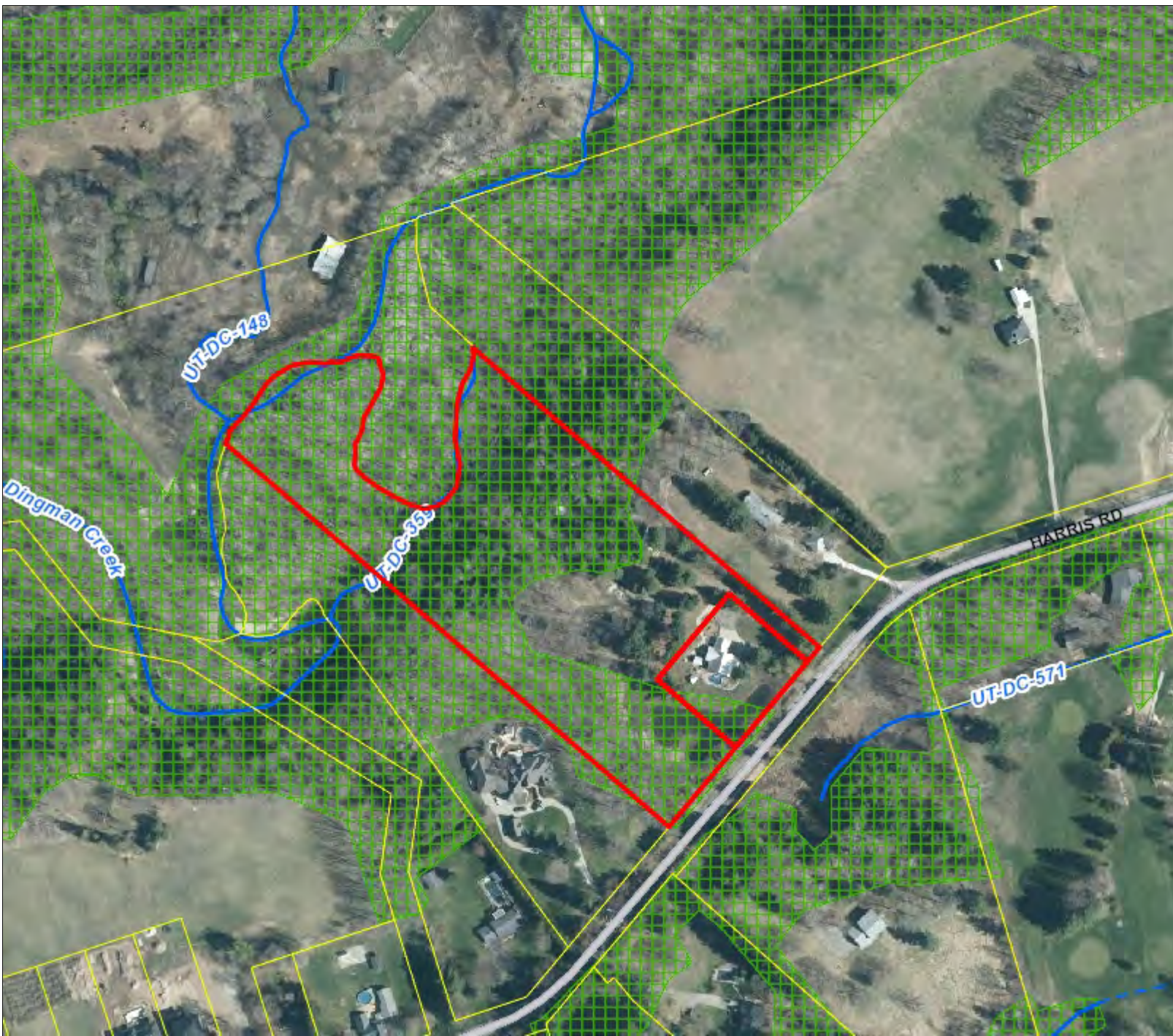


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Legend

- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
 - Open
 - Tiled
- Middlesex NHSS Woodland (2)
 - Candidate for Ecologically Important
 - Ecologically Important
 - Significant Ecologically Important

