



additional delegations respecting 140 Garner Road East approved by the Board this evening, as well as item 5.1 respecting 140 Garner Road East, due to his son's retail business interest with Sergio Manchia, the principal of the applicant's planning consultant. He declared a pecuniary interest and recused himself from participation in the matter.

### 3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised of 133 items of correspondence to be added as items 6.4 y) through ey) and two requests to delegate, Carrie Hewitson and Judy Major Girardin, requiring endorsement from the Board of Directors to be added to the agenda.

**BD12, 2896**

**MOVED BY: Maria Topalovic  
SECONDED BY: Santina Moccio**

**THAT the requests to delegate by Carrie Hewitson and Judy Major-Girardin be approved.**

**CARRIED**

**BD12, 2897**

**MOVED BY: Chad Collins  
SECONDED BY: Dan Bowman**

**THAT the agenda be approved, as amended.**

**CARRIED**

### 4. Delegations

#### 4.1. Don McLean – 140 Garner Road East, Ancaster

Mr. McLean spoke regarding the proposed development at 140 Garner Road East, commenting on the mandate of the Conservation Authority to preserve wetlands and the potential for approval of the proposal to set a precedent for future development. Mr. McLean also commented on the application as premature in light of the natural heritage offsetting policy discussion paper that is currently open for public consultation and in advance of submission of municipal planning applications.

#### 4.2. Nancy Hurst – 140 Garner Road East, Ancaster

Ms. Hurst also presented on the mandate of the Conservation Authority and expressed doubt regarding the viability of relocating a wetland and potential

environmental impacts. Ms. Hurst also commented on the status of the wetland and questioned comments that relocation of the watercourse within the wetland is supported by the Airport Employment Growth District (AEGD) Secondary Plan. Ms. Hurst also spoke to a variety of wildlife that have been found in the area. It was also noted that the City of Hamilton has identified a surplus of employment lands within an existing industrial area that would be more suitable for the proposed development.

#### 4.3. Summer Thomas – 140 Garner Road East, Ancaster

Ms. Thomas spoke to potential impacts to the natural environment that would result from the proposed development. She also commented on environmental concerns on the global scale and the effects on future generations.

#### 4.4. Gord McNulty – 140 Garner Road East, Ancaster

Mr. McNulty spoke as the President of the Hamilton Naturalists Club and on behalf its members. He urged the Board to show leadership in conservation and strongly supported the staff recommendation to refuse the application, citing concerns raised by the community. He spoke to the importance of protecting the headwaters of Ancaster Creek, particularly as part of the continued effort to rehabilitate Cootes Paradise. He expressed concerns with offsetting in terms of loss of biodiversity, timing for a new wetland to function, as well as monitoring, enforcement, and maintenance in the long-term.

#### 4.5. Zoe Green – 140 Garner Road East, Ancaster

Ms. Green commented on the benefits of maintaining natural assets for hydrologic function and stormwater management; further adding many municipalities are creating and maintaining natural assets for this purpose. She advocated for wetlands as being essential for climate resiliency as they store carbon, retain water to prevent floods, and buffer against drought and extreme conditions. She also commented on scientific support for mature, naturally occurring wetlands performing better than young anthropogenic wetlands. Ms. Green also highlighted studies that have identified groundwater vulnerability and recharge areas in the area of the proposed development. The property is in the headwaters of the three separate creek systems in the Grand River, Niagara Peninsula and Hamilton Conservation Authority jurisdictions. Ms. Green also highlighted municipal planning restrictions through the City of Hamilton Official Plan, in terms of Core Areas, as well as open water stormwater management being discouraged in the AEGD Secondary Plan. She also noted the subject development is premature as the subject property is in the AEGD Phase 2 schedule for servicing.

