

## Proposed Burlington Quarry Expansion JART COMMENT SUMMARY TABLE – Cultural Heritage

Please accept the following as feedback from the Burlington Quarry Joint Agency Review Team (JART). Fully addressing each comment below will help expedite the potential for resolutions of the consolidated JART objections and individual agency objections. **Additional, new comments may be provided once a response has been prepared to the comments raised below and additional information provided.**

	JART Comments (January 2021)	Reference	Source of Comment	Applicant Response (June 2021)	JART Response (December 2021)
<b>Report/Date: Cultural Heritage Impact Assessment, April 2020</b>		<b>Author: MHBC</b>			
1.	When reviewed against the submitted Terms of Reference, the Cultural Heritage Report is lacking “statements of significance of cultural heritage value and heritage attributes for any identified cultural heritage resources”.	General	As per Comment 2 below	2280 No. 2 Side Road has been confirmed to have heritage value, with information related to the significance and attributes found in 5.2 and 5.4 of the MHBC report. See revised Cultural Heritage Impact Assessment dated June, 2021.	5235 Cedar Springs is representative of the Gothic Revival Cottage, as stated in the report, and associated with Nelson Twp. Historically and to the overall pastoral surroundings. Please refer to JART response #24.  2280 No. 2 Side Road has been addressed through the revisions.
2.	The CHIA does not provide sufficient historical research of the general area of the subject site against which to evaluate Cultural Heritage Value or Interest (CHVI) under <i>Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest</i> .	General	LHC	This research of the general area is meant to be high-level and describe the development of the surrounding area. The level of detail is sufficient to understand the area. In addition, correspondence has been received from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) indicating they have no concerns with the content or recommendations. See Attachment 1.	This comment has been addressed.  Note, for clarification, MHSTCI is not the approval authority.
3.	Insufficient analysis or rationale has been provided to support the evaluations of built heritage resources and cultural heritage landscapes.	General	LHC	Disagree. The level of detail in the report is sufficient to understand and evaluate the area. In addition, MHSTCI has indicated they are satisfied with the report content and recommendations.	This comment has been addressed  Note, for clarification, MHSTCI is not the approval authority.
4.	Although two late 20th century built heritage resources are evaluated within the report, the CHIA does not include any evaluation of the golf course lands as a significant cultural heritage landscape.	General	LHC	The golf course was considered as part of the evaluation of cultural heritage landscapes. It is referenced when describing the development of the subject lands and surrounding area, and was also reviewed as part of the historical air photo / mapping review. Through the initial screening exercise, the golf course was determined not to have cultural heritage value or potential as a significant cultural heritage landscape. As such, it was not carried through in the report for further evaluation specifically as a cultural heritage landscape. The golf course is not associated with a significant golf course architect or persons, does not contain significant built heritage features, is not valued by the community, and is not identified as a cultural heritage resource by the City (including through the 2015 Mount Nemo HCD Study). The evaluation carried through in the report for the overall subject lands concluded the property did not have cultural heritage value or qualify as a significant cultural heritage landscape.	This comment has been addressed.

5.	The summary of heritage character presented in section 5.4 does not include all of the content required of a Statement of Cultural Heritage Value or Interest.	General	LHC	Section 5.4 has been updated. See revised Cultural Heritage Impact Assessment dated June, 2021.	This comment has been addressed through revisions.
6.	Although the proposed extraction are is within approximately 15 m of the house at 2280 No. 2 Side Road, the impact assessment does not address the potential for indirect impacts due to vibrations and it is unclear how blasting will be designed to ensure the integrity of the building is being retained.	General	LHC	Direct and indirect impacts are addressed in Section 7 of the report, and blasting is mentioned. No revisions are required. Blast design is further addressed in the blasting report, with a recommendation that vibration not exceed 50 mm/s at these structures. See blasting recommendations on the Aggregate Resources Act Site Plans.	This comment has been addressed.
7.	It is unclear when the site visit(s) were undertaken and if all of the properties discussed in this report were accessed during those site visits. In the event that site visits were undertaken from the public ROW, this should be stated as a limitation, as it would affect the evaluation.	General	LHC	During the site visit, all properties were accessed by the project team. Field areas were walked and buildings were reviewed in a non-intrusive manner. Due to site conditions (e.g. vegetation), clear photos of some buildings were not possible.	This comment has been addressed.
