

**APPLICATION FOR  
OFFICIAL PLAN AND/OR  
ZONING BY-LAW AMENDMENT**

APPLICATION IS HEREBY MADE TO: The Township of West Lincoln  
P.O. Box 400  
Smithville, Ontario L0R 2A0

The undersigned hereby requests the Council of the Corporation of the Township of West Lincoln to consider this amendment application as it affects the lands and/or premises hereinafter described to the extent and upon the terms and conditions set forth in this application, including Appendices hereto.

Individuals who make written submissions with respect to a Planning Act application should be aware that their submission and any personal information in their correspondence will become part of the public record and made available to the Applicant, Committee and Council.

**AFFIDAVIT OR SWORN DECLARATION**

I/We MARK & KELLY STAPLES  
of the TOWNSHIP OF WEST LINCOLN in the NIAGARA REGION  
make oath and say (or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true.

Sworn (or declared) before me at the Township of West Lincoln  
In the Regional Municipality of Niagara this 12<sup>th</sup> day of April, 20 24

Stephanie Pouliot  
a Commissioner, etc.  
Commissioner of Oaths  
Township of West Lincoln  
Regional Municipality of Niagara  
**ACKNOWLEDGEMENT CLAUSE**

Mark Staples  
Signature of Applicant

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the Township's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property. I acknowledge that as a condition of approval of this application that the Township may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the Township of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I further acknowledge that the Township of West Lincoln is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the Township of West Lincoln, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

MARK STAPLES  
Name of Applicant (please print)

Mark Staples  
Signature of Applicant

April 12 2024  
Date

NOTE: REFER TO RELEVANT APPENDIX "A-1" AND "A-2" GUIDE TO APPLICANTS

1. TYPE OF APPLICATION (check one or both)

- Official Plan Amendment
- Zoning By-law Amendment

2. FEE

In accordance with Appendix "B" Schedule of Fees, the required Application Fee of \$ \_\_\_\_\_ is enclosed.

3. OWNER, APPLICANT AND/OR AGENT

(a) Owner's Name: (Please Print) Mark and Kelly Staples  
 Mailing Address: 7701 Twenty Rd. Smithville Ontario  
 Postal Code: LOR 2A0 Tel: (905) 957-7192  
 Fax: ( ) \_\_\_\_\_ Email: Kellyannstaples@yahoo.ca

(b) Applicant's Name: (Please Print) Mark and Kelly Staples  
 Mailing Address: 7701 Twenty Rd. Smithville Ontario  
 Postal Code: LOR 2A0 Tel: (905) 957-7192  
 Fax: ( ) \_\_\_\_\_ Email: Kellyannstaples@yahoo.ca

(c) Agent's Name: (Please Print) Zach Staples  
 Mailing Address: 796 Milford Dr. Peterborough Ontario  
 Postal Code: K9J 8J5 Tel: (705) 875-8651  
 Fax: ( ) \_\_\_\_\_ Email: staples\_11@hotmail.com

(d) Solicitor's Name (Please Print) N/A  
 Mailing Address: \_\_\_\_\_  
 Postal Code: \_\_\_\_\_ Tel: ( ) \_\_\_\_\_  
 Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Note: ALL CORRESPONDENCE WILL BE SENT TO THE APPLICANT EXCEPT WHERE AN AGENT IS EMPLOYED, IN WHICH CASE IT WILL BE SENT TO THE AGENT.

4. APPLICANT'S RELATIONSHIP TO SUBJECT LANDS

- Registered Property Owner
- Authorized Agent of Registered Owner
- Holder of Option to Purchase Subject Lands
- Authorized Agent of Person Holding Option to Purchase
- Other (specify) \_\_\_\_\_

5. AUTHORIZATION OF OWNER FOR AGENT TO PROVIDE PERSONAL INFORMATION

If the applicant is not the owner of the land that is the subject of this application, complete the authorization of the owner concerning personal information set out below.

I/We MARK & KELLY STAPLES am/are the registered owner(s) of the land that is subject of this application for approval of an amendment to the Official Plan and/or Zoning By-law and for the purposes of the Municipal Freedom of Information and Protection of Privacy Act, I authorize ZACHARY STAPLES as my agent for the application, to provide any of my personal information that will be included in this application or collected during the processing of the application.

Mark Staples  
 Signature

2021 04 12  
 Year Month Day

Note: If the development application involves two or more separate properties under separate ownership, separate authorization must be provided from each registered owner and be attached hereto.

6. MORTGAGEES, RESTRICTIONS, COVENANTS, ETC.

(a) If known, the names and addresses of all mortgagees, holders of charges or other encumbrances with respect to the subject lands:

Name: (Please Print) Bank of Montreal  
Mailing Address: 63 Main St W Grimsby, Ontario  
Postal Code: L3M 4H1  
Name: (Please Print) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Postal Code: \_\_\_\_\_

NOTE: If more space is required, attach a separate sheet hereto.

(b) Are there any easements, rights-of-way, restrictions, or other covenants applicable to the subject lands?  Yes  No If "Yes", describe what they are.

(c) Is there an approved Site Plan and/or a Site Plan Agreement in effect on any portion of the subject lands?  Yes  No

If yes, has an amendment to the Site Plan and/or Agreement been applied for?

Yes  No

7. LOCATION OF THE LANDS SUBJECT TO THIS APPLICATION (SUBJECT LANDS)

Municipal Address: 7701 Twenty Road  
Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_ Reg. Plan: \_\_\_\_\_; Part(s): ~~MS~~ Ref. Plan: 30R-16123 PART 1 MS  
Lot(s): \_\_\_\_\_ Concession: \_\_\_\_\_ Former Municipality: \_\_\_\_\_  
If known, Assessment Roll No: \_\_\_\_\_

8. DIMENSIONS OF THE SUBJECT LANDS

Lot Frontage: 535 Metres Lot Depth: ~150 Metres (average) } Part 1 of 30R-16123  
Lot Area: 98,620 Square Metres

9. LAND USES

(a) Existing uses of the subject lands agricultural

(b) Are there any buildings or structures on the subject lands?  Yes  No

If 'Yes', for each building or structure, describe the type of building or structure, the setbacks, the height of the building or structure and the dimensions or floor area of the building or structure.

- vacant barn, 65m setback from R.R. 2  
- vacant barn, 100m setback from R.R. 2  
- vacant residence, 110m setback from R.R. 2

(The above information can be shown on a separate map)

(c) The proposed uses of the subject lands agricultural with single residence

(d) Are any buildings or structures proposed to be built on the subject lands?

Yes  No

If 'Yes', for each building or structure describe the type of building or structure, the setbacks, the height of the building or structure and the dimensions or floor area of the building or structure.

- following rezoning, single residence with septic meeting Township requirements through building permit process.

(The above information can be shown on a separate map)



- (e) If known, the date the subject lands were acquired by the current owner: 1998
- (f) If known, the date the existing buildings or structures on the subject lands were constructed: ~~1980's~~ 1800's
- (g) If known, the length of time that the existing uses of the subject lands have continued: since 1800's
- (h) Describe those features of the subject lands and the surrounding area which justify the proposed use of the subject lands:  
- history of property to existing residence, continued agricultural use, minimal impact to farm area, all other Township requirements are achievable
- (i) If this application is finally approved, within what period of time, after approval, will you:
- complete all works proposed? - 2 years
  - commence building, if building is necessary? - 2 years
  - commence use of the lands and/or structures for the purposes which you have stated? - 2 years

#### 10. ABUTTING LANDS

(a) Interest in abutting lands

Does the applicant or owner of the lands own or have a legal interest in any lands abutting the subject lands?  Yes  No If so, describe to what extent?

- North Creek divides property into Part 1 and Part 2, both owned by the Staples

(b) Use of abutting lands

Describe the present use on all the properties abutting and opposite the subject lands.

North: agricultural to residence  
 East: residential  
 South: creek (agricultural to residence south of creek)  
 West: residential

#### 11. SERVICES AND ACCESS

How is the proposed development to be serviced and accessed?

- |                                                           |                                                                                              |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Public Sanitary Sewer System     | <input type="checkbox"/> Public Storm Sewer                                                  |
| <input checked="" type="checkbox"/> Private Septic System | <input type="checkbox"/> Storm Drainage Pond                                                 |
| <input type="checkbox"/> Private Holding Tank             | <input checked="" type="checkbox"/> Town Road/Street Access (open and Maintained year round) |
| <input type="checkbox"/> Public Piped Water System        | <input type="checkbox"/> Regional Road/Street Access                                         |
| <input type="checkbox"/> Private Ground Water Well        | <input type="checkbox"/> Provincial Highway Access                                           |
| <input checked="" type="checkbox"/> Private Water Cistern | <input type="checkbox"/> Other Access, Please Describe                                       |
| <input type="checkbox"/> Private Water Storage Pond       | _____                                                                                        |



## 12. ENVIRONMENTAL SITE SCREENING QUESTIONNAIRE

The following questionnaire is required in order to properly implement the Potentially Contaminated Site policies as contained in the Township's Official Plan. These questions are required in order to guide the review of this planning application and to help ensure that the Township is implementing its Official Plan.

### Previous Use of Property (if applicable)

- Residential       Industrial     Commercial       Institutional  
 Agricultural       Parkland     Vacant             Other

a) If previous use of the property is Industrial or Commercial, specify use (if known):

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b) Has fill been placed on the subject land?

- Yes       No       Unknown

c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- Yes       No       Unknown

d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- Yes       No       Unknown

e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- Yes       No       Unknown

f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?

- Yes       No       Unknown

g) Have the lands or adjacent lands ever been used as a weapons firing range?

- Yes       No       Unknown

h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?

- Yes       No       Unknown

i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

- Yes       No       Unknown

j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\*

- Yes       No       Unknown

\* Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

- k) If current or previous use of the property is industrial or commercial, or if 'YES' to any of a) to j) above, a Phase I Environmental Site Assessment may be required.

13. DETAILS OF THE AMENDMENT TO THE OFFICIAL PLAN

N/A

Using the following, identify the extent to which the Official Plan is intended to be amended to accommodate the proposed development.

- (a) The current designation of the subject lands in the Official Plan and the land uses which are authorized by the designation \_\_\_\_\_  
\_\_\_\_\_

Briefly state the purpose of the requested Official Plan Amendment

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (b) Does the proposed amendment change or replace a designation in the Official Plan?

Yes  No

- (c) If the proposed amendment changes or replaces a designation in the Official Plan, identify the designation to be changed or replaced \_\_\_\_\_  
\_\_\_\_\_

- (d) Identify the land uses which would be authorized by the proposed Official Plan Amendment

\_\_\_\_\_  
\_\_\_\_\_

- (e) Does the proposed amendment change, replace or delete a policy in the Official Plan?

Yes  No

- (f) If the answer to subsection (e) is yes, identify the policy(s) to be changed, replaced or deleted

\_\_\_\_\_

- (g) Does the proposed amendment add a policy(s) to the Official Plan?  Yes  No

- (h) If the proposed amendment changes, replaces or deletes a policy or adds a policy, explain the purpose of the proposed official plan amendment \_\_\_\_\_  
\_\_\_\_\_

- (i) Is the subject land or any land within 120 metres of the subject land(s) the subject of an application made by the applicant, for approval of a Regional Policy Plan Amendment, a Zoning By-law Amendment, a Minor Variance, a Plan of Subdivision, a Consent or Site Plan Approval, an amendment to an official plan or a Minister's zoning order.

Yes  No

- (j) If the answer to subsection (i) is yes and if known, the file number of the application, the name of the approval authority considering the application, the lands affected by the application, the purpose of the application, the status of the application and the effect of the application on the proposed amendment.

\_\_\_\_\_  
\_\_\_\_\_

- (k) Attach the text of the proposed amendment if a policy in the Official Plan is being changed, replaced or deleted or if a policy is being added to the Official Plan.

- (l) Attach the proposed schedule to the Official Plan if the proposed amendment changes or replaces a schedule in the Official Plan and the text that accompanies the schedule.

- (m) Does the proposed amendment alter all or any part of a boundary of an area of settlement or establish a new settlement in the municipality?  
 Yes       No

If 'Yes', what are the current Official Plan Policies, if any, in dealing with the alteration or establishment of an area of settlement.

\_\_\_\_\_

\_\_\_\_\_

- (n) Does the proposed amendment remove the subject lands from an area of employment?  
 Yes       No

If yes what are the Official Plan policies if any, dealing with the removal of land from an area of employment?

\_\_\_\_\_

\_\_\_\_\_

- (o) Is the proposed amendment consistent with the Policy Statements issued under subsection 3(1) of the Planning Act? N/A

Yes       No

- (p) Are the subject lands within an area of land designated under a Provincial Plan or Plans?

Yes       No

If yes provide the name(s) of the Provincial Plan(s)

\_\_\_\_\_

If yes does the proposed amendment conform to or does it not conflict with the Provincial Plan or Plans?

Yes       No

- (q) Attach the original or a certified copy of any other information and material that is required to be provided by the Township's Official Plan.

- (r) The purpose of the proposed official plan amendment.

- (s) If the proposed amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,

- i. a servicing options report, and  
ii. a hydrogeological report

- (t) Whether the proposed amendment is consistent with the policy statement issued under subsection 3 (1) of the Act.

- (u) Whether the subject land is within an area of land designated under any provincial plan or plans.

- (v) If the answer to paragraph 17 is yes, whether the proposed amendment conforms to or does not conflict with the provincial plan or plans.

- (w) The original or a certified copy of any other information and material that is required to be provided by the official plan of the municipality or planning board.

#### 14. DETAILS OF THE AMENDMENT TO THE ZONING BY-LAW

Using the following, identify the extent to which the Zoning By-law is intended to be amended to accommodate the proposed amendment.