ATTACHMENT #6



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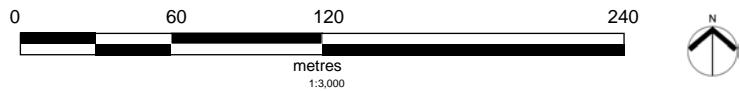
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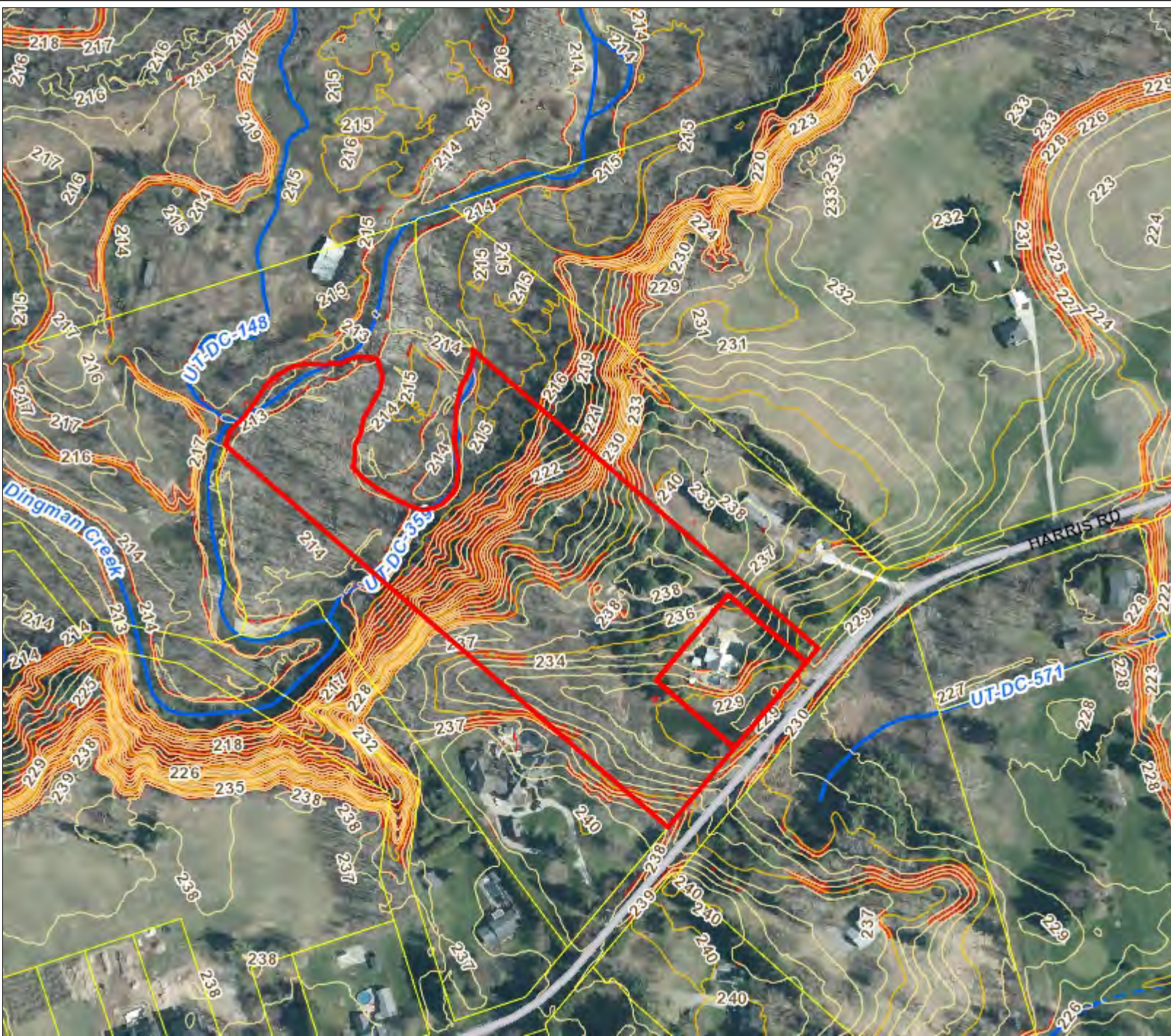
Notes:
181-183 Harris Road, Municipality of Middlesex Centre (Delaware) - Estimated NHS Woodland only



Legend

- Assessment Parcel (MPAC)
- 1 m Contour (UTRCA, 2017)
 - 1 m
 - 5 m
- Watercourse (UTRCA)
 - Open
 - Tiled
- Potential Slope Hazard

ATTACHMENT #6



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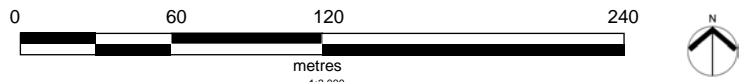
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Notes:
181-183 Harris Road, Municipality of Middlesex Centre (Delaware) - Contour mapping only



Legend

- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
 - Open
 - - Tiled

ATTACHMENT #7



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The UTRCA assumes no liability for any errors, omissions or inaccuracies in the information provided herein and further assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.

