

The Chair requested any additions or deletions to the agenda. Lisa Burnside requested the Foundation Briefing be moved ahead of item 5 as the Foundation Chair had another engagement.

BD12, 3023

**MOVED BY: Tom Jackson
SECONDED BY: Susan Fielding**

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

There were none.

5. Section 28 Hearing

- 5.1. 26 Marshboro Avenue, City of Hamilton (Greenville)
Permit Application No. F/F,C,A/21/104

The Chair instructed the Board that it would conduct a hearing under Section 28 of the Conservation Authorities Act in respect of an application by 2549863 Ontario Inc. (c/o Everist Prokofiev) for development of a single family dwelling, driveway, and septic bed, in a regulated area of Middle Spencer Creek at 26 Marshboro Avenue, City of Hamilton. The Chair requested a motion to sit as the hearing board.

BD12, 3024

**MOVED BY: Santina Moccio
SECONDED BY: Cynthia Janzen**

THAT the Board of Directors sit as the Hearing Board.

CARRIED

Mike Stone presented a summary of the report outlining policy and regulatory framework under which staff were unable to support the application. HCA and provincial policy generally direct new development beyond hazardous lands associated with ravine slopes and beyond the adjacent lands of wetlands. In addition, there were a number of municipal designations for significant natural heritage features on the property.

John Ariens introduced Jason Jenkins, Professional Engineer with IBI Group,

Carmelo Agro, Planning Technician, also with IBI Group, and Everist Prokofiev, the owner of the property. Mr. Prokofiev is a local artist hoping to build a home and studio for his work.

Mr. Ariens represented the applicant's position. He highlighted the property is not subject to flooding or on an unstable slope, and indicated the applicant is prepared to submit a geotechnical assessment to confirm stability of the slope should the permit be approved by the hearing board.

There was discussion that the property is within the existing Greenville settlement area and contended development of the property was likely intended at the time the subdivision was planned, particularly noting the bisection of Marshboro Avenue by this property. Mike Stone advised staff were not able to determine why Marshboro Avenue was not completed and contended it also could be speculated that the development constraints of the site were a contributing factor. The municipal zoning designations applicable to the property and surrounding area were reviewed.

Mr. Ariens contended that HCA's policies are not prohibitions, rather they include provisions for demonstrating no negative impacts to the natural hazards and natural heritage features which can be addressed through tests and studies.

The development proposal in relation to its position on the lower portion of the ravine slope was discussed. The house would be a reverse walkout, one storey at the back with two storeys at the front.

The setbacks from the proposed development to the natural heritage features were reviewed. The wetland was described as a narrow band along the watercourse. Two pockets on the property were also noted as not being part of the Significant Woodland. The applicant offered to plant a meadow at the top of the ravine slope as compensation for trees removed to facilitate the proposed development. There was discussion regarding the suitability of the meadow area for planting, rather than other habitat types. On later questioning, Mike Stone advised HCA does not have any policies currently in place for compensation plantings, however, should the board approve the application with that condition, staff would assist with any restoration plan.

Mr. Ariens advised the board the proposal had been revised from proposing two lots, to one, as a result of the constraints on the property. The Environmental Impact Study (EIS) was conducted for the two house concept. The EIS was not supportive of the second house and therefore the development proposal was revised. It was noted the EIS did not disclose any species at risk.

SECONDED BY: Maria Topalovic

THAT Hearing Board moves *in camera*.

CARRIED

During the *in-camera* session, the hearing board deliberated on the application.

BD12, 3026

MOVED BY: Santina Moccio

SECONDED BY: Tom Jackson

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

CARRIED

The meeting reconvened in open session and the following resolution was passed:

BD12, 3027

MOVED BY: Jim Cimba

SECONDED BY: Maria Topalovic

THAT the application by 2549863 Ontario Inc. (c/o Everist Prokofiev) for development of a single family dwelling, driveway, and septic bed, in a regulated area of Middle Spencer Creek at 26 Marshboro Avenue, City of Hamilton, be approved subject to standard conditions, that HCA be provided with the final approved side plan as approved by the City of Hamilton, completion of a satisfactory geotechnical assessment, and the regeneration of the meadow area as directed by Hamilton Conservation Authority staff.

