

Conditions of Draft Plan Approval
Saffron Meadows Phase 3 Plan of Subdivision (File No. 26T19-02-18)

The conditions of final approval and registration of the Saffron Meadows Phase 3 Plan of Subdivision by Hert Inc. (26T19-02-18) in the Town of Pelham are as follows:

DRAFT PLAN

1. This approval applies to the lands known as Saffron Meadows Phase 3 - Draft Plan of Subdivision, legally described as Part of Lots 171-172 and Part 1 on RP 59R-3218. Draft Plan of Subdivision prepared by Kirkup-Mascoe-Ure Surveying Ltd. dated January 31, 2018 depicting:
 - 135 Single Detached Dwelling Lots
 - Blocks 136 – 153 for 36 Semi-detached Dwelling Lots
 - Blocks 154 – 176 for 110 Street Townhouse Dwelling Lots
 - Blocks 177 – 178 for 126 Block Townhouse Dwelling Units
 - Blocks 179 – 180 for Storm Water Management facilities
 - Block 181 for Public Parkland
 - Block 182 for Environmental Protection
 - Blocks 183 – 188 for 0.3m Reserves
 - 5.477 ha for Public Streets
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 & 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 & 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 & 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 District Catholic School Board development charges in place at the time of the Building Permit issuance.
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, street lights, 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. That the subdivision, if phased, will be to the satisfaction of the Director of Community Planning & Development and the Director of Public Works.
11. That the Developer shall realign, revegetate and dedicate Blocks 179 – 180 to the Town of Pelham, free and clear of any mortgages, liens and encumbrances as a stormwater management facility (watercourse), to the satisfaction of the NPCA.
12. That the Developer shall dedicate Block 181 to the Town of Pelham, free and clear of any mortgages, liens and encumbrances as Public Parkland.
13. That pursuant to Section 51.1(3) of the *Planning Act R.S.O. 1990, c. P.13* the Developer shall dedicate Block 182 to the Town of Pelham, free and clear of any mortgages, liens and encumbrances as Environmental Protection lands.
14. That the Developer shall dedicate Blocks 183 – 188 to the Town of Pelham, free and clear of any mortgages, liens and encumbrances as 0.3 m Reserves.
15. That the Developer shall provide street tree plantings in the boulevards on both sides of all roads at the rate of one tree per dwelling lot frontage, or at 15 metre intervals elsewhere, to the satisfaction of the Director of Community Planning & Development.
16. That the Developer constructs and conveys to the Town of Pelham, a 6 m wide multi-use trail on Blocks 179 – 180. The path shall be constructed to the standards and satisfaction of the Town.
17. That the Developer agrees that Blocks 177 and 178 will require site plan control and / or additional draft plan of subdivision / condominium application(s), and that all ingress and egress will be via public or private laneways.

18. That the Developer agrees that Block 177 will be required to provide laneway and / or street connections to adjacent lands to the west, as deemed appropriate by, and to the satisfaction of the Town, under future development applications, see Condition #17.
19. That the Developer agrees that Block 178 will require two 1.5 metre wide concrete sidewalks providing pedestrian connections to the lands at the east (180 Port Robinson Road), in accordance with that Condominium Agreement.
20. 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.
21. That the Developer agrees to pay their proportionate share of the costs associated with the establishment of the Singers Corner Municipal Drain.
22. That the Developer will not negatively impact trees on neighbouring properties.
23. 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.
24. 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*.
25. 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 **26T19-02-18** and referencing the conditions that are cleared.

LAND TRANSFERS AND EASEMENTS

26. 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

27. That prior to final approval, the Zoning By-law Amendment application (File No. AM-04-18), 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*.

28. The Developer shall submit to the Department of Community Planning & 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.
29. That the Director of Community Planning & Development be provided with a surveyor's certificate showing lot frontages and net lot area for the final Plan of Subdivision.

ROADS

30. That all streets and public laneways within the subdivision be conveyed to the Town of Pelham as public highways.
31. That the streets be named to the satisfaction of the Town of Pelham.
32. That the Developer provides detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the Director of Community Planning & Development and Director of Public Works for review and approval.
33. The Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding / hydroseeding, in accordance with the policies of the East Fonthill Secondary Plan Area Urban Design Guidelines.
34. That the Developer agrees to provide decorative street lighting to the satisfaction of the Director of Public Works.
35. That the Developer agrees to provide a detailed Streetscape Plan in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Community Planning & Development and the Director of Public Works.
36. That the Developer agrees to install sidewalks in accordance with the requirements of the East Fonthill Secondary Plan Area Urban Design Guidelines (both sides of all streets). All sidewalks shall be deemed to be Secondary Services and shall be completed within six (6) months of occupancy of each dwelling, except between November 15th and April 15th at which time the sidewalks must be installed as soon as possible, at the locations shown on the Plans and in accordance with the approved Subdivision Grade Control Plan or as amended by the Director of Public Works. The sidewalks are to be constructed in their entirety in block long sections.
37. That the Developer agrees to provide 1.8 m buffered bike lanes on Walker Road and Street C (Klager Avenue) in each direction. Each bike lane shall be flanked by a 0.5 m

striped buffer. Bicycle friendly storm catch basins shall also be used. The bicycle lanes shall be adjacent to the boulevard, and parking protected when curb-side parking is provided, to the satisfaction of the Director of Community Planning & Development and the Director of Public Works.