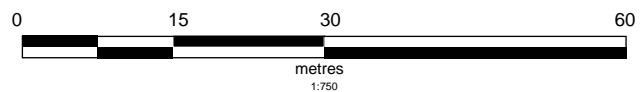
This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

This document is not a Plan of Survey.

Sources: Base data, 2010 Aerial Photography used under licence with the Ontario Ministry of Natural Resources Copyright © Queen's Printer for Ontario; City of London.

Notes:
181-183 Harris Road, Municipality of Middlesex Centre (Delaware) - Aerial Photo Only (2015)

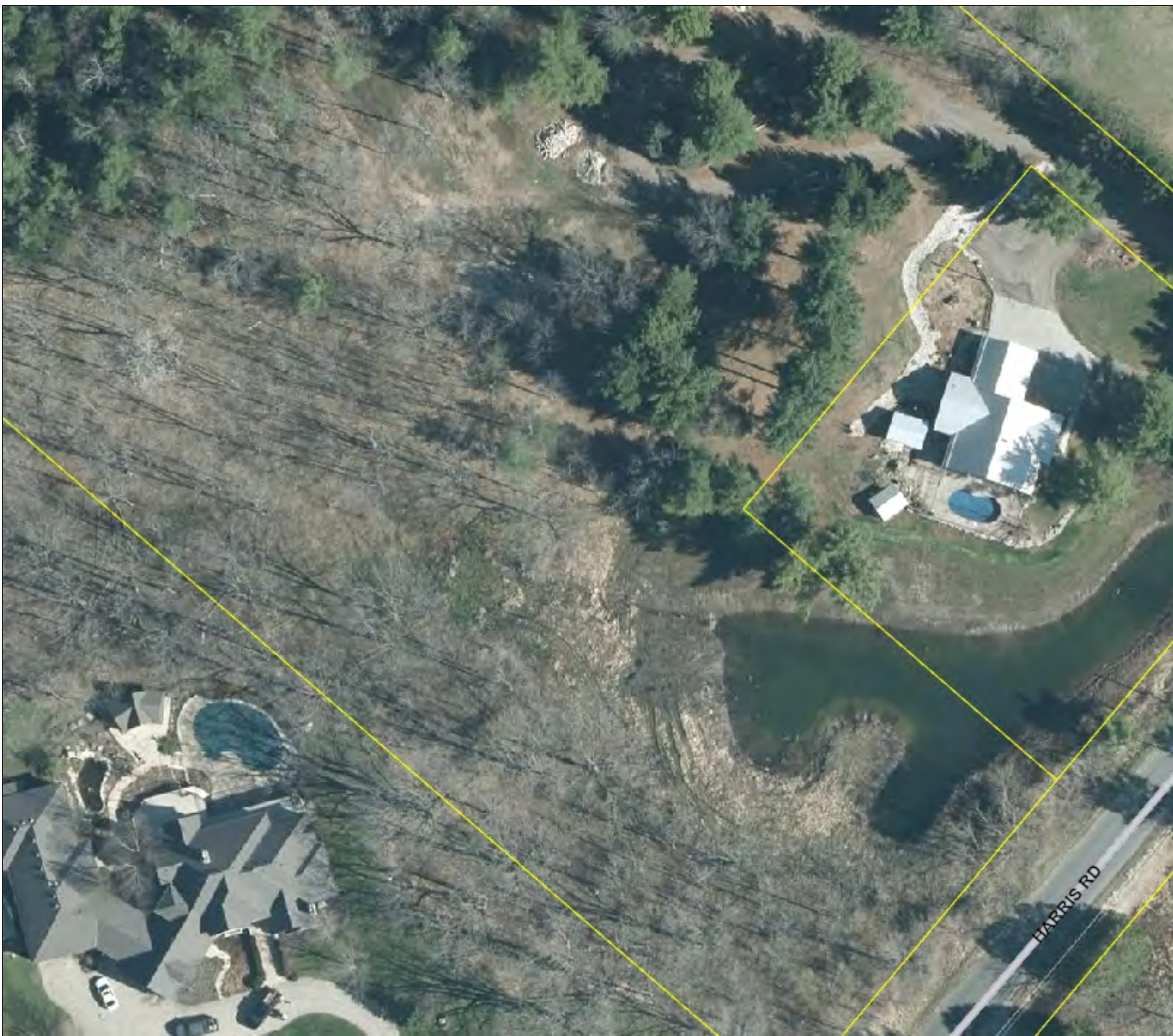
Created By: KMW January 14, 2022



Legend

- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
 - Open
 - Tiled

ATTACHMENT #8



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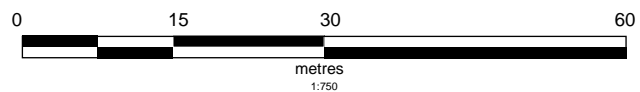
This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

