

Policy and Priorities
AGENDA

P&P-06/2019

September 3, 2019

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. Call to Order and Declaration of Quorum
2. Adoption of Agenda
3. Disclosure of Pecuniary Interest and the General Nature Thereof
4. Old Business

The following reports were deferred from the July 15, 2019 Meeting of Council:

- | | | |
|-----|---|-----|
| 4.1 | Development Agreement for 1334 Pelham Street (File No. DA-01-19)
Council Report, 2019-0025-Public Works | 1 |
| 4.2 | Additional Funding Request for Pavement Condition Indexing - 2019-0026-Public Works, 2019-0026-Public Works | 30 |
| 4.3 | Report on Completing the Sanitary Sewer Improvements at Station St and Summersides Blvd - 2019-0032-Public Works, 2019-0032-Public Works | 32 |
| 4.4 | Recommendation Report for Draft Plan of Subdivision (Martin's Nest) and Zoning By-law Amendment Applications (File Nos. 26T19-01-2019 & AM-02-19), 2019-0011-Planning | 37 |
| 4.5 | Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications - 1440 Pelham Street (File no. AM-05-19 and SP-05-17), 2019-0013-Planning | 79 |
| 4.6 | Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Application (26T19-02-18; OP-AM-03-18; & AM-04-18) – Recommendation Report, 2019-0030-Planning | 122 |

4.7	Affordable Housing Proposal by R. Hummel, 2019-0029-Planning	247
4.8	Municipal Alcohol Management Policy S 100-01 Amendment - 2019-0016-Recreation, 2019-0016-Recreation	254
5.	New Business	
5.1	Natural Resources Canada (NRCAN) - Proposed Energy Assessment Grant Application - 2019-0054-Recreation, 2019-0054-Recreation	264
5.2	Town of Pelham Gypsy Moth Policy Development - 2019-0053-Public Works, 2019-0053-Public Works	266
5.3	Alcohol, Cannabis and Illicit Drugs in the Workplace Policy - 2019-0050-Corporate Services, 2019-0050-Corporate Services	275
5.4	Medical Cannabis Accommodation Policy - 2019-0057-Corporate Services, 2019-0057-Corporate Services	280
5.5	Flag Policy - 2019-0008-Clerks	284
6.	Adjournment	

Report Regarding the Execution of the Development Agreement for 1334 Pelham Street (File No. DA-01-19)

Executive Summary:

The purpose of this report is to provide Council with information regarding a request to enter into a Development Agreement for 1334 Pelham Street.

Location:

The subject land is located on the west side of Pelham Street, south of Port Robinson Road (refer to Figure 1). The legal description is Part Lot 18, Plan 724; Pelham.

Figure 1: Location of Subject Land



From the Department of



Project Description and Purpose:

The applicant (Lawrence Schilstra) is seeking approval to construct a residential dwelling on the lot known as #1334 Pelham Street. As this lot falls within the Fonthill urban boundary it requires municipal sanitary and water services. The existing sanitary sewer on Pelham Street extends only as far as #1332 Pelham Street, and therefore does not front the subject lands. As a property is required to front a municipal service in order to connect to it, extension of the sanitary sewer on Pelham Street is required. A municipal water connection to the watermain that runs along Pelham Street is also required.

Staff Comments:

Public Works staff are of the opinion that the Development Agreement appropriately addresses the requirements to complete the works. Following the execution of the Development Agreement, compliance with the Agreement requirements and receipt of all necessary permits, construction of the proposed single detached dwelling may commence.

Public Works staff recommend that Council approve the by-law authorizing the Mayor and Clerk to execute the Development Agreement with Lawrence Schilstra in regards to 1334 Pelham Street.

Prepared by: Tolga Aydin, CET, Engineering Technologist

Reviewed by: Jason Marr, P.Eng, Director of Public Works

Alternatives:

Council could choose not to approve the by-law to enter into the Development Agreement and the lot would remain vacant as no building permit can be issued to an un-serviced lot within the Fonthill urban boundary.

Attachments:

Appendix A Draft By-law and Development Agreement

Recommendation:

BE IT RESOLVED THAT the Public Works Department Report for 1334 Pelham Street (File No. DA-01-19) be received;

AND THAT Council approve the by-law authorizing the Mayor and Clerk to enter into a Development Agreement with Lawrence Schilstra regarding 1334 Pelham Street.

DEVELOPMENT AGREEMENT

LAWRENCE SCHILSTRA

1334 PELHAM STREET

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Director and may include engineering fees ancillary thereto.

- (k) **COUNCIL** means the Council of the Corporation of the Town of Pelham.
- (l) **DEVELOPER** means Lawrence Schilstra, its successors and assigns, and includes its successors in title to the Lands or a Lot shown on the Development Plan.
- (m) **DEVELOPER'S CONSULTING ENGINEER** means the person or persons registered with the Professional Engineers of Ontario who are employed by the Developer, at its expense, to provide engineering services.
- (n) **DEVELOPMENT CHARGES** means the development charges as prescribed by the *Development Charges Act*, R.S.O. 1997, S.O. 1997, c. 27, as amended, or any successor thereto.
- (o) **DEVELOPMENT PLAN** means the Development (Survey) Plan attached hereto as Schedule "A" over the Lands pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, or any successor thereto.
- (p) **DIRECTOR** means the Director of Public Works or Director of Community of Planning and Development or designate for the Town.
- (q) **FRONT LOT LINE** means the front lot line as defined in the Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (r) **GRADE CONTROL PLAN** shall mean a plan for the purpose of controlling the overall drainage pattern through the establishment of relative surface elevations in accordance with good engineering and drainage practices.
- (s) **LANDS** means the lands described in Schedule "A" hereto annexed.
- (t) **LETTER OF CREDIT** means a standby municipal, irrevocable Letter of Credit issued by a major chartered bank or credit union, posted with the Town pursuant to the terms of this Agreement. The Letter of Credit shall be in form satisfactory to the Town and shall contain a clause that automatically renews it from year to year, unless the Town gives written notice that it does not require the Letter of Credit to be renewed.
- (u) **LOCAL IMPROVEMENT** shall include utilities, fencing, sanitary sewers, storm sewers, sidewalks, curbs and gutters, pavements and such other local improvements as are defined by the *Municipal Act*, as amended, or any successor thereto.
- (v) **LOT** means a lot as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (w) **LOT FRONTAGE** means lot frontage as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (x) **LOT GRADING PLAN** means a drawing showing grades, swales and drainage patterns and may include catch basins and floor heights in relation to grades for each individual building Lot or Block in the Development Plan.
- (y) **MAINTENANCE GUARANTEE** means an undertaking by the Developer to the Town that all Works constructed under this Agreement will function as designed and will not fail in any manner whatsoever so as to cause a risk to public safety or private lands, building or structures within the Development Plan or immediately adjacent boundary lands, and that should the Works, or any of them, fail or not perform their intended function within the specified maintenance guarantee period, they will be replaced or repaired to the satisfaction of the Director by the Developer at its cost.
- (z) **MUNICIPAL ACT** means the *Municipal Act*, 2001, S.O. 2001, c.25, as

amended, and all regulations thereto.

- (aa) **ONTARIO LAND SURVEYOR** shall mean a surveyor commissioned by the Province of Ontario and qualified to establish monuments that define the boundaries of a parcel or parcels of land and to prepare all necessary reference plans and surveys for the purpose of the Agreement.
- (bb) **OWNER** means either Lawrence Schilstra or the applicant for a Building Permit for one of the Lots and includes the person on whose behalf an application for a Building Permit is made.
- (cc) **PLANNING ACT** means the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, and all regulations thereto.
- (dd) **PLANS** shall mean all drawings, plans, specifications, contracts and other documents providing for the installation, construction and erection of the Works approved by and filed in the office of the Director prior to execution of this Agreement by the Town.
- (ee) **PRIMARY SERVICES** means all private utilities and all municipal services including, without restricting the generality of the foregoing, storm sewers, sanitary sewers, sidewalks, fencing, watermain, roads (including base coarse asphalt and curbs and gutters), street lighting and drainage works and swales and/or such other works as detailed in Schedule "E" (Financial Obligations) attached to and forming part of this Agreement.
- (ff) **PRIVATE UTILITIES** means telephone, hydroelectric systems and natural gas systems and cable television systems.
- (gg) **REGION** means The Regional Municipality of Niagara.
- (hh) **REGIONAL PUBLIC WORKS DEPARTMENT** means the Region's Public Works Department.
- (ii) **SECONDARY SERVICES** means all works to be installed, constructed, or erected which are not Primary Services or private utilities and/or such other works as detailed in Schedule "E" (Financial Obligations) attached to and forming part of this Agreement.
- (jj) **SECTION**, when used in reference to a numbered part of the Agreement, means:
 - (i) a complete section including all its sections and subsections;
 - (ii) a particular subsection including its subsections; and
 - (iii) a particular subsection as the context may dictate or require.
- (kk) **STREET** means street as defined in the Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (ll) **STREET LINE** means Street Line as defined in Town's Zoning By-law No. 1136 (1987), as amended, or any successor thereto.
- (mm) **SUPERVISION** means the full-time inspection and scrutiny of all Works for the express purpose of enforcing the provisions of this Agreement and certifying that the Works have been performed and completed to Town standards in the form prescribed for this purpose and "SUPERVISE" means to carry out such Supervision.
- (nn) **TREASURER** means the Director of Corporate Services of the Town.
- (oo) **UTILITY SERVICES** means physical plant including but not limited to pipes, valves, conduits, cables, terminals, transformers, etc. owned and operated by communications, television, hydro, gas and oil companies or any other utility companies.

- (pp) **WORKS** shall jointly and severally mean and include all Services and all other matters, both internal and external, required to be completed or performed by the Developer pursuant to this Agreement.

2. LANDS AFFECTED

The Lands described in Schedule "A" attached hereto and the Development Agreement shall be registered against all of such Lands. The registered ownership of the Lands shall be confirmed by the Developer's solicitor by way of certificate in form satisfactory to the Town.

3. GENERAL PROVISIONS

- (a) Unless the context otherwise requires, where the Developer is obligated by this Agreement or the approved Plans to make any payments or install or construct or carry out any services or action the provisions therefore contained herein shall be deemed to include the words "at the sole expense of the Developer".
- (b) The Developer hereby covenants, warrants and agrees to save harmless and keep the Town indemnified from and against all manner of actions, causes of actions, suits, claims and demands that may howsoever arise through or from the terms of this Agreement, other than claims arising from negligence by the Town of Pelham, its servants and agents.
- (c) The Developer and the Town acknowledge and agree that it is their intent that all terms, conditions and covenants contained herein:
 - (i) shall run with the Lands;
 - (ii) shall be binding upon the Developer, its heirs, executors, administrators, assigns and successors in title, from time to time; and
 - (iii) the benefits of the said covenants shall ensure to the Town, its successors and assigns in title, of all roads, Streets and public Lands forming part of the Lands.
- (d) Any notices required or permitted to be given pursuant to the terms of this agreement shall be given in the manner set out in Section 25.
- (e) This Agreement and everything herein contained shall ensure to the benefit of and be binding upon the successors and assigns of the parties hereto and upon those persons and/or corporations hereafter acquiring title to all or any part of the Lands.
- (f) The Developer shall impose restrictions as set forth in Schedule "C" annexed hereto on all the Lands so that subsequent Owners will be made aware of and shall strictly adhere to the requirements of this Agreement.
- (g) The Schedules attached hereto are deemed to be a part of this Agreement and are to be interpreted as if the contents thereof were included in this Agreement.
- (h) The Developer agrees to be bound by the penalty provisions of the *Planning Act* including, but not limited to, Section 67 of said *Act*.
- (i) Notwithstanding the provisions of this agreement, the Developer shall be subject to all the By-laws of the Town and all provincial and federal government statutes and/or regulations and amendments thereto affecting the development of land and installation of municipal services.
- (j) If any term of this agreement shall be found to be ultra vires of the Town, or otherwise unlawful, such term shall conclusively be deemed to be severable

and the remainder of this agreement shall be and remain in full force and effect.

- (k) The Developer shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the right of the Town to enter into this agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the Town in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.
- (l) Time shall be of the essence of this agreement.
- (m) In the event that a Mortgagee(s) exercises any rights as to sale, possession or foreclosure or takes any other steps to enforce its security against the Lands then such Mortgagee(s) agrees on behalf of itself, its heirs, executors, administrators, successors and assigns not to deal with the Lands as a development or part thereof unless and until a new agreement in the same form, mutatis mutandis, as this Agreement has been entered into with the Town.
- (n) The Developer shall notify or cause to be notified, each and every purchaser of a Lot or Lots within the Development Plan, of all Works contracted by the Developer, the Developer's obligations to maintain the Works and all other conditions covered by this Agreement and shall cause such information to be fully recorded in any offer to purchase or agreement for sale entered into by the Developer.
- (o) The Developer shall pay, before final approval of the Development Plan is requested, all arrears of taxes and all taxes for the current year owing in respect of the Lands and the Buildings situate thereon.
- (p) The Developer shall commute and pay to the Town before final approval of the Development Plan is requested any and all Local Improvement rates assessed against the Lands.
- (q) The Town shall cause this Agreement to be Registered against the title to the Lands.
- (r) If, after this agreement is executed, the Town, the Ministry of the Environment, the Ministry of Natural Resources, the Minister of Housing or the Region shall impose any further condition or requirement which is not contained herein, then the Developer shall forthwith upon demand enter into such further Agreement or give such further assurances as the Town may require and the Developer shall not contravene any condition or requirement of the Minister of Housing or the Region notwithstanding that the same is not contained herein.
- (s) The Developer shall cause the final Development Plan, as approved by the Town of Pelham, to be registered within thirty (30) days after its approval.
- (t) The Developer shall reimburse the Town for all fees and disbursements incurred by it in connection with the preparation, approval, execution and registration of this Agreement and all related documentation in connection with the preparation and enactment of any by-law or registration of any subsequent Agreements which may be required to implement this Agreement.
- (u) All Streets and properties abutting on the Development Plan or used for access to the Lands during the installation or construction of the Works or during the construction of Buildings upon the Lots shall, at all times, be kept in a good, clean and useable condition and, if damaged or littered, shall be restored immediately to the Town's requirements.
- (v) All trucks making deliveries to or taking materials from the Lands included within the Development Agreement shall be adequately covered and not unreasonably loaded so as to scatter refuse, rubbish, dust or debris on abutting Streets or properties.

- (w) Any lands required to be conveyed by the Developer in accordance with the provisions hereof shall be in a neat and tidy condition, free of all debris and trash, and the Developer shall complete all services for the Lands in accordance with the terms of this Agreement.
- (x) The Developer shall ensure that adequate dust control and mud tracking control measures are carried out during the construction of all Works and Buildings upon the Lands.
- (y) The Developer shall, during construction, ensure all construction vehicles that are not carrying out the Works are parked on the Lands and are not parked within the municipal road allowance.
- (z) In the event that the Developer wishes to register more than one Development Agreement over the Lands, the Developer shall first obtain the written consent of the Town to do so, which consent shall be conditional upon the Developer registering such Development Agreement in such order as determined by the Town and upon registering such Development Agreement concurrently. The Developer shall not register a Development Agreement over part of the Lands without prior written consent of the Town.

4. DESIGN AND SUPERVISION OF CONSTRUCTION OF SERVICES

- (a) The Developer shall employ, at its cost, a competent and qualified consulting engineer approved by the Director, to:
 - (i) carry out all soil investigations required by the Director;
 - (ii) design all of the works required to be completed by this Agreement;
 - (iii) provide the Director of Public Works with an estimate of the cost of design, construction and maintenance of all works to be constructed under this Agreement to be used as the basis for determining the amount of security to be posted by the Developer prior to execution of this Agreement to guarantee the construction and maintenance of all works required under this Agreement;
 - (iv) prepare engineering drawings to include plans and profiles and specifications for the works and to submit detailed plans, profiles and specifications to the Director for approval prior to the installation or construction of such works;
 - (v) submit to the Director of Public Works the detailed plans for signing and provide the Director with two (2) sets of full-sized, signed hard copies and two (2) sets of signed hard copies reduced to 11" x 17" size;
 - (vi) obtain, in conjunction with the Town, all of the necessary approvals prior to installation or construction of the works;
 - (vii) call tenders for the installation and construction of the works;
 - (viii) obtain the approval from the Director of Public Works of the contractor employed to install or construct the works;
 - (ix) provide full-time resident supervision, inspection and contract administration of all works covered by this Agreement; or in the event that full-time inspection cannot or is not being provided, the Town will provide inspection services at a per diem rate of \$1100.00 per day;
 - (x) provide the Director of Public Works, or designate, forty-eight (48) hours' notice prior to commencing construction on the Works. Failure

to do so will result in a stop work order being placed on the Lands;

- (xi) have a pre-construction meeting with the Director of Public Works, or designate, prior to commencing construction on the Works. Failure to do so will result in a stop work order being placed on the Lands;
 - (xii) maintain all of the records of the installation or construction of the works and submit a copy of the same to the Director of Public Works and Utilities;
 - (xiii) supply to the Director "As Constructed" drawings of all of the works installed or constructed by the contractor in both hard copy and DWG digitized format (AutoCad 2010 or equivalent), at the time of completion of primary services;
 - (xiv) obtain from the Director of Public Works the details regarding the form and scale of these drawings prior to their presentation;
 - (xv) on the completion of the installation or construction of the works, to supply the Town with a certificate, in form satisfactory to the Director of Public Works, that the works were installed or constructed in accordance with the approved plans and specifications;
 - (xvi) provide the Director of Public Works with individual record sheets for all sewer and water service locations and depths;
 - (xvii) accompany the Director of Public Works on a final inspection of the works at the conclusion of the maintenance period herein specified and before the assumption of the works by the Town;
 - (xviii) supervise the construction of any remedial work which the Director of Public Works may direct;
 - (xix) provide building levels for construction purposes as hereinafter provided;
 - (xx) furnish the Director of Public Works with the preliminary lot grading certificate for each Lot for which an application for a building permit is made; and
 - (xxi) provide the Town with the final lot grading certificate for each lot.
- (b) The Developer shall not install Works prior to the receipt by it in writing of the approval of the Director of Public Works of the detailed Plans and specifications therefor.
 - (c) All of the works to be installed or constructed under this Agreement shall be installed or constructed under the direct supervision of the Developer's Consulting Engineer at the expense of the Developer.
 - (d) The Developer shall not close/restrict any public road allowance prior to receipt by it in writing of the approval of the Director of Public Works for such activity. In the event that construction works require lane restrictions and/or full road closures, a min of 48 hours' notice must be given to the Director of Public Works. In addition, the Developer must submit a traffic management plan and is responsible for notification of all affected emergency and non-emergency agencies.