- (a) Amendment to the Zoning Classification(s):

From: \_\_\_\_\_

To: \_\_\_\_\_

Define Part 1 of 30R-16123  
as a Lot

By-law No. 2017-70



- (b) Amendment to existing zoning regulations (complete chart #14)
- (c) Amendment to general by-law provisions (see note at end of chart #14)

Describe the proposed changes to the By-law provisions:

- Define Part 1 of 30R-16123, ~~as~~ which  
was created by Court Order, declaring North  
Creeke as 'navigable' as a 'lot'

- (d) Describe the reason why the rezoning is being requested:

- to continue agricultural use, and permit a  
new single residence to replace existing  
structures

- (e) Is the subject lands the subject of an application for approval of a plan of subdivision or consent?

Yes  No

If 'Yes', and if known, the file number of the application and the status of the application

- (f) If known, has the subject lands ever been the subject of an application under Section 34 (Zoning By-law) of the Planning Act or Minister's Order?

Yes  No

If yes, and if known, the file number of the application and the status of the application.

- (g) The current designation of the subject lands in the Township Official Plan and an explanation of how the application conforms to the Official Plan.

- Good (General Agricultural, Natural Heritage System  
to agricultural use will be maintained to will minimal  
farm area lost

(If more space is required attach a separate sheet hereto)

- (h) Does the proposed amendment alter all or any part of a boundary of an area of settlement or establish a new settlement in the municipality?

Yes  No

If yes what are the current Official Plan Policies if any in dealing with the alteration or establishment of an area of settlement.

- (i) Does the proposed amendment remove the subject lands from an area of employment?

Yes  No

If yes what are the Official Plan Policies if any, dealing with the removal of land from an area of employment?

- (j) Is the application for an amendment to the Zoning By-law consistent with Policy Statements issued under subsection 3 (1) of the Planning Act?  Yes  No

(k) Are the subject lands within an area of land designated under any Provincial Plan or Plans?

Yes  No

If yes, please list the name(s) of the Provincial Plan(s)

If 'Yes', does the application conform to or does it not conflict with the applicable Provincial Plan or Plans?

Yes  No

(l) If the proposed amendment would permit development on a privately owned and operated septic system and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, the following reports must be submitted with the application:

- (i) A Servicing Report; and
- (ii) A Hydrogeological Report

**15. The following chart only needs to be completed where modifications to the existing zoning regulations or other by-law provisions are proposed to be amended.**

N/A

Column (a) is to show the existing regulations of the requested zone classification.  
Column (b) is to show the proposed modified regulation which is to apply to the lands.

Zoning Regulations	Existing Zone Regulations (a)	Proposed Modification to Requested Zoning Regulations (b)
Minimum Frontage		
Minimum Lot Frontage Per Unit		
Minimum Lot Area		
Minimum Lot Area Per Unit		
Maximum Density		
Minimum Front Yard (include special setback)		
Minimum Exterior Side Yard		
Minimum Interior Side Yard		
Minimum Rear Yard		
Minimum Landscaped Open Space		
Maximum Lot Coverage		
Maximum height of Building or Structure		
Minimum Floor Area		
Minimum Distance Between Buildings on Same Lot		
Minimum Number of Parking Spaces		
Other (General Provisions, e.g.)		

NOTE: The above zoning information may not, at times, permit you to describe all the amendments you require to the By-law. In such instances, on a separate sheet, list all those regulatory changes or other By-law Section changes for each change (i.e. parking, general or special provisions).

**IT IS THE APPLICANT'S RESPONSIBILITY TO LIST ALL THE REQUIRED AMENDMENTS TO THE BY-LAW.**

## 16. REQUIRED PLANS AND RELATED RELEVANT INFORMATION

- (a) If there is related Site Plan Approval application information available, it should be included with this application. If such information is not available, a sketch should be provided indicating the size and location of proposed uses. This will assist in assessing the merits of the proposal.

In the case of most developments, lands are subject to Site Plan Control. This may necessitate that the applicant/owner enter into a Site Plan Agreement with the Town, before a building permit is issued. Site Plan Approval requires that a separate Site Plan Approval Application be filed with the Town.

You may be required to post a letter of credit or provide some other financial security as a condition of subsequent site plan/development agreement to guarantee that the development of the property will be in accordance with the terms and conditions mutually agreed upon.

- (b) Preliminary Site Plan Requirements

Three (3) copies of a preliminary Site Plan are required to be submitted with any Zoning or Official Plan amendment application. The site plan must provide sufficient details of the intended development in order to assist in understanding the proposal. Generally, the following information should be included in the proposed site plan.

- (i) Details of Development

- The Boundaries and Dimensions in Metres of the Subject Lands
- Lot Area in Square Metres
- The Location, Size and Type of all Existing and Proposed Buildings on the Subject Lands
- Building Coverage in Square Metres & Percentage of Lot Area
- Total Building Size in Square Metres
- Number Units and/or Total Commercial, Industrial Gross Floor Area
- Building Height in Metres and in Storeys
- Front, Side Yard and Rear Yard, Setbacks in Metres
- Landscaped Area in Square Metres & Percentage of Lot Area
- Number Parking Spaces and Dimensions of Parking Spaces and Aisles
- Number of Loading Spaces and Dimensions
- Location of all Ingress & Egress Points and Dimensions
- The approximate location of all natural and artificial features on the subject lands and on land that is adjacent to the subject lands that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- The current uses on land that is adjacent to the subject lands.
- The location, width and name of any roads within or abutting the subject lands, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way
- If access to the subject land is by water only, the location of the parking and docking facilities to be used
- The location and nature of any easement affecting the subject land.

- (ii) Any other material deemed necessary to support the application.



PLAN OF SURVEY OF  
**PART OF LOT 4**  
**RANGE 2**  
 GEOGRAPHIC TOWNSHIP OF SOUTH GRIMSBY  
 TOWNSHIP OF WEST LINCOLN  
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:1000  
 THE INTENDED PLOT SIZE OF THIS PLAN IS 1120mm IN WIDTH BY  
 860mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1000 (E SIZE)  
 RASCH & HYDE LTD.  
 ONTARIO LAND SURVEYORS

SCHEDULE			
PART	LOT	RANGE	PIN AREA
1	PART OF LOT 4	2	ALL OF 46056-0370 (LT)
2			9.862 Hect 8.941 Hect

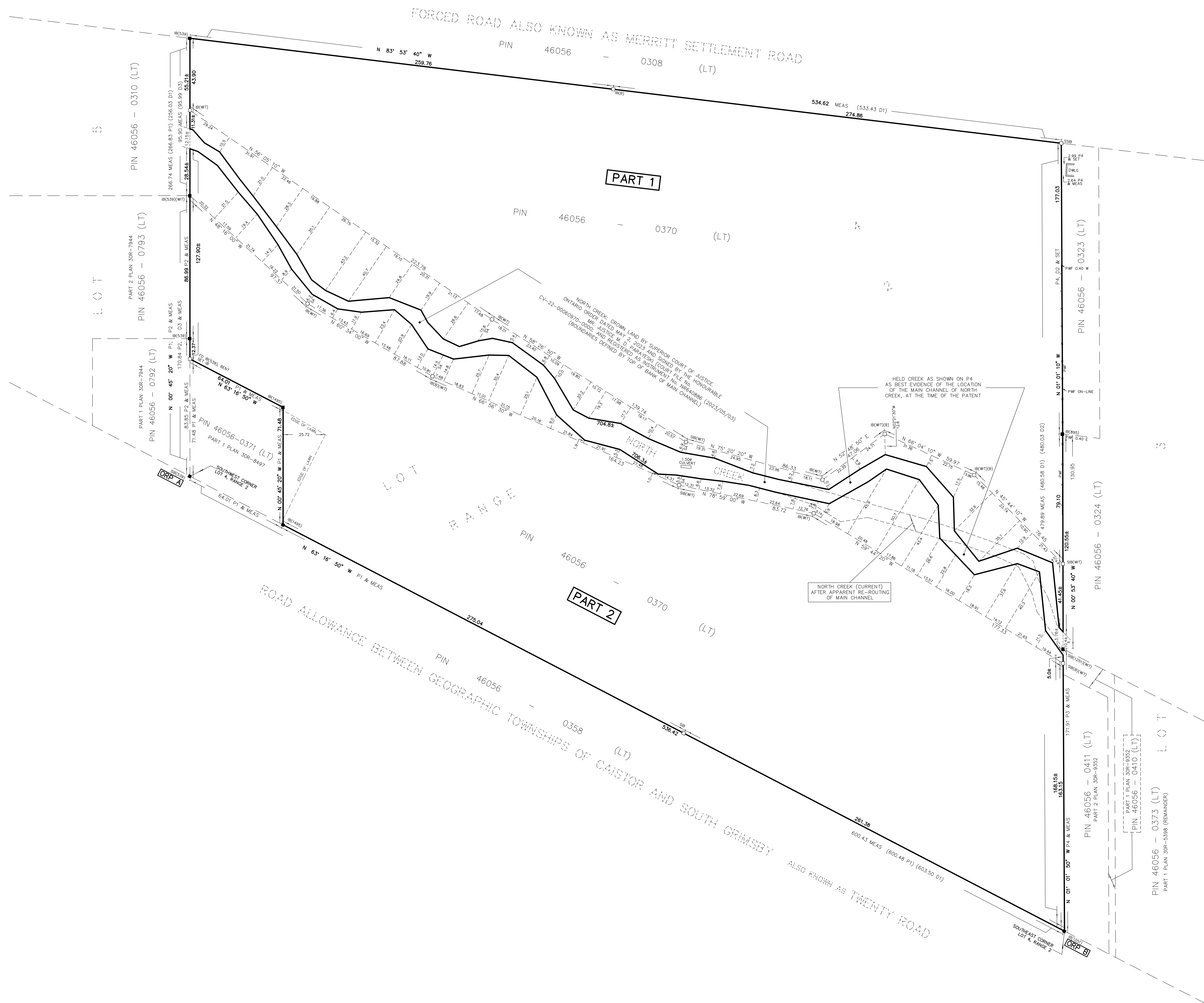
PLAN 30R-16123

Received and deposited

May 12<sup>th</sup>, 2023

Wanda Griffin

Representative for the  
 Land Registrar for the  
 Land Titles Division of  
 Niagara North (No.30)



**BEARING NOTE**

BEARINGS HEREON ARE GRID, UTM ZONE 17, (NAD 83-CRS83; GRSV (Epoch: 2010.0)) DERIVED FROM OBSERVED REFERENCE POINTS (ORP) USING THE CAN-NET VRS NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE).

**ROTATION NOTE**

FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P1 HAVE BEEN ROTATED 00° 59' 50" COUNTER-CLOCKWISE.  
 FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P2 HAVE BEEN ROTATED 00° 28' 50" COUNTER-CLOCKWISE.  
 FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P3 HAVE BEEN ROTATED 01° 02' 30" COUNTER-CLOCKWISE.  
 FOR COMPARISON PURPOSES, THE ASTRONOMIC BEARINGS SHOWN ON P4 HAVE BEEN ROTATED 01° 01' 10" COUNTER-CLOCKWISE.

**INTEGRATION DATA**

POINT ID	NORTHING	EASTING
ORP A (80290)	4772933.57	612841.26
ORP B (80291)	4772663.70	613377.44

ALL COORDINATES ARE IN METRES AND ARE UTM-ZONE 17, (NAD 83-CRS83/GRSV (Epoch: 2010.0)) CENTRAL MERIDIAN 81° WEST LONGITUDE). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14 (2) OF O. REG 216/10.

**CAUTION**

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**LEGEND & NOTES**

- DENOTES SURVEY MONUMENT PLANTED
- DENOTES SURVEY MONUMENT FOUND
- SB DENOTES STANDARD IRON BAR (25mmx25mmx120mm)
- SSB DENOTES SHORT STANDARD IRON BAR (25mmx25mmx60cm)
- DB DENOTES IRON BAR (15mmx15mmx160cm)
- IB# DENOTES ROUND IRON BAR (20mm DIA X 60cm)
- CC DENOTES CUT CROSS
- CM DENOTES CONCRETE MONUMENT
- PB DENOTES PLASTIC BAR
- WT DENOTES WITNESS
- OJ DENOTES ORIGIN UNKNOWN
- PN DENOTES PROPERTY IDENTIFIER NUMBER
- ORP DENOTES OBSERVED REFERENCE POINT (1807)
- (1807) DENOTES RASCH & HYDE O.L.S.
- (1495) DENOTES P. D. REITSMAN O.L.S.
- (1251) DENOTES ERIC EDWARDS O.L.S.
- (895) DENOTES CLARKE & LANE O.L.S.
- (539) DENOTES D. G. URE O.L.S.
- P1 DENOTES PLAN 30R-8497
- P2 DENOTES PLAN 30R-7944
- P3 DENOTES PLAN 30R-8352
- P4 DENOTES PLAN BY CLARKE & LANE O.L.S., DATED DECEMBER 12, 1966 (FILE 86-23)
- D1 DENOTES INST R079924; PIN 46056-0370 (LT)
- D2 DENOTES INST R0324605; PIN 46056-0323 (LT)
- D3 DENOTES INST R0509194; PIN 46056-0310 (LT)
- (B) DENOTES BURIED
- PF# DENOTES POST AND WIRE FENCE
- SA DENOTES SPLIT ANGLE
- N-NORTH, S-SOUTH, E-EAST, W-WEST
- WATER TIES ARE ± AND ARE 90 DEGREES TO TRAVERSE LINE UNLESS NOTED OTHERWISE

**METRIC NOTE**

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

DISTANCES ARE ADJUSTED GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE COMBINED SCALE FACTOR (CSF = 0.99972570)

**SURVEYOR'S CERTIFICATE**

- I CERTIFY THAT:
  - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THIS SURVEY WAS COMPLETED ON THE 14<sup>th</sup> DAY OF OCTOBER 2021.