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Notes:
181-183 Harris Road, Municipality of Middlesex Centre (Delaware) - Aerial Photo Only (2020)

Created By: KMW January 14, 2022



ATTACHMENT #9 – Google Street View (2014) of 181-183 Harris Road, Delaware



ATTACHMENT #10 – Google Street View (2020) of 181-183 Harris Road, Delaware

← → ↻ 🔒 google.com/maps/@42.9177998,-81.4019673,3a,75y,291.62h,88.17t/data=!3m7!1e1!3m5!1sKEJnc1q_0LfzUQHHeaXJyQ!2e0!5s20210601T000000!7i16384!8i8192

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Application For Development, Interference with Wetlands and Alterations to Shorelines and Watercourses

Upper Thames River Conservation Authority
1424 Clarke Road London, Ontario N5V 5B9
Tel. (519) 451-2800 Fax (519) 451-1188

Conservation Authorities Act - Ontario Regulation 157/06, under O.reg. 97/04

Application # **03-22**

Name of Landowner: Bradley Scott Tel. Home:
Address: 181 Harris Road Postal Code: N0L1E0 Tel. Business:
Location of Project: Delaware, Ontario Plan 305 Part lot 12RP 33R12750 Parts 2,5 Reg Middlesex Centre
Street and Number, or Lot(s) and Concession Number/ 911 Address Municipality

DESCRIPTION OF PROJECT

General description of project: To provide access in order to maintain the phragmites that have over taken the area for years and to restore the area to include native plants
and tree species known to the area with the help of St Williams Nursery and Ecology Centre and Proscap Horticultural. When completed the area will be a much more productive wild life and conservation area than its ever been in the past.

All applications must be accompanied by a detailed site plan, providing information on the following:

1. general location of property in relation to roads
2. location and dimensions of all existing structures on the property
3. location of any watercourse, wetland or steep slope on or near the subject property
4. intended location of all proposed work, including construction, filling/grading/excavation, wetland interference or watercourse alteration
5. location of septic system, if applicable and other property utilities, wells, etc.
6. cross-section of proposed work, showing existing and final grades and structure openings

Works including floodproofing of structures must be accompanied by detailed drawings, prepared by qualified professional engineers, with proper dates and stamps appearing on all plans. If filling is proposed, details on the type, area and volume of fill must be provided to the UTRCA, with existing and proposed grades clearly presented on plans.

UNLESS OTHERWISE REQUESTED, THE CONSERVATION AUTHORITY ONLY REQUIRES ONE COPY OF ALL PROJECT DRAWINGS.
MULTI-PAGED ENGINEERING DRAWINGS MUST BE FOLDED OR REPRODUCED ON 11 x 17" SHEETS.

Dates of Commencement and Completion of Project: January 24 2022 to May 31 2022

If other approvals required for this project please indicate

- | | |
|--|--|
| <input type="checkbox"/> Federal - Fisheries Act | <input type="checkbox"/> Other <u> </u> |
| <input type="checkbox"/> Province - MNR Work Permit | <input type="checkbox"/> Permit to Take Water |
| <input type="checkbox"/> Municipal - Building Permit | <input type="checkbox"/> Zoning <input type="checkbox"/> Severance <input type="checkbox"/> OPA <input type="checkbox"/> |

Name of Applicant if different than Landowner:

Mailing Address if different than above:

Postal Code: Phone Number: Email Address:

Applicant's Signature: *Brad Scott*

Application Date Month: January Day: 6 Year: 2022

Agent for Applicant (if different from above):

Mailing Address:

Postal Code: Phone Number: Email Address:

For UTRCA Completion Only

Application fee: _____ Date received: _____ Received by: _____

Regulatory floodline elevation: _____ Typical ground elevation: _____

Other pertinent comments _____

Project-specific requirements (refer to page 2 for general conditions) _____

Approved by: _____ Date approved: _____

Site inspection: Date: _____ By: _____

TERMS AND CONDITIONS

The Owner and Applicant, by acceptance of and in consideration of the issuance of this permit, agree to the following terms and conditions:

