



**LONG POINT REGION CONSERVATION AUTHORITY**  
**Hearing Board Meeting Minutes of June 5, 2024**  
**Approved July 3, 2024**

---

Members in attendance:

|                        |   |
|------------------------|---|
| Robert Chambers, Chair | County of Brant                             |
| Dave Beres, Vice-Chair | Town of Tillsonburg                         |
| Doug Brunton           | Norfolk County                              |
| Michael Columbus       | Norfolk County                              |
| Tom Masschaele         | Norfolk County                              |
| Jim Palmer             | Township of Norwich                         |
| Chris Van Paassen      | Norfolk County                              |
| Rainey Weisler         | Municipality of Bayham/Township of Malahide |
| Peter Ypma             | Township of South-West Oxford               |

Regrets:

|                     |                  |
|---------------------|------------------|
| Shelley Ann Bentley | Haldimand County |
| Stewart Patterson   | Haldimand County |

Staff in attendance:

Judy Maxwell, General Manager  
Aaron LeDuc, Manager of Corporate Services  
Leigh-Anne Mauthe, Interim Manager of Watershed Services  
Saifur Rahman, Manager of Engineering and Infrastructure  
Jessica King, Social Media and Marketing Associate  
Dana McLachlan, Executive Assistant

**1. Roll Call and Call to Order**

The Chair called the meeting to order at 7:15 p.m., Wednesday, June 5, 2024.

**A-81/24**

Moved by D. Beres  
Seconded by R. Weisler

THAT the LPRCA Board of Director's does now sit as a Hearing Board.

**Carried**

The roll was called to conduct the following Hearing under Section 28 of the *Conservation Authorities Act*.

**2. Declaration of Conflicts of Interest**

None were declared.

---

**FULL AUTHORITY COMMITTEE MEMBERS**

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,  
Tom Masschaele, Jim Palmer, Stewart Patterson, Rainey Weisler, Chris Van Paassen, Peter Ypma

**3. Hearing: LPRCA-86/24 – Theresa Livingston**

**4. Chair’s Opening Remarks**

The Chair gave his opening remarks and reviewed the guidelines and process to be followed for the hearing.

**5. Presentation by Long Point Region Conservation Authority Staff**

Leigh-Anne Mauthe introduced the applicant Theresa Livingston and her husband, Jerry Livingston, then proceeded to present the staff report.

Staff recommended refusal to grant a permit for this application for the following reasons:

1. The construction of the proposed structure is contrary to Long Point Region Conservation Authority shoreline policies for development in the Lake Erie flood hazard and dynamic beach area. These policies have been implemented to reduce or eliminate preventable risk to life and property damage from flooding.
2. The control of flooding is affected by the development as the overall risk to property damage is increased.
3. The control of dynamic beach is affected by the development as it creates a new hazard and the overall risk to property damage is increased.

Peter Ypma asked what the primary concern is with regards to the regulations. Leigh-Anne Mauthe replied both the risk to life and property and the dynamic beach hazard.

**6. Presentation by the Applicant**

Nathan Kolomaya and Dave McPherson addressed the board on behalf of the client requesting approval of the application. A presentation was not submitted by the applicant in advance of the hearing.

Mr. Kolomaya requested that the Board keep in mind the application is for a minor addition. The structure is being built to withstand hydrostatic forces and there is over 200’ of beach.

Mr. McPherson stated that the LPRCA mapping does not readily show the dynamic beach hazards so the applicants and their agent were unaware that such a hazard existed until a later date. The Norfolk County Lake Erie Hazard Mapping and Risk Assessment Report, 2020, commissioned by LPRCA for Norfolk County was referenced. Mr. McPherson stated that both the Baird Report and the online LPRCA maps carry disclaimers and therefore their accuracy cannot be relied upon. The applicants asked surveyors, Jewitt and Dixon, to plot the dynamic beach on land but were unable to do so because there was no point of reference on land. The mapping was completed using aerial photography.

Staff and the proponent responded to questions from the Board.

Peter Ypma requested clarification on the size of the addition within the hazard area. Jerry Livingston replied that it was approximately 16’x17’.

Peter Ypma asked what the dangers are by allowing the structure within the dynamic beach hazard line. Leigh-Anne responded that it depends on water movement and the sediment supply to the

---

**FULL AUTHORITY COMMITTEE MEMBERS**

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,  
Tom Masschaele, Jim Palmer, Stewart Patterson, Rainey Weisler, Chris Van Paassen, Peter Ypma

beach. Generally, any type of structure creates a barrier to the sediment supply. The beach is currently approximately 200' but has been much smaller in the past few years with higher water levels. If the natural processes of a dynamic beach are impeded, it could potentially leave no beach and the water could potentially come up to and surpass the building structure which could potentially impact the soil in the area. This flood hazard applies to all of Turkey Point. When reviewing applications in that area, staff are concerned with not interrupting those natural dynamic beach processes.

Jim Palmer remarked that the dynamic beach hazard line looked straight and questioned if the beach was normally straight. Leigh-Anne replied that the beach is predominantly straight with a slight curve.

Doug Brunton asked staff for clarification of the Flood Elevations and the foundation level of the addition. Leigh-Anne replied that the 100-year flood event static elevation is 176.5m and the addition is at the 177.54m mark.

The members entered the closed session of the Hearing Board at 8:08 p.m.

**A-82/24**

Moved by M. Columbus  
Seconded by R. Weisler

THAT the LPRCA Hearing Board does now enter into a closed session to discuss:

- Litigation or potential litigation, including matters before administrative tribunals (e.g. Local Planning Appeal Tribunal), affecting the Authority.

**Carried**

The LPRCA Hearing Board reconvened in open session at 8:23 p.m.

The Chair advised Theresa Livingston that the permit has been approved.

**A-83/24**

Moved by J. Palmer  
Seconded by R. Weisler

That the LPRCA Board of Directors does now adjourn from sitting as a Hearing Board.

**Carried**

**Adjournment**

The Chair adjourned the meeting at 8:25 p.m.

\_\_\_\_\_  
Robert Chambers  
Chair

\_\_\_\_\_  
Judy Maxwell  
General Manager/Secretary-Treasurer

/dm

---

**FULL AUTHORITY COMMITTEE MEMBERS**

Shelley Ann Bentley, Dave Beres, Doug Brunton, Robert Chambers, Michael Columbus,  
Tom Masschaele, Jim Palmer, Stewart Patterson, Rainey Weisler, Chris Van Paassen, Peter Ypma