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. Approval of Board of Directors Minutes – March 3, 2022
- 6.3. Approved February 17, 2022 Budget & Administration Committee Minutes – for receipt only
- 6.4. Letter from Sue Carson regarding livestreaming of Board of Directors meetings, dated March 22, 2022
- 6.5. Letter from Minister of Municipal Affairs and Housing regarding Phase 2 Consultation on Urban River Valleys to Grow the Greenbelt: Proposed amendments to the Greenbelt Plan (2017) and Greenbelt Area Boundary Regulation (O. Reg 59/05) and Ideas for Adding more Urban River Valleys to the Greenbelt, dated March 24, 2022

7. Foundation Briefing

Jennifer Stebbing reported the Foundation received a total of **\$7,159.50** in donations from March 1 to 31, 2022, bringing their fiscal year to date fundraising total to \$80,303, ahead of the same time last year. Last month's donations were directed to a number of areas including benches, Stewardship, Westfield, trails, and our Area of Greatest Need Fund.

Tamra Brent joined the Foundation team in March, filling the Administrative Coordinator position vacated by Toby Tresidder earlier this year. Tamra is quickly becoming familiar with the Foundation to ensure the administrative side of their fundraising efforts are met.

The Foundation has started planning for their Annual General Meeting of members to take place in May and will be held virtually once again this year. Individuals who met the membership donation level for the past fiscal year have been invited to opt-in to membership and participate in the AGM.

BD12, 3028

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

THAT the Foundation Briefing be received.

CARRIED

8. Member Briefing

There was none.

9. Business Arising from the Minutes

9.1. Urban River Valleys to Grow the Greenbelt Phase 2 Consultation

Scott Peck provided an overview of the proposed amendments to the Greenbelt Plan, highlighting that Battlefield Creek and Stoney Creek are proposed to be included as Urban River Valleys. The inclusion of these watercourses recognizes the importance of these features and their function and the links they provide between Lake Ontario and the Greenbelt Plan area associated with the Niagara Escarpment and adjacent lands and HCA lands. Susan Fielding thanked fellow directors for supporting Puslinch Township's concerns about the moraine proposal.

BD12, 3029

MOVED BY: Susan Fielding

SECONDED BY: Santina Moccio

THAT the Board of Directors direct staff to respond to the Environmental Registry of Ontario postings (ERO#-019-4485 and ERO#019-4483) to outline the HCA's support for the policy and regulation that would see the Greenbelt Plan amended to include Battlefield Creek and Stoney Creek as Urban River Valleys.

CARRIED

10. Reports from Budget & Administration Committee and Conservation Advisory Board

10.1. Budget and Administration Committee – March 17, 2022 (Recommendations)

10.1.1. BA 2212 Hybrid Meeting Participation and Livestreaming

Santina Moccio introduced the report advising of upgrades to the technology in the HCA auditorium that provides for hybrid meeting capabilities, as well as a recommendation to continue livestreaming HCA Board, CAB and B&A Committee meetings once in-person meetings are resumed.

BD12, 3030

MOVED BY: Santina Moccio

SECONDED BY: Tom Jackson

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

THAT the Board of Directors approve the livestreaming of Board of Director and Advisory Board meetings when in-person meetings resume to provide for an additional method of public participation once the new audio visual technology in the HCA auditorium is finalized; and

THAT staff be directed to bring a report to an upcoming Budget & Administration Committee to address any necessary revisions or clarifications in HCA's Administrative By-law as a result of the addition to livestream and any housekeeping amendments related to hybrid participation.

CARRIED

11. Other Staff Reports/Memoranda

11.1. Renewal of Collaboration Agreement between City of Hamilton and HCA to Enforce Violations on HRCA Lands

Lisa Burnside presented a summary of the report, proposing to renew the collaboration agreement between the City of Hamilton and HCA to extend a pilot program where City Municipal Law Enforcement Officers (MLEO) assist with enforcement of violations under the Trespass to Property Act, on premises owned or occupied by the HCA, until November 15, 2022. The intent is for City enforcement staff to primarily educate the public on HCA's behalf, but also, where appropriate, to issue verbal or written warnings to individuals who are caught engaging in prohibited activities or entering prohibited areas.