1. Permission granted by the Upper Thames River Conservation Authority cannot be transferred without prior written approval from the Upper Thames River Conservation Authority.
2. Approvals may be required from other agencies prior to undertaking the work proposed. The Upper Thames River Conservation Authority does not exempt the Applicant from complying with any or all other approvals, laws, statutes, or regulations.
3. The Upper Thames River Conservation Authority may at any time withdraw any permission given if, in the opinion of the Conservation Authority, the representations contained in the application for permission are not carried out or the conditions/requirements of the permit are not complied with.
4. Authorized representatives of the Upper Thames River Conservation Authority may at any time enter onto the lands that are described herein, in order to make any surveys, examinations, investigations or inspections that are required for the purpose of insuring that the work(s) authorized by this permit are being carried out according to the terms of this permit.
5. The Owner and Applicant agree:
 - To indemnify and save harmless the Upper Thames River Conservation Authority and its officers, employees, or agents from and against all damage, loss, costs, claims, demands, actions and proceedings, arising out of or resulting from any act or omission of the Owner and/or Applicant or any of his agents, employees or contractors relating to any of the particulars, terms or conditions of this permit;
 - That this permit shall not release the Applicant from any legal liability or obligation and remains in force subject to all limitations, requirements and liabilities imposed by law;
 - That all complaints arising from the execution of the works authorized under this permit shall be reported immediately by the Applicant to the Upper Thames River Conservation Authority. The Applicant shall indicate any action that has been taken, or is planned to be taken, with regard to each complaint.
6. The project shall be carried out in full accordance with the plans submitted in support of the application.
7. The Applicant agrees to install and maintain all sedimentation controls until all disturbed areas have been stabilized.
8. All disturbed areas shall be seeded, sodded, or stabilized in some other manner acceptable to the Conservation Authority as soon as possible, and prior to the expiry of this permit.
9. The Applicant agrees to maintain all existing drainage patterns, and not to obstruct external drainage from other adjacent private lands.

NOTE: The information on this form is being collected for the purpose of administering a regulation made pursuant to Section 28, Conservation Authorities Act, R.S.O. 1990, Chapter 27. This application and supporting documents and any other documentation received relating to this application, may be released, in whole or in part, to other persons in accordance with the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990c. M.56, as amended



183

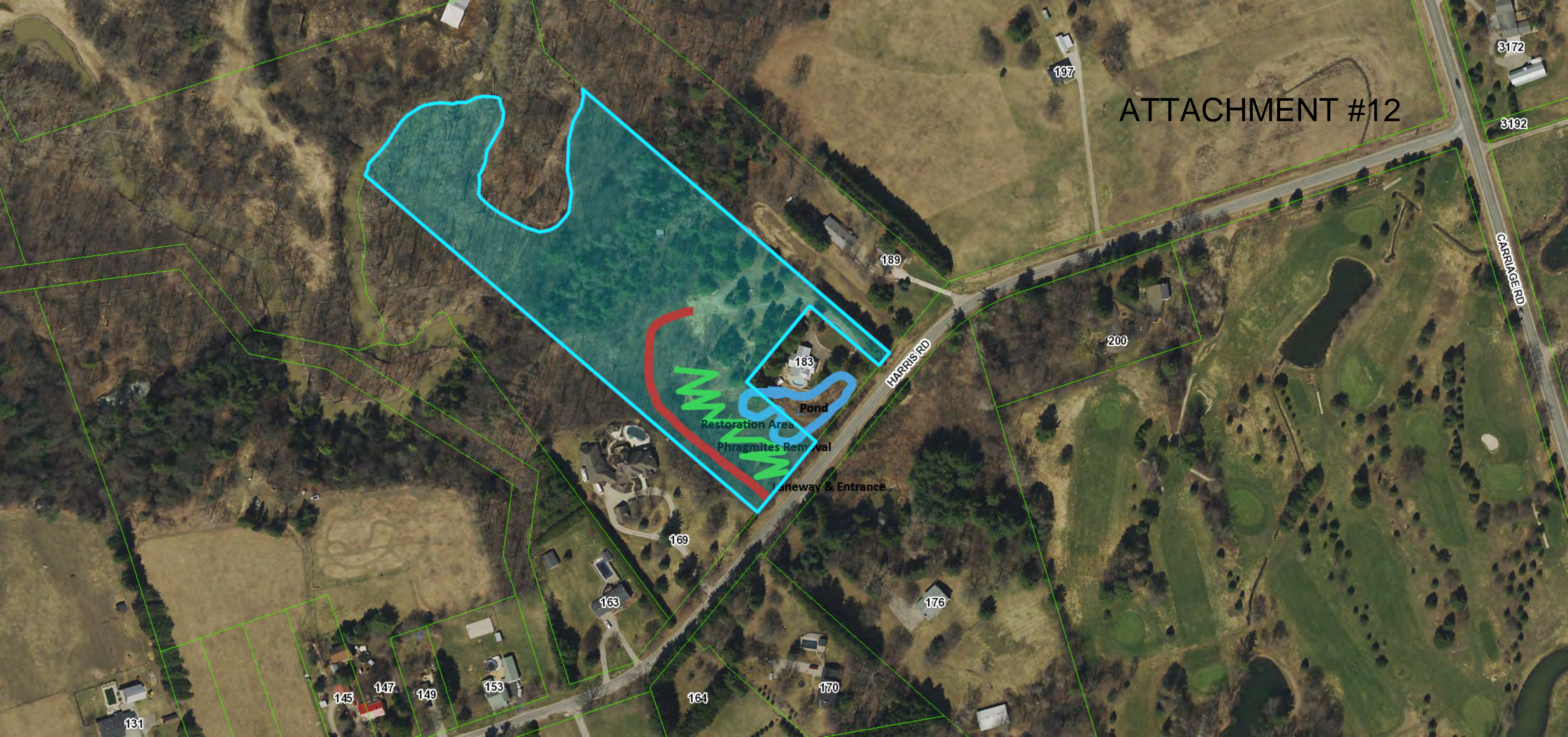
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200