MAY 3, 2023

DATE HAROLD D. HYDE  
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO A.O.L.S. PLAN SUBMISSION FORM #2176316

**RASCH + HYDE LTD.**  
 Ontario Land Surveyors

P.O. Box 6, 1333 Highway 81 East, Unit B  
 DOWNVILLE, ONT. N0A 2P1  
 (905) 774-7168  
 (FAX 905-774-4000)

P.O. Box 500, 74 Jarvis Street  
 TORONTO, ONT. M5A 0T1  
 (416) 963-8711  
 (FAX 416-963-9748)

HAROLD D. HYDE O.L.S.  
 SURVEY: 20-392 | DRAWN BY: T. Matheson

SCALE 1: 1000 SURVEY: 20-392 | DRAWN BY: T. Matheson

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR. )  
 )  
JUSTICE M. D. PARAYESKI ) TUESDAY, THE 2ND DAY OF  
 )  
 ) MAY, 2023

BETWEEN:



KELLY ANN STAPLES and MARK STEPHEN STAPLES

Applicants

- and -

HIS MAJESTY THE KING IN RIGHT OF ONTARIO,  
as represented by the Ministry of Natural Resources and Forestry,  
BANK OF MONTREAL and THE CORPORATION OF THE  
TOWNSHIP OF WEST LINCOLN

Respondents

IN THE MATTER OF the *Beds of Navigable Waters Act*, R.S.O. 1990 c.B.4;

And in the matter of the lands legally described as Part of Lot 4, Range 2, Former Township of South Grimsby as in RO709924; Township of West Lincoln, being PIN 46056-0370 (LT);

**ORDER**

**THIS APPLICATION** made by the Applicants for an Order declaring that the North Creek as it passes through the property of the Applicants legally described as Part of Lot 4, Range 2, Former Township of South Grimsby as in RO709924; Township of West Lincoln, being PIN 46056-0370 (LT), was navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4, at the time of the original Crown grant; was heard this day at the Courthouse, 59 Church Street, St. Catharines, Ontario.

**ON READING** the Application Record of the Applicants, the Supplemental Affidavit of Harold Hyde, and the Consent filed,

1. **THIS COURT ORDERS AND DECLARES** that the North Creek as it passes through the property of the Applicants, Kelly Ann Staples and Mark Stephen Staples, legally described as Part of Lot 4, Range 2, Former Township of South Grimsby as in RO709924; Township of West Lincoln, being PIN 46056-0370 (LT), was navigable within the meaning of the *Beds of Navigable Waters Act*, R.S.O. 1990, c.B.4, at the time of the original Crown grant.

2. **THIS COURT ORDERS AND DECLARES** that His Majesty the King in Right of Ontario, as represented by the Ministry of Natural Resources and Forestry, has title of those lands which lie below the water's edge at the original location of said North Creek as it passes through the said lands of the Applicants, being as shown in a draft reference plan of Rasch & Hyde Ltd. dated February 16, 2023 and attached to this Order.

3. **THIS COURT ORDERS** that the draft reference plan of Rasch & Hyde Ltd. dated February 16, 2023, as attached to this Order, be deposited as a reference plan in the Land Registry Office for the Registry Division of Niagara North (No. 30).

4. **THIS COURT ORDERS** that this Application, as it relates to the claims of the Applicants set out in paragraph 1(d) and 1(e) of the Application, is discontinued by the Applicants, on a without prejudice basis.

5. **THIS COURT ORDERS** that the name of the Respondent, identified in the Notice of Application as "Her Majesty the Queen in Right of Ontario, as represented by the Ministry of Northern Development, Mines, Natural Resources and Forestry" be amended to "His Majesty the King in Right of Ontario, as represented by the Ministry of Natural Resources and Forestry".



6. **THIS COURT ORDERS** that there shall be no costs of this Application.

  
\_\_\_\_\_



**KELLY ANN STAPLES and MARK STEPHEN STAPLES**  
Applicants

**-and- HIS MAJESTY THE KING IN RIGHT OF ONTARIO**  
as represented by the Ministry of Natural Resources and Forestry, et. al  
Respondents

*ONTARIO*  
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT:

ST. CATHARINES

**ORDER**

**HEDLEY, McLACHLIN & ATTEMA**  
Barristers and Solicitors  
311 Broad Street East  
Dunnville, Ontario  
N1A 1G4  
Michael J. McLachlin  
Tel # (905) 774-9988  
Fax # (905) 774-6637

Solicitor for the Applicants



# Justification Letter – 7701 Twenty Road Rezoning Application, March 13, 2024

## 1.0 Introduction:

Mark and Kelly Staples have lived in the Township of West Lincoln at 7701 Twenty Road, Smithville since 1987. Since Mark and Kelly moved to the farm, they have raised their 6 kids and have continuously farmed the property – this included continuing a hog farm operation until 2011 as well as planting cash crops (soybean, corn, wheat), which continues to date. The hog farm operation was discontinued as the small operation became uneconomical.

## Description of the Property

7701 Twenty Road is bisected by North Creek, creating two distinct Parts within the property (see Figure 1). The North Parcel (Part 1), fronts onto Range Road 2 and is approximately 9.862 ha and currently has two abandoned barns and a residence (see Figure 2, Photo 1 and 2). The South Parcel (Part 2) fronts onto Twenty Road and is approximately 8.941 ha, with two barns that support the current farm operation and the residence where Mark and Kelly Staples live (see Figure 2).

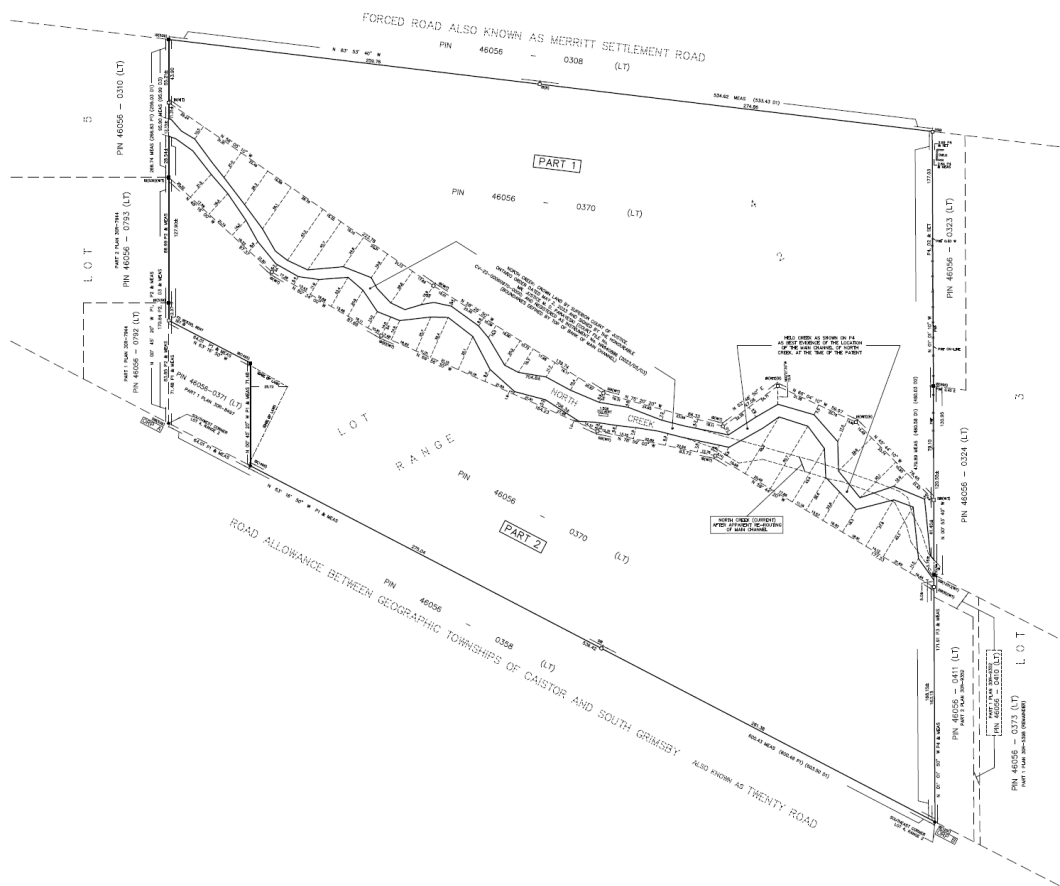
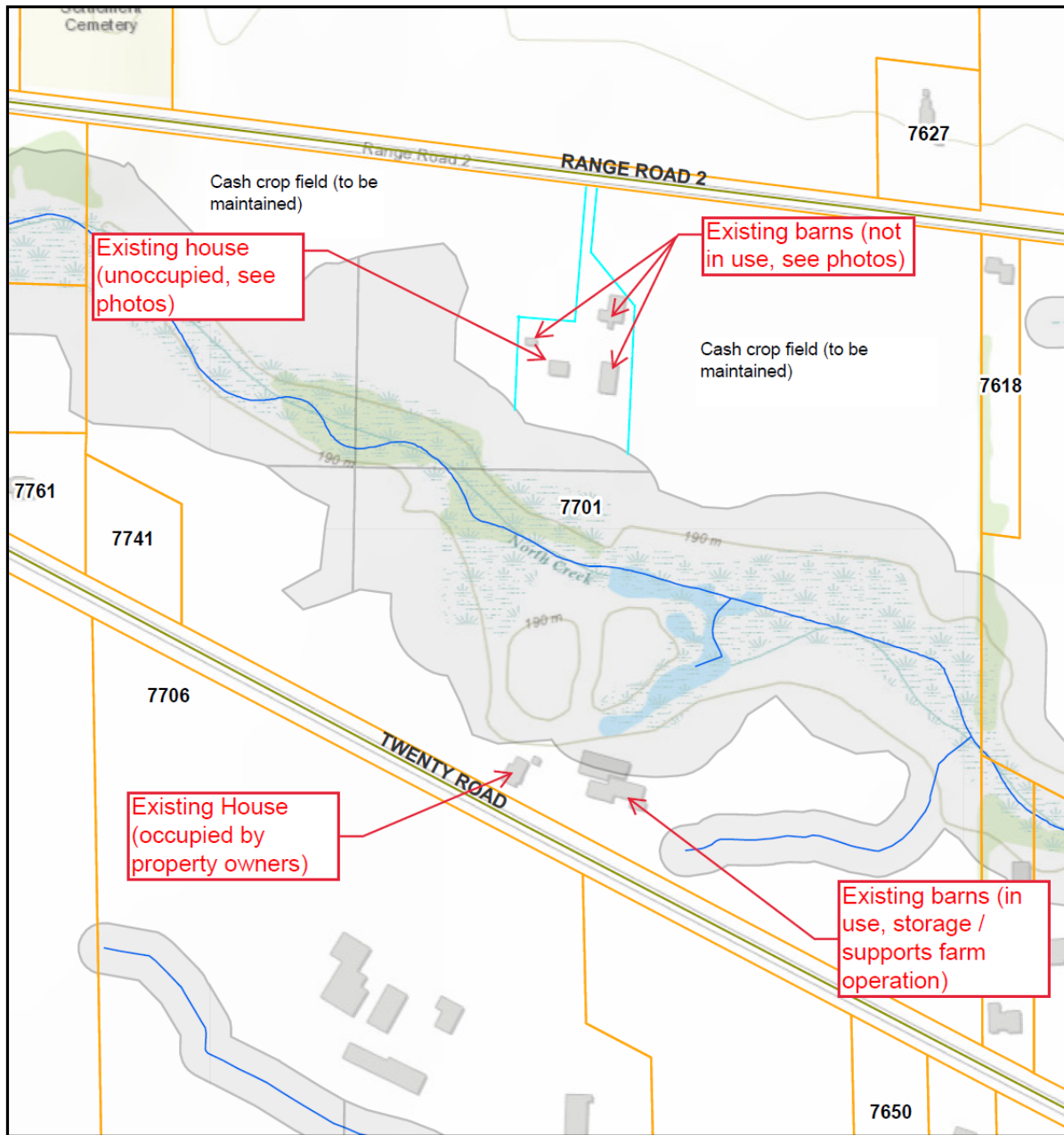


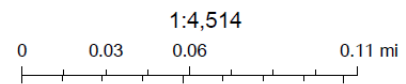
Figure 1 – 7701 Twenty Road Reference Plan

### 7701 Twenty Road Regulated Area



7/25/2023, 8:50:18 PM

- Roads
- Assessment Parcels
- NPCA APPROXIMATE REGULATION LANDS
- Watercourses 2K 2002



— Existing lawn / driveway area

Figure 2 – 7701 Twenty Road Existing Site



**Photo 1: Looking north, two abandoned barns and residence located North of the Creek, fronting on Range Road 2**



**Photo 2: Looking south, abandoned residence located North of the Creek, fronting on Range Road 2**



## Justification Letter – 7701 Twenty Road Rezoning Application, March 13, 2024

### Intent of this Process

The intent of this process is to maintain the current cash crop farming operation on both Parts 1 and 2 of the property, while also permitting one of Mark and Kelly's children to purchase and live on Part 1 of the property while Mark and Kelly continue to live on Part 2 of the property (see Figure 1). In order for this to occur Part 1 must be rezoned to recognize the property as a lot, this would permit construction of a single family residence. The new residence in Part 1 will be in the general area of the existing structures, resulting in no net loss of farmland.