5. CONSTRUCTION OF WORKS

The Developer agrees to construct and pay the whole cost of such construction and materials required for all of the works referred to in this Agreement and the Schedules attached, and in accordance with the conditions and specifications contained in said Agreement and Schedules.

6. CONTRACTORS

Before commencement of any works, the Developer shall show satisfactory proof to the Director of Public Works, that the proposed contractors or sub-contractors, whom the Developer has retained to construct works described in this Agreement, or any part of the works, have sufficient and valid liability insurance policies, indicating that the Town and its agents and servants are named insured; a certificate from the Workers' Safety Insurance Board showing that the contractor is in good standing; and satisfactory evidence that the contractor is qualified, experienced and has adequate equipment to successfully complete the Works. Any contractor employed by the Developer shall, as a condition of such employment, be approved by the Director of Public Works.

7. SANITARY SEWERS

- (a) The Developer shall, at no expense to the Town, except as hereinafter provided, construct and install all sanitary sewers to the 200 mm diameter PVC sanitary main, complete with manholes and other accessories both within and outside the development area which may, in the opinion of the Town, be required to serve the development area and that the servicing works shall include 1334 Pelham Street to be individually serviced with a sanitary sewer lateral to the property line, in accordance with Town standards and approved drawings by the Director of Public Works and filed in the Town's offices prior to the issuance of a Building Permit. The design of such services shall be approved by the Director of Public Works prior to commencing construction and installation of the services.
- (b) If required by the Town, and prior to the execution of this Agreement by the Town, the Developer shall undertake review of the existing downstream sanitary sewer system to ensure the capacity of the system is sufficient for the increase in flows from the Development Agreement. In the event the downstream system is inadequate for the flow increase from this development, upgrading of those facilities will be the financial responsibility of the Developer and the Work required and/or necessary to upgrade such facilities shall be completed by the Developer as part of development of this Development Agreement to the complete satisfaction of the Director of Public Works.
- (c) The Developer shall, at no expense to the Town, construct a sanitary sewer system, including service laterals from the sewer main to the property line and other appurtenances, to adequately service the Lands. All sanitary sewers, including upgrading of downstream facilities if deemed necessary by the Town, shall be constructed according to the approved Plans and specifications. Plans must be approved by the Director of Public Works, the Region of Niagara Public Works Department and the Ministry of the Environment and Climate Control, and the construction and materials used therein shall be in accordance with the Town's most recent specifications therefore.
- (d) After the installation of sewer main, all the main shall be flushed in a method acceptable to the Town to ensure that no debris has been left in the main during construction.
- (e) No storm, surface or roof water or weeping tiles shall be discharged into the sanitary sewer system. The sanitary sewer lateral shall be in accordance with the Town's Engineering Standards, as amended.
- (f) Domestic waste from any building constructed on any lot shall be discharged into the sanitary sewer system through a drain connected to the sanitary sewer system via a sanitary sewer lateral servicing each lot.

- (g) The location of the sanitary sewer laterals shall be illustrated on a detailed Site Servicing and Grading Plan including calculations and restoration of affected road and boulevard surfaces. The Site Servicing and Grading Plan shall be attached to this Agreement as Schedule "B".
- (h) After construction of individual dwelling unit service is connected, the Developer shall, at no cost to the Town, perform a video camera inspection on the connected sewer. Should the tested lines fail to meet the Town's standards as outlined in the Town's standards, the Developer shall be responsible for the repair and the necessary re-inspection to the satisfaction of the Town prior to issuance of the Construction Completion Certificate.

8. SITE SERVICING AND GRADING PLAN

The Developer shall be responsible for providing, at their expense, a Site Servicing and Grading Plan for the land described in Schedule "B" attached hereto; said plan to meet with the approval of the Director of Public Works. Building restrictions shall be imposed upon each Lot and included in each deed prohibiting a subsequent owner thereof from altering such flow or from impeding the same to an extent sufficient to cause ponding in another Lot or adjacent property. Said Site Servicing and Grading Plan shall be attached to this Agreement as Schedule "B". All elevations shown on Schedule "B" shall be maintained after construction of any building or structure upon the lands affected, and this provision shall be included in the Building Restrictions hereinbefore referred to. Minor changes to the storm drainage system may be permitted subject to the approval of the Director of Public Works and Utilities.

9. DRIVEWAYS

- (a) The Developer shall provide granular driveway access on the boulevard prior to occupancy of any Building. It shall be the responsibility of the Developer to ensure that driveway access is maintained at all normal times during the construction or maintenance of the Works.
- (b) All driveway approaches between the edge of the road and the sidewalk, or in the absence of a sidewalk between the edge of the road and the Street Line, shall be paved by the Developer by no later than the 1st day of November in the year after the year in which the buildings served by the driveway approaches are occupied.
- (c) All driveway approaches shall be constructed in accordance with Town standards to the satisfaction of the Director of Public Works.

10. NATURAL GAS, ELECTRICAL, TELEPHONE AND CABLE TV DISTRIBUTION SYSTEMS

- (a) The Developer shall be responsible for providing, at its sole expense, gas, electrical, telephone and cable TV service to the Lands in accordance with the approved Plans. All Utility Services shall be installed and constructed prior to the Director approving the Certificate of Completion of Primary Services.

11. SOD, TREES AND LANDSCAPING

- (a) The Developer shall grade and place a minimum of one hundred (100) millimetres of topsoil, together with No. 1 nursery sod on all portions of road allowances not covered by asphalt or sidewalks shown on the plans, as required, to the satisfaction of the Director of Public Works.
- (b) In order to maintain a high standard of amenity and appearance, the Developer, its heirs, executors, administrators, successors and assigns hereby undertake and agree to plant, maintain and replace trees, if, as, and when required, in accordance with Town standards and approved drawings.

- (c) In accordance with Schedule "E" affixed hereto, prior to execution of this Agreement by the Town, the Owner shall post with the Town security for the planting of trees at the rate of five hundred dollars (\$515.00) per tree to be planted.

The Developer shall be solely responsible for acquiring and planting trees at a rate of one per building lot in accordance with the terms of this Agreement. Tree species and planting location shall be to the satisfaction of the Director of Public Works. Written notice shall be provided to the Town that such work has been completed.

Provided, however, that in the event the Developer does not plant trees in accordance with the provisions of this Agreement or within the prescribed time or to the complete satisfaction of the Director of Public Works then the Town may, at its sole discretion, plant or replace or replant trees in accordance with the provisions of this Agreement and apply the above mentioned security against the Town's costs and/or collect such costs in like manner as municipal taxes.

12. PRIMARY SERVICES AND CERTIFICATE OF COMPLETION OF PRIMARY SERVICES

- (a) The Developer shall proceed with the installation or construction of the Works required hereunder with all reasonable dispatch and shall complete all of the Primary Services within one (1) year of execution of this agreement. The Director may extend the time for the completion of the Primary Services or any of them for such length of time as he may deem expedient upon the written application of the Developer.
- (b) The performance by the Developer of its obligations hereunder to the satisfaction of the Director shall be a condition precedent to the acceptance by the Town of the Works or any of them.
- (c) Prior to the issuance by the Director of the Certificate of Completion of Primary Services, the Developer shall:
 - (i) Supply to the Director "As Constructed" drawings of all of the works installed or constructed by the contractor prepared by a qualified consulting engineer approved by the Director in both hard copy and DWG digitized format (AutoCAD 2010 or equivalent), at the time of completion of primary services;
 - (ii) On the completion of the installation or construction of the works, supply the Town with a certificate, in form satisfactory to the Director of Public Works, that the works were installed or constructed in accordance with the approved plans and specifications;
 - (iii) Provide the Director with a Certificate signed by the Developer's Consulting Engineer certifying that the Primary Services have been fully completed, inspected, tested and maintained in accordance with the provisions hereof and the standards of the Town of Pelham and approved drawings;
 - (iv) Employ, at its cost, a competent and qualified consulting engineer approved by the Director to supervise the construction of any remedial work which the Director of Public Works may direct; and
 - (v) Employ, at its cost, a competent and qualified consulting engineer approved by the Director to accompany the Director of Public Works on a final inspection of the works at the conclusion of the maintenance period herein specified and before the assumption of

the works by the Town;

- (d) The Developer's Consultant shall furnish the Developer with a Certificate of Completion of Primary Services upon the completion by the Developer to the satisfaction of the Director of the installation or construction of the Primary Services and the receipt by the Director of the Maintenance Guarantee as required by Section 13 hereof, and the satisfaction by the Developer of all other requirements of this Agreement and the approved drawings.
- (e) The maintenance period for Primary Services will be one year following receipt of Certificate of Completion of Primary Services or following the expiration of the maintenance period for Secondary Services, whichever is longer.

13. SECONDARY SERVICES AND CERTIFICATE OF COMPLETION OF SECONDARY SERVICES

- (a) The performance by the Developer of its obligations hereunder to the satisfaction of the Director shall be a condition precedent to the acceptance by the Town of the Works or any of them.
- (a) Prior to the issuance by the Director of the Certificate of Completion of Secondary Services, the Developer shall:
 - (i) Supply to the Director "As Constructed" drawings of all of the works installed or constructed by the contractor prepared by a qualified consulting engineer approved by the Director in both hard copy and DWG digitized format (AutoCAD 2010 or equivalent), at the time of completion of secondary services;
 - (ii) On the completion of the installation or construction of the works, supply the Town with a certificate, in form satisfactory to the Director of Public Works, that the works were installed or constructed in accordance with the approved plans and specifications;
 - (iii) Furnish the Director with a statutory declaration in a form satisfactory to the Director that all accounts for the installation, construction and maintenance of the Secondary Services required to be installed or constructed hereunder have been paid and that there are no outstanding debts, claims or liens in respect of the Secondary Services or any of them; and,
 - (iv) Provide the Director with a Certificate signed by the Developer's Consulting Engineer certifying that the Secondary Services have been fully completed, inspected, tested and maintained in accordance with the provisions hereof and the standards of the Town of Pelham and approved drawings.
 - (v) Employ, at its cost, a competent and qualified consulting engineer approved by the Director to supervise the construction of any remedial work which the Director of Public Works may direct;
 - (vi) Employ, at its cost, a competent and qualified consulting engineer approved by the Director to accompany the Director of Public Works on a final inspection of the works at the conclusion of the maintenance period herein specified and before the assumption of the works by the Town;
- (c) The Developer's Consultant shall furnish the Developer with a Certificate of Completion of Secondary Services upon the completion by the Developer to the satisfaction of the Director of the installation or construction of the Secondary Services and the receipt by the Director of the Maintenance Guarantee as required by Section 17 hereof, and the satisfaction by the

Developer of all other requirements of this Agreement and the approved drawings.

- (d) The maintenance period for Secondary Services will be one year following receipt of Certificate of Completion of Secondary Services.

14. SECURITY DEPOSITS AND REFUNDS

The Developer shall be responsible for the full amount of the cost for the design, servicing and maintenance of the Development Plans together with all Town administrative and consulting fees and legal costs and shall be required to post security, in a form satisfactory to the Town, on accounts of aforesaid costs, charges and fees in accordance with Schedule "E" affixed hereto prior to execution of this Agreement by the Town.

Security to be posted for Services and to cover the Town administrative, engineering and legal costs shall be calculated on the basis of the Developer's estimated cost of design, construction and maintenance of all Works as set out in Schedule "E" annexed hereto. These costs will be subject to modification upon final approval of the details Plans and Specifications by the Director of Public Works.

(a) CASH PAYMENTS

Prior to the execution of this Agreement by the Town, for payment of services to be rendered by the Town, its servants and its agents as required by this Agreement, and for presently outstanding payments owing to the Town, the Developer shall, in accordance with Schedule "E" annexed hereto, deposit with the Town the following non-refundable cash amounts:

- (i) a cash amount to secure the Town's engineering, administrative consulting and legal costs for this Agreement, approval of the Plans, and enactment of by-laws calculated on the following basis:
 - (1) where the Cost of Construction of all Works is less than one hundred thousand dollars (\$100,000.00), the charge shall be ten thousand seven hundred and ninety dollars (\$10,790.00);
 - (2) where the Cost of Construction of all Works is less than four hundred thousand dollars (\$400,000.00) but in excess of one hundred thousand dollars (\$100,000.00), the charge shall be ten thousand seven hundred and ninety dollars (\$10,790.00) plus four percent (4.0%) of the cost of the works between one hundred thousand dollars (\$100,000.00) and four hundred thousand dollars (\$400,000.00);
 - (3) where the Cost of Construction of all Works is in excess of four hundred thousand dollars (\$400,000.00), the charge shall be twenty-three thousand four hundred and thirty-eight dollars (\$23,438.00) plus three and a half percent (3.5%) of the costs exceeding four hundred thousand dollars (\$400,000.00);
- (ii) a cash amount to cover all arrears of taxes, all taxes for the current year and all current Local Improvement charges assessed against the Lands; and

(b) LETTERS OF CREDIT

- (i) Before commencing any of the Works provided for in this Agreement, the Developer will deposit with the Town a Letter of Credit drawn upon a chartered bank in favour of the Town and in a form satisfactory to the Treasurer, in an amount approved by the Director, which Letter of Credit shall be sufficient to guarantee the satisfactory completion of the Works or any portion of the Works as established by the Town in its sole discretion, and payments or any part thereof required to be made by this Agreement, and will, without restricting the generality of the foregoing, guarantee the following:

- (1) payment of twenty percent (20%) of the approved estimated costs of the construction of the Primary Services to service the Lands, plus one hundred and twenty percent (120%) of the approved estimated construction costs of the Secondary Services upon the Lands as shown in Schedule "E" attached; and
 - (2) payment of one hundred percent (100%) of any other payments or Works as may be required of the Developer by the Town pursuant to this Agreement.
- (ii) The amount of the Letter of Credit required hereunder shall not be reduced unless all of the conditions of this Agreement are complied with and the estimated costs of rectifying any outstanding deficiencies, as estimated in the sole discretion of the Director, plus one hundred and twenty percent (120%) of the estimated costs of the completion of all outstanding Primary Services and Secondary Services plus all other outstanding costs payable under this Agreement, plus the Maintenance Guarantee as required under Section 14 of this Agreement, plus any *Construction Lien Act* requirements are all, in total, less than the amount of the Letter of Credit held by the Town. In such an instance, the amount of the Letter of Credit may, in the sole discretion of the Director be reduced from time to time to an amount equal to the total of all amounts set out above. Such reduction shall be based on the following:
- (1) progress certificates from the Developer's Consulting Engineer setting forth the cost of the Works completed and paid to date and the cost of unfinished Works; and
 - (2) a request for reduction in the amount of the Letter of Credit in a form approved by the Director; and
 - (3) proof of payment in a form satisfactory to the Director of the amounts paid on account of the completed Works to the date of the application for reduction.

Notwithstanding anything herein contained, the amount of the Letter of Credit shall at all times be sufficient to cover the balance of the costs of the completion of the unfinished Works, including Works deferred for extended periods and the requirements of the *Construction Lien Act*.

- (c) The Developer shall pay the cost of the Works and the fees of the Developer's Consulting Engineer and the Ontario Land Surveyor.

15. **BUILDING PERMITS AND OCCUPANCY**

- (a) The Developer agrees that no Building Permit shall be issued until the building drawings are approved to the satisfaction of the Chief Building Official.
- (b) The Developer agrees that, unless otherwise determined by Council, no Building Permits shall be issued on any parts of the lands until all Primary Services as defined elsewhere in this Agreement are completed and operational to the satisfaction of the Director of Public Works and soundness testing have been completed and results provided to and accepted by the Director of Public Works.
- (c) In addition to paying the building permit fee, the Owner of a lot shall:
 - (i) Pay the amount of the development charges which are applicable at the time of application for building permit; and

- (ii) Pay the amount of the cash-in-lieu of lands for parks purposes.

16. MAINTENANCE GUARANTEE

- (a) The Letter of Credit deposited by the Developer pursuant to Section 14 hereof may, upon the completion of the Primary Services, and prior to the assumption of the Primary Services by the Town, at the Director's discretion, be reduced to an amount equal to ten percent (10%) of the completed Works (Schedule "E") plus one hundred and twenty per cent (120%) of the value, as estimated by the Director, of any uncompleted Secondary Services and such Letter of Credit shall be retained by the Town as a Maintenance Guarantee to guarantee the workmanship and materials of the Works until such time as the Works are completed.
- (b) The Maintenance Guarantee as required under subsection 16(a) hereof, may be reduced further to five percent (5%) subject to the Developer meeting all requirements of the *Construction Lien Act*.
- (c) The Letter of Credit may be realized upon by the Town if the Developer defaults in any payment or condition contained herein.
- (d) The Developer shall be conclusively deemed to be in breach of the covenant contained in Section 15(c), if, in the case of the cost of the Works or the fees of the Developer's Consulting Engineer and the Ontario Land Surveyor, a lien against the Lands or any part thereof is preserved pursuant to the *Construction Lien Act* and if, in the case of any other payment required to be made under this Agreement, a notice to that effect is forwarded to the Developer by the Director in accordance with Section 22 hereof.

17. INHIBITING ORDER ON THE LANDS

The Developer shall not transfer or otherwise deal with the Lands or any part thereof and also acknowledges and agrees that the Town will register an inhibiting order pursuant to the *Land Titles Act*, R.S.O. 1990, c.L.5, preventing transfer of all or any part of the Lands until such time as the Director of Public Works and Utilities has issued the Completion Certificate for Primary Services for the Lands. The Developer also acknowledges that the Town may register an inhibiting order against all or any part of the Lands for other matters to ensure compliance with this Agreement.