HARRIS RD

HARRIS RD

ATTACHMENT #12



183

Pond

Restoration Area

Phragmites Removal

Laneway & Entrance

HARRIS RD

CARRIAGE RD

131

145

147

149

153

163

164

169

170

176

189

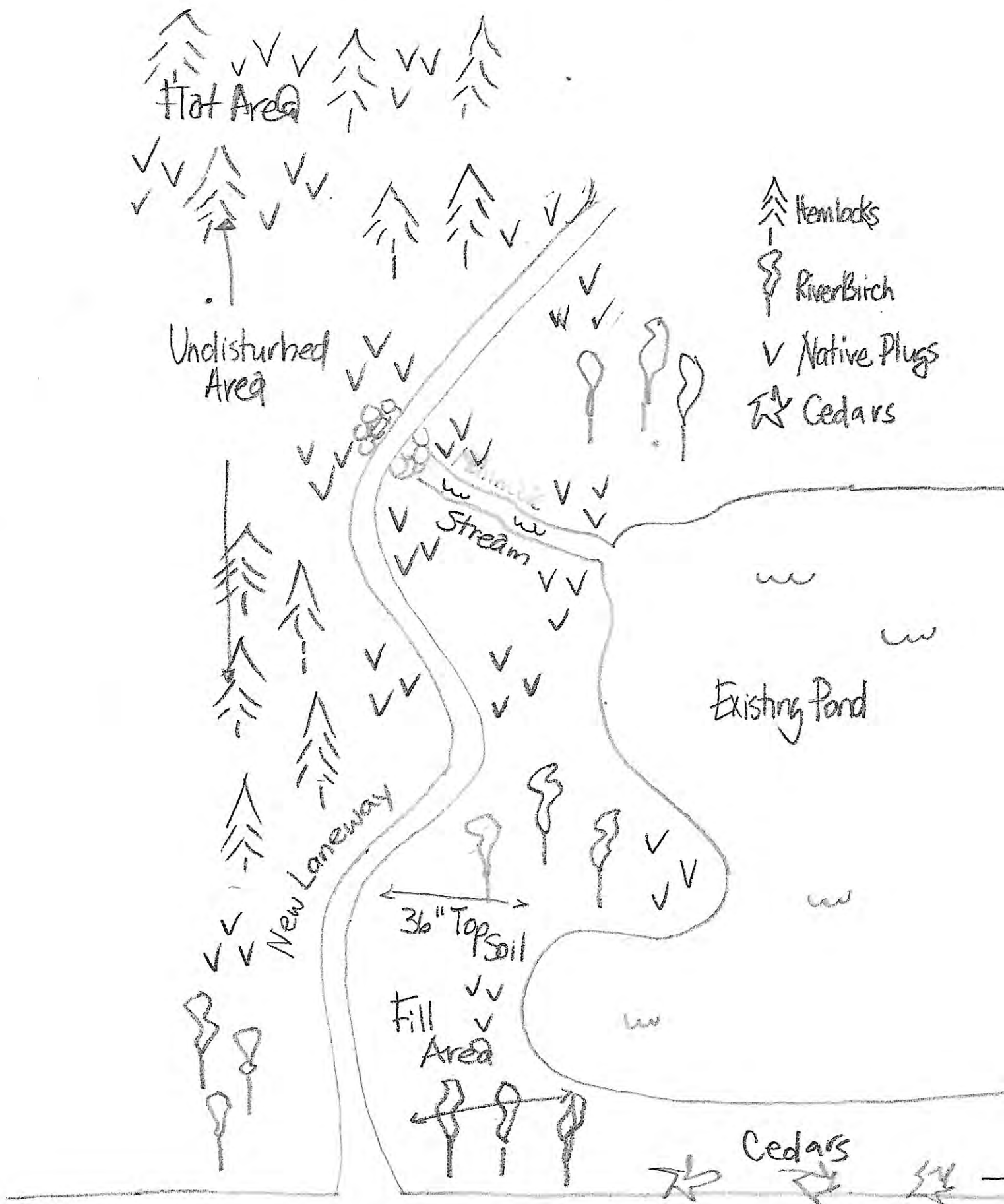
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3172