8.	It is unclear why the golf course has not been evaluated as a cultural heritage landscape when 2292 No. 2 Side Road and 2300 No. 2 Side Road have been evaluated as built heritage resources. Given that the proposed development results in the removal of the golf course lands, its potential CHVI should be addressed.	General	LHC	See response to #4.	This comment has been addressed.
9.	The following aspects of <i>cultural heritage landscapes</i> need to be explored in the Cultural Heritage Impact Assessment <ul style="list-style-type: none"> <li>Heritage landscape as it relates to indigenous community history. The report identifies historic ties to the Anishnaabe and the Haudenosaunee peoples</li> <li>Heritage landscape as it relates to known archaeological sites identified in the submitted Stage 1-4 Archaeological Assessments</li> <li>Interrelationships between known archaeological sites, indigenous community heritage, and natural heritage features present in the study area.</li> <li>How the UNESCO designation applied to the properties affects the cultural heritage value of the area, as well as the principles of the Man in the biosphere program and how they apply to interrelationships of all aspects contained within the definition of cultural heritage landscapes provided by the NEP (2017).</li> <li>How the cultural heritage landscape is defined by existing viewsheds, specifically, but not limited to, the Mount Nemo Plateau.</li> </ul>	General	Niagara Escarpment Commission	The Cultural Heritage Impact Assessment has been updated to include additional information related to indigenous community history. See Section 3.1 of the revised report. In addition, both Six Nations and Mississaugas of the Credit First Nation have confirmed in writing to Nelson that they have no outstanding concerns with the west and south extension applications. See Attachment 2 which includes correspondence from Six Nations and Mississaugas of the Credit First Nation.	The response has not addressed bullets 4-5, nor fully 1-3. <ul style="list-style-type: none"> <li>Bullet one provides Indigenous settlement history, but not its relationship to the cultural heritage landscape</li> <li>Bullet two should discuss cultural heritage landscapes in relation to stage 2 farmstead and Indigenous sites</li> <li>Haven't addressed bullet three</li> <li>Haven't addressed UNESCO comment (see item 12)</li> <li>Haven't defined cultural heritage landscape elements comprehensively</li> </ul>
10.	Broadly, the report does not incorporate findings of other submitted reports (VIA, Archaeological, Planning, Natural Heritage) that directly contribute to the understanding of the <i>cultural heritage landscape</i> of the area.	General	Niagara Escarpment Commission	The archaeological report was reviewed as relevant background when completing this assessment. The other technical reports do not directly contribute to the understanding of the cultural heritage landscape of the area.	The VIA, Natural Heritage and Planning reports encompass natural and cultural landscape features that have a direct bearing on cultural heritage landscape values and are not discussed in this report.
11.	Photographs of the known/potential built heritage resources and cultural heritage landscapes discussed in this report do not adequately document/depict existing conditions. Photographs are limited to one or two elevations, are sometimes obstructed by trees, and all appear to have been taken from a distance.	General (Photograph)	LHC	In our opinion the photos appropriately document the site and existing conditions, and are in line with other similar projects. As noted above, site conditions (e.g. vegetation) made photos of some features challenging. Of note, the MHSTCI has indicated they are satisfied with the report content and recommendations.	With the understanding that the properties were also accessed by the project team, this comment has been addressed.