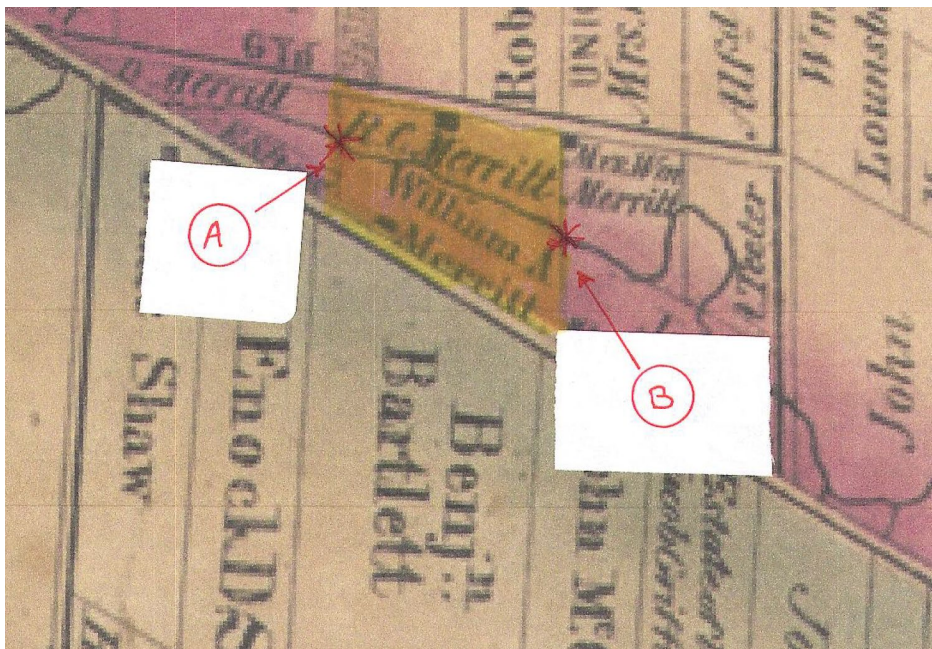
This process will allow Mark and Kelly to continue to live at their home, while also allowing one of their kids to take over farming the property and keep the farm within the family for a 3<sup>rd</sup> generation.

### 2.0 History of the Property:

7701 Twenty Road has historically been two separate properties with two separate residences. This is clear through a review of the history of these properties, as well as the fact that both Part 1 and Part 2 have existing residences constructed on them.

#### Prior to Family Ownership

The Tremaine Map (1862) shows that the 7701 Twenty Road property has historically always been two properties split by the creek, with different owners of the property north of the creek from the one south of the creek (see Figure 3).

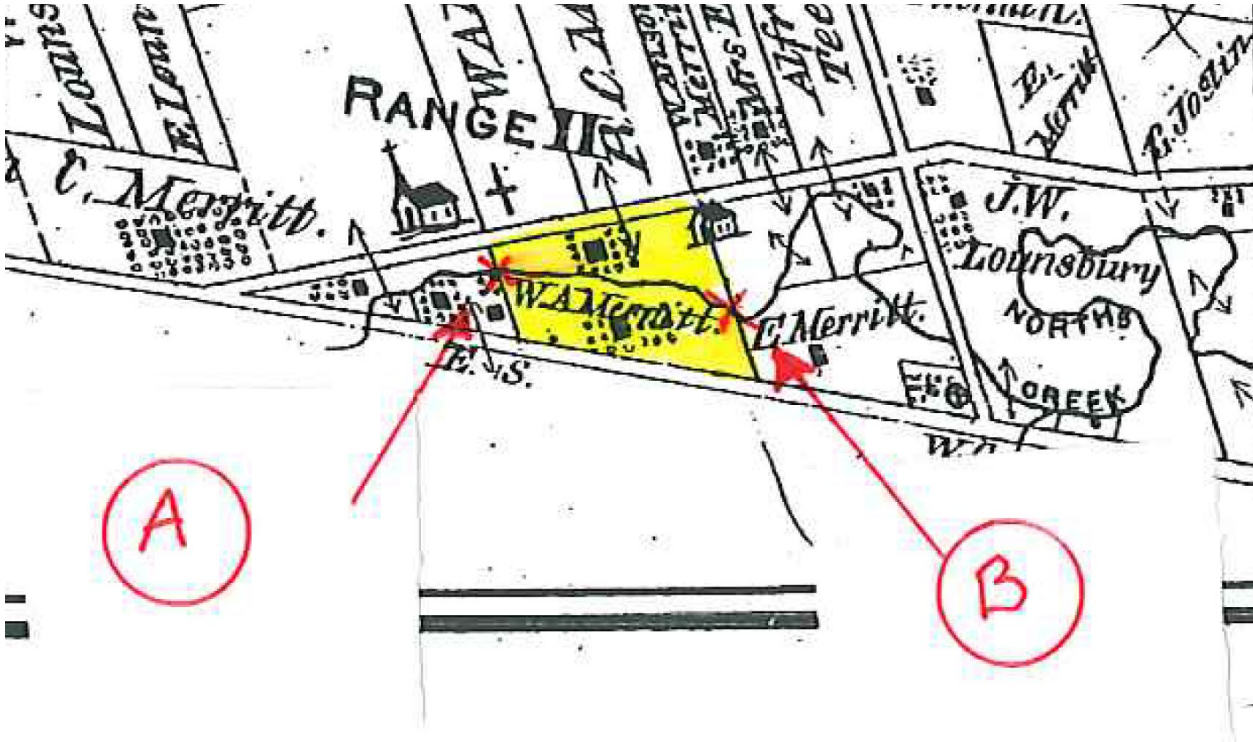


**Figure 3: Tremaine Map (1862) at 7701 Twenty Road, Part 1 owned by R.C. Merritt north of the creek and William A Merritt south of creek, with structures shown on both properties**



**Justification Letter – 7701 Twenty Road Rezoning Application, March 13, 2024**

The Page Atlas (1876) also shows that the 7701 Twenty Road property has historically always been two parcels split by the creek, with different owners of the property north of the creek from the one south of the creek (see Figure 4). This map also shows houses on each property.



**Figure 4: The Page Atlas (1876) at 7701 Twenty Road, Part 1 owned by R.C. Merritt north of the creek and William A Merritt south of creek, with homes shown on both properties**

The two properties were merged at some point in recent history, however there is still evidence that these two properties have always been two separate properties with residences on each part. There is an existing house and two barns on the parcel north of the creek, in addition to the residence south of the creek that is occupied by Mark and Kelly Staples (see Figure 2).

**Family Ownership to Present**

William (Bill) and Nancy Shields purchased the property in 1975, relocating from the City to enjoy the farming lifestyle and raise their five children – one being Kelly. Bill and Nancy eventually began a small hog farm operation on the property, as well as planting cash crops in the fields that are still planted today. Four of Bill and Nancy Shields children still live on farms within the Township of West Lincoln.

## **Justification Letter – 7701 Twenty Road Rezoning Application, March 13, 2024**

Mark and Kelly moved to the farm and took over the operation in 1987 with their 2 sons. They had another 4 children since moving the property, raising their 6 kids on the farm. Kelly and Mark had pigs, sheep, and horses in the barns on the north side of the creek. This required frequent trips around the creek on Twenty Road and Range Road 2 to access this part of the property.

### **3.0 Severance and Rezoning Process**

In order to explore the opportunity to eventually sever and rezone the portion of the property north of the creek with the intention of permitting one of Mark and Kelly's children to live on and own that Part of the property, Mark and Kelly engaged with the Township in November 2020 to discuss the process' available given the uniqueness of this site. From this point Mark and Kelly initiated what's referred to as a 'Natural Severance' process.

#### **Overview of Severance Process**

The 'Report on the Status of Navigability of North Creek..' (January 2022) was prepared by Rasch & Hyde Ltd. Ontario Land Surveyors, which provided the opinion that North Creek is Navigable where it passes through the 7701 Twenty Road property in the Township of West Lincoln.

A Court Order was issued on May 2<sup>nd</sup>, 2023 declaring that the bed of North Creek is navigable through the property and therefore crown land (Court File No. CV-22-00060970-0000).

Following the Court Order, the Reference Plan 30R-16123 (Attachment 1) was deposited with the Land Registry Office – this resulted in the creation of Part 1 for the area north of North Creek which is currently uninhabited, and Part 2 for the area south of the Creek which is currently inhabited by Mark and Kelly Staples.

#### **Overview of Rezoning Application**

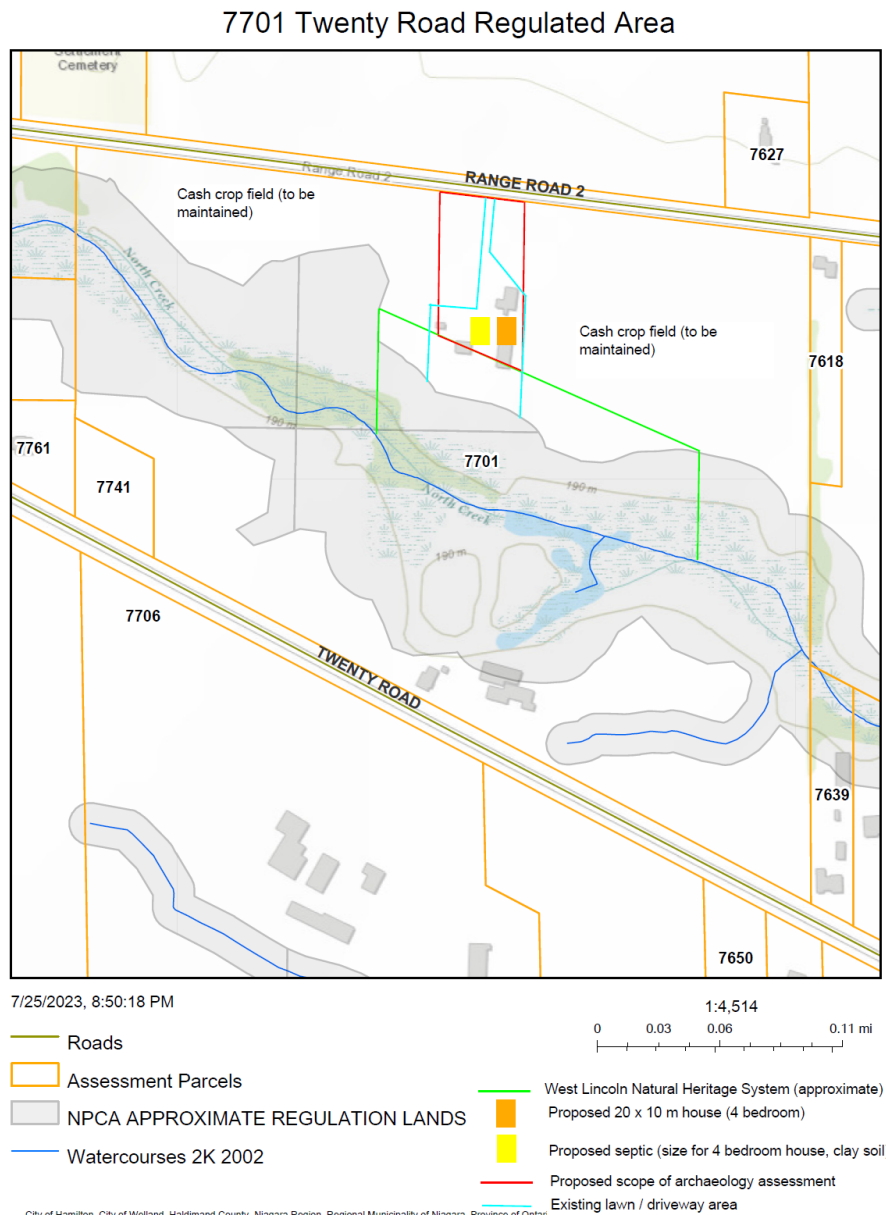
A Preconsultation Meeting was held on June 7<sup>th</sup>, 2023 with staff from the Niagara Peninsula Conservation Authority (NPCA), Niagara Region, and the Township. This identified a pair of studies that were required in order to continue with the rezoning process.

##### **a) NPCA**

At the Preconsultation Meeting NPCA noted that they have no objection to the property north of the creek being permitted to be a buildable lot subject to the completion a field review by NPCA to confirm that there aren't any Environmental concerns as a result of the rezoning. This field review was completed on October 06, 2023, and NPCA confirmed that there is no objection to the location of the proposed structures as

# Justification Letter – 7701 Twenty Road Rezoning Application, March 13, 2024

identified in 7701 Twenty Road - Proposed Structure Location (see Figure 5) as there are no NPCA regulated wetlands or hazardous areas in the proposed location (see Attachment 2).



**Figure 5: Proposed Structure Location and Site Servicing (septic, water cistern at house)**

## b) Niagara Region

Niagara Region staff identified the need for completion of an Archaeological Assessment. A combined Stage 1 / Stage 2 Assessment was completed by Detritus Consulting Ltd.

## Justification Letter – 7701 Twenty Road Rezoning Application, March 13, 2024

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. A Stage 2 field assessment was recommended for the agricultural farmland and the grass area surrounding the derelict farm buildings within the Study Area.

The Stage 2 assessment was conducted on November 14, 2023 and involved a typical pedestrian survey at five-metre interval and a typical test pit survey at a five-metre interval. No archaeological resources were observed (see Attachment 3).

Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, no further archaeological assessment of the Study Area (See Figure 6) is recommended. This was accepted by the Ministry (see Attachment 4).



**Figure 6: Archaeological Assessment Study Area**

### c) Township of West Lincoln

The Township required the completion of a Justification Letter for the application (provided here), as well as confirmation that there is a suitable location for septic servicing. Egger Excavating has provided a Septic Report / Evaluation confirming that a



## **Justification Letter – 7701 Twenty Road Rezoning Application, March 13, 2024**

Class 4 raised septic system to accommodate 2000 LPD is possible at this site, and would need to be 500m<sup>2</sup> (see Attachment 5). Water is currently proposed to be provided by a cistern. Final plans and approvals for private servicing will be required during the building permit stage. All works on the property will take place within the Study Area shown in Figure 6, outside of the Regulated / Natural Heritage System.

### **4.0 In Closing**

The ultimate goal of this process is to maintain the current farmable land, permit Mark and Kelly to sell the north part to one of their children, and permit a residence to be constructed on the north part. All work including site servicing will be located within the area studied as part of the Archaeological Assessment as shown in Figure 6.

