



Date: December 17, 2024 Time: 3:00 p.m.
SCRCA Administration Office
205 Millpond Cres., Strathroy, ON N7G 3P9

Directors Present: Joh Brennan, Pat Brown, Chair; Sue Cates, Greg Grimes, Frank Kennes, Don McCabe, Don McCallum, Mary Lynne McCallum, Steve Miller, Kristen Rodrigues, Jerry Westgate.

Directors Remote: Terry Burrell, Aaron Hall, Rhonda Jubenville, Betty Ann MacKinnon

Directors Regrets: Al Broad, Anne Marie, Adam Kilner, Ross O'Hara, Lorie Scott, Vice-Chair

Staff Present: Emily De Cloet, Interim Flood Forecasting and Warning Coordinator; Melissa Deisley, Director of Planning and Regulations; Chris Durand, Manager of IT and GIS; Ashley Fletcher, Administrative Assistant and Board Coordinator; Rashida Naznin, Engineer Technician; Ken Phillips, General Manager; Merrick Van Der Vaart, Regulations Officer; Meagan Weber, Regulations Officer

Guests: Tobias Burgin, Elizabeth Cummings, Drainage and Engineering Coordinator, Town of Plympton-Wyoming; His Worship Dave Ferguson, Municipality of Brooke-Alvinston; David Moores, Dobbin Engineering Inc.; Adam Sobanski, CAO, Plympton-Wyoming; Councillor John Van Klaveren, Town of Plympton-Wyoming; Josh Warner, Dobbin Engineering Inc.

1. Land Acknowledgement

A land acknowledgment was read by Chair, Pat Brown which recognized the St. Clair Region Conservation Authority watershed as part of the traditional territories of the Anishinaabeg, Haudenosaunee, Lūnaapéewak and Chonnonton Nations, who have a sacred responsibility to preserve the land and water of southwestern Ontario. Also acknowledged are the Treaties that allow the SCRCA to work alongside the First Nation Communities of Kettle and Stony Point, Aamjiwnaang and Bkejwanong to ensure we share the responsibility of preserving the land and water.

2. Roll Call

A roll call of hearing board members was conducted.

3. Call to Order and Chair's Remarks

The meeting was called to order by the Chair, Pat Brown, who welcomed members, staff, and guests.

Hearing Procedures were reviewed and confirmation from all parties that notification and documentation was received within the necessary time frame.

The Chair requested that each Director declare a conflict of interest on any item within the Hearing agenda in that a Director may have pecuniary interest and gave his remarks:

“We are now going to conduct a hearing under Section 28.1, subsection 5 of the Conservation Authorities Act in respect of an application by The Town of Plympton-Wyoming.

Section 28.1, subsection 1 of the Conservation Authorities Act provides that an Authority may issue a permit to a person to engage in an activity that would otherwise be prohibited by section 28, subsection 1 of the Act, in an area regulated by the Authority, if in the opinion of the Authority, the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and any other requirements that may be prescribed by the regulations are met.

Staff have reviewed this proposed work and prepared a staff report, a copy of which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under section 28.1, subsection (5) of the Conservation Authorities Act, the person applying for a permit has the right to a hearing before the Authority.

In holding this hearing, the Hearing Board is to determine whether or not a permit is to be issued, with or without conditions. In doing so, the Hearing Board can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 9 of the Evidence Act and section 5 of the Canada Evidence Act, any witness called may object to answer any question on the ground that the answer may tend to incriminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the Hearing Board.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the Board.”

HBD-24-08

Brennan – Burrell

“That the St. Clair Region Conservation Authority Board of Directors convenes as a Hearing Board, pursuant to Section 28.1, subsection 5 of the Conservation Authorities Act to consider Application No. R#2023-0719 from the Town of Plympton-Wyoming.”

CARRIED

HBD-24-09

Kennes – Burrell

“That the SCRCA Hearing Board adopts the hearing meeting agenda, as presented.”

CARRIED

4. Staff Introduction of Guests and Speakers

Director of Planning and Regulations, Melissa Deisley provided introductions to the applicant and guests of the hearing.

5. Staff introduction to the nature and location of subject application

Director of Planning and Regulations, Melissa Deisley provided the Hearing Board with an introduction to the nature and location of the subject application.

6. Staff Presentation

A presentation of information, supporting documents and images was provided by Director of Planning and Regulations, Melissa Deisley.

7. Applicant Presentation

A presentation of information, supporting documents and images was provided by Josh Warner of Dobbin Engineering Inc., on behalf of the applicant.

8. Comments and Rebuttals

SCRCA Planning and Regulations staff and the applicant were given the opportunity to question one another and/or their agent for the full and fair disclosure of matters presented at the Hearing.

9. Questions from the Hearing Board

Directors made clarifying questions to both SCRCA staff and the applicant/representative following their respective presentations.

10. In-Camera

HBD-24-10

Miller – Cates

“That the Hearing Board regarding Application No. R#2023-0719 go in camera at 3:58 p.m.”

CARRIED

HBD-24-11

Cates – Brennan

“That the Hearing Board regarding Application No. R#2023-0719 rises out of camera at 4:13 p.m.”

CARRIED

Following in-camera deliberation, the following decision was announced.

HBD-24-12

McCabe – Cates

“That the Hearing Board in accordance with the requirements of Section 28.1, subsection 5 of the Conservation Authorities Act, held a hearing regarding the Town of Plympton-Wyoming, Application No. R#2023-0719 on December 17, 2024 and hereby approves the application under the conditions that the discharge be designed to minimize erosion, as proposed and that staff receive additional data regarding the upstream conditions and further, directs staff to issue a Notice of Decision.”

CARRIED

12. Adjournment

HBD-24-13

McCabe – MacKinnon

“That the SCRCA Hearing Board adjourns the Hearing at 2:58 p.m.”

CARRIED

Pat Brown
Chair



Ken Phillips
General Manager