<p>12. A review of PPS policies suggests that the properties “have not been identified by provincial, federal or UNESCO bodies”.</p> <p>The lands are recognized through UNESCO as being within the Niagara Escarpment Biosphere Reserve and subject to the Man in the Biosphere program. Please address and consider the designation within the context of the cultural heritage landscape.</p>	<p>Section 2.2 (Page 4)</p>	<p>Niagara Escarpment Commission</p>	<p>The PPS references identification by UNESCO as a heritage site. This property has not been identified by UNESCO as a heritage site. The World Heritage Site program is different from the World Biosphere Reserve program.</p>	<p>The reference cited by the proponent confirms that the Niagara Escarpment overall is not a “protected heritage property”. However, recognitions of the Niagara Escarpment by the NEP and UNESCO Niagara Escarpment Biosphere Reserve meet the PPS definition of Cultural Heritage Landscape by their inclusion on “an international register” and by being managed through another land use planning mechanism. The UNESCO Niagara Escarpment Biosphere Reserve explicitly acknowledges the Niagara Escarpment’s diverse landscapes under the category of Socio-Economic characteristics. As such, the acknowledgement of these properties within the NEP and UNESCO Niagara Escarpment Biosphere must be acknowledged and addressed.</p>
<p>13. The statement that “An onsite building” is listed on the City’s Heritage Register and is therefore considered to be a built heritage resource is not entirely accurate. Although the 1830 one-storey rubblestone Regency structure at 2280 No. 2 Side Road is described in the Register, Section 27, Part IV of the OHA applies to the property, as a whole.</p>	<p>Section 2.2 (Page 4) Last Sentence</p>	<p>LHC</p>	<p>Agreed that the whole property is ‘listed’. However, the register listing specifically mentions the house as being part of the listing, hence the focus on the building.</p>	<p>This comment has been addressed.</p>
<p>14. Policies of the NEP (2017) are only stated with no real analysis provided. This lack of analysis is not rectified within the Planning Justification Report.</p>	<p>Section 2.3</p>	<p>Niagara Escarpment Commission</p>	<p>The policy reference is provided here for context. The balance of the report provides the analysis, and then the conclusion on the matter.</p>	<p>Specific responses to policies are needed: notably, to provide a comprehensive inventory of the heritage resources identified to date, and in particular to address cultural heritage landscape inventory gaps: therefore the response provided to date warrants further documentation, evaluation, and analysis. Further, NEP Policies 2.9.3.b) and c) are not described or addressed in this study.</p>
<p>15. This background is very high-level and is not sufficient to adequately address O.Reg. 9/06 criteria related to historical or associative value. The history of Mount Nemo, for example, is not addressed.</p>	<p>Section 3.1</p>	<p>LHC</p>	<p>This section is meant to be high-level and describe the surrounding area. Of note, the MHSTCI has indicated they are satisfied with the report content and recommendations.</p>	<p>This comment has been addressed.</p>
<p>16. The lack of buildings depicted within the study area is not likely the result of there being no structures at the time. Often, only subscribers’ residences were depicted and the extensive landownership in the area, subdivision of farm lots, and lack of structures depicted in the majority of surrounding lots (coupled with the knowledge that at least one stone structure is understood to have been extant in the 1830s at present- day 2280 No.2 Side Road) indicates that this is the case here.</p>	<p>Section 3.2 (Page 11) Last Sentence</p>	<p>LHC</p>	<p>Noted. We agreed that the historical atlas project did not capture all buildings. A notation has been added to Section 3.2 of the revised report.</p>	<p>This comment has been addressed through revisions.</p>
<p>17. Given the likelihood that the 1858 atlas did not depict all of the extant resources, comparison with the 1877 does not necessarily reflect changes through the middle of the 19th century. This is particularly the case where individual owners did not change, or where the property remained in the family.</p>	<p>Section 3.2 (Page 12)</p>	<p>LHC</p>	<p>This is true, however the comparison is still useful to make.</p>	<p>This comment has been addressed.</p>
<p>18. No sources other than the two atlases and the 1954 &amp; 1988 air photos appear to have been reviewed as part of the background research for the site history. Census records and/or LRO documents should be reviewed – particularly for the Pitcher/Freeman and John Buckley properties. This site history does not provide sufficient information to adequately address O.Reg.9/06 criteria.</p>	<p>Section 3.2</p>	<p>LHC</p>	<p>The level of research is sufficient to show the development of the area and document the history of the properties. Of note, the MHSTCI has indicated they are satisfied with the report content and recommendations.</p>	<p>This comment has been addressed.</p>
<p>19. The discussion of the historical atlases and air photos does not explicitly address any of the extant structures. There is no discussion about when extant structures may have been constructed or by whom.</p>	<p>Section 3.2</p>	<p>LHC</p>	<p>The discussion addresses the area as a whole, to show how it evolved and was built out. The level of detail is sufficient for the purposes of this report and evaluation.</p>	<p>This comment has been addressed.</p>

20.	The study identifies the importance of <i>cultural heritage landscapes</i> as identified in the NEP, PPS, local and Regional OPs. However, the landscape setting and context only describes the landscape in terms of building clusters and agricultural lands.	Section 4.2	Niagara Escarpment Commission	The section is structured in the manner to address building clusters and agricultural lands, since those are most relevant to address in the context of the site and proposed development.	The PPS and Ontario Heritage Toolkit provide examples of cultural heritage landscape features and their constituent elements. Infosheet #2 provides explicit guidance on such elements and the different scales at which such inventories and analyses are to be carried out to provide a comprehensive inventory and impact assessment, as is required here.