Mark and Kelly will continue to be active members of the farming community within the Township of West Lincoln, as are several of their family members. Should this application be successful, this will allow Mark and Kelly to stay in their home while also letting a 3<sup>rd</sup> generation of their family to become farmers in the Township of West Lincoln. Given the history of this property as having always been two separate properties with residences north and south of the creek, as well as its current configuration with the lawn area and abandoned residence north of the creek – there will be no loss of farmland at the property as a result of this application and the same farming opportunities will remain and continue to be taken advantage of by the family.

We appreciate your consideration of this application.

**Ministry of Citizenship and Multiculturalism (MCM)**

Archaeology Program Unit  
Heritage Branch  
Citizenship, Inclusion and Heritage Division  
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**Ministère des Affaires civiques et du Multiculturalisme (MCM)**

Unité des programme d'archéologie  
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Email: Sarah.Roe@ontario.ca



Mar 11, 2024

Michael Pitul (P462)  
Detritus Consulting  
32 Clarke Port Colborne ON L3K 2G1

**RE: Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 1-2 Archaeological Assessment 7701 Twenty Road, Smithville Part of Lot 4 West Gore Second Range South of Twenty Mile Creek, Geographic Township of Grimsby, Historical County of West Lincoln, Now the Regional Municipality of Niagara", Dated Jan 19, 2024, Filed with MCM Toronto Office on N/A, MCM Project Information Form Number P462-0260-2023, MCM File Number 0020555**

Dear Mr. Pitul:

The above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports without technical review.<sup>1</sup>

Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require further information, please do not hesitate to send your inquiry to [Archaeology@Ontario.ca](mailto:Archaeology@Ontario.ca)

cc. Archaeology Licensing Officer  
Mark Staples, Owner  
Pat Busnello, Niagara Region

<sup>1</sup>In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

**Stage 1-2 Archaeological Assessment  
7701 Twenty Road, Hannon**

Smithville

Part of Lot 4 West Gore Second Range South of Twenty Mile Creek,  
Geographic Township of Grimsby,  
Historical County of West Lincoln,  
Now the Regional Municipality of Niagara

**Submitted to:**  
Mark Staples  
7701 Twenty Road  
Smithville, Ontario, L0R 2A0

and

Ontario's Ministry of Citizenship and Multiculturalism

**Submitted by:**



**Detritus**  
CONSULTING LTD.  
*archaeology · heritage*

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Web: [www.detritusconsulting.ca](http://www.detritusconsulting.ca)

Licensee: Michael Pitul  
License Number: P462  
PIF Number: P462-0260-2023  
CP Number: 2023-110

**ORIGINAL REPORT**

January 19, 2024

## Executive Summary

Smithville

Smithville

Detritus Consulting Ltd. ('Detritus') was retained by Mark Staples ('the Proponent') to conduct a Stage 1-2 archaeological assessment of Part of Lot 4 West Gore Second Range South of Twenty Mile Creek,, Geographic Township of North Grimsby, Historical Township of Lincoln, now the Regional Municipality of Niagara (Figure 1). This assessment was undertaken at 7701 Twenty Road, Hannon (the 'Assessment Property') in due diligence prior to future development for a portion of the property (the 'Study Area'; Figure 5).

The assessment was triggered by the Provincial Policy Statement ('PPS') that is informed by the *Planning Act* (Government of Ontario 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger *Ontario Heritage Act* (1990b). According to Section 2.6.2 of the PPS, "development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved." To meet this condition, a Stage 1-2 assessment of the Study Area was conducted during the pre-approval phase of development under archaeological consulting license P462 issued to Mr. Michael Pitul by the Ministry of Citizenship and Multiculturalism ('MCM') and adheres to the archaeological license report requirements under subsection 65 (1) of the *Ontario Heritage Act* (Government of Ontario, 1990b) and the MCM's *Standards and Guidelines for Consultant Archaeologists* ('Standards and Guidelines'; Government of Ontario, 2011).

The Assessment Property is situated between Twenty Road in the south and Range Road 2 in the north and is intersected in its centre by North Creek which runs east to west (Figure 3). The majority of the property comprises agricultural farmland, but a residential dwelling, barns, ponds are located to the north of Twenty Road. The areas to either side of North Creek feature trees and shrubbery. It is irregular in shape and measures 19.46 hectares ('ha'). Following advice provided by the Niagara Region Planning and Development Service, only the portion of the property to be subject to future development and ground disturbance, namely the Study Area (Figure 3), required archaeological assessment (see correspondence provided in the Supplementary Documentation to this report). The Study Area encompassed an area delimited by the Proponent. This reduced Study Area comprises a rectangular-shaped parcel measuring about 94m by 124m (1.13ha) roughly in the north and centre of the Assessment Property and to the south of Range Road 2. It consists of agricultural farmland and a grass covered area interspersed with mature trees and shrubs. Recent aerial photography shows five derelict farm buildings and a pond within the Study Area. The extent of the Study Area was staked out by the proponent prior to the commencement of work.

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. A Stage 2 field assessment was recommended for the agricultural farmland and the grass area surrounding the derelict farm buildings within the Study Area. During the Stage 2 property inspection he previously disturbed areas were confirmed, mapped, and photo documented in accordance with Section 2.1, Standard 6, and Section 7.8.1, Standards 1a and 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

This Stage 2 assessment was conducted on November 14, 2023 and involved a typical pedestrian survey at five-metre interval and a typical test pit survey at a five-metre interval. No archaeological resources were observed.

Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, **no further archaeological assessment of the Study Area is recommended.**

This recommendation applies to the portion of the development property to be subject to developmental impacts according to the current development application, and which was included within the current Study Area (Figure 3). **If in the future, the portion of the property not included within the current Study Area will be impacted by development, then a Stage 1 archaeological assessment is required**, conducted according to Section 1.1 of the *Standards and Guidelines* (Government of Ontario 2011). This investigation will assess the development area's potential for the recovery of archaeological resources and will provide specific direction for the



protection, management and/or recovery of these resources, as per Sections 1.3 and 1.4 of the *Standards and Guidelines* (Government of Ontario 2011).

*The Executive Summary highlights key points from the report only; for complete information and findings, the reader should examine the complete report.*

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## Project Personnel

Project Manager:	Garth Grimes, P017
Field Director:	Michael Pitul, P462
Field Technicians:	Brittanee Mason, R1362 Courtney Nadon, 1341 Samantha Fisher Tanner Rudzinski
Report Preparation:	Uwe Maihöfer, R1260
Mapping and GIS:	Uwe Maihöfer, R1260
Licensee Review:	Michael Pitul, P462

## Acknowledgments

Generous contributions by Mark Staples made this report possible.

## 1.0 Project Context

### 1.1 Development Context

Smithville / West  
Lincoln

Detritus Consulting Ltd. ('Detritus') was retained by Mark Staples (the Proponent) to conduct a Stage 1-2 archaeological assessment of Part of Lot 4 West Gore Second Range South of Twenty Mile Creek, Geographic Township of North Grimsby, Historical Township of Lincoln, now the Regional Municipality of Niagara (Figure 1). This assessment was undertaken at 7701 Twenty Road, Hannon (the 'Assessment Property') in due diligence prior to future development for a portion of the property (the 'Study Area'; Figure 5).

This assessment was triggered by the Provincial Policy Statement ('PPS') that is informed by the *Planning Act* (Government of Ontario, 1990a), which states that decisions affecting planning matters must be consistent with the policies outlined in the larger *Ontario Heritage Act* (Government of Ontario, 1990b). According to Section 2.6.2 of the PPS, "development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved." To meet this condition, a Stage 1-2 assessment was conducted as part of the pre-approval phase of development under archaeological consulting license P462 issued to Mr. Michael Pitul by the Ministry of Citizenship and Multiculturalism ('MCM') and adheres to the archaeological license report requirements under subsection 65 (1) of the *Ontario Heritage Act* (Government of Ontario, 1990b) and the MCM's *Standards and Guidelines for Consultant Archaeologists* ('Standards and Guidelines'; Government of Ontario, 2011).

The purpose of a Stage 1 Background Study is to compile all available information about the known and potential archaeological heritage resources within the Study Area and to provide specific direction for the protection, management and/or recovery of these resources. In compliance with the *Standards and Guidelines* (Government of Ontario 2011), the objectives of the following Stage 1 assessment are as follows:

- To provide information about the Study Area's geography, history, previous archaeological fieldwork and current land conditions;
- to evaluate in detail, the Study Area's archaeological potential which will support recommendations for Stage 2 survey for all or parts of the property; and
- to recommend appropriate strategies for Stage 2 survey.

To meet these objectives Detritus archaeologists employed the following research strategies:

- A review of relevant archaeological, historic and environmental literature pertaining to the Study Area;
- a review of the land use history, including pertinent historic maps; and
- an examination of the Ontario Archaeological Sites Database ('ASDB') to determine the presence of known archaeological sites in and around the Study Area.

The purpose of a Stage 2 Property Assessment is to provide an overview of any archaeological resources within the Study Area, and to determine whether any of the resources might be archaeological sites with cultural heritage value or interest ('CHVI'), and to provide specific direction for the protection, management and/or recovery of these resources. In compliance with the *Standards and Guidelines* (Government of Ontario 2011), the objectives of the following Stage 2 assessment are as follows:

- To document all archaeological resources within the Study Area;
- to determine whether the Study Area contains archaeological resources requiring further assessment; and
- to recommend appropriate Stage 3 assessment strategies for archaeological sites identified.

The licensee received permission from the Proponent to enter the land and conduct all required archaeological fieldwork activities, including the recovery of artifacts.

## 1.2 Historical Context

### 1.2.1 Post-Contact Aboriginal Resources

Prior to the arrival of European settlers, the Niagara Region was occupied by the Neutral, or Attawandaron tribe. The earliest recorded visit was undertaken by Étienne Brûlé, an interpreter and guide for Samuel de Champlain. In June 1610, Brûlé requested permission to live among the Algonquin people and to learn their language and customs. In return, Champlain agreed to take on a young Huron named Savignon and to teach him the language and customs of the French. The purpose of this endeavour was to establish good relations with Aboriginal communities in advance of future military and colonial enterprises in the area. In 1615, Brûlé joined twelve Huron warriors on a mission to cross enemy territory and seek out the Andaste people, allies of the Huron, and ask for their assistance in an expedition being planned by Champlain. The mission was a success, but took much longer than anticipated. Brûlé returned with the Andaste two days too late to help Champlain and the Hurons, who had already been defeated by the Iroquois (Heidenreich 1990).

Throughout the middle of the 17<sup>th</sup> century, the Iroquois of the Five Nations sought to expand upon their territory and to monopolize the local fur trade as well as trade between the European markets and the tribes of the western Great Lakes. A series of bloody conflicts followed known as the Beaver Wars, or the French and Iroquois Wars, were contested between the Iroquois and the French with their Huron and other Algonkian-speaking allies of the Great Lakes region. Many communities were destroyed including the Huron, Neutral, Erie, Susquehannock, and Shawnee leaving the Iroquois as the dominant group in the region. By 1653 after repeated attacks, the Niagara peninsula and most of Southern Ontario had been vacated. By 1667, all members of the Five Nations had signed a peace treaty with the French and allowed their missionaries to visit their villages (Heidenreich 1990).

Ten years later, hostilities between the French and the Iroquois resumed after the latter formed an alliance with the British through an agreement known as the Covenant Chain (Heidenreich 1990). In 1696, an aging Louis de Buade, Comte de Frontenac et de Palluau, the Governor General of New France, rallied the Algonquin forces and drove the Iroquois out of the territories north of Lake Erie, as well as those west of present-day Cleveland, Ohio. A second treaty was concluded between the French and the Iroquois in 1701, after which the Iroquois remained mostly neutral (Jamieson 1992; Noble 1978).

Throughout the late 17<sup>th</sup> and early 18<sup>th</sup> centuries, various Iroquoian-speaking communities had been migrating into southern Ontario from New York State. In 1722, the Five Nations adopted the Tuscarora in New York becoming the Six Nations (Pendergast 1995). This period also marks the arrival of the Mississaugas into Southern Ontario and, in particular, the watersheds of the lower Great Lakes (Konrad 1981; Schmalz 1991). The oral traditions of the Mississaugas, as told by Chief Robert Paudash, suggest that the Mississaugas defeated the Mohawk nation, who retreated to their homeland south of Lake Ontario. Following this conflict, a peace treaty was negotiated and, at the end of the 17<sup>th</sup> century, the Mississaugas settled permanently in Southern Ontario (Praxis Research Associates n.d.). Around this same time, members of the Three Fires Confederacy (Chippewa, Ottawa, and Potawatomi) began immigrating from Ohio and Michigan into southeastern Ontario (Feest and Feest 1978).

The current Study Area falls within the lands surrendered by Treaty Number 3. According to Morris, Treaty Number 3,

*...was made with the Mississaugas Indians 7th December, 1792, though purchased as early as 1784. This purchase in 1784 was to procure for that part of the Six Nation Indians coming into Canada a permanent abode. The area included in this Treaty is, Lincoln County excepting Niagara Township; Saltfleet, Binbrook, Barton, Glanford and Ancaster Townships, in Wentworth County; Brantford, Onondaga, Tusc[a]r[o]ra, Oakland and Burford Townships in Brant County; East and West Oxford, North and South Norwich, and Dereham Townships in Oxford County; North Dorchester Township in Middlesex County; South Dorchester, Malahide and Bayham Township in Elgin County; all Norfolk and Haldimand*



*Counties; Pelham, Wainfleet, Thorold, Cumberland and Humberstone Townships  
in Welland County ...*

Morris 1943:17-18

The size and nature of the pre-contact settlements and the subsequent spread and distribution of Aboriginal material culture in Southern Ontario began to shift with the establishment of European settlers. Lands in the Lower Grand River area were surrendered by the Six Nations to the British Government in 1832, at which point most Six Nations people moved into Tuscarora Township in Brant County and a narrow portion of Oneida Township (Page & Co. 1879; Tanner 1987; Weaver 1978). Despite the inevitable encroachment of European settlers on previously established Aboriginal territories, “written accounts of material life and livelihood, the correlation of historically recorded villages to their archaeological manifestations, and the similarities of those sites to more ancient sites have revealed an antiquity to documented cultural expressions that confirms a deep historical continuity to Iroquoian systems of ideology and thought” (Ferris 2009:114). As Ferris observes, despite the arrival of a competing culture, First Nations communities throughout southern Ontario have left behind archaeologically significant resources that demonstrate continuity with their pre-contact predecessors, even if they have not been recorded extensively in historical Euro-Canadian documentation.