18. DEFAULT

- (a) Upon breach by the Developer of any covenant, term, condition or requirement of this Agreement, or upon the Developer becoming insolvent or making an assignment for the benefit of creditors, the Town, at its option, may declare that the Developer is in default.
- (b) Notice of such default ("Notice of Default") shall be given by the Town and if the Developer does not remedy such default within such time as provided in the notice, the Town may declare that the Developer is in final default under this Agreement and shall then forthwith give notice of final default ("Notice of Final Default") thereof to the Developer.
- (c) Upon Notice of Default having been given, the Town may require all work by the Developer, their servants, agents, independent contractors and sub-contractors to cease (other than any work necessary to remedy such default) until such default has been remedied and in the event of final default, may require all work as aforesaid to cease.
- (d) Upon Notice of Final Default having been given to the Developer, the Town may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:

- (i) Enter upon the Lands shown on the Plan by its servants, agents and contractors and complete any work, services repairs or maintenance wholly or in part required herein to be done by the Developer and collect the cost thereof from the Developer and/or enforce any security available to it;
- (ii) Make any payment which out to have been made by the Developer and upon demand collect the amount thereof from the Developer and/or enforce any security available to it;
- (iii) Retain any sum of money heretofore paid by the Developer to the Town for any purpose and apply the same in payment or part payment for any work which the Town may undertake;
- (iv) Assume any work or services at its option, whether the same are completed or not, and thereafter the Developer shall have no claim or title hereto or remuneration therefor;
- (v) Bring action to compel specific performance of all or any part of this Agreement or for damages;
- (vi) Add any costs incurred by the Town to the tax collector's roll for the Lands and collect such costs by action or in like manner as municipal real property taxes; or
- (vii) Exercise any other remedy granted to the Town under the terms of this Agreement or available to the Town in law.

19. RESCISSION OF AGREEMENT

- (a) In the event that the Development Agreement is not registered within one (1) year from the date hereof, then the Town may, at its option and on one (1) months' notice in writing to the Developer, declare this Agreement null and void and may Register against the title to the Lands included within the Development Plan a notice to that effect.
- (b) The Developer shall not sell or convey any Lot shown on the Development Plan until this Agreement is registered on title.

20. RIGHT OF ENTRY

The Developer shall obtain from any Purchaser of any of the Lots shown on the Plan, a written statement permitting the Developer and the Town to enter upon such Lands for a period of three (3) years after the transfer thereof in order to ensure compliance with the provisions of this Agreement and shall forward an executed copy of written statement to the Town upon demand therefor.

21. WARNING CLAUSES

- (a) The Developer acknowledges and agrees to insert into all offers and agreements of purchase and sale the following clause: "All Works within the Plan, including but not limited to storm sewers, storm water management facilities, sanitary sewers, watermain, roads, curbs and gutters, street lighting and drainage works and swales, are contracted by the Developer. The Developer is obligated to maintain the Works in accordance with the Agreement and Plans registered on title."
- (b) The Developer acknowledges and hereby agrees to insert into all offers and agreements of purchase and sale the following clause: "The lands in the Plan are subject to the payment of development charges which are payable prior to the issuance of a building permit."

(c) The Developer acknowledges and hereby agrees to insert into all offers and agreements of purchase and sale the following clause: "The lands in the Plan are subject to the payment of cash-in-lieu of the dedication of land for park purposes prior to the issuance of a building permit."

22. INDEMNIFICATION

Until the expiration of the Maintenance Guarantee, the Developer, on behalf of itself, its successors and assigns, including its successors in title of the Lands in the Development Plan, hereby releases and discharges and indemnifies the Town from and against all actions, causes of action, suits, claims and demands whatsoever which may arise by reason of:

- (a) Any alteration of the existing grade or level of any Street or Streets on the Plan to bring the said grade or level in conformity with the grade or level required by the Director of Public Works; and
- (b) Any damage to the Lands abutting on any Street or Streets shown on the Plan or to any Building erected thereon arising from or in consequence of any such alteration of grade or level; and
- (c) Any damages or injuries (including death) to persons or damage to property occurring or arising on any Street or Streets on the Plan however caused.

23. COVENANTS THAT RUN WITH THE LAND

- (a) The Developer and the Town acknowledge and agree that it is their intent that all the terms, conditions and covenants contained herein shall be covenants that run with the land and that the burden of such covenants shall be binding upon the Developer, their successors and assigns, and successors in title, from time to time, of the Lands described in Schedule "A" of this Agreement and any part or parts thereof and that the benefits of the said covenants shall enure to the Town, its successors and assigns in title of all roads, Streets and public lands forming part of or abutting on the Lands described in Schedule "A".
- (b) The Developer agrees that it shall, upon the sale or transfer by it of the Lands included within the Development Plan or any part or parts thereof, require the Purchaser or Transferee thereof as a condition of such sale or transfer to execute an Agreement satisfactory in form to the Town's Solicitor, agreeing to assume this Agreement and to be bound by and fulfil all of the terms, conditions and covenants herein set forth and containing a like covenant to this effect. The said Assumption Agreement shall be executed by the Town, the Developer and any such Purchaser or Transferee and may, at the Town's option, be registered upon title. Provided, however, that such Assumption Agreement shall not be required for the sale or transfer of a Lot as shown on the Development Plan for the purpose of construction.

24. NOTICE

All notices required or permitted to be given by one party to the other shall be given in writing either by prepaid registered mail or delivered personally addressed,

in the case of the Town to:

Clerk
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill ON L0S 1E0

and in the case of the Developer to:

Lawrence Schilstra
2141 Highway 3 East
Haldimand, Ontario
N0A 1K0

or at such other addresses as may be given by either of them to the other in writing from time to time, and such notices shall be deemed to have been received, if mailed, on the third day following that on which it was so mailed and if delivered, on the day of such delivery.

25. POSTPONEMENT AND SUBORDINATION

The Developer covenants and agrees at its own expense, to obtain and register such documentation in form satisfactory to the Town's solicitor from all mortgagees or encumbrancers as may be deemed necessary by the Town to postpone and subordinate their interest in the Lands to the interest of the Town to the extent that this Agreement and all related documentation to be registered shall take effect and have priority as if they had been executed and registered before the execution and registration of the document or documents giving to the mortgagees and/or encumbrancers their interest in the Lands. The Developer acknowledges that it shall not be permitted to sell any lots within the Development Plan until such time as these postponements have been registered and that the Town shall be permitted to register an inhibiting order pursuant to the *Land Titles Act* to ensure compliance with same.

26. SCHEDULES

The Schedules attached hereto are a part of this Agreement. All Schedules are to be interpreted as if the contents thereof were included in the Agreement.

27. NUMBER AND GENDER

In this Agreement, unless there is something in the subject-matter or context inconsistent therewith:

- (i) Words in the singular number include the plural and such words shall be construed as if the plural had been used;
- (ii) Words in the plural include the singular and such words shall be construed as if the singular had been used; and
- (iii) Words importing the use of any gender shall include all genders where the context or party referred to so requires, and the rest of the sentence shall be construed as if the necessary grammatical and terminological changes had been made.

28. DEVELOPMENT CHARGES

The Developer agrees to provide notice to the first purchaser of any Lot in the Development, upon transfer of the Lots, of all Development Charges related to the Development, including Development Charges already paid by the Developer or Development Charges that may be payable in the future.

29. BINDING EFFECT

This Agreement shall be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

)	LAWRENCE SCHILSTRA
)	
)	
_____)	_____
Witness)	Signature
)	
_____)	_____
(Print Name))	(Print Name)
)	
)	<input type="checkbox"/> I have the authority to bind the Corporation
)	
)	THE CORPORATION OF THE TOWN OF PELHAM
)	
)	
)	_____
)	Marvin Junkin, Mayor
)	
)	
)	_____
)	Nancy J. Bozzato, Clerk

SCHEDULE "A"

LEGAL DESCRIPTION

PIN 64066-0737 (LT)

Part Lot 18 Plan 724 as in BB12706; PELHAM

SCHEDULE "B"

SITE SERVICING AND GRADING PLAN

1334 Pelham Street Site Grading Plan and Plan & Profile, Dwg. No. 1436, prepared by Upper Canada Consultants

1334 Pelham Street Sanitary Drainage Area Plan, Dwg. No. 1436 SANDA, prepared by Upper Canada Consultants

SCHEDULE "C"

SPECIAL PROVISIONS

1. Recognizing that the lands are primarily comprised of sand and silt surficial soils which, when disturbed or exposed, are susceptible to airborne and waterborne erosion mechanisms; therefore:
 - all areas of the land disturbed by servicing work and/or stripped of topsoil cover shall be hydroseeded immediately upon completion of constructions of works;
 - the Developer shall, throughout servicing and building phases of this development, construct and maintain siltation control ponds, as required, at locations determined acceptable by the Director of Public Works and Utilities;
 - airborne erosion of sands and silts from disturbed areas shall be controlled by application of water as required in the sole discretion of the Director of Public Works and Utilities;
 - the Developer agrees to implement, as required, other reasonable measures as determined by the Director of Public Works and Utilities for purposes of controlling and mitigating air and/or water borne sand and/or silt erosion;
 - the Developer shall immediately remove waterborne sands and silts which may be carried from the lands and restore such off-site impacted lands;
 - silt control devices, including silt fences shown on approved engineering drawings and as may be further installed or constructed at the request of the Director of Public Works and Utilities, shall be continuously inspected and maintained by the Developer throughout all servicing and residential building development; and
 - the Developer shall ensure that house building activities do not encroach upon the road allowance. This includes the storage of excavated materials and house building materials.

SCHEDULE "D"

BUILDING RESTRICTIONS

(To be included in all Deeds)

The Developer shall cause to be registered against all Lots in the Development Plan the transfer restrictions and restrictive covenants outlined below.

According to the nature of the annexed instrument, the words "Vendor", "Purchaser" and "Land" shall have the following meaning:

- (a) "VENDOR" means and includes also a grantor, transferor or seller and the heirs, successors and assigns of the Vendor.
- (b) "PURCHASER" means and includes also a grantee, transferee or buyer and the heirs, successors and assigns of the Purchaser.
- (c) "LAND" means and includes the land intended to be sold, conveyed or transferred by such instrument.

The Purchaser shall, in respect of the herein described land, adhere to and comply with the Grade Control Plan attached to the Agreement registered in the Land Titles Office for Niagara South and, in particular, shall do nothing to interfere with or impede the drainage patterns shown thereon. All grade elevation shown on the said Grade Control Plan shall be maintained after construction of any Building or structure upon the herein described land in accordance with the Town's Lot Grading Control Policy. In the event that the Purchaser fails to maintain such elevations, or to maintain the proper grades and levels herein referred to, or in the event that the Purchaser impedes any drainage system or pattern on the herein described Lands or neighbouring lands, the Purchaser shall be responsible for the immediate rectification and alteration of the land to conform with the drainage system or patterns laid out in the Agreement for any consequential damages, costs, expenses or other loss caused by the failure to maintain such grades or drainage patterns.

The Purchaser shall, in the event of requiring a different driveway entrance from that installed by the Vendor, relocate services/utilities at Purchaser's expense, cut and reconstruct the concrete curb where necessary on the roadway adjacent to the land herein described. He shall install, keep and maintain his driveway entrance or entrances from the traveled portion of the roadway to the Street line in good condition until the concrete sidewalk, concrete curbs and/or asphalt roadways for the said Development are constructed.

The Purchaser shall, within twelve (12) months of being able to occupy the home in accordance with the *Ontario Building Code* and to the satisfaction of the Chief Building Official, sod the lot.

The Purchaser shall maintain the road allowance between the Street line and the edge of the road in good condition and free from weeds and shall cut the grass thereon at frequent intervals.

The Purchaser will not remove any topsoil or strip the Lot of vegetation prior to commencing construction of a Building unit on the Lot. Only then will the Purchaser strip and excavate to the limit approved by the Town.

The Purchaser shall not occupy the dwelling on the Lot concerned until the Chief Building Official for the Town has certified that such of the following services as are applicable to the property have been installed and are operating adequately to serve the dwelling, or in the case of telephone services, are at least available to houses within the Development Plan: hydro, gas, water services, sanitary sewers and telephone.

SCHEDULE "D"

BUILDING RESTRICTIONS

(To be included in all Deeds)

(Continued)

The Purchaser shall not impede by the placing of fill, Buildings or other structures or Works any natural watercourse, swale, ditch, etc. which exists on the Lands.

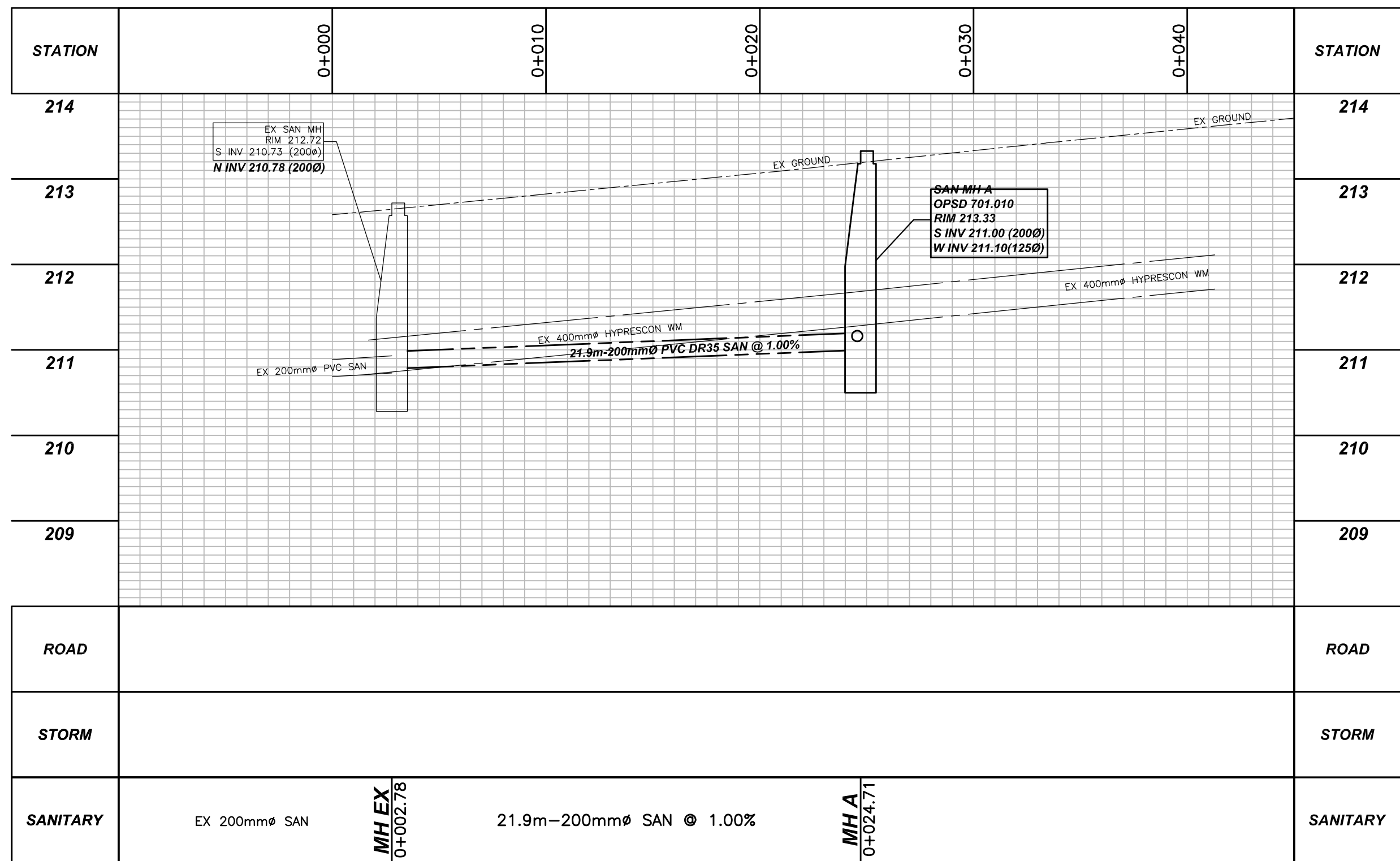
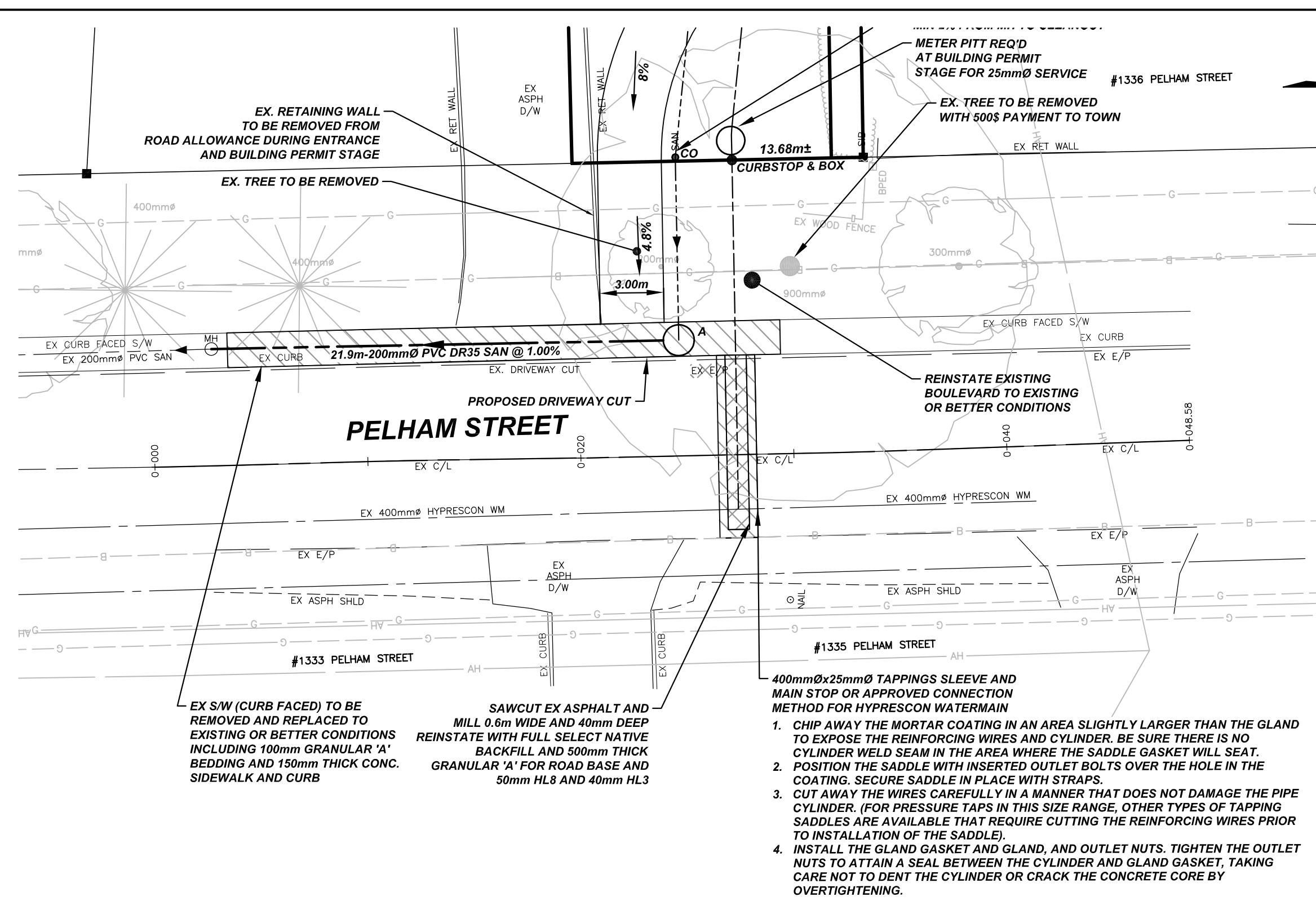
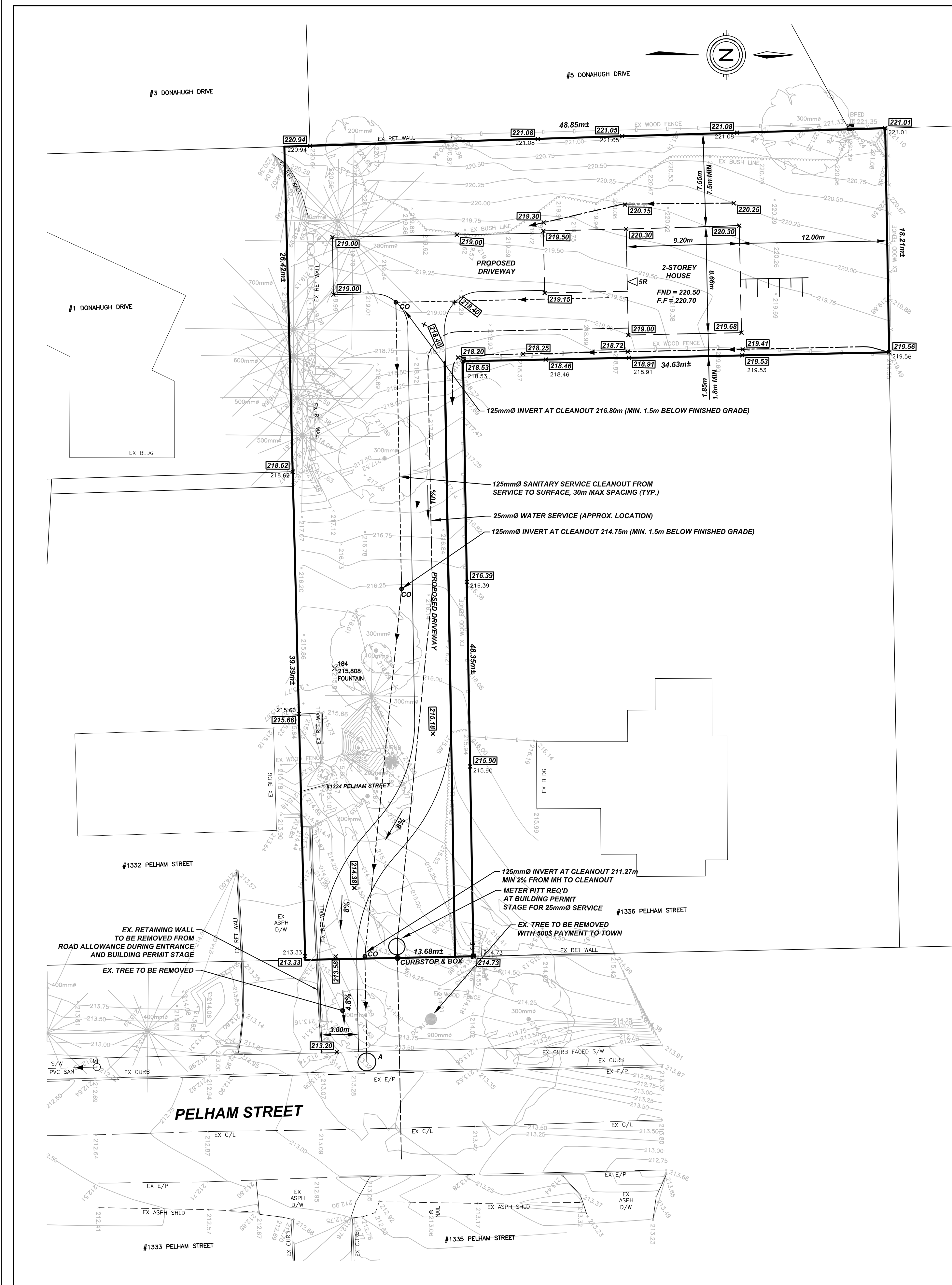
The Purchaser shall not discharge by direct connection to a sanitary or storm sewer any discharge from eavestroughing, downspouts or swimming pools.