38. That the Developer agrees to provide curb side parking in accordance with the East Fonthill Secondary Plan Area Urban Design Guidelines to the satisfaction of the Director of Community Planning & Development and the Director of Public Works.
39. 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

40. That a Functional Servicing Study report indicating that the accepting servicing infrastructure (storm sewers, sanitary sewers, and water mains) can accommodate the additional flows and that 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 Fire Chief.
41. 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.
42. That the Developer submit to the Town of Pelham for review and approval, a Geotechnical Study, prepared by a qualified engineer, that verifies the soil bearing capacity, recommends appropriate sewer pipe design, pipe bedding, backfill and roadway designs, to the satisfaction of the Director of Public Works.
43. That the design of all municipal and public utility services for the Subdivision be coordinated with adjacent development.
44. That the design drawings for the sanitary sewer and stormwater drainage systems to service this development be submitted to the Regional Public Works Department for review and approval. (Note: Any stormwater management facility that may be proposed for this development would require the direct approval of the Ministry of the Environment, Toronto). The Town of Pelham is responsible for the review and approval of watermains under the MOE Water License Program.
45. That prior to registration of this plan, the Developer must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior

to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment, Conservation and Parks 'Form 1' Record of Watermain.

46. 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 the approved drawings. Copies of the certification shall be circulated to the Town of Pelham and the Regional Municipality of Niagara.
47. That all sub-grade foundation drainage be directed to a sump pump(s) in each house discharging via storm laterals to the municipal storm sewer system. Foundation drains are prohibited from connecting to the sanitary sewer system.
48. Roof water drainage from any structure or building shall be directed via downspouts discharging onto 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, SEDIMENT AND EROSION CONTROL

49. That the subdivision agreement contains provisions whereby the Developer agrees to implement the approved stormwater management plan required in accordance with Condition 51.
50. 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, Regional Municipality of Niagara Development Services Division, and the Niagara Peninsula Conservation Authority for review and approval.
51. 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.

52. That detailed sedimentation and erosion control plans be prepared for review and approval by the Niagara Peninsula Conservation Authority. All sediment and erosion control measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
53. That detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site, be submitted to the Region of Niagara for review and approval.
54. That prior to approval of the final plan, the Developer submit to the Town of Pelham a detailed stormwater management plan for the development completed by a qualified engineer and prepared in accordance with the "MOEE Stormwater Management Practices, Planning and Design Manual (June 1994)".

PUBLIC PARK

55. That the Developer shall convey land in the amount of 5% of the land included in the plan to the Town of Pelham for park purposes as permitted in Section 51.1 of the *Planning Act R.S.O. 1990, c. P.13*. Alternatively, the Town may accept cash-in-lieu of the conveyance and under the provisions of Section 51.1 (3) of the *Planning Act R.S.O. 1990, c. P.13*.
56. That the Developer shall provide fence, gates and / or landscaping details for the rear lot lines of lots 117-123 flanking Block 181 to the satisfaction of the Director of Community Planning & Development.

ARCHITECTURAL CONTROL

57. 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.

UTILITIES

58. That the Developer shall coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities.
59. That the Developer shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Pelham. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

CANADA POST

60. The Developer shall include on all offers of purchase and sale, a statement that advises the prospective purchaser that:

- i) the home/business mail delivery will be from a designated Central Mail Box;
- ii) the developer/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

61. The Developer agrees to:

- i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development;
- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
- iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;
- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)

62. That the Developer obtain work permits from the NPCA prior to beginning any work related to realigning and crossing the watercourse. In support of the Work Permit application, the following information is required:

- a) Landscape Plan demonstrating adequate riparian planting to ensure a naturalized watercourse corridor.
- b) Detailed natural channel design plans.
- c) Any other information as may be determined at the time a Work Permit application is submitted to the NPCA.

63. That the *Provincially Significant Wetland* (PSW) and its associated 30 metre buffer be zoned Environmental Protection (or other similar zone category that achieves the same protection level,) to the satisfaction of the NPCA.

64. That the Developer submit to the NPCA for review and approval, a detailed Grading and Construction Sediment & Erosion Control Plan(s).