### 1.2.2 Euro-Canadian Resources

The Study Area is located on part of Lot 4 West Gore Second Range South of Twenty Mile Creek in the geographic Township of North Grimsby and historical County of Lincoln, now the Regional Municipality of Niagara, Ontario (Figure 1).

In 1763, the Treaty of Paris brought an end to the Seven Years’ War, contested between the British, the French, and their respective allies. Under the Royal Proclamation of 1763, the large stretch of land from Labrador in the east, moving southeast through the Saint Lawrence River Valley to the Great Lakes and on to the confluence of the Ohio and Mississippi Rivers became the British Province of Québec (Niagara Historical Society and Museum 2008).

On July 24, 1788, Sir Guy Carleton, the Governor-General of British North America, divided the Province of Québec into the administrative districts of Hesse, Nassau, Mecklenburg and Lunenburg (Archives of Ontario 2009). Further change came in December 1791 when the province was rearranged into Upper Canada and Lower Canada under the Constitutional Act. Colonel John Graves Simcoe was appointed as Lieutenant-Governor of Upper Canada; he commenced several initiatives to populate the province including the establishment of shoreline communities with effective transportation links between them (Coyne 1895).

In July 1792, Simcoe divided Upper Canada into 19 counties stretching from Essex in the west to Glengarry in the east. Each new county was named after a county in England or Scotland; the constituent townships were then given the names of the corresponding townships from each original British county, including Grimsby Township (Powell and Coffman 1956:17-18). Later that year, the four districts originally established in 1788 were renamed the Western, Home, Midland, and Eastern Districts.

As population levels in Upper Canada increased, smaller and more manageable administrative bodies were needed resulting in the establishment of many new counties and townships. As part of this realignment, the boundaries of the Home and Western Districts were shifted and the London and Niagara Districts were established. Under this new territorial arrangement, the Study Area became part of Lincoln County within the Niagara District. In 1845, after years of increasing settlement that began after the War of 1812, the southern portion of Lincoln County was severed to form Welland County. The two counties would be amalgamated once again in 1970 to form the Regional Municipality of Niagara (Archives of Ontario 2009).

Within Lincoln County, the *Illustrated Historical Atlas of the Counties of Lincoln and Welland* (*Historical Atlas*), demonstrates the extent to which Grimsby Township had been settled by 1876 (Page & Co 1876; Figure 2). Landowners are listed for every lot within the township, many of which had been subdivided multiple times into smaller parcels to accommodate an increasing population throughout the late 19th century. Structures and orchards are prevalent throughout

the township, almost all of which front early roads and water bodies, such as the various creeks that flow into Lake Ontario to the north of the Study Area.

Grimsby Township is bounded to the north by Lake Ontario, and is crossed by the Niagara Escarpment and the Great Western Railway, both running east to west (Page & Co 1876). Lake Ontario, as well as the King's Highway and the Railway, provided excellent transportation routes for the township. Several creeks also flow throughout the township, including Twenty and Forty Mile Creeks to the south and north of the Study Area, respectively. The earliest settlement was in the northern part of the township along Forty Mile Creek and came to be known as The Forty, now the town of Grimsby. The early settlement of Smithville was predominate in the southern part of the township. The first township meeting was held in 1790 at the home of John Green when records were kept of early elections (Exploring Niagara 2014).

Smithville

The current Study Area occupies a part of Lot 4 West Gore Second Range in Grimsby Township. According to the *Historical Atlas*, an unnamed creek, most likely representing North Creek that is also the closest source of potable water is visible running east-west through the lot and divides it into two parcels. The southern parcel is owned by W. A. Merrit and the northern half, which contains the Study Area is owned by A. L. Merrit. Both own a larger parcel to the north in Lot 4 Second Range. A building and orchard are depicted on the parcel owned by W. A. Merrit. The early community of Smithville is the west of the Study Area. Additionally, Twenty Mile Creek is illustrated running east to west through the township, to the north of the Study Area.

Although significant and detailed landowner information is available on the current *Historical Atlas*, it should be recognized that historical county atlases were funded by subscriptions fees and were produced primarily to identify factories, offices, residences, and landholdings of subscribers. Landowners who did not subscribe were not always listed on the maps (Caston 1997). Moreover, associated structures were not necessarily depicted or placed accurately (Gentilcore and Head 1984).

## 1.3 Archaeological Context

### 1.3.1 Property Description and Physical Setting

The Assessment Property is situated between Twenty Road in the south and Range Road 2 in the north and is intersected in its centre by North Creek which runs east to west (Figure 3). The majority of the property comprises agricultural farmland, but a residential dwelling, barns, and ponds are located to the north of Twenty Road. The areas to either side of North Creek feature trees and shrubbery. It is irregular in shape and measures 19.46 hectares ('ha'). Following advice provided by the Niagara Region Planning and Development Service, only the portion of the property to be subject to development and ground disturbance, namely the Study Area (Figure 3), required archaeological assessment (see correspondence provided in the Supplementary Documentation to this report). The Study Area encompassed an area delimited by the Proponent.

This reduced Study Area comprises a rectangular-shaped parcel measuring about 94m by 124m (1.13ha) roughly in the north and centre of the Assessment Property and to the south of Range Road 2. It consists of agricultural farmland and a grass covered area interspersed with mature trees and shrubs. Recent aerial photography shows five derelict farm buildings and a pond within the Study Area. The extent of the Study Area was staked out by the proponent prior to the commencement of work.

The Study Area is located within the Haldimand Clay Plain physiographic region. According to Chapman and Putnam,

*...although it was all submerged in Lake Warren, the till is not all buried by stratified clay; it comes to the surface generally in low morainic ridges in the north. In fact, there is in that area a confused intermixture of stratified clay and till. The northern part has more relief than the southern part where the typically level lake plains occur.*

Chapman and Putnam 1984:156

Haldimand Clay is slowly permeable, imperfectly drained with medium to high water-holding capacities. Surface runoff is usually rapid, but water retention of the clayey soils can cause it to be droughty during dry periods (Kingston and Present 1989). The soil is suitable for corn and soy beans in rotation with cereal grains as well as alfalfa and clover (Huffman and Dumanski 1986).

The Niagara Region as a whole is located within the Deciduous Forest Region of Canada, and contains tree species which are typical of the more northern Great Lakes-St. Lawrence Biotic zone, such as beech, sugar maple, white elm, basswood, white oak and butternut (MacDonald & Cooper 1997). During pre-contact and early contact times, the land in the vicinity of the Study Area comprised a mixture of hardwood trees such as sugar maple, beech, oak and cherry. This pattern of forest cover is characteristic of areas of clay soil within the Maple-Hemlock Section of the Great Lakes-St. Lawrence Forest Province-Cool Temperate Division (McAndrews and Manville 1987). In the early 19<sup>th</sup>, Euro-Canadian settlers began to clear the forests for agricultural purposes.

The closest source of potable water is North Creek 56m south of the Study Area

### 1.3.2 Pre-Contact Aboriginal Land Use

This portion of southern Ontario has been demonstrated to have been occupied by people as far back as 11,000 years ago as the glaciers retreated. For the majority of this time, people were practicing hunter gatherer lifestyles with a gradual move towards more extensive farming practices. Table 1 provides a general outline of the cultural chronology of Grimsby Township, based on Ellis and Ferris (1990)

**Table 1: Cultural Chronology for Grimsby Township**

Time Period	Cultural Period	Comments
9500–7000 BC	Paleo Indian	first human occupation hunters of caribou and other extinct Pleistocene game nomadic, small band society
7500–1000 BC	Archaic	ceremonial burials increasing trade network hunter gatherers
1000–400 BC	Early Woodland	large and small camps spring congregation/fall dispersal introduction of pottery
400 BC–AD 800	Middle Woodland	kinship based political system incipient horticulture long distance trade network
AD 800–1300	Early Iroquoian (Late Woodland)	limited agriculture developing hamlets and villages
AD 1300–1400	Middle Iroquoian (Late Woodland)	shift to agriculture complete increasing political complexity large, palisaded villages
AD 1400–1650	Late Iroquoian	regional warfare and political/tribal alliances destruction of Huron and Neutral

### 1.3.3 Previous Identified Archaeological Work

In order to compile an inventory of known archaeological resources in the vicinity of the Study Area, Detritus consulted the ASDB. The ASDB, which is maintained by the MCM (Government of Ontario, n.d.) contains information concerning archaeological sites that have been registered according to the Borden system. Under the Borden system, Canada is divided into grid blocks based on latitude and longitude. A Borden Block is approximately 13km east to west and approximately 18.5km north to south. Each Borden Block is referenced by a four-letter designator and sites within a block are numbered sequentially as they are found. The Study Area lies within block AgGv.

Information concerning specific site locations is protected by provincial policy and is not fully subject to the *Freedom of Information and Protection of Privacy Act* (Government of Ontario, 1990c). The release of such information in the past has led to looting or various forms of illegally conducted site destruction. Confidentiality extends to all media capable of conveying location, including maps, drawings, or textual descriptions of a site location. The MCM will provide information concerning site location to the party or an agent of the party holding title to a property, or to a licensed archaeologist with relevant cultural resource management interests.

According to the ASDB no archaeological sites have been registered within a 1km radius of the Study Area. To the best of Detritus' knowledge, no assessments have been conducted adjacent to the Study Area, and no sites are registered within 50m of the Study Area.

### 1.3.4 Archaeological Potential

Archaeological potential is established by determining the likelihood that archaeological resources may be present on a subject property. Detritus applied archaeological potential criteria commonly used by the MCM to determine areas of archaeological potential within the Study Area. According to Section 1.3.1 of the *Standards and Guidelines* (Government of Ontario, 2011), these variables include proximity to previously identified archaeological sites, distance to various types of water sources, soil texture and drainage, glacial geomorphology, elevated topography, and the general topographic variability of the area.

Distance to modern or ancient water sources is generally accepted as the most important determinant of past human settlement patterns and, when considered alone, may result in a determination of archaeological potential. However, any combination of two or more other criteria, such as well-drained soils or topographic variability, may also indicate archaeological potential. When evaluating distance to water it is important to distinguish between water and shoreline, as well as natural and artificial water sources, as these features affect site locations and types to varying degrees. As per Section 1.3.1 of the *Standards and Guidelines* (Government of Ontario, 2011), water sources may be categorized in the following manner:

Primary water sources: lakes, rivers, streams, creeks;

- secondary water sources: intermittent streams and creeks, springs, marshes and swamps;
- past water sources: glacial lake shorelines, relic river or stream channels, cobble beaches, shorelines of drained lakes or marshes; and
- accessible or inaccessible shorelines: high bluffs, swamp or marshy lake edges, sandbars stretching into marsh.

As was discussed above, the closest source of potable water is North Creek 56m to the south of the Study Area.

Soil texture is also an important determinant of past settlement, usually in combination with other factors such as topography. The Study Area is situated within the Haldimand Clay Plain physiographic region. As was discussed earlier, the soils within this region are imperfectly drained, but suitable for pre-contact and post contact Aboriginal agricultural. Considering also the length of occupation of Grimsby Township prior to the arrival of Euro-Canadian settlers, and the pre-contact and post-contact Aboriginal, the archaeological potential of the Study Area is judged to be moderate to high.

For Euro-Canadian sites, archaeological potential can be extended to areas of early Euro-Canadian settlement, including places of military or pioneer settlements; early transportation routes; and properties listed on the municipal register or designated under the *Ontario Heritage Act* (Government of Ontario 1990b) or property that local histories or informants have identified with possible historical events.

The *Historical Atlas* map demonstrates that Grimsby Township was occupied by Euro-Canadian farmers by the late 19<sup>th</sup> century. Much of the established road system and agricultural settlement from that time is still visible today. Therefore, the archaeological potential for Euro-Canadian sites is deemed to be moderate to high.

Finally, despite the factors mentioned above, extensive land disturbance can eradicate archaeological potential within a Study Area, as outlined in Section 1.3.2 of the *Standards and Guidelines* (Government of Ontario 2011). As was discussed above in Section 1.3.1, recent aerial imagery of the region revealed five derelict farm buildings and a pond within the Study Area (Figure 3). It is recommended that this area be subject to visual inspection and documentation during a Stage 2 property inspection conducted as per Section 2.1.8 of the *Standards and Guidelines* (Government of Ontario 2011) to confirm and document the level of disturbance.



## 2.0 Field Methods

The Stage 2 assessment of the Study Area was conducted on November 14, 2023 under archaeological consulting license P462 issued to Mr. Michael Pitul by the MCM (P462-0260-2023). The boundaries of the Study Area were demarcated by the proponent and subject to the Stage 2 assessment, as per recommendations by the Niagara Region (see Supplementary Documentation to this report). The Study Area is bound in the north by Range Road 2 and on all remaining sides by an agricultural field.

The weather during the assessment was overcast with a high of 4 ° Celsius; the soil was dry and screened easily. Assessment conditions were excellent and at no time were the field, weather, or lighting conditions detrimental to the recovery of archaeological material. Photo 1–10 demonstrate the land conditions at the time of the survey throughout the Study Area. Figure 4 illustrates the Stage 2 assessment methods, including all photograph locations and directions, as well as the Stage 2 assessment methods in relation to the proposed development area.