The Purchaser shall not erect any free standing tower, radio antenna, communication tower or similar structure.

SCHEDULE "E"

FINANCIAL OBLIGATIONS AND COST OF CONSTRUCTION

SUMMARY		QTY.	UNIT	UNIT PRICE	COST
SECTION A	SANITARY SYSTEM (200 dia.)				
a)	extend sewer	60 m	250	\$	15,000.00
b)	manhole	1 ea	5500	\$	5,500.00
c)	service	2 ea	3000	\$	6,000.00
d)	moe appilication	1 ea	1200	\$	1,200.00
e)	design (ucc)	1 ea	5000	\$	5,000.00
f)	Town fees	1 ea	2000	\$	2,000.00
SECTION B	WATER SERVICES	2 ea	2500	\$	5,000.00
SECTION C	ASPHALT DRIVEWAY APRONS	2 ea	2000	\$	4,000.00
SECTION D	ESTIMATED SURVEY COSTS			\$	2,000.00
SUBTOTAL					\$ 45,700.00
10% ENGINEERING & 5% CONTINGENCY					\$ 6,855.00
SUBTOTAL					\$ 52,555.00
5% GST					\$ 2,627.75
TOTAL					\$ 55,182.75
20% SECURITY TOTAL					\$ 11,036.55
agency clearance fees, hydro and utilities not inlcuded					



LEGEND	
HYD	EX HYDRANT
SAN	EX SANITARY MANHOLE
MH	PROP SANITARY MANHOLE
CO	PROP SANITARY CLEANOUT
+	EXISTING ELEVATION
x	PROPOSED ELEVATION
---	EX WATERMAIN
---	PROP WATER LATERAL
---	EX SANITARY
---	PROP SANITARY LATERAL WITH CLEANOUT
---	PROP SANITARY SEWER

SANITARY NOTES:

- SANITARY SERVICE LATERAL TO BE 125mmØ PVC DR28. @ 2.0% MIN.
- BEDDING FOR SANITARY SEWER PER OPSD 802.010.
- SANITARY SEWER SHALL BE PVC DR35 CSA 182.7 AND FITTINGS PER CSA 182.2.
- SANITARY MANHOLE SHALL BE 1200mmØ PER OPSD 701.010 FRAME & GRATE PER OPSD 401.010 (CLOSED) AND BENCHING PER OPSD 701.021 AND KOR'N SEAL BOOTS FOR SEWER AND LATERAL CONNECTIONS.

WATER NOTES:

- WATER SERVICE MATERIAL MUST CORRESPOND TO CURRENT SPECIFICATIONS FOR THE MUNICIPALITY.
- WATER SERVICE TO HAVE MINIMUM COVER OF 1.7m WITH A MINIMUM VERTICAL SPACING OF 0.5m FROM OTHER SERVICES.
- WATER SERVICE TO BE 25mmØ TYPE "K" INCLUDING MAIN @ CURB STOP & BOX. BEDDING FOR WATER SERVICE PER OPSD 802.010.

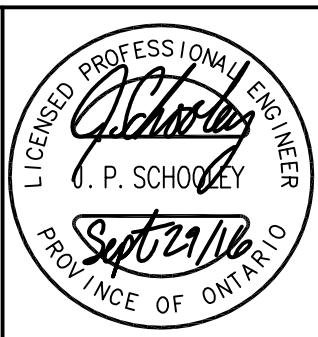
GENERAL NOTES:

- THE POSITION OF ALL POLE LINES, CONDUITS, WATERMAINS, SEWERS, AND OTHER UNDERGROUND UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN, AND WHERE SHOWN, THE ACCURACY OF THE LOCATION SHOWN OF SUCH UTILITIES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL CONTACT ALL SUCH UTILITIES INVOLVED AND INFORM THEMSELVES AS TO THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME LIABILITY FOR DAMAGE TO THEM.
- DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.
- ALL TRENCHES, EXCEPT IN DRIVEWAYS AND ROADWAYS, TO BE BACKFILLED WITH SELECT NATIVE BACKFILL UNLESS OTHERWISE NOTED. ALL TRENCHES IN DRIVEWAYS AND ROADWAYS SHALL BE BACKFILLED WITH GRANULAR 'A'.
- ALL GRANULAR MATERIAL TO BE COMPACTED TO 100% STANDARD PROCTOR DENSITY AND ALL NATIVE BACKFILL TO BE COMPACTED TO 95% SPD UNLESS OTHERWISE NOTED.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE RELEVANT SECTIONS OF THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT, THE ONTARIO PROVINCIAL SECTIONS SPECIFICATIONS AND ONTARIO PROVINCIAL STANDARD DRAWINGS UNLESS OTHERWISE NOTED.
- WHERE DISTURBED OR DAMAGED, EXISTING ROADS TO BE REINSTATED WITH 450mm GRANULAR 'A' BASE, 50mm HL8 HOT MIX ASPHALT BASE COURSE. PAVEMENT REINSTATEMENT SHALL COMPLY WITH OPSD 509.070 AND TYPICAL DETAILS SHOWN.
- REMOVE AND REINSTATE STREET FURNITURE, SIGNS, MAIL BOXES, GUIDE RAILS, CULVERTS, HEADWALLS, ETC. AS NECESSARY. REINSTATEMENT TO BE TO EXISTING CONDITION OR BETTER, AND TO THE SATISFACTION OF THE ENGINEER.
- SHOULDERS OF ROADS SHALL BE REINSTATED WITH MIN. 75mm GRANULAR 'M' TO THE SATISFACTION OF THE OWNER. THIS MAY INCLUDE SCARIFICATION AND PLACEMENT OF NEW GRANULAR MATERIAL WHERE SURFACE IS CONTAMINATED.
- CONTRACTOR TO ASSUME RESPONSIBILITY FOR PROTECTION OF ALL UTILITY POLES ALONG ALIGNMENT INCLUDING COST OF SUPPORT OF POLES BY THE UTILITY COMPANY OR BY OTHER PARTY ACCEPTABLE TO THE UTILITY, AS REQUIRED.

NO.	REVISION	DATE	INIT.
3	REVISED PER TOWN COMMENTS	2016-09-29	J.S.
2	REVISED PER TOWN COMMENTS	2016-07-29	T.A.
1	PER TOWN COMMENTS	2014-07-30	T.A.
0	ISSUED FOR APPROVAL	2014-06-11	J.S.

NOTES/LEGEND
1. THE POSITION OF POLE LINES, CONDUITS, WATERMAINS, SEWER AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	T.A.
DESIGN	J.S.
CHECKED BY	J.S.
APPROVED BY	J.S.



#1334 PELHAM STREET
SITE GRADING PLAN AND
PLAN & PROFILE
LAWRENCE SCHILSTRA

CONSULTANT FILE No. 1436	DATE 2016-09-29
SCALE Hor : 1:200 m Ver : 1:50 m	REF. No. -
DWG No. 1436	REV. 3

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. (2019)

Being a by-law to authorize the execution of a development agreement with Lawrence Schilstra

Lawrence Schilstra

(Upper Canada Consultants)

File No. DA-01-19

WHEREAS the Report Regarding the Execution of the Development Agreement for 1334 Pelham Street, authorizing the entry into a Development Agreement with Lawrence Schilstra (the ‘Developer’) and detailing the conditions to develop the lot was approved at the Council meeting held on July 15, 2019;

AND WHEREAS it is deemed desirable to enter into a Development Agreement for 1334 Pelham Street with Lawrence Schilstra in order to control development of land as described in Schedule ‘A’ of the Development Agreement which is attached hereto and forms part of this by-law;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE TOWN OF PELHAM HEREBY ENACTS AS FOLLOWS:

1. **THAT** the Mayor and Clerk are authorized to execute the Development Agreement annexed hereto and once executed by all parties, the Agreement shall be registered upon the title to the lands described in Schedule ‘A’ of the said agreement.
2. **THAT** the Mayor and Clerk are hereby directed to execute the Development Agreement attached to and forming part of this by-law.
3. **THAT** in the event that minor modifications to the Development Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

ENACTED, SIGNED AND SEALED THIS

15th DAY OF JULY, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY BOZZATO

Monday, July 15, 2019

Subject: Additional Funding request for Pavement Condition Index Study

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2019-0026-Public Works; and THAT Council approve the additional funds required to award the contract.

Background:

The Pavement Condition Index Study RFP was tendered in May 2019, closing June 4, 2019. The RFP was tendered along with the Town of Grimsby. The scope of work for the successful bidder is to provide the Town of Pelham and the Town of Grimsby with a condition index for all municipal roads to be utilized in each Town's asset management software to prioritize capital projects moving forward. There are approximately 240 kilometers of roads within the Town of Pelham that require indexing. Regional roads within the Town are not included in the scope of works.

Analysis:

The 2019 budget allocation for this project was set at \$12,000.00. All submissions came in over budget, with the lowest bidder (ARA) having a submission value of \$27,628.50. The Town of Grimsby would like to award their portion to ARA and are awaiting the Town of Pelham's decision for moving forward.

Financial Considerations:

In order to ensure that the Pavement Condition Index Study is completed, Public Works requests an additional funding amount of \$15,628.50 to move forward with this project in conjunction with the Town of Grimsby. This variance will be offset by cost savings in other capital projects.

Alternatives Reviewed:

None

Strategic Plan Relationship: Risk Management**Other Pertinent Reports/Attachments:**

None

Consultation:

Completion of the Pavement Condition Index Study will provide a status update of the Town's asset management system for roads, allowing staff to more accurately prioritize capital projects for roads moving forward. It is critical to have this completed as part of the Capital Asset Management Plan for roads.

Legal Consultation, If Applicable:

N/A

Prepared and Recommended by:

Jason Marr, Director of Public Works

Approved and Submitted by:

Teresa Quinlin, Interim Chief Administrative Officer



Monday, July 15, 2019

Subject: Complete the Sanitary Sewer Improvements at Station St and Summersides Blvd.

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2019-0032-Public Works; and THAT Council approve the additional funds required for the costs associated with the Sanitary Sewer Diversion from the Wastewater Reserve.

Background:

The Summersides Boulevard road construction project as part of the East Fonthill Development included the construction of a roundabout at the intersection of Station Street, Summersides Boulevard and Pelham Town Square. Council deferred the roundabout construction to 2023; however, there are some Sanitary Sewer Improvements which are required at this intersection.

Council approved carry forward work of \$400,000 to complete required works in the East Fonthill Development, including improvements to the Station St./Summersides Blvd. Intersection. Of this \$400,000, \$14,860.48 was allocated to purchasing sanitary sewer manholes that were pre-fabricated for this sanitary sewer improvement at the Station/Summersides/Pelham Town Square intersection. It is anticipated that these manholes will be stored until Station Street is reconstructed. (Tentatively scheduled for 2023). Due to the pressure being placed on the existing sanitary system, at this location, it would be beneficial to complete the required sanitary sewer upgrade now considering that the manholes have been already purchased by the Town and our contractor (Beam Excavating) will be completing upgrades to the Station Street intersection as part of the East Fonthill works.

The Sanitary Sewer Improvements involves the diversion of a large portion of the sanitary catchment area currently discharging to the Regions Hurricane Road PS; these areas are College Street, Emmett

Street and Pelham Town Square. The proposed diversion will change the discharge location to the Regions Trunk Sanitary Sewer on Rice Road.

All future connections to the sanitary sewer along Summerside Blvd. will ultimately discharge into the Regions Trunk Sewer on Rice Road.

Analysis:

The decision to defer the round-a-bout at Station Street was made after the sanitary manholes were fabricated. Beam Excavating was awarded a contract and had an existing purchase order to complete these works with the round-a-bout construction. As a result, the Town is required to purchase the materials for the sanitary sewer upgrades as they were specifically designed and fabricated for this project based on the design.

Beam Excavating has been retained to complete the outstanding East Fonthill works as part of the carry forward funds approved by council as part of the 2019 capital budget.

As a result, staff is recommending to proceed with the sanitary sewer upgrades now in order to make use of the materials that have already been purchased and provide relief to the existing sanitary sewer system currently near capacity.

Completing the sanitary sewer upgrades now will relieve current pressure, resolve back up and flooding issues in the hurricane Road sewer shed and will help to alleviate sewer capacity concerns in the College and Emmet subdivisions resulting from extraneous flows infiltrating the sewer system based on the age and condition of the sewer.

Financial Considerations:

In order to ensure that the Sanitary Sewer Diversion project is completed, Public Works requests the approval to move forward with this project, with provision of transferring funds from the wastewater reserve to cover the additional funds required:



Cost to complete sanitary sewer upgrades	\$113,254.05
Allowance to purchase manholes	(14,860.46)
Contingency (10%)	<u>9,839.36</u>

Total amount of Transfer from Wastewater Reserve Funds \$108,232.93

The estimate provided by Beam is estimated at \$113,254.05 not including applicable taxes or contingency. (See Appendix A)

Alternatives Reviewed:

Council may choose not to proceed with the installation of the sanitary sewer at Station Street at this time. If this is the direction of Council Public Works will store the materials until such time that Station Street is reconstructed.

