

APPENDIX E

Conditions of Draft Plan Approval

Martin's Nest Plan of Subdivision (File No. 26T19-01-19)

The conditions of final approval and registration of the Martin's Nest Plan of Subdivision (file no. 26T19-01-19) Town of Pelham are as follows:

DRAFT PLAN

1. This approval applies to the Martin's Nest Draft Plan of Subdivision, Part of Thorold Township Lot 166; Part 2 of Plan 59R-13156 and Part 2 of Plan 59R-15596, Town of Pelham, Regional Municipality of Niagara prepared by Mathews, Cameron, Heywood, Kerry T. Howe Surveying Ltd. dated September 10, 2018 showing:
 - 6 street townhouse dwelling lots
2. The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.

AGREEMENTS AND FINANCIAL REQUIREMENTS

3. The Developer shall provide three (3) paper copies and an electronic copy of the pre-registration plan, prepared by an Ontario Land Surveyor, and a letter to the Department of Community Planning and Development stating how all the conditions imposed have been or are to be fulfilled.
4. The Developer shall provide two (2) paper copies and an electronic copy of the lot priority plan to the Department of Community Planning and Development.
5. The Developer shall agree to pay to the Town of Pelham all required processing and administration fees.
6. The Developer shall submit a Solicitor's Certificate of Ownership for the Plan of Subdivision of land to the Department of Community Planning and Development prior to the preparation of the Subdivision Agreement.
7. That the Subdivision Agreement between the Developer and the Town of Pelham be registered by the Municipality against the lands to which it applies in accordance with the *Planning Act R.S.O. 1990, c. P.13*.
8. That the Developer shall pay the applicable Town of Pelham, Niagara Region, and Niagara Catholic District School Board development charges in place at the time of the Building Permit issuance.

APPENDIX E

9. That the Developer agrees in writing to satisfy all of the requirements, financial and otherwise, of the Town of Pelham concerning the provision of roads, daylight triangles, lot reserves, road widenings, sidewalks, fire hydrants, streetlighting, the extension and installation of services, stormwater management and drainage including the upgrading of services and the restoration of existing roads damaged during the development of the Plan of Subdivision.
10. Prior to any site alteration, or final approval, the Developer shall submit all supporting materials, prepared by a qualified professional, as required by the Town or any applicable authority, and shall agree to implement the recommendations of the reports, studies and plans to the satisfaction of the Director of Public Works, and any other applicable authority.
11. That the Developer agrees to pay their proportionate share of the costs associated with the establishment of the Singers Corner Municipal Drain.
12. This approval is for a period of three (3) years. Approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the approval has lapsed. If the Developer wishes to request an extension to the approval, a written explanation on why the extension is required, together with the resolution from the Region must be submitted for Town Council's consideration, prior to the lapsing date.
13. If final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
14. It is the Developer's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Town, quoting file number **26T19-01-19** and referencing the conditions that are cleared.
15. That the Developer agrees pay the required cost allocation for oversizing of the Storm Water Facility and Storm Sewer in the amount of \$8,463.00.

LAND TRANSFERS AND EASEMENTS

16. That the Developer agrees to deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.

ZONING

APPENDIX E

17. That prior to final approval, the zoning by-law amendment application (File No. AM-02-19), which reflects the layout of the draft plan of subdivision has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1990, c. P.13*.
18. The Developer shall submit to the Department of Community Planning and Development three (3) paper copies and an electronic copy of the proposed draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
19. That the Director of Community Planning and Development be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.

ROADS

20. The Developer shall be responsible for the boulevard plantings and sodding/hydroseeding in accordance with the policies of the East Fonthill Secondary Plan Area Urban Design Guidelines.
21. That prior to any construction taking place within the Town road allowance, the Developer shall obtain a Town of Pelham Temporary Works Permit. Applications must be made through the Department of Public Works.

MUNICIPAL SERVICES

22. That a Servicing Study Report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and adequate fire flows are provided to the development be submitted to the Town of Pelham for review and to the satisfaction of the Director of Public Works and the Fire Chief.
23. That the Developer will provide the Town of Pelham with the proposed site servicing plans for the subject property. The Director of Public Works shall approve the plans prior to final approval of the subdivision.
24. The Developer shall be responsible for any damage, replacement or repair to the previously installed services as a result of works associated with the development.
25. That the design of all Municipal and public utility services for the Subdivision be coordinated with adjacent development.
26. At the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in general conformity to

APPENDIX E

the approved drawings. Copies of the certification shall be circulated to the Town of Pelham and the Regional Municipality of Niagara.

27. That all foundation drainage be directed to a sump pump in each house discharging via storm laterals. Foundation drains will not be connected to the sanitary sewer system.
28. Roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance at least 1.2 metres away from the structure and must direct the flow away from the building, not onto walks or driveways, and not towards adjacent property.

STORMWATER MANAGEMENT, GRADING AND SEDIMENT AND EROSION CONTROL

29. That the subdivision agreement between the Developer and the Town of Pelham contain provisions whereby the Developer agrees to implement the approved stormwater management plan required in accordance with Condition 28.
30. That the Developer prepare a detailed subdivision grade control plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site to be submitted to the Town of Pelham for review and approval.
31. That prior to approval of the final plan or any on-site grading, the Developer submit to the Town of Pelham for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual (March 2003)" and "Stormwater Quality Guidelines for New Development (May 1991)", and in accordance with the Town of Pelham's Lot Grading and Drainage Policy, and the Town of Pelham's Stormwater Management Facility Standards:
 - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
 - b) Detailed sediment and erosion control plans.

PUBLIC PARK

32. That the Developer shall pay cash-in-lieu of parkland in the amount of 5% of the land included in the plan to the Town of Pelham under the provisions of Section 51.1 (3) of the *Planning Act R.S.O. 1990, c. P.13*.

ARCHITECTURAL CONTROL

APPENDIX E

33. The Developer/Owner agrees to comply with the East Fonthill Secondary Plan Area Urban Design Guidelines. The building's licensed Architect/Designer shall provide their stamp and a statement on the submitted plans that indicates the building complies with the East Fonthill Secondary Plan Area Urban Design Guidelines.
34. The Developer shall submit prepare and submit a landscape plan for Lot 1 to the satisfaction of the Director of Community Planning and Development.

UTILITIES

35. That the Developer shall co-ordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.

NIAGARA REGION PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

36. That the owner submits the Stage 1-2 Archaeological Assessment to the Ministry of Tourism, Culture and Sport (MTCS) for review and approval. The report must be accepted by the MTCS, to the satisfaction of the Niagara Region. If the MTCS requires further Stage 3 or 4 Archaeological Assessments, these report(s) must also be submitted to and accepted by MTCS, to the satisfaction of the Niagara Region. NOTE: no demolition, grading or other soil disturbances shall take place on the property prior to the issuance of the Provincial acknowledgement letter.
37. That the subdivision agreement between the owner and the Town contain the following advisory clause:

"Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Tourism, Culture and Sport (416-212-8886) and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services in Toronto (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Tourism, Culture and Sport should be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

APPENDIX E

Clearance of Conditions

FINAL APPROVAL

1. Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 (31) of the *Planning Act R.S.O. 1990, c. P.13*. Final approval shall be granted by the Town

CLEARANCE OF CONDITIONS

Prior to granting final plan approval, the Department of Community Planning and Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions have been satisfied:

Niagara Region Planning and Development Services Department for Conditions 36-37 (Inclusive)

Town Department of Community Planning and Development for Conditions 3-9 (Inclusive), 11, 15-19 (Inclusive).

Town Department of Public Works for Conditions 10, 20-35 (Inclusive).