Approximately 51% (0.58ha) of the Study Area consisted of an agricultural field. This area was ploughed and allowed to weather as per Section 2.1.1, Standards 2 and 3 of the *Standards and Guidelines* (Government of Ontario 2011). The ploughing was deep enough to provide total topsoil exposure, and to provide a minimum of 80% surface visibility as per Section 2.1.1, Standards 4 and 5 of the *Standards and Guidelines* (Government of Ontario 2011). The ploughed area was subject to pedestrian survey at five-metre intervals in accordance with Section 2.1.1, Standard 6 of the *Standards and Guidelines* (Government of Ontario 2011; Photos 1 to 6). No further archaeological methods were employed since no artifacts were identified during the pedestrian survey.

About 42% (0.47ha) of the Study Area consisted entirely of grass with small orchard and interspersed mature trees. These areas were deemed inaccessible to ploughing, and so were subject to a typical Stage 2 test pit survey, conducted at five-metre intervals in accordance with Section 2.1.2, Standards 1 and 2 of the *Standards and Guidelines* (Government of Ontario 2011). The test pit survey was conducted to within 1m of the built structures, as per Section 2.1.2, Standard 4 of the *Standards and Guidelines* (Government of Ontario 2011). Each test pit was at least 30 centimetres ('cm') in diameter and excavated 5cm into sterile subsoil as per Section 2.1.2, Standards 5 and 6 of the *Standards and Guidelines* (Government of Ontario 2011). The soils were examined for stratigraphy, cultural features, or evidence of fill.

The test pits ranged in total depth from 26cm to 35cm (Photo 11 & Photo 12). Considering that each test pit was excavated 5cm into sterile subsoil, the observed topsoil layer ranged in depth from 21cm to 30cm. Soils consisted of a brown clayey-loam topsoil and orangey-brown silty-clay subsoil. All soil was checked for stratigraphy and screened through six-millimetre mesh hardware cloth to facilitate the recovery of small artifacts, and then the screened material used to backfill the pit as per Section 2.1.2, Standards 7 and 9 of the *Standards and Guidelines* (Government of Ontario 2011). No artifacts were encountered during the test pit survey; therefore, no further survey methods were employed.

About 6% (0.07ha) of the Study Area comprised areas of recent disturbances. The five derelict farm buildings were evaluated as having no potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources, as per Section 2, Standard 2b of the *Standards and Guidelines* (Government of Ontario, 2011). These previously disturbed areas as confirmed during a Stage 2 property inspection, were mapped and photo documented in accordance with Section 2.1, Standard 6 and Section 7.8.1, Standards 1a and 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

The remaining 1% (0.01ha) of the Study Area comprised a pond situated to the east of a derelict farm building. The Stage 2 property inspection confirmed the pond to be permanently wet, and thus retained no archaeological potential, as per Section 2.1, Standard 2.a.i. of the *Standards and Guidelines* (Government of Ontario 2011). This permanently wet area was mapped and photo documented (Photos 20 and 23) in accordance with Section 7.8.1, Standard 1a of the *Standards and Guidelines* (Government of Ontario 2011).

### 3.0 Record of Finds

The Stage 2 archaeological assessment was conducted employing the methods described in Section 2.0. An inventory of the documentary record generated by fieldwork is provided in Table 2 below.

**Table 2: Inventory of Document Record**

<b>Document Type</b>	<b>Current Location of Document Type</b>	<b>Additional Comments</b>
1 Page of Field Notes	Detritus office	Stored digitally in project file
1 Map provided by the Proponent	Detritus office	Stored digitally in project file
1 Field Map	Detritus office	Stored digitally in project file
21 Digital Photographs	Detritus office	Stored digitally in project file

No archaeological resources were identified within the Study Area and so no material culture was collected. As a result, no storage arrangements were required.

## 4.0 Analysis and Conclusions

Detritus was retained by the Proponent to conduct a Stage 1-2 archaeological assessment of Part of Lot 4 West Gore Second Range South of Twenty Mile Creek, Geographic Township of Grimsby, Historical Township of West Lincoln, now the Regional Municipality of Niagara. This assessment was undertaken at 7701 Twenty Road, Hannon in due diligence prior to future development for a portion of the property.

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. Therefore, a Stage 2 field assessment was recommended consisting of a typical test pit survey for the overgrown grass areas surrounding the barn and sheds and a pedestrian survey for the derelict agricultural land within the Study Area. The five derelict farm buildings were evaluated as having no potential based on the identification of extensive and deep land alteration that has severely damaged the integrity of archaeological resources as per Section 2.1, Standard 2b of the *Standards and Guidelines* (Government of Ontario, 2011). The pond, meanwhile, was evaluated as being permanently wet and therefore was determined to retain no archaeological potential, as per Section 2.1, Standard 2.a.i. of the *Standards and Guidelines* (Government of Ontario, 2011). The previously disturbed and permanently wet areas, as confirmed during a Stage 2 property inspection, were mapped and photo documented only in accordance with Section 2.1, Standard 6, and Section 7.8.1, Standards 1a and 1b of the *Standards and Guidelines* (Government of Ontario, 2011).

This Stage 2 assessment was conducted on November 14<sup>th</sup>, 2023 and comprised a pedestrian survey at a five-metre interval and a typical test pit survey at a five-metre interval. No archaeological resources were observed.

## 5.0 Recommendations

Given the results of the Stage 2 investigation and the identification and documentation of no archaeological resources, **no further archaeological assessment of the Study Area is recommended.**

This recommendation applies to the portion of the development property to be subject to developmental impacts according to the current development application, and which was included within the current Study Area (Figure 3). **If in the future, the portion of the property not included within the current Study Area will be impacted by development, then a Stage 1 archaeological assessment is required,** conducted according to Section 1.1 of the *Standards and Guidelines* (Government of Ontario 2011). This investigation will assess the development area's potential for the recovery of archaeological resources and will provide specific direction for the protection, management and/or recovery of these resources, as per Sections 1.3 and 1.4 of the *Standards and Guidelines* (Government of Ontario 2011).

No archaeological resources were documented during the Stage 2 assessment of the Study Area. Therefore, **no further archaeological assessment of the Study Area is recommended.**

## 6.0 Advice on Compliance with Legislation

This report is submitted to the Minister Citizenship and Multiculturalism as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Citizenship and Multiculturalism, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.

It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such time as a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeology Reports referred to in Section 65.1 of the *Ontario Heritage Act*.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the *Ontario Heritage Act*.

The *Cemeteries Act*, R.S.O. 1990 c. C.4 and the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 (when proclaimed in force) require that any person discovering human remains must notify the police or coroner and the Registrar of Cemeteries at the Ministry of Consumer Services.