21.	It is unclear what the c.1860s date of construction is based upon.	Section 4.3.1 (Page 20) Line 1	LHC	This is based on the architectural features of the building, as well as the historical atlas information which shows no building in 1858 and a building by 1877.	This comment has been addressed.
22.	The photographs presented do not provide any detail of the features of the structure. Only two elevations are presented and those photographs are very small.	Section 4.3.1 (Page 20)	LHC	The photos are sufficient to conclude regarding the building characteristics and potential value. MHSTCI staff have also indicated they are satisfied with the report content.	This comment has been addressed.  Note, for clarification, MHSTCI is not the approval authority.
23.	The smaller outbuilding is described as being generally in poor condition; however, the view of the structure shown in Photo 15 (presumed to be correct structure) is obstructed by trees. It is unclear if the evaluation of the poor condition is based on closer evaluation of the structure.	Section 4.3.1 (Page 20) Last Paragraph	LHC	Yes, the building was more closely inspected by the project team. As noted above, vegetation made clearly photographing the building difficult.	The November 24, 2021 site inspection and documentation by JART representatives indicates that the smaller outbuilding at 2280 No. 2 Side Road, despite its condition, may meet O.Reg.9/06 criteria as a component of a grouping of buildings – including the house and larger barn.  See comment #33.
24.	<p>The discussion of criterion 1.i. is incomplete. The analysis only addresses whether the style, described as Ontario Gothic Revival Cottage architectural style, is rare or unique, but does not address whether it is representative or early example, nor does it address whether it is a rare example of the style in stone. Despite additions to the structure, it appears to retain a number of characteristic features.</p> <p>It is unclear if the property was accessed and if the structure was reviewed up close. Evaluation of the degree of craftsmanship would be affected by lack of property access.</p> <p>The discussion of criterion 2 is incomplete. The background presented in sections 3.1 and 3.2 did not provide a basis to determine whether or not this property has any historical or associative value.</p> <p>Given that the development proposal results in the removal of this structure, its potential CHVI must be adequately addressed.</p>	Section 5.2 (5235 Cedar Springs Road)	LHC	The level of detail within the report is sufficient, as agreed by MHSTCI staff in their recent letter.	<p>This comment has not been addressed.</p> <p>5235 Cedar Springs is described in the report as having heritage potential, representing the regionally common (presumably heritage) structure of the Gothic Revival Cottage type, associated with Nelson Twp. historically and to the overall pastoral surroundings. When using O.Reg 9/06 criteria, they must be considered as a whole, and being a representative structure fulfils one criterion: in doing so, heritage potential is confirmed.. Of note: MHSTCI is not the approval authority. (NEC)</p> <p>Given the potential direct impact of demolition, the analysis does not address the potential for the property to meet criterion 1(i) as a representative example of the style, nor has any evidence been provided to inform the analysis of the rarity of this example of this type for its stone construction.</p> <p>Insufficient property-specific research was provided to assess criterion 2. In addition, the November 24, 2021, site inspection and documentation by JART representatives indicates that the structure may meet additional O.Reg 9/06 criteria and warrants further evaluation.</p> <p>See comment #33.</p>

<p>25. The report states that the property type is somewhat rare within the broader area. It is unclear if this refers to the Regency style, or stone construction. It is unclear if the property was accessed and if the structure was reviewed up close. Evaluation of the degree of craftsmanship would be affected by lack of property access.</p> <p>The discussion of criterion 2 is not supported by the background research presented in Sections 3.1 and 3.2.</p> <p>The discussion of criteria 1 and 2 does not address the barns. The small barn, in particular, is proposed to be removed. Its CHVI, as an individual built heritage resources and as it relates to the house and large barn, should be evaluated.