Strategic Plan Relationship: Risk Management

Other Pertinent Reports/Attachments:

Estimate provided by Beam Construction.

Consultation:

Teresa Quinlin, Director Corporate Services

Legal Consultation, If Applicable:

None

Prepared and Recommended by:

Jason Marr, Director of Public Works

Approved and Submitted by:

Teresa Quinlin, Interim Chief Administrative Officer





1. Sanitary Sewer - PVC DR35, Granular 'A' bedding and cover.

[illegible]

Recommendation Report for Draft Plan of Subdivision (Martin's Nest) and Zoning By-law
Amendment Applications (File Nos. 26T19-01-2019 & AM-02-19)
July 15, 2019

Recommendation Report for Draft Plan of Subdivision (Martin's Nest) and Zoning By-law Amendment Applications (File Nos. 26T19-01-2019 & AM-02-19)

Executive Summary:

The purpose of this report is to provide the Committee of the Whole and the public with a recommendation regarding applications for draft plan of subdivision (Martin's Nest) and to amend the Town's Zoning By-law to permit street townhouse dwellings.

The subdivision will consist of 6 street townhouse dwellings (0.18 ha).

Location:

The property is located at the north west corner of Lametti Drive and Port Robinson Road, legally described as 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 (refer to Figure 1).

Figure 1: Location of the Property



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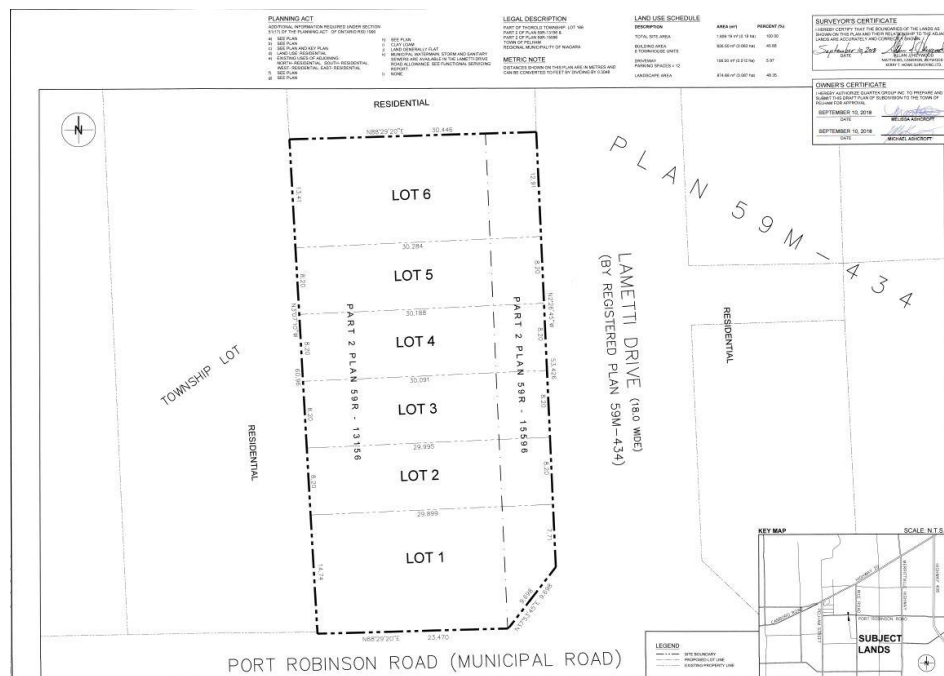
The property is surrounded to the north, east and west by properties that are currently under development as part of River Estates Phase 1 and 2 subdivisions. Current land uses to the north and east are single detached dwellings and future land use to the west is block townhouse dwellings. Property to the south on the opposite side Port Robinson Road is part of the proposed Saffron Meadows Phase 3 subdivision (under review) and is to be developed for block townhouse dwellings.

Project Description and Purpose:

The property is 1809.19 m² (0.18 hectares) in size. The existing single detached dwelling and accessory buildings at 155 Port Robinson Road are proposed to be demolished to accommodate the development.

The property owner has applied for approval of a subdivision consisting of 6 street townhouse dwellings (refer to Figure 2).

Figure 2: Proposed Draft Plan of Subdivision



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The proposed zoning by-law amendment will change the zoning from Agricultural (A) to a site specific Residential Multiple 1 to permit street townhouse dwellings subject to special regulations.

Policy Review:

Planning Act

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, the decision of planning authorities "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Section 51 of the Act allows for consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- Whether the proposed subdivision is premature or in the public interest;
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The suitability of the land for the purposes for which it is to be subdivided;
- The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- The dimensions and shapes of the proposed lots;
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- Conservation of natural resources and flood control;
- The adequacy of utilities and municipal services;
- The adequacy of school sites;
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

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- The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,
- The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

In response to Section 51(24) of the Planning Act, Planning staff advise that the application for draft plan of subdivision positively addresses matters of provincial interest, is not premature and is in the public interest. The application will comply with the policies in the Town's Official Plan and complements the existing and future subdivisions in the surrounding neighbourhood. The property is suitable for the residential uses proposed on the draft plan of subdivision. There are no units earmarked for affordable housing as part of the plan of subdivision. Highways linking the property are adequate, appropriately graded and elevated. There are no restrictions on the land (beyond typical zoning regulations), natural resources or need for flood control. Municipal services and utilities are available and adequate. Existing schools are adequate to service the proposed subdivision. No land within the subdivision is required to be conveyed for public purposes. The plan uses available energy supplies and future housing will be constructed to current energy efficient standards.

Provincial Policy Statement, 2014

The subject parcel is designated as being within a Settlement Area according to the Provincial Policy Statement, 2014 (PPS, 2014).

PPS, 2014, provides policy direction on matters of provincial interest related to land use planning and development in Ontario.

It is recognized that the province's long-term prosperity, environmental health, and social well-being depends on wisely managing change. Efficient land use and development patterns will achieve healthy, livable, and resilient communities that will protect the environment and public health and safety, and will facilitate economic growth.

Policy 1.1.1 outlines how healthy, livable and safe communities are sustained.

Settlement Areas shall be the focus of growth, and new development, in designated growth areas, should have a compact form and a mix of uses and densities that allow for the efficient use of land,

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infrastructure, and public service facilities (Policies 1.1.3.1, 1.1.3.2 (a), and 1.1.3.6). Development should provide for an appropriate range and mix of housing types and densities to minimize the cost of housing, and facilitate compact form; provide for efficient use of land, infrastructure and public service facilities; support the use of active transportation; while maintaining appropriate levels of public health and safety (Policy 1.4.3). Healthy, livable, active communities meet the needs of pedestrians by fostering and facilitating active transportation and ensuring community connectivity (Policy 1.5.1). In addition, development shall efficiently use and optimize existing municipal sewage and water services; and, stormwater management shall promote best practices and low impact development (Policies 1.6.6.1 and 1.6.6.7).

The proposed draft plan of subdivision will result in a compact form, use existing municipal infrastructure and meet the density targets. Diversity in built form and ownership options (i.e. freehold and condominium) in the neighbourhood will provide future residents with a range of housing styles and costs while ensuring public health and safety. Sidewalks have been constructed along Port Robinson Road and Lametti Drive to connect with sidewalks in the area and the future off-road trail along Rice Road. Bike lanes are provided on Summersides Boulevard and Port Robinson Road which provide further support for active transportation. Stormwater can be accommodated in the existing stormwater management ponds along Rice Road that have been sized to accommodate storm flows from these lands. The development is located in close proximity to the Community Centre and other public service facilities and can be served by existing available facilities and schools. It is Planning staff's opinion that the proposed draft plan of subdivision and zoning by-law amendment are consistent with the Provincial Policy Statement.

Greenbelt Plan, 2017

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

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Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan for the Greater Golden Horseshoe, 2019 took effect on May 16, 2019.

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The proposed development will contribute to the creation of a complete community by diversifying the mix of residential uses. The development is served by sidewalks that will provide connectivity to future neighbourhood parks, bike lanes and off-road trails. The development can be served by existing transit systems. The development of street townhouses will intensify the Built-Up Area from its current single detached residential use. The varying built form (single detached, street and block townhouses) in the vicinity will support the formation of a vibrant neighbourhood. The East Fonthill Urban Design Guidelines will assist in the creation of high quality residential construction. It is Planning staff's opinion that the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

Regional Official Plan, consolidated August 2015

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Built-up Area in the Regional Official Plan.

Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term (Policy 4.G.8.1).

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Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential development that: provides for active transportation; de-emphasizes garages; emphasizes the entrance and point of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; and, encourages a variety of connections between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

The proposed development adds to the mix of residential uses that contribute to the creation of a complete community. The street pattern will connect to existing and future neighbourhoods. Active transportation is supported through the sidewalks in a modified grid pattern and connectivity to bike lanes and trails. Municipal servicing will be in keeping with Regional and Town servicing plans. The property contains a single detached dwelling and its redevelopment will result in intensification and assist the Town in meeting the 15% intensification target. The development will be serviced by municipal sewage and water services.

The development meets Regional objectives for active transportation, deemphasizing garages and contributing to a sense of public safety with the proposed zoning regulations. The design balances the need for private and public space and creates an aesthetically pleasing and functional neighbourhood. The Developer will be required to retain an Architect to certify that future building elevations meet the East Fonthill Urban Design Guidelines prior to issuance of building permits. For these reasons, it is Planning staff's opinion that the applications conform to the policies of the Regional Official Plan.

Town of Pelham Official Plan, 2014

The subject parcel is located within the East Fonthill Secondary Plan Area and designated EF- Medium Density Residential in the Town's Official Plan, 2014.

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Permitted uses in the EF- Medium Density Residential designation are all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and public uses and public and private utilities.

Townhouse dwellings shall be developed at densities ranging from 20 units per net hectare up to 60 (Policy B.1.7.4.2(a)). The proposed development meets the density target by providing 33 units per hectare.

A portion of the property is also designated Highly Vulnerable Aquifer on Schedule B1. Policy C5.3 indicates to minimize risks posed by land uses on vulnerable groundwater areas, the following uses are prohibited on lands identified as Vulnerable Groundwater Area/Highly Vulnerable Aquifers:

- Generation and storage of hazardous waste or liquid industrial waste;
- New waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,
- Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Ontario Regulation 347 of the Revised Regulations of Ontario, 1990, or its successor.

For Committee's information, none of the prohibited uses, outlined in Policy C5.3, are proposed for the subject parcel.

The land forms part of Neighbourhood 1 on Schedule A4 'Structure Plan'. According to Policy B1.7.7.2 b)(i), Neighbourhood 1 shall achieve an overall minimum gross density of approximately 57 persons and jobs per gross hectare combined.

The proposed draft plan of subdivision proposes a density of 94.4 persons and jobs per gross hectare which exceeds the minimum gross density.

New development is required to be generally consistent with the Urban Design Guidelines for the East Fonthill Secondary Plan area (B1.7.4.2(b)). The Urban Design Guidelines promote street-oriented,

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pedestrian friendly development and compatibility through appropriate building siting, design and landscaping. The Developer will be required to have an Architect certify that building designs meet the Urban Design Guidelines prior to issuance of building permits. Further, staff have included a recommended condition of draft plan approval that requires the submission of a landscape plan for Lot 1 (at the corner of Lametti Drive and Port Robinson Road) to ensure that the landscaping will be enhanced to act as a gateway to the neighbourhood as well as to comply with the Urban Design Guidelines.

Policy B1.1.5 requires that when considering a Zoning By-law amendment to permit a townhouse development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) Can be easily integrated with surrounding land uses;
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and
- d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

In response to Policy B1.1.5, Planning staff are of the opinion that the development as proposed respects the character of adjacent existing and future residential neighbourhoods with respect to height, bulk and massing. All development will have to be consistent with the Urban Design Guidelines which will ensure that these items are considered in the design. The street townhouses can be easily integrated with surrounding land uses. The street townhouses will front onto Lametti Drive (Local Road) near access to Port Robinson Road (Collector Road). The future residential development of this property was considered during the preparation of the East Fonthill Secondary Plan and supporting studies including traffic. Traffic congestion is not anticipated as a result of the townhouses. Finally, the size of the property for street townhouse dwellings is sufficient to incorporate parking, recreational areas, landscaping and buffering.

Policy D5.3 requires that prior to considering an application for a plan of subdivision, Council must be satisfied that:

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- a) The approval for the development is not premature and is in the public interest.
- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required.
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of this Plan that relate to density and intensification.
- d) The subdivision, when developed will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation.
- e) The subdivision conforms with the environmental protection and management policies in this Plan; and
- f) The proposal conforms to Section 51(24) of the Planning Act, as amended.

In response to this policy, Planning staff advise that the development will address the need for residential housing by way of redevelopment of an underused piece of land. The public interest has been considered during the Planning approval process and by evaluating consistency with the Provincial Policy Statement which includes policies based on the public interest. The land is serviced by existing infrastructure, schools, planned and existing parkland and open space, community facilities and other amenities. The density of the development is appropriate for the neighbourhood and conforms to the density requirements in the Official Plan. The subdivision is linked with an existing roadway (Lametti Drive) and will connect with existing sidewalks. There are no natural heritage features present on the property.

Based on the discussion above, Planning staff are of the opinion that the proposed draft plan of subdivision and zoning by-law amendment conform to the Town's Official Plan

Zoning By-law 1136 (1987), as amended

The subject parcel is zoned Agricultural (A) which permits agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares; one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and forestry and conservation uses.

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The zoning by-law amendment application seeks approval to amend Zoning By-law No. 1136 (1987) from the Agricultural (A) zone to a site specific Residential Multiple 1 zone to permit street townhouse dwellings with special zoning regulations (refer to Table 1).

Table 1: Requested Zoning By-law Amendment

	Current RM1 Zone	Proposed RM1 Zone
16.3 Zone Requirements for Street Townhouse Dwellings		
(d) Minimum Front Yard	7.5 m (24.61 ft)	6.0 m (19.7 ft)
(e) Minimum Exterior Side Yard	7.5 m (24.61 ft)	6.0 m (19.7 ft)
(f) Minimum Interior Side Yard	3.0 m (9.84 ft)	3.0 m or 0 m for a common wall

Planning staff note that the applicant revised the site plan for the proposed development and the planting strip will be provided as required in the Zoning By-law.

The proposed zoning change will conform to the policies of the Official Plan. The zone standards will allow for efficient residential development while respecting the needs of future residents. In Planning staff's opinion, the proposed zoning change will apply good planning principles.

Agency Comments:

On February 15, 2019 a public meeting notice was circulated to external agencies and internal departments regarding the proposed applications. Full versions of comments received to date have been included in Appendix A to this report. The following is a summary of those comments:

Department of Public Works and Utilities

- Requests revisions to the Site Servicing and Grading Plan.
- Payment of costs for the oversizing of the stormwater management facility and storm sewer will be required.

Building

- Building permits will be required.

Enbridge

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- No objection subject to inclusion of standard conditions.

Hydro One

- No comments or concerns.

Canada Post

- Development will receive delivery by community mailbox. No conditions or concerns.

Niagara Region

- No objections subject to conditions of draft plan approval relating to archaeological resources.

Public Comments:

On February 15, 2019 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries and public notice signs were posted facing Port Robinson Road and Lametti Drive. In addition, a public meeting was held on March 11, 2019. The following comments (Appendix B & C) have been received at the time of writing of this report:

Hummel Properties Inc.

- Fully support this development.

River Realty Development (1976) Inc.

- No objection.
- Request that the Town incorporate measures through the development process to ensure that River Realty will not be held liable/accountable/responsible for any damage, replacement or repair to the previously installed services as a result of the development.

Note: the comment from River Realty Development (1976) Inc. is in relation to the fact that the services within the River Estates subdivision that River Realty Development (1976) Inc. installed have not been assumed by the Town and if damages are caused during the development of Martin's Nest, then the developer of Martin's Nest would be responsible for damages.

Bill Heska

- Concerned about parking, traffic impacts and snow removal due to proximity to the intersection with Port Robinson Road.

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Staff Comments:

Planning staff advise that the applicant has provided revised drawings in response to the requested changes by Town Public Works staff. These drawings are currently under review, however recommended draft plan conditions have been included that require these items to be provided to the satisfaction of the Director of Public Works. Further, a recommended condition of draft plan approval has been included to require the payment of the oversizing cost for the storm sewer and pond.

In response to the comment from River Realty (1976) Development Inc, Planning staff have included a recommended condition of draft plan approval that advises the Developer that he/she is responsible for any damage, repair or replacement of the existing services that may result from the development. If approved, this condition will be included in a future Subdivision Agreement.

At the public meeting, Bill Heska expressed concerns about the amount of parking being provided for the development. Planning staff advise that each lot will accommodate one parking space within the garage and one in the driveway. In addition, the pairing of the driveways will allow for some on-street parking to occur in front of the development. The additional traffic generated as a result of the development is minimal and can be accommodated in the road system. Traffic reviews were undertaken as part of the Secondary Plan process which considered redevelopment of the area. Public Works staff were consulted regarding snow removal and did not have any concern with the ability to manage snow removal at this location. Snow removal will occur in the same manner as present as no changes to the roadway are proposed as a result of the development. The wide boulevards and front yards allow for snow storage from driveway, sidewalk and road clearing.

Based on the policy analysis and discussion in this report, it is Planning staff's opinion that the applications for zoning by-law amendment and draft plan of subdivision are consistent with the Provincial Policy Statement, conform to Provincial and Regional plans and will conform with the Town's Official Plan and the East Fonthill Secondary Plan. The proposed development compliments existing development, is not out of character with the newly developed area, provides for an efficient use of land and infrastructure and the proposed zoning by-law amendment provides for appropriate standards for implementing the proposed development. All recommended conditions of draft plan approval have been included in Appendix E.

Prepared by: Shannon Larocque, MCIP, RPP, Senior Planner

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Reviewed by: Barbara Wiens, MCIP, RPP, Director of Community Planning and Development

Attachments:

Appendix A	Agency Comments
Appendix B	Public Comments
Appendix C	Minutes of Public Meeting March 11, 2019
Appendix D	Draft By-law
Appendix E	Conditions of Draft Plan Approval

Alternatives:

Council could choose not to approve the zoning change and draft plan of subdivision.