#### 4.6. Judy Major-Girardin – 140 Garner Road East, Ancaster

Ms. Major-Girardin, a Professor in the School of Arts at McMaster University, offered comments on the proposed development from experience gained through a project on the University campus where they are working to remove a parking lot and restore a complex of wetlands. She commented on the time and costs that have been invested in the project and the efforts made to change perspectives on appropriate land use for the area. She expressed disappointment that the proposed development will undercut the project as it is on the same creek system. She advocated for land use planning beyond at the property level and to consider impacts on the larger scale. The McMaster project is trying to build upon the coldwater habitat at the outlet of Ancaster Creek to Cootes Paradise. There is concern this development will affect the quality of the habitat in this downstream area of the creek system. She advocated for a moral obligation to reprioritize how we plan for land uses, specifically noting the historic loss of wetlands, adding that we have to focus on rebuilding and repairing mistakes that have been made in the past.

#### 4.7. Carrie Hewitson – 140 Garner Road East, Ancaster

Ms. Hewitson lives on and works the agricultural land adjacent to the subject property. She commented on the family and agricultural history of the area, highlighting the importance of traditions and local food production. She expressed concern with the general loss of agricultural land and potential impacts to food security. She also provided a narrative of first person accounts of wildlife observations on the subject property and voiced concern that the variety of wildlife that utilize the property would be displaced by the proposed development.

**BD12, 2898**

**MOVED BY: Cynthia Janzen  
SECONDED BY: Susan Fielding**

**THAT the information provided in the delegations be received.**

**CARRIED**

### **5. Section 28 Hearing**

#### 5.1. 140 Garner Road East, Ancaster

**BD12, 2899**

**MOVED BY: Maria Topalovic  
SECONDED BY: Susan Fielding**

**THAT the Board of Directors sit as the Hearing Board.**

**CARRIED**

Scott Peck provided a presentation on the staff report. This presentation covered the site description, proposal history and current permit application, the staff application assessment, and the staff recommendation and conclusion to refuse the permit as the proposal to remove the existing wetland and create a new wetland elsewhere on site does not conform to HCA *Planning and Regulation Policies and Guidelines*.

Sergio Manchia introduced Stephan Savelli, Spencer McKay, Ken Glasbergen, Le'Ann Seeley, and John Krpan, who jointly presented on the proposed development. This presentation reviewed the subject lands, AEGD natural heritage and storm water management plan, existing zoning, chronology of the application and proposed development. They concluded with their summary that the larger new proposed wetland represents a net ecological gain and request that a permit be issued approving the design and plan.

A lengthy discussion occurred, with the members asking a number of questions of staff, the applicant, and their consultants.

The timing of the application, in advance of the results of the natural heritage offsetting policy discussion paper was discussed. The applicant indicated they felt the project could meet draft principles out for comment. The draft status of the discussion paper document was noted and that the current policy remains in place.

The status of the wetland was also clarified. The wetland was identified and delineated in 2018 through a Plan of Subdivision application. The classification of the wetland was also discussed. Scott advised that wetlands are identified based on the Ontario Wetland Evaluation System (OWES), a series of criteria that will identify them as Provincial Significant Wetland (PSW) or non-PSW. Scott added that classification as non-PSW does not negate the importance of the feature. In response to questions about Phragmites degrading the quality of the wetland, Scott noted that HCA has had success controlling Phragmites on HCA lands, using means other than excavation.

Approval of a wetland relocation project in 2013 was also raised and how that was supported at the time due to the multiple issues it addressed.

The applicant was asked about any consultation undertaken with First Nations or the local community. The applicants responded that initial consultation was done with the City of Hamilton. It was added that public engagement will begin with municipal planning act applications.

The members inquired about alternative scenarios for the development. Mr. Glasbergen and Ms. Seeley outlined the four scenarios that were considered. The preferred option of relocation was selected to allow for removal of invasive phragmites and for wildlife benefits.

The potential to revise the development to accommodate the wetland and allay public concerns was also raised. The applicant offered to develop a public consultation plan with deliverables for the project as a condition of the permit. Following a question regarding construction phasing, the applicant also offered to add a condition that the new wetland would be constructed and functional prior to removal of the existing wetland.