3192





181 - Harris Rd



December 13, 2021

To Whom It May Concern

RE: Issuance of Road Entrance Permit – 183 Harris Road, Delaware, ON N0L 1E0

Please accept this correspondence as confirmation that Mr. Brad Scott requested permission from the Municipality of Middlesex Centre and was issued an entrance permit to his residence located at 183 Harris Road, Delaware, ON N0L 1E0.

The purpose of the permit was to enable the homeowner access to the southwest side of the property for maintenance and landscaping. Further to this, the landowner is intending to control the phragmites and replant native trees and plants to create and maintain a natural environment for plants and wildlife on the property.

Upon reviewing this request, the Municipality issued the permit in December 2020. This permit is subject to the landowner complying with all necessary conditions applicable to the property.

If you have any questions with respect to granting the road entrance permit, please feel free to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Giesen", is written over a horizontal line.

Andrew Giesen, C.E.T, PMP
Transportation Manager
giesen@middlesexcentre.on.ca
Tel: 519.666.0190 Ext. 253

Applicable Policy

*****Please Note:** the following information is taken from the *UTRCA Environmental Planning Policy Manual*, approved by the Board of Directors, June 28, 2006. While the following policies have been included with this report to assist with your review for this Hearing, we note policies in the manual are intricately interwoven and should always be read in their entirety. The *UTRCA Environmental Planning Policy Manual (2006)* is available on our website at:

<http://thamesriver.on.ca/wp-content/uploads/PlanningRegulations/UTRCA-EnvironmentalPlanningPolicyManual-2006.pdf>

or a hard-copy can be made available to you upon request. It is advised that you refer to all the policies contained within the manual as other policies, not listed below, may also be applicable.

4 SECTION 28 REVIEW & APPROVAL PROCESS

4.2.1 General Policies for Hazard Limit

1. *Development* and *site alteration* shall be directed away from *hazard lands* where there is an unacceptable risk to public health or safety or property damage and shall be directed to areas located outside of the defined limits of the hazard.
2. *Development* and *site alteration* may only be permitted in *hazard lands* provided that all of the following conditions can be implemented to the satisfaction of the Authority:
 - a) ~~Floodproofing measures — n/a~~
 - b) No new hazards will be created and existing hazards will not be aggravated.
 - c) No adverse environmental impacts will result.
 - d) ~~The *development* does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances* — n/a~~
3. All *development* and *site alteration* proposed within the *Regulation Limit* shall require prior written approval from the Authority in accordance with Section 28 of the Conservation Authorities Act and be consistent with policies contained herein.
4. ~~Any *development* or *site alteration*, permitted in accordance with policies 4.2.1 (1., 2. and 3.), with the exception of watercourse alterations, will maintain a minimum setback of 30 metres from the bank of any coldwater/coolwater *watercourse* and warmwater sportfish *watercourse* and 15 metres from the bank of any warmwater baitfish *watercourse*. Exceptions may be considered on a site-specific basis in areas of existing development, where the works will not encroach into the setback any further than the existing building/structure and where no other alternative exists. Additional setbacks may be required as per other agency guidelines. — n/a~~
5. ~~Fencing — n/a~~

6. Integration – While this section of the manual is devoted to policies associated with the review and approval of applications made to the UTRCA pursuant to Section 28 of the Conservation Authorities Act, it is imperative that staff integrate natural heritage policies, goals and objectives into the decision-making process. Similarly, staff must be familiar with and have full regard for other environmental legislation which may have a direct bearing on whether development, interference with *wetlands* and alterations to shorelines and *watercourses* may proceed.