65. That the Developer provide a 1.5 metre tall, black chain link fence along the boundaries of:
- a) Block 179 between Lots 108-116, and Block 178;
 - b) Block 180 between Lots 1-10, and Block 177;
 - c) Block 182 between Blocks 153 & 155-156, to the satisfaction of the NPCA.
66. That Conditions 61-64 above be incorporated into the Subdivision Agreement between the Developer and the Town of Pelham, to the satisfaction of the NPCA. The Town of Pelham shall circulate the draft Subdivision Agreement to the NPCA for its review and approval.

NIAGARA REGION PLANNING & DEVELOPMENT SERVICES

67. That the Subdivision Agreement contain the following clause:
"Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Units of the Ontario Ministry of Tourism, Culture and Sport in London (519-675-7742) and [owner's licensed archaeological consultant] shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Businesses and Consumer Services in Toronto (416-326-8392), the Ministry of Tourism, Culture and Sport, and the owner's licensed archaeological consultant."
68. That the owner submits a Landscape Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA), to the Region for review and approval to illustrate how Blocks 179 and 180 (watercourse) will be adequately vegetated with riparian plantings. It is recommended that the Plan also consider plantings, perhaps native thorny species, within the woodland buffer along the boundary of Block 182 to further discourage human intrusion into the woodland. The Subdivision Agreement shall include a clause whereby the owner agrees to implement the Landscape Planting Plan(s).
69. That the owner agrees in the subdivision agreement that no construction activity shall be allowed to occur during the month of June (bat maternity roosting season) in any year, within 30 m of the forest edge to reduce disturbance of rare bat species.
70. That prior to site alteration and construction, the owner shall install filter fabric and construction / safety wire fencing at the 10 m setback from the dripline of the woodland edge along Block 182.
71. That the owner provides a 1.5 metre tall, permanent black chain link fence along the rear lots of Blocks 153, 155-156 adjacent to the woodland edge. Gates are prohibited and this will be entrenched within the Subdivision Agreement.

72. That the owner agrees in the Subdivision Agreement to install appropriate signage along the perimeter of Block 182 which states the cutting of vegetation within the woodland is prohibited, as are the presence of pets.
73. That the applicant submit a Functional Servicing Review signed and stamped by a Professional Engineer (for stormwater management control confirmation) to the Region for review and approval.
74. That prior to approval of the final plan or any on-site grading, the owner shall submit the following plans designed and sealed by a qualified Professional Engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Planning & Development Services department for review and approval:
- a) Detailed Lot Grading, Servicing and Drainage Plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans.
- Note: The above plans and drawings shall also implement the design mitigation measures and construction mitigation measures (e.g. Grading Plan, Surface Water Control Plan, Sediment and Erosion Control Plan and permanent / temporary fencing) contained in the Environmental Impact Study prepared by Beacon Environmental Limited (dated January 2019), to the satisfaction of Niagara Region Environmental staff.
75. That the Subdivision Agreement contain provisions whereby the owner ensures that all streets and development blocks can provide access in accordance with the Regional Municipality of Niagara Corporate Policy and Corporate Procedure for Waste Collection, and by-laws relating to curbside waste collection.
76. That the owner shall provide temporary turnaround facilities for waste collection purposes at the proposed termini of Acacia Road, Walker Road, Street A and Street B, until such time as the adjacent subdivision is developed and / or through passage is enabled. The required temporary turnaround facilities shall have a minimum curb radius of 12.8 metres, and shall be subject to easements in favour of the Region if located on private property.
77. That the owner provides a written acknowledgement to Niagara Region Planning & Development Services stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

78. That the owner provides a written undertaking to Niagara Region Planning & Development Services stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the Subdivision Agreement between the owner and the Town.
79. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings (with calculations) for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program to the satisfaction of Niagara Region Planning & Development Services.
80. That the owner shall provide documentation for review and approval to the Region, confirming that all private septic systems currently on the subject lands have been decommissioned.
81. That the subdivision agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved stormwater-related plans, as required by Condition #73.
82. In order to request clearance of the Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (two hardcopies and a PDF digital copy), the applicable review fee, and the draft Subdivision Agreement shall be submitted to the Region by the applicant as one complete package, or circulated to the Region via the Town.

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 & Development requires written notice from applicable Town Departments and the following agencies indicating that their respective conditions have been satisfied:

- Canada Post for Conditions 59-60 (Inclusive)
- NPCA for Conditions 61-65 (Inclusive)
- Niagara Region Planning & Development Services for Conditions 44, 50, 53, 66-81 (Inclusive)
- Town of Pelham
 - Public Works for Conditions 10, 16, 20, 32, 34-42, 50-51, 54 (Inclusive)
 - Fire & By-law Services for condition 40

- Unless otherwise specified, all other conditions shall be to the satisfaction of the Community Planning & Development