</p>	<p>Section 5.2 (2280 No. 2 Sideroad)</p>	<p>LHC</p>	<p>The reference to the property being somewhat unique was mentioned in the HCD Study completed on behalf of the City, which we took to mean both the style and type of construction. The barn was reviewed up close, although access to the interior of the building was not undertaken.</p> <p>The evaluation in the report is sufficient, as agreed to by MHSTCI staff.</p>	<p>The November 24, 2021 site inspection and documentation by JART representatives indicates that the smaller outbuilding at 2280 No. 2 Side Road, despite its condition, may meet O.Reg.9/06 criteria as a component of a grouping of buildings – including the house and larger barn.</p> <p>See comment #33.</p> <p>Note, for clarification, MHSTCI is not the approval authority.</p>
<p>26. The summary of heritage character presented in section 5.4 does not include all of the content required of a Statement of Significance/Statement of Cultural Heritage Value or Interest and list of heritage attributes as outlined in the <i>Ontario Heritage Toolkit</i>.</p> <p>It is unclear if the barn complex refers to the large barn, or to both barns described in Section 4.3.2.</p>	<p>Section 5.4</p>	<p>LHC</p>	<p>2280 No. 2 Side Road has been confirmed to have heritage value, with information related to the significance found in 5.2 and 5.4 of the Cultural Heritage Impact Assessment. The revised report dated June, 2021 has expanded the description.</p>	<p>This comment has been addressed through revisions.</p>
<p>27. The site plan and figures depicting the proposed development suggest that a portion of house extends into the Licence Boundary. This should be confirmed. This is the c.1830s Regency portion of the structure.</p>	<p>Section 6</p>	<p>LHC</p>	<p>A portion of the house is within the Licence boundary; however, it is outside the extraction area. The space is required for berming.</p>	<p>This comment has been addressed.</p>
<p>28. The CHIA makes a number of references to the rehabilitation of lands, post-extraction, to a level suitable to recreational use.</p> <ul style="list-style-type: none"> <li>The report makes limited reference to whether this rehabilitation plan and after- use would be in keeping with the cultural heritage landscape of the area. NEC Staff note that this analysis would have to be predicated on a more thorough detailing of the cultural heritage landscape.</li> <li>The report seems to refer to the recreational after-use as the definite after-use. It would be more appropriate to provide an assessment of the after-use from a cultural heritage lens instead of reviewing on the basis that it is appropriate and will be accepted. Germane to this work would be a consideration of alternative after-use plans that might be better aligned with the existing and historic cultural heritage landscape (once described) if necessary.</li> </ul>	<p>Sections 6 (Page 32) and Section 9 (Page 37)</p>	<p>Niagara Escarpment Commission</p>	<p>The report concludes the extension lands are not a significant cultural heritage landscape. Therefore, additional details are not necessary.</p> <p>Alternative forms of development are described in the report, although not deemed necessary.</p> <p>Of note, the MHSTCI has indicated they are satisfied with the report content and recommendations.</p>	<p>Shortcomings in the identification, evaluation, analysis and mitigation of impacts to heritage resources is identified above, which in turn influence rehabilitation strategies and potential future uses that should be addressed. MHSTCI is not the approval authority.</p>
<p>29. It is stated in a review of impacts that:</p> <p><i>The area of the site proposed for aggregate extraction does not contain any built heritage resources or cultural heritage landscapes, therefore there are no direct or indirect impacts anticipated.</i></p> <p>NEC Staff contend this conclusion is premature given that a description and assessment of the cultural heritage landscape does not consider multiple components contained with the provided NEP and PPS definition that are present on and in proximity to the subject lands.</p>	<p>Section 7</p>	<p>Niagara Escarpment Commission</p>	<p>In our opinion, the report conclusion is appropriate. MHSTCI staff share the same opinion, as evidenced by their recent letter.</p>	<p>Shortcomings in the identification, evaluation, analysis and mitigation of impacts to heritage resources is identified above, and until these are addressed the conclusion is premature. Where cultural heritage resources such as 2280 # 2 Sideroad have been acknowledged, it is noted that the Ontario Heritage Act defines heritage property as real property, and all buildings and structures thereon – impacts to that real property on which the building and structures are situated is acknowledged on page 30 of the June 2021 report. As such, the conclusion that there are no direct or indirect impacts heritage is not accurate. Of note, MHSTCI is not the approval authority.</p>