Council could choose to approve the draft plan of subdivision and zoning by-law amendment with modifications to the zoning provisions or draft plan conditions.

Recommendation:

BE IT RESOLVED THAT, Council receives this Planning and Development report for information as it pertains to File Nos. 26T19-01-2019 & AM-02-19 relating to Martin's Nest Draft Plan of Subdivision;

AND THAT, Council approve the By-law, attached hereto as Appendix D, amending the zoning of the subject property from the Agricultural (A) zone to the site specific Residential Multiple 1 (RM1-295), zone.

AND THAT, Council approve the draft plan of subdivision subject to the conditions attached hereto as Appendix E.



Memorandum

Public Works Department - Engineering

To: Shannon Larocque

From: Tolga Aydin

Date: February 28th, 2019

Subject: 155 Port Robinson Road – First Submission

The Public Works Department has reviewed the submitted documentation regarding the proposed development located at 155 Port Robinson Road. Please note the following notes and conditions provided.

The following submitted drawings have been considered for the purpose of this application:

- 18028 SSG – Site Servicing and Grading Plan, Dated July 18th, 2018
- 18028 SP – Site Plan, Dated December 18th, 2018

The following submitted reports need to be updated and resubmitted for consideration for the purpose of this application:

- Stormwater Management Plan, 155 Port Robinson Road, Town of Pelham, Prepared by Quartek Group, Dated: December, 2018
- Functional Servicing Report, 155 Port Robinson Road, Town of Pelham, Prepared by Quartek Group, Dated: December, 2018



Engineering Reports

The following comments shall be addressed to the satisfaction of the Director of Public Works and Utilities.

Engineering Drawings

The following comments shall be addressed to the satisfaction of the Director of Public Works and Utilities.

General Comments

1. Note that \$8,463.00 from an existing front-ending agreement is required.

18028 SSG – Site Servicing and Grading Plan

A meeting was held with Hank Klassen of Quartek Group where an alternate design was discussed in detail. Site Servicing and Grading Plan is to be resubmitted reflecting the new design.

February 6, 2019

BY EMAIL ONLY

File: D.18.04.ZA-19-006
D.11.04.SD-19-002

Ms. Shannon Larocque, MCIP, RPP
Senior Development Planner
Community Planning & Development
The Town of Pelham
20 Pelham Town Square
Fonthill, ON, L0S 1E0

Dear Ms. Larocque:

RE: Applications for Draft Plan of Subdivision Approval and Zoning By-law Amendment
Location: 155 Port Robinson Road
Agent: Quartek Group Inc. (Susan Smyth)
Your Files: AM-02-19 & 26T19-01-19

Regional Development Planning staff has reviewed the information circulated with the applications for Draft Plan of Subdivision and Zoning By-law Amendment for lands municipally addressed 155 Port Robinson Road in the Town of Pelham. The files were received digitally on January 9, 2019; fees arrived by Regional courier on January 18, 2019. The Draft Plan of Subdivision proposes to construct six (6) townhome units that will front onto Lametti Drive. The proposed Zoning By-law Amendment proposes to change the existing Argucultural (A) Zone to a site specific Residential Multiple (RM1) zone. A preconsultation meeting for the proposed development was held on April 5, 2018 with the agent and staff from the Town and Region. The following comments are provided from a Provincial and Regional to assist the Town in there consideration of these applications.

Provincial and Regional Planning Policies

The subject lands are located within Town of Pelham's Urban Area, as defined by the Regional Official Plan (ROP). The Town of Pelham's Urban Area is considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS).

The PPS, Growth Plan for the Greater Golden Horseshoe (Growth Plan) and ROP direct development to urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of uses and have high quality public open spaces.

The subject lands are located within the Provincially designated Built Boundary for the Town of Pelham and designated Built Boundary by the ROP. The proposed development is considered

as Intensification and will count towards the Town's annual residential intensification target of 15%, as set by the Regional Official Plan.

The proposed development is immediately north of the River Estates Subdivision and south of Saffron Meadows Subdivision. The application proposes a townhouse development, which will introduce a range of housing type into the neighbourhood of predominantly detached dwellings.

Archaeological Resources

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS states that, "development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved."

The subject lands are identified as having high archaeological potential as recognized in the Town's archaeological potential mapping and proximity registered archeological sites and a watercourse. According, an archaeological assessment of the proposed development is required. As of the date of this letter, an Archaeological Assessment and clearance letter from the Ministry of Tourism, Culture and Sport (MTCS) has not been received. Conditions of draft plan approval have been included in the Appendix to address archarological interest.

Stormwater Management

Regional Staff has reviewed the 'Stormwater Management Brief – Street Townhouse Development, 155 Port Robinson Road, Pelham' (dated December 2018) and the associated engineering drawings (revised December 20, 2018) inclusively by the Quartek Group based on the scope, nature, and location of the proposed development, and the fact that the downstream River Estates stormwater management facility provides stormwater quality and quantity controls for this area, the Region will not require that stormwater management quality or quantity controls be implemented for this development.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner brings waste and recycling to the curbside on the designated pick up day; containers must be placed at the entrance located at curbside of the municipal street and the limits for containers are:

- One (1) garbage container per property
- Unlimited blue/grey bins
- Unlimited green bins
-

Regional staff note that as this development has frontage on an existing road, no waste collection conditions are required.

Regional Bicycle Network

The subject property has frontage on a roadway designated as part of the Regional Niagara Bicycling Network. If the bicycle route is currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Servicing

Based on the fact that this proposal has frontage on an existing road, and will utilize existing services, no conditions are required.

Conclusion

In conclusion, subject to the conditions of draft plan approval for archaeological matters, the proposal aligns with the intent and direction of Provincial and Regional policies and the Strategic Priorities of Regional Council. Regional staff has no objection to the proposed Draft Plan of Subdivision and Zoning By-law Amendment from a Provincial and Regional perspective, subject to the conditions of draft plan approval as outlined in the appendix.

Should you have any questions concerning the above noted comments, or if you would like a hard copy of the comments, please contact me at 905-980-6000 extension 3518, or Pat Busnello, MCIP, RPP, Manager of Development Planning, at extension 3379.

Sincerely,



Alexsandria Pasquini
Development Planner

cc: Mr. Pat Busnello, MCIP, RPP, Manager Development Planning (Niagara Region)
Ms. Susan Dunsmore, P. Eng., Manager Development Engineering (Niagara Region)

Appendix
Conditions of Draft Plan of Subdivision Approval
155 Port Robinson
Town of Pelham
26T19-01-19

1. That at minimum a Stage 1-2 Archaeological Assessment be completed and submitted 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 Niagara Region. If the consultant recommends / the MTCS requires further Stage 3 or 4 Archaeological Assessments, these report(s) must also be submitted to and accepted by the MTCS, to the satisfaction of Niagara Region as well. NOTE: No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the MTCS confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.
1. That the following clause be included in the subdivision agreement:

"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 [owner's archaeology consultant] 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, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

January 30, 2019

Shannon Larocque
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Draft Plan of Subdivision & Zoning By-law Amendment
Quartek Group Inc.
155 Port Robinson Road
Town of Pelham
File No.: 26T19-01-19 & AM-02-19

Enbridge Gas Distribution does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Distribution's Customer Connections department by emailing CustomerConnectionsContactCentre@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, Silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Distribution at no cost.

The applicant will contact Enbridge Gas Distribution's Customer Connections department by emailing CustomerConnectionsContactCentre@enbridge.com prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

The applicant will grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads "Alice Coleman". The script is cursive and fluid.

Alice Coleman

Municipal Planning Coordinator
Long Range Distribution Planning

—

ENBRIDGE GAS DISTRIBUTION

TEL: 416-495-5386

MunicipalPlanning@enbridge.com

500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com

Integrity. Safety. Respect.

AC/jh

Shannon Larocque

From: Belinda Menard
Sent: Thursday, January 24, 2019 2:21 PM
To: Shannon Larocque; Pasquini, Alex; Derek Young; Bob Lymburner
Cc: Tolga Aydin; Jason Longhurst
Subject: RE: Request for Comments - Applications for Zoning By-law Amendment & Draft Plan of Subdivision - 155 Port Robinson Road

Hello Shannon,

The Building Department offers the comment that building permits will be required.

Belinda



Belinda Menard, Dipl.T
Building Intake/Plans Examiner
Community Planning & Development

e: bmenard@pelham.ca
p: 905.892.2607 x344
pelham.ca

20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

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From: Shannon Larocque
Sent: Wednesday, January 09, 2019 12:52 PM
To: Pasquini, Alex; Derek Young; Bob Lymburner; Belinda Menard
Cc: Tolga Aydin; Jason Longhurst
Subject: Request for Comments - Applications for Zoning By-law Amendment & Draft Plan of Subdivision - 155 Port Robinson Road

Good Afternoon,

We are in receipt of applications for zoning by-law amendment (AM-02-19) and draft plan of subdivision (26T19-01-19) for 155 Port Robinson Road.

The applications and supporting materials are available via the following dropbox link:
<https://www.dropbox.com/sh/iqv0iqgk5yhgunm/AABjRcB2KuAmbWAoFlod6ESDa?dl=0>

Hard copies will also be provided.

Alex, Regional review fees have been received and will be forwarded by courier. Please note that no archaeological assessment has been submitted at this time. We have requested that the report be submitted asap and indicated that we will not be in a position to prepare a recommendation report to Council in its absence. We are prepared to deal with the Ministry's clearance letter as a condition of draft plan approval.

Comments would be appreciated by February 8th.

If you have any questions or require further information, please feel free to contact me.

Regards,

 Pelham NIAGARA <i>Vibrant · Creative · Caring</i>	Shannon Larocque, MCIP, RPP <i>Senior Planner</i> Community Planning & Development	e: slarocque@pelham.ca p: 905.892.2607 x319 pelham.ca	20 Pelham Town P.O. Box 400 Fonthill, ON L0S
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Shannon

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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Shannon Larocque

From: Bishmita.Parajuli@HydroOne.com
Sent: Thursday, January 24, 2019 8:52 AM
To: Shannon Larocque
Subject: Pelham, 155 Port Robinson Road, 26T19-01-19

Hello,

We are in receipt of your Subdivision Application 26T19-01-19, dated January 9, 2019. We have reviewed the documents concerning the noted Application and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Please select "Service Territory Overlay" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Please let me know if you have any questions or concerns.

Thank you,

Bishmita Parajuli

University Co-Op Student, Real Estate Department
185 Clegg Road
Markham, ON L6G 1B7

Bishmita.Parajuli@HydroOne.com

www.HydroOne.com

On behalf of,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

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January 30, 2019

SHANNON LAROCQUE
TOWN OF PELHAM
20 PELHAM TOWN SQUARE
FONTHILL, ONTARIO, L0S 1E0

Re: Draft Plan of Subdivision - 155 Port Robinson Road, Town of Pelham

Dear Shannon:

This development, as described, will receive mail delivery via community mailbox.

We will accommodate these addresses in CMB equipment already installed within the development, therefore, Canada Post Corporation has no comments or conditions regarding this project.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer

River Realty Development (1976) Inc.

February 20, 2019

Ms. Shannon Laroque
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Shannon:

**Re: Proposed Six-Unit Townhouse Development
155 Port Robinson Road**

We have received a letter and site plan from Ms. Susan Smyth which provides a brief outline of the above proposal. We do not have any objection to the proposal as outlined.

We do however wish to note that many of the services (i.e. base roads, curbs, sidewalks, underground services etc) abutting the above property have been installed by River Realty to service River Estates subdivision. At this point in time these services have not been assumed by the Town. The above development will access some or all of these previously installed services and depending on the timing of construction the Town may not have assumed River Estates subdivision and River Realty should not be held responsible for any damage, replacement, repair to any of the previously installed services as a result of the works associated with the above proposed development.

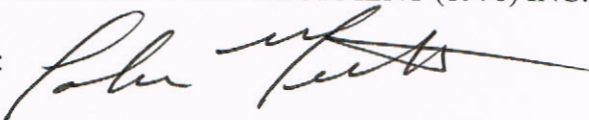
Therefore, we respectfully request the Town of Pelham incorporate whatever measures necessary through the development process to ensure that River Realty will not be held liable/accountable/responsible for any damage, replacement, repair, to the previously installed services as mentioned in the preceding paragraph.

Please provide us with the appropriate updates as to how the Town determines how to deal with this matter.

Thank you for your assistance.

Yours truly,
RIVER REALTY DEVELOPMENT (1976) INC.

Per:



John Mestek, B.A.
General Manager
JM/am

Shannon Larocque

From: Susan Smyth <[REDACTED]>
Sent: Wednesday, February 20, 2019 1:33 PM
To: Pam Cupola
Cc: Shannon Larocque
Subject: Proposed Six-Unit Townhouse Development (Martins Nest)

Thank you Pamela.

From: Pam Cupola <[REDACTED]>
Sent: February 20, 2019 12:53 PM
To: Susan Smyth <[REDACTED]>
Subject: Proposed Six-Unit Townhouse Development (Martins Nest)

Good afternoon Susan,

We are in receipt of your letter dated February 7, 2019, in connection with the proposed development at 155 Port Robinson Road. We reviewed the plan and fully support this development.

Thanks.

Pamela Cupola for Rainer Hummel
Hummel Properties Inc.

[REDACTED]

Minutes

Meeting #: PCOW-03/2019
 Date: Monday, March 11, 2019
 Time: 6:30 PM
 Location: Town of Pelham Municipal Office - Council Chambers
 20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin, Mike Ciolfi, Lisa Haun, Bob Hildebrandt
 (electronic participation), Ron Kore, Marianne Stewart,
 John Wink

Staff Present: Teresa Quinlin, Nancy Bozzato, Barbara Wiens, Shannon
 Larocque

Media: Applicants and interested citizens

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:30 p.m.

2. Adoption of Agenda

Moved By Mike Ciolfi

THAT the agenda for the March 11th, 2019 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Planning Act Application:

The Mayor read into the record the Notice Requirements regarding this application.

4.1 Planning Report

4.1.1 Planning Department Presentation

4.1.2 Information Report for Draft Plan of Subdivision (Martin's Nest) and Zoning By-law Amendment Applications (File Nos. 26T19-01-2019 & AM-02-19)

Ms. Shannon Larocque provided an overview of the application before Council. A copy is available through the Clerk.

Moved By Ron Kore

THAT, Committee receives this Department of Community Planning and Development report for information as it pertains to File Nos. 26T19-01-2019 & AM-02-19 relating to Martin's Nest Draft Plan of Subdivision, together with the Planning Department presentation;

AND THAT, Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

Carried

4.2 Applicant's Presentation

Ms. S. Smyth, as agent for the applicant, presented additional information regarding the application. A copy of the presentation is available through the Clerk.

Moved By Lisa Haun

THAT Committee receive the presentation materials submitted by the applicant for information as it pertains to File 26T-01-2019 and AM-02-19.

Carried

4.3 Public Input

Bill Heska, expressed concern about parking given this is in close proximity to Port Robinson Road and he wondered where the snow will be stored. This being a main entrance on Port Robinson Road and he was concerned about congestion, noting this will go from one house to six. He suggested this proposal does not consider accessibility.

Ms. Larocque noted that the development meets the zoning requirements, with one parking space available in the garage and one in the driveway. Ms. Wiens noted that snow removal and storage will be reviewed and addressed in the recommendation report. There is adequate space for movement of vehicles, snow removal and snow storage at this location.

Moved By John Wink

THAT Committee receive the information presented by members of the public relating to the subject applications, as follows:

Bill Heska

Carried

4.4 Committee Input

On a question on style of townhouse, Ms. Wiens advised that the end units will be one storey and the centre units will be 1.5 storeys. The zoning by-law amendment does not contemplate a second dwelling unit. The roofs are all connected and the dividing wall between the units is common while meeting the fire and building code requirements, a common wall being typical for townhouse units.

5. Planning Act Application:

The Mayor read into the record the Notice Requirements regarding this application.

5.1 Planning Report

5.1.1 Planning Department Presentation

5.1.2 Information Report for Zoning By-law Amendment Application – River Estates Phase 2 (File No. AM-03-19)

Ms. Shannon Larocque provided an overview of the application before Council. A copy is available through the Clerk.

Moved By Marianne Stewart

THAT, Committee receives this Department of Community Planning and Development report for information as it pertains to File No. AM-03-19 relating to River Estates Phase 2 Draft Plan of Subdivision, together with the Planning Department presentation;

AND THAT, Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

Carried

5.2 Applicant's Presentation

No one was present on behalf of the application.

5.3 Public Input

No one present in the gallery spoke to this application.

5.4 Committee Input

Councillor Kore's questions relating to the application were all addressed.

6. **Adjournment**

Moved By John Wink

**THAT this Special Committee of the Whole, Public Meeting
Under the Planning Act, be adjourned.**

Carried

Mayor: Marvin Junkin

Town Clerk: Nancy J. Bozzato

APPENDIX D

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. (2019)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at the northwest corner of Port Robinson Road and Lametti Drive, legally described as 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, from the Agricultural (A) zone to a site specific Residential Multiple 1 (RM1-295) zone.