**BD12, 2900**

**MOVED BY: Jim Cimba  
SECONDED BY: Esther Pauls**

**THAT the Board of Directors meeting continue past 10:00 p.m.**

**CARRIED**

**BD12, 2901**

**MOVED BY: Santina Moccio  
SECONDED BY: Jim Cimba**

**THAT Hearing Board moves *in camera*.**

**CARRIED**

Brad Clark left the meeting.

**During the *in-camera* session, the hearing board deliberated on the application. A motion, BD 2117, was carried culminating in a decision.**

**BD12, 2902**

**MOVED BY: Maria Topalovic  
SECONDED BY: Susan Fielding**

**THAT the Board of Directors moves out of *in camera*.**

**CARRIED**

The Chair announced the decision to refuse the application as the proposed development does not conform to HCA policy.

**BD12, 2117**

**THAT the Board of Directors refuse the application made by One Properties Real Estate Inc., for the relocation of a**

**watercourse and the removal of a locally significant wetland and the creation of a new wetland feature in a regulated area associated with Ancaster Creek as the proposed development does not conform to the requirements of Section 3.1.7 of the Hamilton Conservation Authority's *Planning and Regulation Policies and Guidelines (October, 2011)* ) as they relate to the implementation of *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990.***

## **CARRIED**

### **6. Consent Items for Applications, Minutes and Correspondence**

The following consent items were adopted:

- 6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 6.2. Approved April 15, 2021 Budget & Administration Committee Minutes – for receipt only
- 6.3. Approval of Board of Directors Minutes – May 6, 2021
- 6.4. 24 Items of correspondence respecting 140 Garner Road East, Ancaster, labelled a) to x).
- 6.5. 133 Items of correspondence respecting 140 Garner Road East, Ancaster, labelled y) to ey).

### **7. Member Briefing**

There was none.

### **8. Business Arising from the Minutes**

#### **8.1. 2021 Annual General Meeting**

Lisa Burnside presented the motion.

**BD12, 2904**

**MOVED BY: Chad Collins  
SECONDED BY: Cynthia Janzen**

**THAT the Board of Directors approve the following:**

**WHEREAS HCA is still awaiting response on exception requests from the Minister of Environment, Conservation and Parks in regard to governance provisions related to the terms and rotation of the Chair and Vice Chair positions that were proclaimed in February 2021 and further;**

**WHEREAS It is not possible for HCA to be in compliance with the municipal rotation requirement for the positions of Chair and Vice-Chair with only one member from a second participating municipality;**

**THEREFORE BE IT RESOLVED**

- 1. THAT the HCA Annual General Meeting (AGM) be rescheduled to the next upcoming meeting provided an exception response is received two weeks before a scheduled meeting; should it be received with less notice, the AGM will be scheduled for the next meeting immediately following; and further**
- 2. THAT elections for the position of Board Chair and Vice Chair of the Board normally conducted at the AGM be deferred until the AGM is rescheduled with the current Board Chair and Vice Chair remaining in place until that time; and further**
- 3. THAT the current term of Board Members appointed to the Budget and Administration Committee as well as the Conservation Advisory Board, along with the term of each respective HCA Committee Chair and Vice Chair be extended and formally reconfirmed when the AGM is rescheduled; and further**
- 4. THAT the appointments to Conservation Ontario Council be extended and formally reconfirmed when the AGM is rescheduled.**

**CARRIED**



8.2. Regulatory Proposal Consultation Guide released by Ministry of Environment, Conservation and Parks

Lisa Burnside presented a summary of the report and answered the members' questions.

**BD12, 2905**

**MOVED BY: Chad Collins  
SECONDED BY: Jim Cimba**

**THAT the memorandum entitled Regulatory Proposal Consultation Guide released by Ministry of Environment, Conservation and Parks be received.**

**CARRIED**

**9. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation**

9.1. Budget and Administration Committee – May 20, 2021  
(Recommendations)

9.1.1. BA 2113      Renewal of Memorandum of Understanding Cootes to Escarpment Ecopark System (2022 – 2026)

Santina Moccio introduced the report.