<p>30. Extraction is proposed within ±15.0 m of an identified heritage resource located on 2280 No. 2 Sideroad. This seems very close to protect the structure(s) from vibration and dust generated by the extraction use. It is stated that blasting will be designed to ensure the integrity of the building is retained. Designed how?</p> <ul style="list-style-type: none"> <li>• Recommendation # 2 of the Blasting Impact Analysis suggests monitoring for ground vibration and overpressure but the CHIA provides that the blasting itself will be designed in a way to protect the resource. There seems to be a discrepancy in the two reports regarding mitigation vs. monitoring.</li> <li>• The Blasting Impact analysis doesn't provide direction for a 15.0m setback being appropriate for protection of the resource. How was this proposed setback deemed appropriate?</li> </ul>	<p>Section 7.1 (Page 33)</p>	<p>Niagara Escarpment Commission</p>	<p>Blast design is further addressed in the blasting report, with a recommendation that vibration not exceed 50 mm/s at these structures. The key is to maintain the structural integrity of the buildings, and the expertise of Explotech has been relied upon in this regard. See blasting recommendations on the Aggregate Resources Act Site Plans.</p>	<p>Reference to the specialist report on blast design would be appropriate in this section, along with provision of such summary details.</p>
<p>31. The proposed extraction area is approximately 15 metres from the house (and small barn) indirect impacts resulting from vibrations have not been addressed in the impact assessment.</p> <p>It is unclear how blasting will be designed to ensure the integrity of the building is retained (blasting is not addressed in the Noise Impact Assessment). What measures are being implemented?</p> <p>Figure 8 suggests that an acoustic and visual berm may be erected between the licence boundary and the line of extraction. The berm and its construction have not been addressed in the impact assessment.</p>	<p>Section 7.1 (Page 33) Paragraph 4, Last Line</p>	<p>LHC</p>	<p>Blast design is further addressed in the blasting report, with a recommendation that vibration not exceed 50 mm/s at these structures. The key is to maintain the structural integrity of the buildings, and the expertise of Explotech has been relied upon in this regard.</p> <p>The proposed development was addressed broadly in this report. However the specifics of the berm are more appropriately addressed in the visual impact report.</p>	<p>This comment has been addressed.</p>
<p>32. In general, the conclusions of the report are not shared by NEC Staff. Broadly, NEC Staff would identify that the definition of the <i>cultural heritage resource</i> provided by the NEP (2017) includes <i>cultural heritage landscapes</i>. Any broad conclusion made on the topic of <i>cultural heritage resource</i> needs to be supported by a better analysis of the cultural heritage landscape of the area as detailed in the above comments.</p>	<p>Section 9</p>	<p>Niagara Escarpment Commission</p>	<p>Noted. The MHSTCI has indicated they are satisfied with the report content and recommendations.</p>	<p>Shortcomings in the identification, evaluation, analysis and mitigation of impacts to heritage resources are identified above. MHSTCI is not the approval authority.</p>
<p>33. During the November 24, 2021 site inspection and documentation by JART representatives, a large barn was noted in the southwest half of Lot 17, Concession 2 NDS (2416 No.2 Side Road). This barn – although located within the cultural heritage study area, was not evaluated in Section 4.3.2 of the report. This barn may be associated with Andrew Cairns/Robert Spence's farmstead, as depicted in Figures 3 &amp; 4 of the June 2021 report. It is unclear why this barn – and any associated components – were not evaluated in the Cultural Heritage Report.</p>	<p>Section 4.3.2</p>	<p>LHC</p>		