BD12, 3031

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

WHEREAS in 2021 HCA had entered into an agreement with City of Hamilton Municipal Law Enforcement Officers (MLEO) to enforce violations under the Trespass to Property Act, on premises owned or occupied by the HCA, primarily to educate the public on HCA's behalf, but also, where appropriate, to issue verbal or written warnings to individuals who are caught engaging in prohibited activities or entering prohibited areas;

WHEREAS HCA has limited human resources to designate staff as Provincial Offices Officers to enforce

infractions to the *Conservation Authorities Act* and the *Trespass to Property Act*;

WHEREAS HCA is experienced with working with other enforcements agencies such as Hamilton Police Services, Ministry of Natural Resources and Forestry, and municipal parking bylaw and welcome working closer with Municipal Law Enforcement Officers where the two organizations can benefit in tourism and enforcement consistency across the City;

WHEREAS the City of Hamilton council endorsed a motion at its February 23, 2022 council meeting (attached as Appendix A) that the increased Municipal Law and Parking Enforcement in Waterfall areas pilot program be extended for one year to end on April 1, 2023, with operations ending November 15, 2022;

THEREFORE, BE IT RESOLVED

THAT the HCA Board of Directors authorize staff to renew the collaboration agreement between City of Hamilton and Hamilton Conservation Authority to enforce violations on HRCA lands as an extension of the pilot program to November 15th, 2022 (attached as Appendix B), under the same terms and conditions that were highlighted in the May 13, 2021 letter of agreement (attached as Appendix C).

CARRIED

11.2. Saltfleet Wetland Construction Verbal Update

Scott Peck provided the members with an update on the status of the construction of the first wetland for Saltfleet CA. The project was tendered in December 2021 and work commenced on-site in January 2022, primarily survey work, sediment and erosion control fencing and fencing around an archeological site. Winter conditions and Spring melt have posed challenges over the past few months. The site had been too muddy to continue. The site is now nearly dry enough for the contractors to resume working and are looking to restart next week. There has also been some necessary out of scope work that was not included in the tender to address drainage issues in the form of survey, design and construction.

BD12, 3032**MOVED BY: Santina Moccio
SECONDED BY: Maria Topalovic****THAT the verbal update regarding Saltfleet Wetland Construction be received.****CARRIED****11.3. Watershed Conditions Report**

Jonathan Bastien presented a summary of the memorandum, highlighting the past month and half has been active with storm events but nothing of major concern. There are currently no watercourse or Lake Ontario shoreline flooding of concern, nor in the coming weeks. With regard to drought conditions, the watershed is currently in normal conditions.

BD12, 3033**MOVED BY: Santina Moccio
SECONDED BY: Tom Jackson****THAT the memorandum entitled Watershed Conditions Report be received.****CARRIED****11.4. Conservation Areas Experiences Update**

Staff shared with the members the success of the Maple Syrup Festival at Westfield Heritage Village. All days were sold out and we have received excellent feedback from attendees on the reservation system and their overall experience at the event. All of our conservation areas continue to receive visitors. HCA is experiencing some softening of visitation with the lifting of provincial Covid restrictions, however the conservation areas remain well used. The Chair commented that he had attended the Maple Syrup Festival with his family and that it was enjoyable. He congratulated staff on another successful season.

BD12, 3034**MOVED BY: Cynthia Janzen
SECONDED BY: Tom Jackson****THAT the verbal update on the Conservation Areas Experiences be received.****CARRIED**

12. New Business

There was none.

13. In-Camera Items**BD12, 3035****MOVED BY: Santina Moccio
SECONDED BY: Jim Cimba****THAT the Board of Directors moves *in camera* for matters of law, personnel and property.****CARRIED**

During the *in camera* session, one property on one personnel matter were discussed.

13.1. Confidential Memorandum – BD/Apr 01-2022

Scott Peck provided a summary of the memorandum regarding a property matter and answered the members' questions.

BD12, 3036**MOVED BY: Tom Jackson
SECONDED BY: Santina Moccio****THAT the confidential memorandum entitled BD/Apr 01-2022 be received and remain in camera.****CARRIED****BD12, 3037****MOVED BY: Cynthia Janzen
SECONDED BY: Santina Moccio****THAT the Board of Directors meeting continue past 10:00 p.m.****CARRIED****13.2. Confidential Verbal Update – BD/Apr 02-2022**

Lisa Burnside provided a presentation regarding a personnel matter and answered the members' questions.

BD12, 3038

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

THAT the confidential verbal update entitled BD/Apr 02-2022 be received and remain in camera.

CARRIED

BD12, 3039

**MOVED BY: Tom Jackson
SECONDED BY: Susan Fielding**

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

CARRIED

14. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, May 5, 2022 at 7:00 p.m.

15. Adjournment

On motion, the meeting adjourned.



Neil McDougall
Secretary-Treasurer