4.2.3 Riverine Erosion Hazard Policies

1. *Fill* and grading and related *site alteration* activities shall not be permitted in erosion *hazard lands*, unless associated with measures prescribed and/or approved by a municipality or environmental agency specifically intended to remediate *erosion* concerns.
2. The Authority shall encourage the *conservation of land* through the control of construction and placement of *fill* on existing or potentially unstable slopes.
3. Any *development* or *site alteration* proposal which is in close proximity to an erosion hazard and located within the *Regulation Limit*, must be supported by a favourable geotechnical report and an *Environmental Impact Study (EIS)* prepared by a qualified professional, to the satisfaction of the UTRCA.
4. Any *development* or *site alteration* proposal which is in close proximity to a *meander belt* and that is located within the *Regulation Limit*, must be supported by a favourable geomorphological study and an *EIS*, prepared by a qualified professional, to the satisfaction of the UTRCA.
- ~~5. Existing structures — n/a~~

4.2.4 Wetland Policies

1. New *development* and *site alteration* is not permitted in wetlands. Some *restricted uses* may be permitted provided that they are supported by an *EIS* or an Environmental Assessment.
2. *Development* and *site alteration* within the *area of interference* of a *wetland* shall only be permitted by the Authority if the applicant can demonstrate that such activity will have no impact on the control of *flooding*, *erosion*, *pollution* or the *conservation of land*. This will involve a scoping process where the UTRCA and the proponent (with the help of a qualified professional as required) will assess a proposed undertaking, having regard for the sensitivity of the *wetland* features and functions, the extent of encroachment and impact of use. This initial assessment will assist with the formulation of the terms of reference for a *scoped EIS* or a *comprehensive EIS*.

3. The following policies shall apply to regulating *development* and *site alteration* on lands located within 120 metres of *Provincially Significant Wetlands* and *wetlands* greater than or equal to 2 hectares in size:

4.

A. WITHIN 30 METRES

- a) Where buildings and structures already exist within 30 metres of a Provincially *Significant* Wetland and *wetlands* greater than or equal to 2 hectares in size, any reconstruction, alteration or additions may be permitted subject to the following:
 - i) No new septic systems permitted
 - ii) Existing septic systems may be replaced provided there are no feasible locations available outside of the 30 metre *area of interference* and it does not encroach any closer to the wetland than the existing system
 - iii) Reconstruction, alteration or addition does not encroach any closer to the wetland than the existing development at its closest point
 - iv) Even if the existing development is closer than 15 metres to the wetland, no new development is permitted within 15 metres of the wetland
 - v) A hydrologic study may be required to determine whether there would be a negative impact on the hydrologic functions of the wetland as a result of the proposed development
- b) Where there is an existing lot of record and residential dwelling, in existence prior to the adoption of these policies and where no land exists outside of the 30 metre *area of interference*, pools, decks and non-habitable accessory structures may be permitted subject to:
 - i) No *development* or *site alterations* permitted within 15 metres of the wetland
 - ii) A hydrologic study may be required to determine whether there would be a negative impact on the hydrological functions of the wetland as a result of the proposed *development* or *site alteration*.
- c) Except as provided for in policies 4.2.4 (3.) A(a) and 4.2.4 (3.) A(b.), no new development or site alteration is permitted within 30 metres of a Provincially Significant Wetland or a wetland greater than or equal to 2 hectares in size.

B. BETWEEN 30 & 120 METRES – LETTER OF CLEARANCE

The following uses may be permitted and will only require a letter of clearance, if proposed within 30 to 120 metres from the limit of a Provincially *Significant* Wetland or a wetland greater than or equal to 2 hectares in size:

- i) Single family residential dwelling
- ii) Swimming pools, decks, non-habitable *accessory* structures
- iii) Minor additions to existing residential and agricultural buildings/structures
- iv) Residential septic systems

C. BETWEEN 30 & 120 METRES – PERMIT

Any uses, other than those outlined in Policy 4.2.4 B., proposed within 30 to 120 metres of a wetland will require a permit pursuant to Ontario Regulation 157/06 and will need to be supported by a hydrological assessment, prepared by a qualified professional, that identifies whether the proposed development or site alteration would cause a negative hydrologic impact on the wetland features/functions