**BD12, 2906**

**MOVED BY: Santina Moccio  
SECONDED BY: Maria Topalovic**

**THAT the Budget & Administration Committee recommends to the Board of Directors:**

**THAT the renewal of the Memorandum of Understanding regarding the Cootes to Escarpment Ecopark System for 2022 to 2026 be approved.**

**CARRIED**

9.1.2. BA 2114      Request for Quote – Job Evaluation and Competitive Market Salary Survey

Santina Moccio offered a summary of the report.

**BD12, 2907****MOVED BY: Santina Moccio  
SECONDED BY: Cynthia Janzen****THAT the Budget and Administration Committee recommends to the Board of Directors:****THAT staff be directed to undertake a request for quotes to carry out a job evaluation and market salary survey; and further****THAT the results of the review be presented back to the Budget & Administration Committee for consideration and implications for future budgets.****CARRIED**

## 9.2. Foundation Chairman's Remarks

Margaret Reid presented on the following:

### ***Donations***

The Foundation received a total of **\$11,938** in donations from May 1 to 31, 2021. They break down as follows:

- \$5,000 for Environmental Education
- \$2,500 for Tribute Benches
- \$1,822 for the Area of Greatest Need Fund
- \$860 for the Land Securement Fund
- \$525 for the Dundas Valley CA Fund
- The remaining \$631 was donated to the Dundas Valley Trails Fund, Westfield Heritage Village, the Hamilton Watershed Stewardship Program and the Plantings Fund.

This brings their fiscal year-to-date (Dec 2020 to May 2021) fundraising total to **\$105,300**.

The Foundation held its Annual General Meeting of Members on Monday, May 10<sup>th</sup> via Zoom Videoconference. Mark Cachia, Kathy Lacasse and Sofia Stanidis were elected to the Board. They also reviewed our Financial Statements, appointed the auditors and reviewed Board actions for the past year.

Throughout June, the Foundation will be promoting donations to our *Step Into Nature Fund*, in support of Environmental Education, as an alternative to the typical teacher gifts. The members were requested to help promote the campaign

by sharing the most-recent newsletter and social posts with any of their contacts that have school-age children.

**BD12, 2908**

**MOVED BY: Tom Jackson  
SECONDED BY: Maria Topalovic**

**THAT the Foundation Chairman's Report be received as information.**

**CARRIED**

## **10. Other Staff Reports/Memoranda**

### **10.1. Watershed Conditions Report**

Scott Peck presented a summary of the memorandum, highlighting HCA will likely be declaring a Level 1 low water condition, based on 3-month indicators, unless there is significant rain in the near future. Scott also advised the Christie Lake reservoir is currently 2.25 ft. below summer operating levels and will likely remain below typical levels due to low water conditions and balancing flows in Spencer Creek downstream. Scott also noted a flood watch for the Lake Ontario shoreline was issued on May 27<sup>th</sup> and lifted on May 31<sup>st</sup>, with no reports of any flooding or erosion related damage.

It was clarified that a Level 1 low water condition results in a voluntary reduction in water taking practices for Permit to Take Water holders.

**BD12, 2909**

**MOVED BY: Dan Bowman  
SECONDED BY: Susan Fielding**

**THAT the memorandum entitled Watershed Conditions Report be received as information.**

**CARRIED**

### **10.2. Conservation Areas Experiences Update**

Gord Costie provided a verbal update, advising the all Conservation Areas are fully ready for summer operations.

**BD12, 2910**

**MOVED BY: Santina Moccio  
SECONDED BY: Chad Collins**

**THAT the verbal update on the Conservation Areas Experiences be received as information.**

**CARRIED**

**11. New Business**

There was none.

**12. In-Camera Items**

There was none.

**13. Next Meeting**

The next meeting of the Board of Directors will be held on Thursday, July 8, 2021 at 7:00 p.m.

**14. Adjournment**

On motion, the meeting adjourned.



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Neil McDougall  
Secretary-Treasurer