Town of Pelham

File No. AM-02-19

WHEREAS, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. **THAT** Schedule ‘A5” to Zoning By-law 1136 (1987) as amended, is hereby further amended by rezoning the lands identified on Schedule ‘A’ attached hereto and forming part of this By-law from Agricultural (A) to the site specific Residential Multiple 1 (RM1-295) zone.
2. **THAT** Section 30 of Zoning By-law 1136 (1987) as amended, is hereby amended by adding the following:

RM1-295

Notwithstanding the requirements of Section 16.3 of the Residential Multiple 1 zone, the following regulations shall apply:

- | | |
|-------------------------------|--|
| d) Minimum Front Yard | 6.0 metres |
| e) Minimum Exterior Side Yard | 6.0 metres |
| f) Minimum Interior Side Yard | 3.0 metres or 0 metres for a common wall |

3. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS

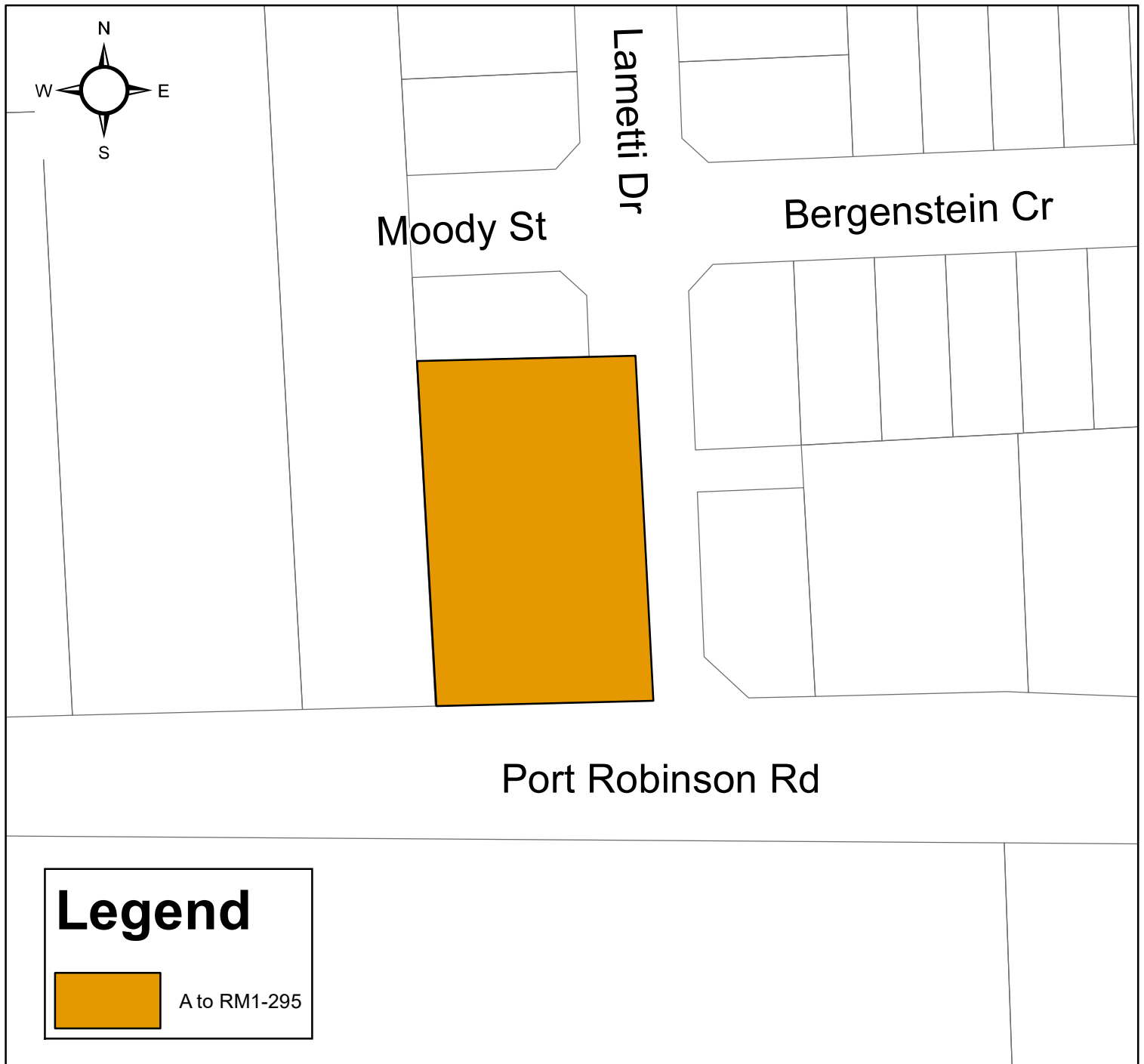
APPENDIX D

15th DAY OF JULY, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

Schedule 'A':



25 12.5 0 25 Meters

Prepared: June 2019

This is Schedule 'A' to By-law No. _____ (2019) passed the 15th day of July, 2019.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

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).

Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications -
1440 Pelham Street (File no. AM-05-19 and SP-05-17)
July 15, 2019

Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications
1440 Pelham Street (File No. AM-05-19 and SP-05-17)

Executive Summary:

The purpose of this report is to provide the Council with a recommendation regarding an application to amend the Town's Zoning By-law to allow an increase in building height to 4 storeys from 3 storeys as well as permit a maximum gross floor area of 123% of the total lot area to accommodate a two storey addition to an existing two storey building and for site plan approval for a 4 storey mixed use building with an elevator and stairway penthouse above. The proposal provides for the addition of 12 apartment dwellings to an existing commercial building along with adjustments to the parking area layout, addition of landscaping, waste bins and walkways.

Location:

The property is located on the west side of Pelham Street at the terminus of Pelham Town Square. The property is legally described as Lot 2 west side South Pelham Street Plan 715, Part Lot 3 south side west Canboro Street, Part Lot 715, Part 1 Plan 59R-8665, Town of Pelham, Regional Municipality of Niagara (refer to Figure 1).

Figure 1: Location of the Property



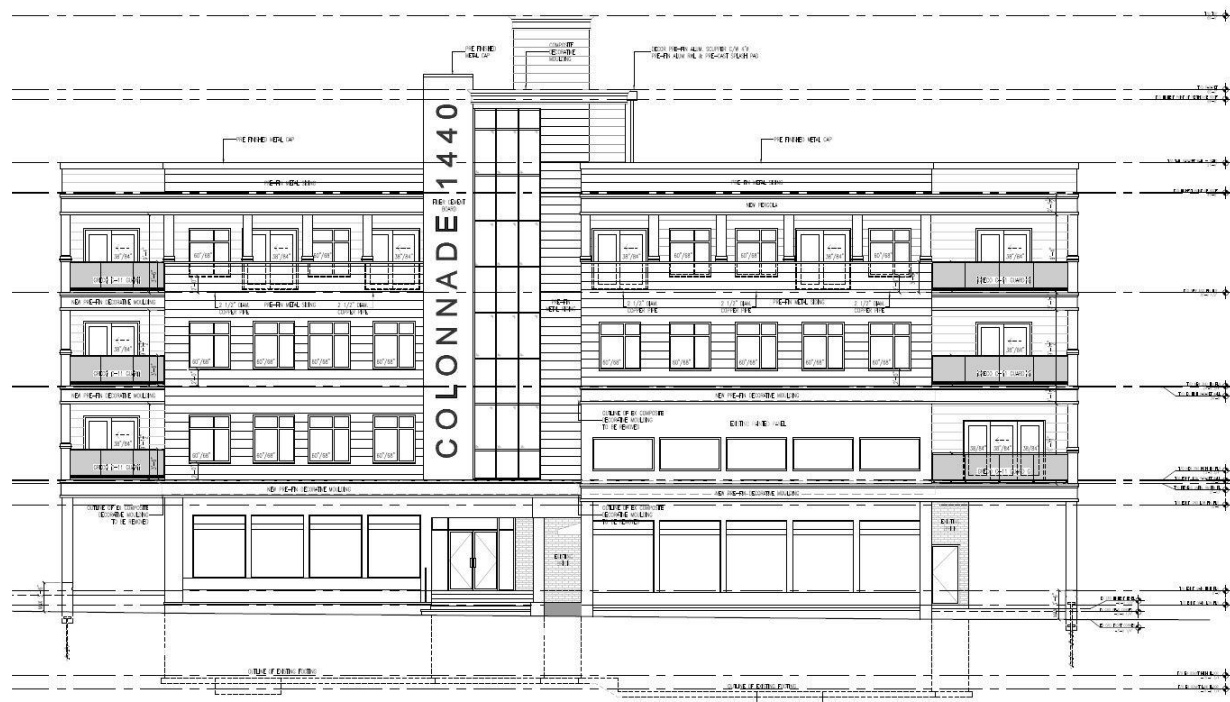
**Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications -
 1440 Pelham Street (File no. AM-05-19 and SP-05-17)
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The property is generally bounded by mixed use buildings and one residential property fronting Regional Road no. 20 and is located in the downtown core area of Fonthill.

Project Description and Purpose:

The proposed zoning amendment will allow an increase in building height to 4 storeys from 3 storeys as well as permit a maximum gross floor area of 123% of the total lot area to accommodate a two storey addition to an existing two storey building. The application will facilitate the construction of a 4 storey mixed use building with an elevator and stairway penthouse above (Figure 2). The building addition will include 12 apartment dwellings. The existing two floors of commercial use will remain. The proposed site layout is included as Figure 3.

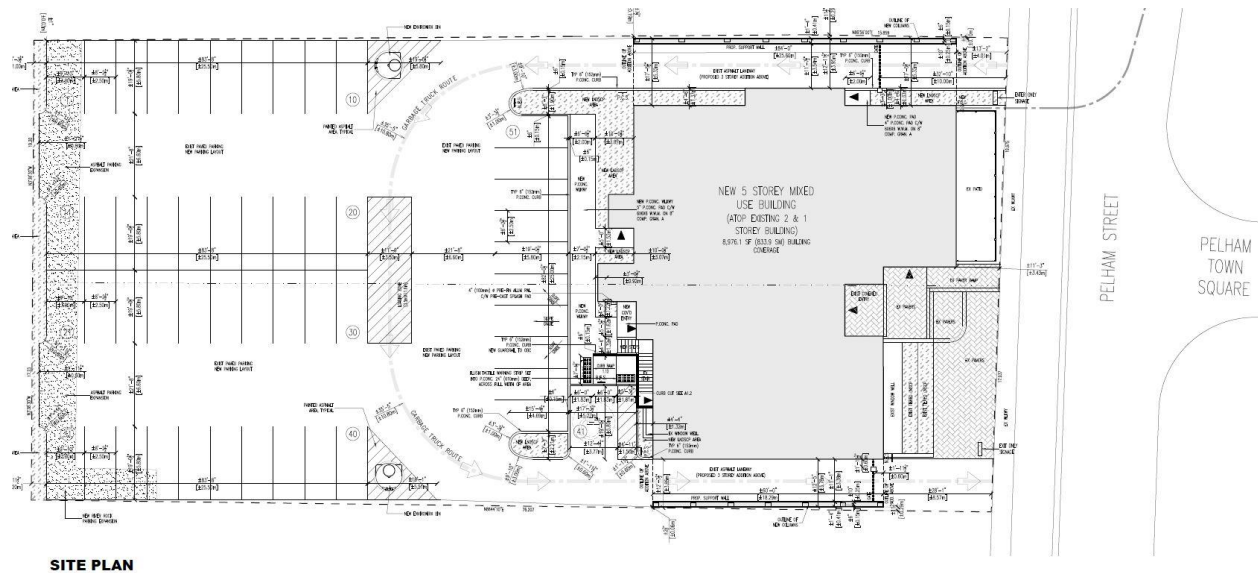
Figure 2: Proposed Building Elevation



FRONT / EAST ELEVATION

**Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications -
 1440 Pelham Street (File no. AM-05-19 and SP-05-17)
 July 15, 2019**

Figure 3: Proposed Site Plan



Policy Review:

Planning Act

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Section 41 (2) of the Planning Act states that where an official plan shows or describes a potential site plan control area, the Council of the local municipality may, by by-law, designate the whole or any part of such area as a site plan control area.

Policy E1.4 of the Town’s Official Plan, 2014, designates all areas of the Town as proposed site plan control areas.

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By-law No. 1118 (1987) designates all of the Town of Pelham as a site plan control area and exempts the certain land uses from site plan control. The proposed improvements to the subject lands are not exempt from site plan control. Consequently, the proposed development requires site plan control.

Provincial Policy Statement, 2014

The subject parcel is designated as being within a Settlement Area according to the Provincial Policy Statement, 2014 (PPS, 2014).

PPS, 2014, provides policy direction on matters of provincial interest related to land use planning and development in Ontario.

It is recognized that the province's long-term prosperity, environmental health, and social well-being depends on wisely managing change. Efficient land use and development patterns will achieve healthy, livable, and resilient communities that will protect the environment and public health and safety, and will facilitate economic growth.

Policy 1.1.1 outlines how healthy, livable and safe communities are sustained.

Settlement Areas shall be the focus of growth, and new development, in designated growth areas, should have a compact form and a mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities (Policies 1.1.3.1, 1.1.3.2 (a), and 1.1.3.6). Development should provide for an appropriate range and mix of housing types, employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs and densities to minimize the cost of housing, and facilitate compact form, while maintaining appropriate levels of public health and safety (Policies 1.1.1(b), 1.4.3). Healthy, active communities meet the needs of pedestrians by fostering and facilitating active transportation and ensuring community connectivity (Policy 1.5.1). In addition, development shall efficiently use and optimize existing municipal sewage and water services; and, stormwater management shall promote best practices and low impact development (Policies 1.6.6.1 and 1.6.6.7).

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Policy 1.1.3.3 provides for the promotion of intensification and redevelopment where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The proposed zoning change and site plan approval will facilitate the development of apartment dwellings while retaining the existing commercial uses and provide for appropriate intensification. This will help to diversify the types of housing available in a location that will support existing businesses, make use of existing services and allow residents to use means of active transportation to meet their daily needs. Based on this analysis, it is Planning staff's opinion that the proposed zoning change and site plan is consistent with the Provincial Policy Statement.

Greenbelt Plan, 2017

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan for the Greater Golden Horseshoe, 2019 took effect on May 16, 2019.

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

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Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The addition of 12 residential dwelling units in the Delineated Built-up Area will assist the Town in meeting the minimum 50 percent target for new residential development required in Policy 2.2.2.1(a). Further, it represents intensification and makes use of services which have been evaluated to confirm they support the new development as encouraged in Policy 2.2.3(b). It is Planning staff's opinion that the proposed zoning change and site plan conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

Regional Official Plan, consolidated August 2015

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Delineated Built-up Area in the Regional Official Plan.

Built-up Areas are the focus of residential and employment intensification and redevelopment within the Region over the long-term (Policy 4.G.8.1).

The Region encourages the development of attractive, well designed residential development that: provides for active transportation with connections to residential and commercial areas, parks and schools; de-emphasizes garages, especially in the front yard; emphasizes the entrance and points of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for such services as waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play (Policy 11.A.2).

The Region encourages housing which allows people to work at home or in relatively close proximity to work (Policy 11.A.3).

The zoning change and site plan will facilitate additional residential development within the Delineated Built-Up Area in a location that allows people to work at home or very close by and contributes to

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achieving the intensification targets for the Town. The proposed building addition will be attractive, well designed and accessible. It is Planning staff's opinion that the proposed zoning change conforms to the policies of the Regional Official Plan.

Town of Pelham Official Plan, 2014

The property is designated Downtown in the Town's Official Plan, 2014.

Permitted uses in the Downtown designation are retail uses including farmers market; service uses; business offices; banks and financial institutions; hotels, inns and bed and breakfast establishments; entertainment uses; day care centres; private and commercial schools; places of worship and public institutional uses; health care facilities; restaurants and take-out restaurants, but not including any restaurant with a drive-through component; micro-breweries and wineries; medium and high density residential uses on upper floors or as mixed uses; parks; funeral homes; galleries, museums and theatres, including open air pavilions; and uses buildings and structures accessory to the above.

Policy B1.2.4.1 requires the Town to accommodate at least 15% of projected housing growth within the existing urban boundaries of Fonthill and Fenwick. While intensification opportunities are encouraged, proponents are expected to demonstrate through site and elevation plans that the proposals are respectful of, compatible with and designed to be integrated with the community or neighbourhood where they are proposed. Intensification proposals are encouraged to incorporate high quality urban design, landscaping treatments and accessibility (Policy B1.2.4.1(d)).

Urban Design Guidelines for Downtown Fonthill and Fenwick were developed by the Town and have been entrenched in Policy B1.2.4.3 of the Official Plan. The policy indicates that the maximum building height along Pelham Street shall be three storeys, however that additional storeys may be permitted through a Zoning By-law amendment and subject to recessing the front building wall for additional storeys. Further urban design criteria are outlined such as: new buildings should be built at or near the front lot line; parking should not be permitted at the front of the building, but on-site at the rear of a lot, on-street or in a communal parking area; the maximum retail floor area for a single building along Pelham Street should not exceed 2500m²; retail uses are encouraged to use the ground floor of multi-storey buildings; buildings should be street oriented to the street, consistent with adjacent building and provide clearly defined and accessible entry points from the sidewalk; pedestrian weather protection is

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encouraged through the use of awning or canopies; building frontages are encouraged to be highly transparent with at least 50% glazing or window treatments; utilities and mechanical installations should be shrouded from main street viewsapes and/or be integrated in architectural treatments; and preferred building materials include brick, wood, stone, glass, in-site concrete and pre-cast concrete while vinyl siding, plastic, polywood, concrete block, metal siding and tinted or mirrored glass are discouraged.

Parking areas are encouraged to be below grade or at the rear of buildings with access by a rear lane where possible (Policy B.1.2.4.5(a)). Pedestrian routes from parking areas to buildings should be clearly identified, safe and accessible to all persons (Policy B1.2.4.5(e)); and loading areas should be screened from public view through landscaping and fencing.

The Downtown designation supports mixed-use buildings and intensification where compatibility is demonstrated through urban design, landscaping and accessibility. The proposed building addition is designed in keeping with the Urban Design Guidelines for Downtown Fonthill and Fenwick, preserves existing landscaping along Pelham Street while adding some additional landscaping in the rear of the building and incorporating an elevator for accessibility. The parking and loading area will be located behind the building, hidden from view and accessible from the existing driveway access.

The building is located in a key location, which is visible from Pelham Town Square where the increased height will add visual interest and act as a visual landmark. The building will be recessed above the third floor as outlined in the Urban Design Guidelines.

The property was identified as a Prominent Visual Site in the Downtown Master Plan for Fenwick and Fonthill, November 2014 (DMPFF). The minimum height of Prominent Visual Sites on Pelham Street is 2 storeys with a maximum of 4 storeys. The DMPFF further encourages modest exceptions to height restrictions to accentuate the visual prominence of the site and architectural treatments including tall slender elements. The proposed building addition will incorporate a stairway/elevator penthouse which has been designed to appear as a tall slender element which will add visual interest.