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## 8.0 Maps

Figure 1: Study Area location

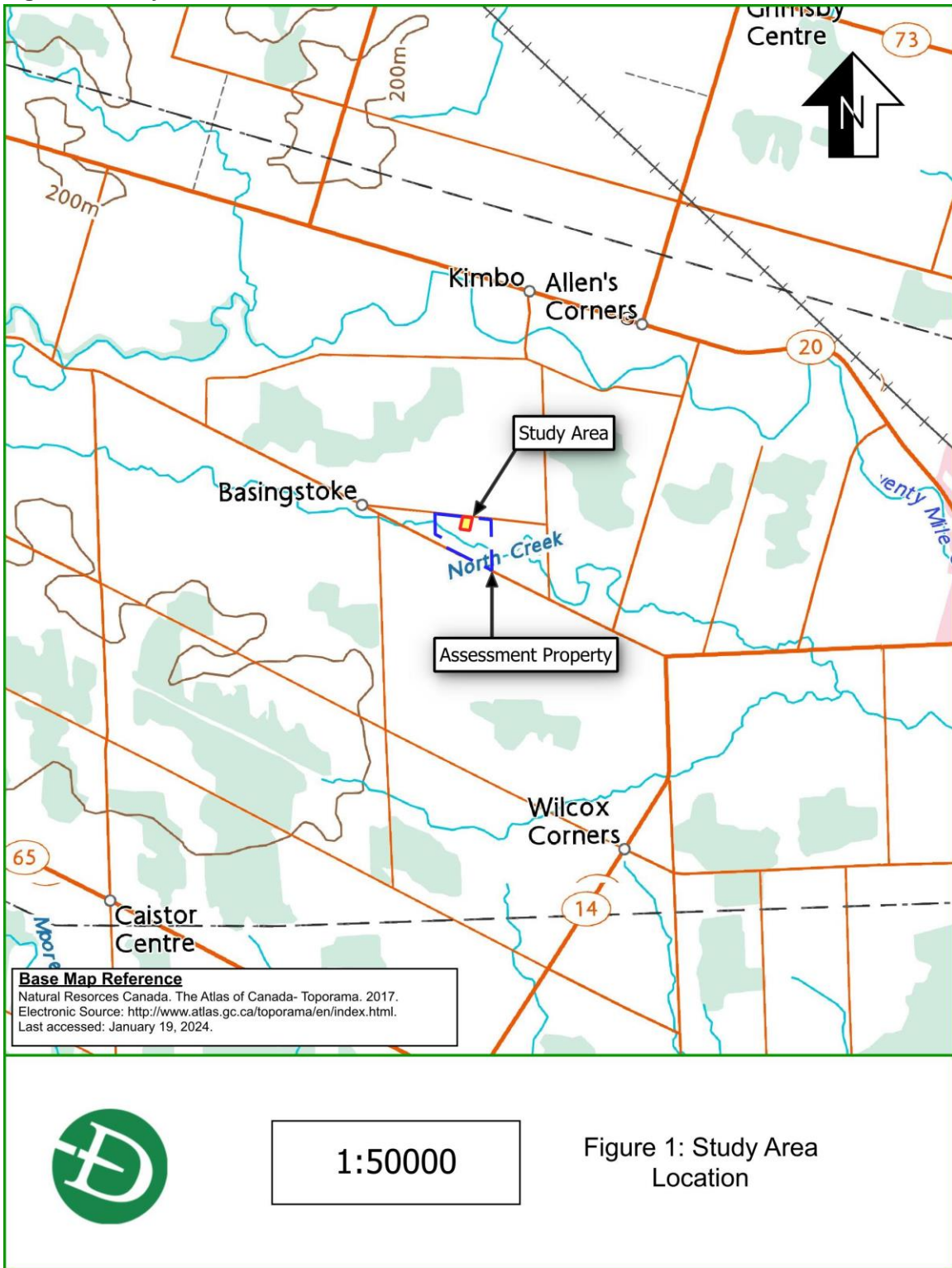




Figure 2: Historic map showing Study Area location

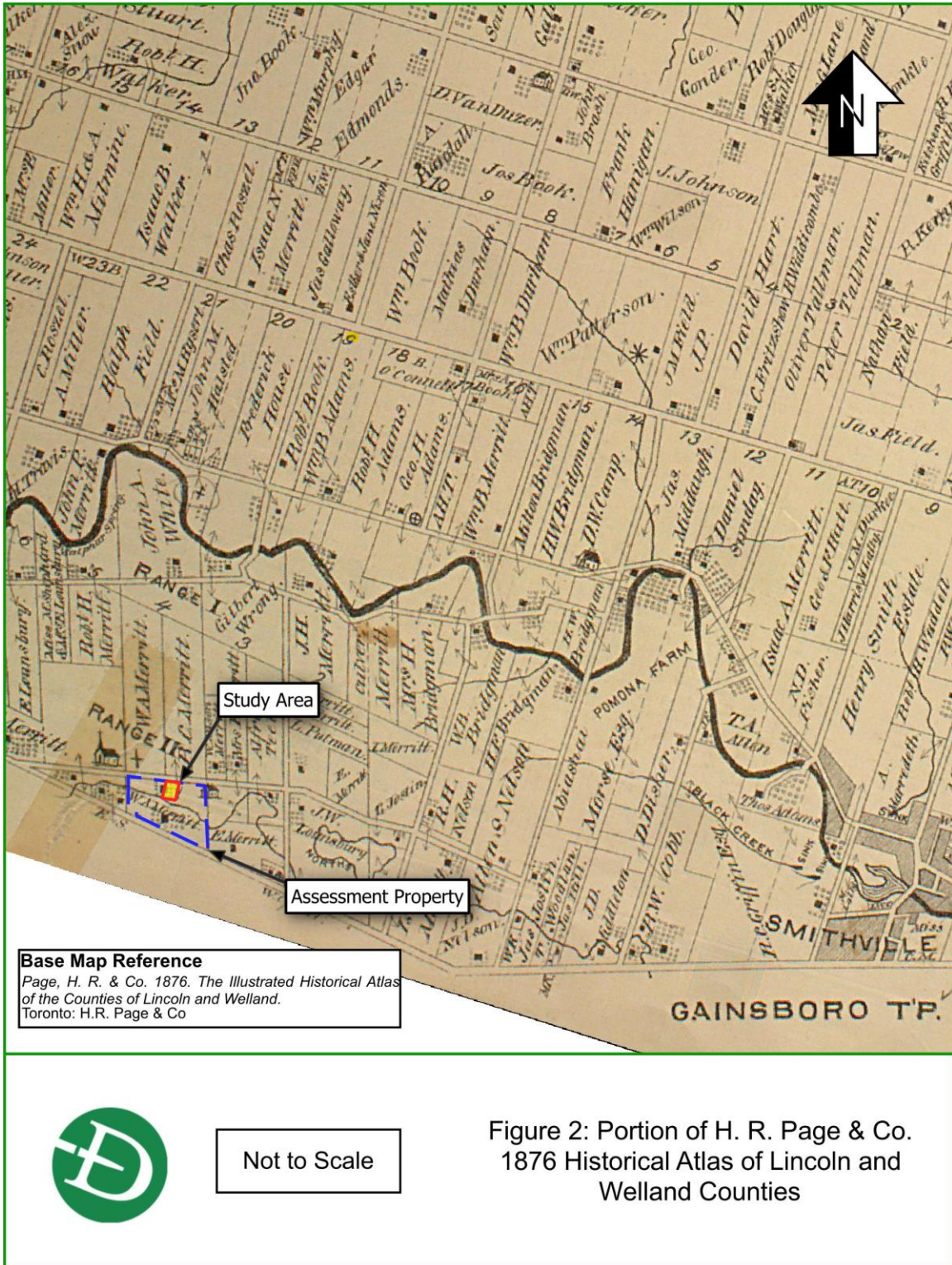




Figure 3: Map of the Study Area within the Assessment Property

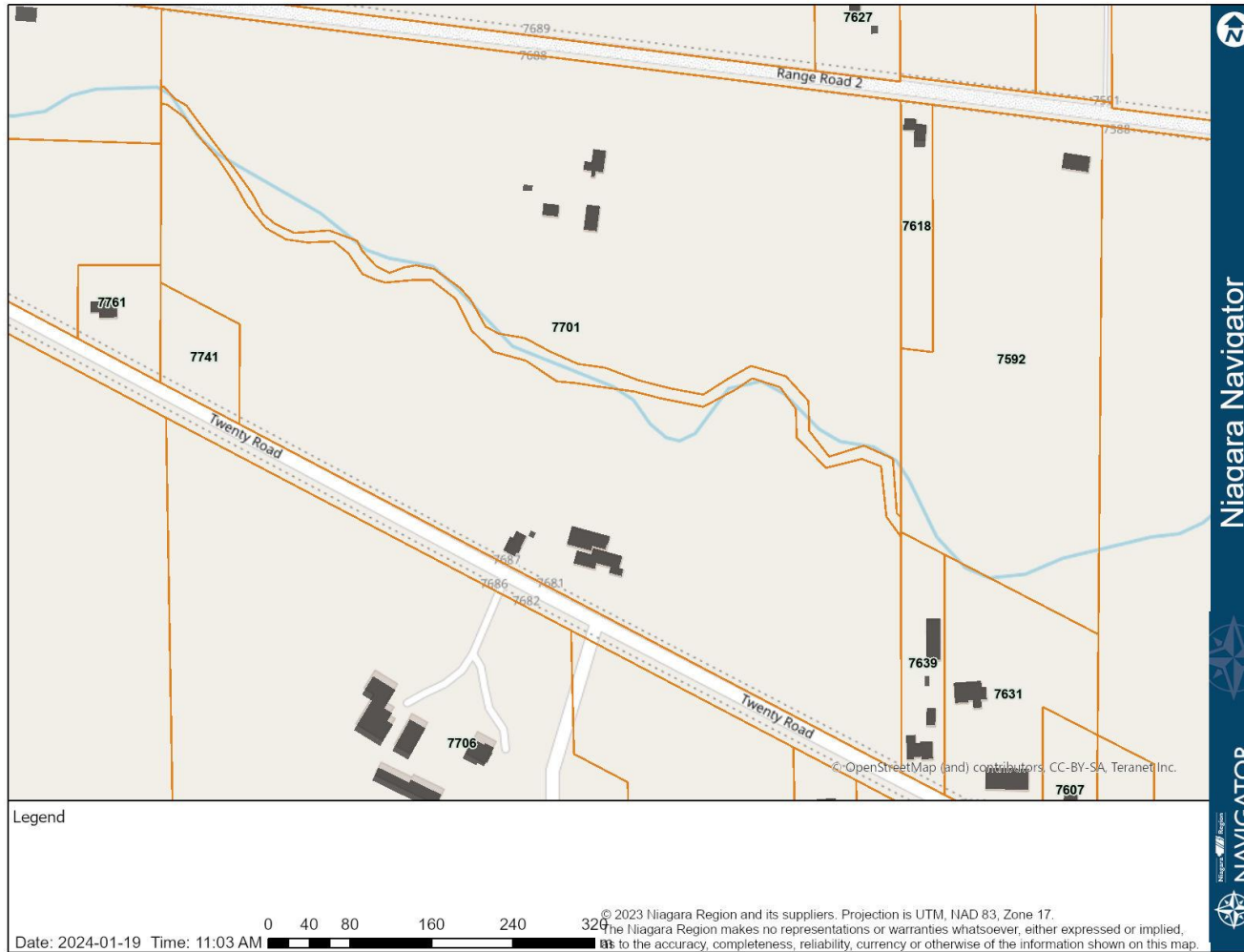




Figure 4: Stage 2 field methods map



Figure 5: Niagara Navigator map showing property.





## 9.0 Images

### 9.1 Field Photos

**Photo 1: Agricultural field, Pedestrian Surveyed, looking southeast.**



**Photo 2: Agricultural field, Pedestrian Surveyed, looking south**



**Photo 3: Agricultural field, Pedestrian Surveyed, northeast corner looking southeast.**



**Photo 4: Agricultural field, Pedestrian Surveyed, looking northeast.**



**Photo 5: Overgrown grass area, Test Pit Surveyed, looking south.**



**Photo 6: Overgrown grass area, Test Pit Surveyed, Derelict building visible, looking north.**





**Photo 7: Overgrown grass area, Test Pit Surveyed, Derelict building visible, looking east.**



**Photo 8: Overgrown grass area, Test Pit Surveyed, Derelict building visible, looking north.**



**Photo 9: Agricultural field, Pedestrian Surveyed; Overgrown grass area, Test Pit Surveyed, Derelict grain silo visible, looking north.**



**Photo 10: Pond, Permanently Wet, looking northeast**



**Photo 11: Sample Test Pit located in overgrown grass area within northern half of Study Area.**



**Photo 12: Sample Test Pit located in overgrown grass area within southern half of Study Area.**





FORCED ROAD ALSO KNOWN AS MERRITT SETTLEMENT ROAD

PIN 46056 - 0308 (LT)

PART 1

Lot Coverage	Area (±) %
Proposed Residence	225 / 0.23

Existing Structures	Area
E1 - Shed (8x32)	10
E2 - Barn (12x18)	189
E3 - Barn (12x18)	176
E4 - Shed (11x18)	98
E5 - Shed (7x4)	32

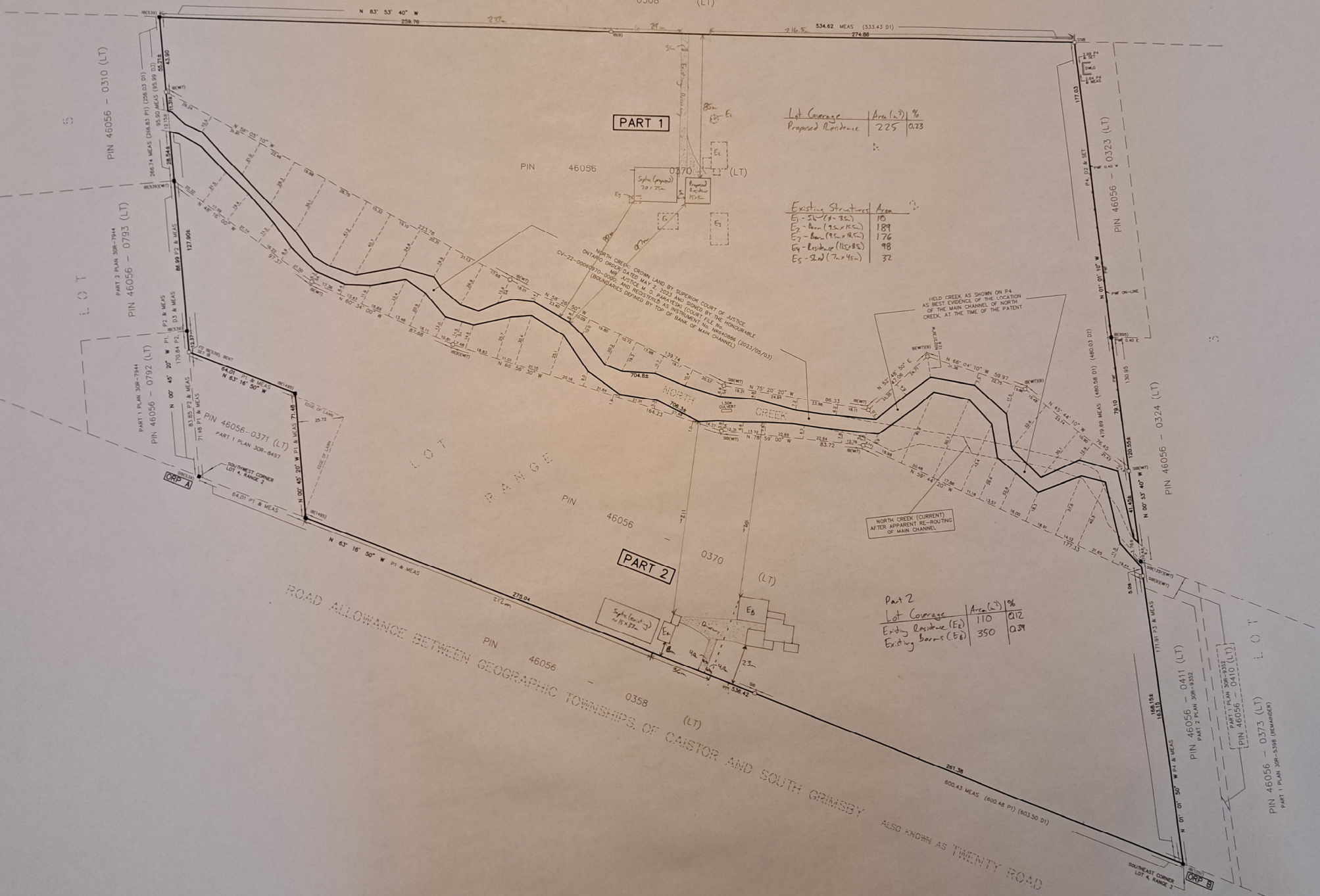
HELD CREEK AS SHOWN ON PA AS BEST EVIDENCE OF THE LOCATION OF THE MAIN CHANNEL OF NORTH CREEK, AT THE TIME OF THE PATENT

NORTH CREEK (CURRENT) AFTER APPARENT RE-ROUTING OF MAIN CHANNEL

Part 2 Lot Coverage	Area (±) %
Existing Residence (E2)	110 / 0.12
Existing barns (E3)	350 / 0.37

PART 2

ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF CAISTOR AND SOUTH GRIMSEY  
ALSO KNOWN AS TWENTY ROAD





**RE: NPCA follow up regarding -7701 Twenty Road**Meghan Birbeck <[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)>

Thu 2023-12-07 2:53 PM

To: Zach Staples <[staples\\_11@hotmail.com](mailto:staples_11@hotmail.com)>; Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
Cc: Theresa Bukovics <[tbukovics@npca.ca](mailto:tbukovics@npca.ca)>; Stephanie Pouliot <[spouliot@westlincoln.ca](mailto:spouliot@westlincoln.ca)>; Susan Smyth <[ssmyth@westlincoln.ca](mailto:ssmyth@westlincoln.ca)>

Good afternoon Zach,

I hope this email finds you well.

Technical staff have shared that following the site visit (October 06, 2023) that there is no objection to the location of the proposed structures as identified in 7701 Twenty Road - Proposed Structure Location (added September 27, 2023) as there are no NPCA regulated wetlands in the proposed location.

As noted at the pre-consultation the NPCA has no object to the property being permitted to be a buildable lot.

And following the site visit the NPCA has no object to the location of the proposed building.

Please note that any development proposed within NPCA regulated area NPCA approval will be required.

Stephanie and Susan, at this time the NPCA would still request circulation of the ZBL but would not request a fee at this time if the building location remains in the location that was last shared for NPCA review.

Best,  
Meghan

**Meghan Birbeck (MS)**

Watershed Planner

**Niagara Peninsula Conservation Authority (NPCA)**250 Thorold Road West, 3<sup>rd</sup> Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278

[www.npca.ca](http://www.npca.ca)[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)

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**From:** Zach Staples <[staples\\_11@hotmail.com](mailto:staples_11@hotmail.com)>  
**Sent:** Wednesday, December 6, 2023 1:45 PM  
**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Cc:** Theresa Bukovics <[tbukovics@npca.ca](mailto:tbukovics@npca.ca)>; Meghan Birbeck <[mbirbeck@npca.ca](mailto:mbirbeck@npca.ca)>  
**Subject:** Re: NPCA follow up regarding -7701 Twenty Road

Hello Sarah,

I'm in the process of working through a rezoning application for the property 7701 Twenty Road in West Lincoln, an inspection of the property was completed by NPCA on October 6<sup>th</sup> and I've been hoping to

get feedback on what next steps are - this is the final outstanding piece of information I need for being able to go through with the application.

Anyway if you're able to follow up and provide some type of indication of where this is at or what's happening internally at NPCA that would be appreciated. Thanks Sarah,

Zach Staples  
705-875-8651

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



February 27, 2024

Septic Report /Evaluation  
Township of West Lincoln

7701 Twenty Rd  
West Lincoln, ON  
L0R 1P0

Parcel of this property backs onto Range Rd 2- Proposed rezoning of this parcel. This parcel is what is being referred to in this report.

The above property was visited by Egger Excavating Ltd on February 26, 2024 to determine if a class 4 septic system sized for a proposed 2000 LPD single family dwelling could be accommodated. The proposed single family dwelling and septic system would be required to meet all setbacks within the archaeologically assessed area of this parcel.

The area required for a class 4 raised septic system to accommodate 2000 LPD would be 500m<sup>2</sup>. After visiting the site, we have determined there is enough space to accommodate a class 4 septic system and meet all OBC requirements for setbacks including highwater with NPCA.

See attached drawing for appropriate locations for the septic.

A handwritten signature in black ink, appearing to read "Lyndsey Vanderburgh". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lyndsey Vanderburgh

Egger Excavating Ltd.  
38 Lane Rd  
Dunnville, ON  
N1A 2W1  
905-774-3789  
lyndsey@eggerex.ca  
BCIN-130837  
FIRM-16988



Red markers are measured set back space within high water area.  
\*Any area within dotted line septic can be installed.  
\*Black box is 500m2 area of space required for septic (anywhere within dotted line)

Area on left side of drive off Range Rd 2



Area on right side of drive off Range Rd 2