The proposed building addition is generally designed in keeping with the Urban Design Guidelines for Downtown Fonthill and Fenwick, preserves existing landscaping along Pelham Street while adding some additional landscaping in the rear of the building and incorporating an elevator for accessibility. The

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parking and loading areas will be located behind the building, hidden from view and accessible from the existing driveway access. The building is located in a key location, which is visible from Pelham Town Square where the increased height, resulting from the addition, will add visual interest and act as a visual landmark. The building will be recessed above the third floor as outlined in the Urban Design Guidelines to enhance the pedestrian experience at street level. The building design also incorporates terraces and balconies to provide amenity space for future residents. A walkway is being added in the rear of the building for pedestrian access.

The property owner is proposing to retain the existing high quality building finishes at street level, but use a high quality metal siding and fiber cement board on the additional stories. While metal siding is generally discouraged as a building material in the Downtown, the building materials have been specifically selected by the architect to complement the building architecture, be durable and attractive as well as to provide an appropriate contrast from the street level.

It is Planning staff's opinion that the zoning change to allow the increased height and gross floor area conforms to the policies of the Town's Official Plan relating to land use in the Downtown Designation, urban design and is appropriate for the site and the site plan is also in conformity with the Urban Design Guidelines for Downtown Fonthill and Fenwick and as well as the Downtown Master Plan.

Zoning By-law 1136 (1987), as amended

The property is included within the Central Business Area and zoned GC (General Commercial) which permits ambulance service; motor fuel retail outlet; veterinarian's clinic; automobile service stations; car wash; bakeries; banks; barber shops; beauty salons; clinics; commercial clubs; custom workshops; day nursery; LCBO and brewer's retail store; laundry, laundromat or dry cleaning outlet or dry cleaning establishments; professional and business offices; public and private parking areas; public halls; restaurants; retail stores; services shops; tourist homes; undertaking establishments; vehicle sales or rental establishments; shopping centre; uses, buildings and structures accessory to the foregoing permitted uses; and dwelling units above the ground floor.

The zoning by-law amendment application seeks approval to allow an increase in building height to 4 storeys from 3 storeys as well as permit a maximum gross floor area of 123% of the total lot area to accommodate a two storey addition to an existing two storey building.

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Table 1: Requested Zoning By-law Amendment

	Current GC Zone	Proposed Site Specific GC Zone
20.2 Regulations		
(d) Maximum Gross Floor Area	50 percent of lot area	123% of lot area
19.3 Regulations for Residential Uses		
(e) Maximum Height	Not specified	4 storeys

Submitted Reports:

The applicant submitted a Servicing Assessment that addressed servicing matters related to stormwater management, water and sanitary sewer servicing requirements. The applicant further recompensed the Town for a Sanitary System Capacity review. Public Works staff has reviewed the materials and are satisfied with the revisions made to address staff comments.

In addition, the applicant also submitted a Traffic Brief which made recommendations about the location of stop, no entry and pedestrian crossing signs for the access onto Pelham Street. The signage has been included on the Site Plan and required through a clause in the Site Plan Agreement.

An archaeological assessment was provided for the property along with the Ministry of Culture, Tourism and Sport's clearance letter.

The applicant also provided a Phase I Environmental Site Assessment and a Hazardous Materials Assessment. A clause has been included in the Site Plan Agreement which requires the Owner to file a Record of Site Condition with the Ministry of Environment, Conservation and Parks prior to issuance of building permits for residential purposes.

Finally, the applicant provided a Planning Justification Report which confirms consistency with Provincial Plans as well as conformity with the Town's Official Plan and Urban Design Guidelines.

It is noted that the Department of Public Works, Department of Fire and Protection Services, and the Building Department had no issues or objections to the site plan being recommended for approval. All requested conditions from Town staff and private utilities have been included in the Site Plan Agreement.

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Agency Comments:

On May 17, 2019 a public meeting notice was circulated to external agencies and internal departments regarding the proposed applications. The following comments have been received as of the date of writing of this report:

Enbridge	No objection
Building	A building permit will be required.
Niagara Region	Not opposed to the Zoning By-law Amendment subject to the submission of a Record of Site Condition prior to approval of the Zoning By-law amendment application or inclusion of a Holding provision in the amending By-law.

Public Comments:

On May 17, 2019 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries regarding the proposed zoning by-law amendment. In addition, a public notice sign was posted. A public meeting was held on June 10, 2019. No members of the public provided comments at the meeting or in writing at the time of writing of this report. The applicant's agent did make a presentation on behalf of the applicant and addressed Council's questions.

Staff Comments:

For Committee's information, the proposed building addition has received approval from the Committee of Adjustment for two minor variance applications in the past. On October 4, 2016, Committee granted minor variance A7/2016P which allowed a reduction in the number of loading spaces for commercial gross floor area over 930m² to one from 2, a reduced loading space access requirement to 3.05m from 3.5m, a reduction in the parking requirement to 1 space per dwelling unit from 1.5 per dwelling unit, a reduction to the parking requirement to 39 from 45, a reduced parking aisle width to 6.6m from 7.6m and a reduced landscape amenity area to 0m² from 55m². On December 5, 2017, Committee granted

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minor variance A33/2017P which allowed 70% of the gross floor area to be used for dwelling units where the Zoning By-law only permits 50%.

At this time, the Owner is requesting approval of the zoning change due to Official Plan policy B1.2.3.4.3(a) which requires a Zoning By-law amendment when exceeding 3 storeys as well as Section 20.2(d) of the Zoning By-law which permits a maximum gross floor area of 50% of the lot area. These amendments will facilitate the two storey addition with elevator/stairway penthouse for the existing commercial uses as well as the addition of 12 apartment dwellings.

The Owner has provided a Planning Justification Report in support of the application.

In response to the Region's comments regarding the Record of Site Condition, Planning staff recommend including a clause within the Site Plan Agreement requiring completion of the Record of Site Condition. Planning staff have discussed this with Regional staff who are generally supportive of this approach and such clause has been included in the proposed Site Plan Agreement.

The proposed building is appropriate in scale, massing and height and will meet the Zoning By-law requirements with regards to height (subject to approval of the proposed Zoning By-law amendment), parking requirements, access, landscape buffers, etc. The property is large enough to accommodate the proposed building and parking areas and provide for appropriate amenity area and landscaped areas. Additional traffic is expected to be minimal and recommendations of the Traffic Brief have been incorporated into the site design.

Town staff have reviewed the proposed lighting, landscaping, servicing and grading plans and are satisfied that the development will be aesthetically pleasing and not negatively impact neighbouring property owners. The engineering design of the site services and grading and drainage plan meet the Town requirements.

Based on the policy analysis and discussion in this report, it is Planning staff's opinion that the application for zoning by-law amendment and site plan agreement is consistent with the Provincial Policy Statement, conforms to Provincial and Regional plans, will conform to the Town's Official Plan and is appropriate for the site context. Therefore, staff recommend that Council approve the proposed zoning by-law amendment and approve the by-law to enter into a site plan agreement with Colonnade 1440 Inc.

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July 15, 2019

Prepared by: Shannon Larocque, MCIP, RPP, Senior Planner

Reviewed by: Barbara Wiens, MCIP, RPP, Director of Community Planning and Development

Attachments:

Appendix A Agency Comments

Appendix B Zoning By-law Amendment

Alternatives:

Council could choose not to approve the zoning change.

Council choose to approve the zoning change with modifications.

Recommendation:

BE IT RESOLVED THAT, Council receives this Department of Community Planning and Development report for information as it pertains to File No. AM-05-19 and SP-05-17 relating to 1440 Pelham Street;

AND THAT, Committee approve the By-law, attached hereto as Appendix B, amending the zoning of the subject property from the General Commercial (GC) zone to the site specific General Commercial (GC-296) zone.

AND THAT, Council approve the By-law, attached hereto as Appendix C, authorizing the Mayor and Clerk to enter into the Site Plan Agreement with Colonnade 1440 Inc. on behalf of the Town.

ZONING BY-LAW AMMENDMENT COMMENTS

Date: June 3, 2019

Re: AM-05-19

The building department offers the following comment,

- A building permit will be required.

Respectfully,
Belinda Menard, Dipl.T.
Building Intake/Plans Examiner

May 23, 2019

Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Zoning By-law Amendment
1440 Pelham Street
Town of Pelham
File No.: AM-05-19

Enbridge Gas Inc. does not object to the proposed application(s).

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Coordinator
Long Range Distribution Planning

—
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect.

VIA EMAIL ONLY

June 3, 2019

File: D.18.06.ZA-19-075

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
Town File No.: AM-05-19
Owner: Colonnade 1440 Inc.
Agent: Daniel Romanko (Better Neighbourhoods Inc.)
Address: 1440 Pelham Street
Town of Pelham**

Regional Planning and Development Services staff has reviewed the above noted application and supporting materials for a Zoning By-law Amendment for lands municipally known as 1440 Pelham Street. The application was received by Regional staff on May 15, 2019 and a pre-consultation meeting was held for the proposal in 2016, with the applicant and staff from the Region and Town.

The proposal requests a site-specific amendment to the Town of Pelham Consolidated Zoning By-law No. 1136 to accommodate an increase in building height to 4 storeys and a maximum gross floor area of 123% of the total lot area, whereas the Zoning By-law requires a maximum building height of 3 storeys and a maximum gross floor area of 50% of the lot area. The purpose of the application is to facilitate the construction of a 2 storey residential addition above the existing commercial building, for a total building height of 4 storeys. The proposed development will provide 12 residential units, two floors of commercial use, and 51 at-grade parking spaces

As outlined below, Regional staff is generally supportive of the proposed development and provides the following comments from a Provincial and Regional perspective to assist the Town in considering the application.

Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject lands as within a Settlement Area. The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the subject property as being located within the Delineated Built Boundary, which is intended to be the focus area for intensification, investment, employment, and population growth. The subject property is located within the Urban Built-up Area for the Town of Pelham (Fonthill) in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are generally permitted within Urban Areas, subject to the availability of adequate municipal services and infrastructure.

Together, the PPS, Growth Plan, and ROP direct development to take place in urban areas and support intensification where appropriate servicing and infrastructure exists. These planning documents promote the development of complete communities with a diverse mix of land uses to accommodate an appropriate range of employment and housing types. As described in the Planning Justification Report (prepared by Better Neighbourhoods Inc., dated May 6, 2019), the proposed development addresses Provincial and Regional growth management policies as it is located in an urban area and optimizes the use of urban serviced land and existing infrastructure.

The subject property is located within a central area of the downtown, situated near the intersection of Pelham Street and Highway 20. As such, the proposed development will be located in close proximity to a concentration of recreational and commercial amenities. In addition, the proposed development will contribute to the variety of housing types in the urban area, aiding the Town in achieving its 15% residential intensification target for new development in the Built-up Area. Regional staff are generally supportive of the proposed Zoning By-law Amendment as the application will facilitate intensification in an existing urban area, represents an efficient use of urban land, utilizes existing urban services, and contributes to the mix of housing types.

Change of Use

During the pre-consultation meeting in 2016, the applicant was informed that a mandatory Record of Site Condition (RSC) filing with the Ministry of the Environment, Conservation and Parks (MECP) was required to support the proposed development. The RSC is required due to the change in land use on the subject property from the existing commercial building to a more sensitive land use (mixed residential/commercial). In accordance with Ontario Regulations 153/04 and 511/09, a RSC must be filed on the MECP Brownfields Environmental Site Registry prior to any change in land use to a more sensitive use. Regional staff notes that as of the date of this letter, a RSC has not been filed with the MECP Registry.

Environmental Site Assessment

In order to obtain a RSC, a Phase One Environmental Site Assessment (ESA; dated February 26, 2016) was conducted for the subject property by Pinchin Ltd. The ESA identified the presence of hazardous materials, lead, mould, and the potential for polychlorinated biphenyls (PCBs) and asbestos containing materials (ACMs). A Hazardous Building Materials Assessment (prepared by Pinchin Ltd.; dated March 20, 2019) was also conducted on February 7, 2019, which identified the presence of asbestos, lead, silica, mercury, mould, and the potential for PCBs in light ballast.

Regional staff notes that the Phase One ESA was completed in general accordance with the Canadian Standards Association (CSA) document entitled "*Phase I Environmental Site Assessment, CSA Standard Z768-01*" dated November 2001 (reaffirmed 2012). In accordance with O. Reg 153/04 (as amended by O.Reg 511/09), a Phase One ESA must be conducted following the requirements of Part VII and Schedule D (Phase One Environmental Site Assessments, O.Reg 153/04). Further, Section 28 of O. Reg 153/04 states that the works for the Phase One ESA must be completed no later than 18 months before the submission of the RSC or the commencement of a Phase Two ESA. To date, Regional staff is not in receipt of a Phase Two ESA or RSC. Accordingly, the Phase One ESA, which was completed in February 2016 does not meet Section 28 of O.Reg. 153/04. Based on a review of the submitted ESA, Regional staff notes that the assessment was not prepared in accordance with the above noted Provincial requirements.

Record of Site Condition

As previously discussed, the mandatory filing of an RSC is required prior to the issuance of building permit(s) to facilitate the subject development. Regional staff is of the understanding that a concurrent site plan application has been circulated for review and commenting to various agencies. Regional staff confirmed with the Town that the Region was not and will not be circulated on the site plan application. As such, in order to address the ESA and RSC requirements for the change in land use, staff requires that the Phase One ESA (prepared by Pinchin Ltd., dated February 26, 2016) be revised/updated in accordance with O.Reg. 153/04 and a RSC be obtained from the MECP. These requirements can be fulfilled through one of the following methods:

1. Prior to approval of the Zoning By-law Amendment application; or
2. Through the inclusion of a Holding (H) provision in the amending By-law. A MECP acknowledged RSC, certified by a Qualified Person, is required before the Holding (H) provision can be removed.

Archaeological Resources

The PPS states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential, unless

significant archaeological resources have been conserved. During the pre-consultation stage, Staff noted that the subject property is located within close proximity to a seasonal creek and a historic road. Given that the subject property exhibits potential for the discovery of archaeological resources, a Stage One and Two Archaeological Assessment (dated January 2017) was conducted by Detritus Consulting Ltd. No archaeological resources were identified and no further archaeological assessment of the property was recommended. The Stage One and Two Archaeological Assessment was submitted to the Ministry of Tourism, Culture and Sport (MTCS) for review as required under the archaeological license for this study.

In a letter dated May 19, 2017, MTCS indicated that the submitted Stage One and Two Archaeological Assessment for the subject property recommends no further archaeological assessment work. Based on the information contained in the report, MTCS is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the 2011 Standards and Guidelines for Consultant Archaeologists. As such, there are no outstanding archaeological concerns. Regional staff notes, however, that should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of MTSC and [owner's 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 Business and Consumer Services, and the MTCS and [owner's archaeological consultant].

Regional Development Charges Reduction Program

The subject project is located within the Designated Exemption Area for the Town of Pelham as set out in the Regional Development Charge By-law 2017-68. The proposed development may be eligible for a reduction of Regional Development Charges up to a maximum of 50%, subject to achieving the Smart Growth Design Criteria. The applicant is encouraged to review the Regional Development Charge By-law 2017-68, as amended.

The Development Charge By-law can be found at:

<https://www.niagararegion.ca/government/bylaws/pdf/2017/by-law-2017-68-regional-development-charges.pdf>

Information on the Development Charges Reduction Program can be found at:

<https://www.niagararegion.ca/business/property/reductions.aspx>

Please note, however, that the Smart Growth Design Criteria may be amended or eliminated at the discretion of Regional Council in which case, the development charge reductions may also be amended or eliminated without amendment to the Development Charge By-law.

Waste Collection

Regional staff has reviewed Site Plan (A1.1) prepared by 2M Architects (dated 2019-04-23) and note the provision of Envirowirx bins on site. Regional Waste Collection vehicles and staff are unable to collect Envirowirx waste containers and as such, waste collection shall be the responsibility of the owner through a private contractor. Notwithstanding this, the site remains eligible for unlimited curbside recycling and organic waste collection. Given this, staff recommend that the applicant advise the Region as to the intention of waste collection for the proposed development prior to site plan approval.

Conclusion

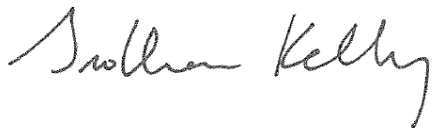
Based on the analysis provided above, Regional Planning and Development Services is not opposed to the Zoning By-law Amendment, subject to any local requirements and the submission of an updated Phase One ESA, to be completed in accordance with Ontario Regulation 153/04 (as amended by O.Reg.511/09), and the submission of a RSC from the MECP. The Phase One ESA and RSC requirements can be addressed through one of the following methods:

1. Prior to the approval of the Zoning By-law Amendment application; or
2. Through the inclusion of a Holding (H) provision in the amending By-law. A MECP acknowledged RSC, certified by a Qualified Person, is required before the Holding (H) provision can be removed.

Should you have any questions related to the above comments or would like a hard copy of the comments, please feel free to contact me at 905-980-6000 ext. 3396 or Lindsay Earl, Senior Development Planner at 905-980-6000 ext. 3387.

Please send a copy of the staff report from the Town and notice of Council's decision on this application.

Best regards,



Siobhan Kelly
Planning and Development Student

cc: Ms. A. Alderman, Development Planner, Niagara Region
Mr. P. Busnello, MCIP, RPP, Manager Development Planner, Niagara Region
Mr. T. Boyle, Development Approvals Technician, Niagara Region

APPENDIX B

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. (2019)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located at 1440 Pelham Street, legally described as Lot 2 west side of South Pelham Street, Plan 715, Part Lot 3 south side west Canboro Street, Part Lot 715, Part 1 Plan 59R-8665, Town of Pelham, Regional Municipality of Niagara, from the General Commercial (GC) zone to a site specific General Commercial (GC-296) zone.

Town of Pelham

File No. AM-05-19

WHEREAS, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. **THAT** Schedule ‘A5” to Zoning By-law 1136 (1987) as amended, is hereby further amended by rezoning the lands identified on Schedule ‘A’ attached hereto and forming part of this By-law from General Commercial (GC) to the site specific General Commercial (GC-296) zone.
2. **THAT** Section 30 of Zoning By-law 1136 (1987) as amended, is hereby amended by adding the following:

GC-296

Notwithstanding the requirements of Section 20.2 of the General Commercial zone and 19.3 of the Neighbourhood Commercial zone, the following regulations shall apply:

- | | |
|-----------------------------|------------------|
| d) Maximum Gross Floor Area | 123% of lot area |
| e) Maximum Height | 4 storeys |

3. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

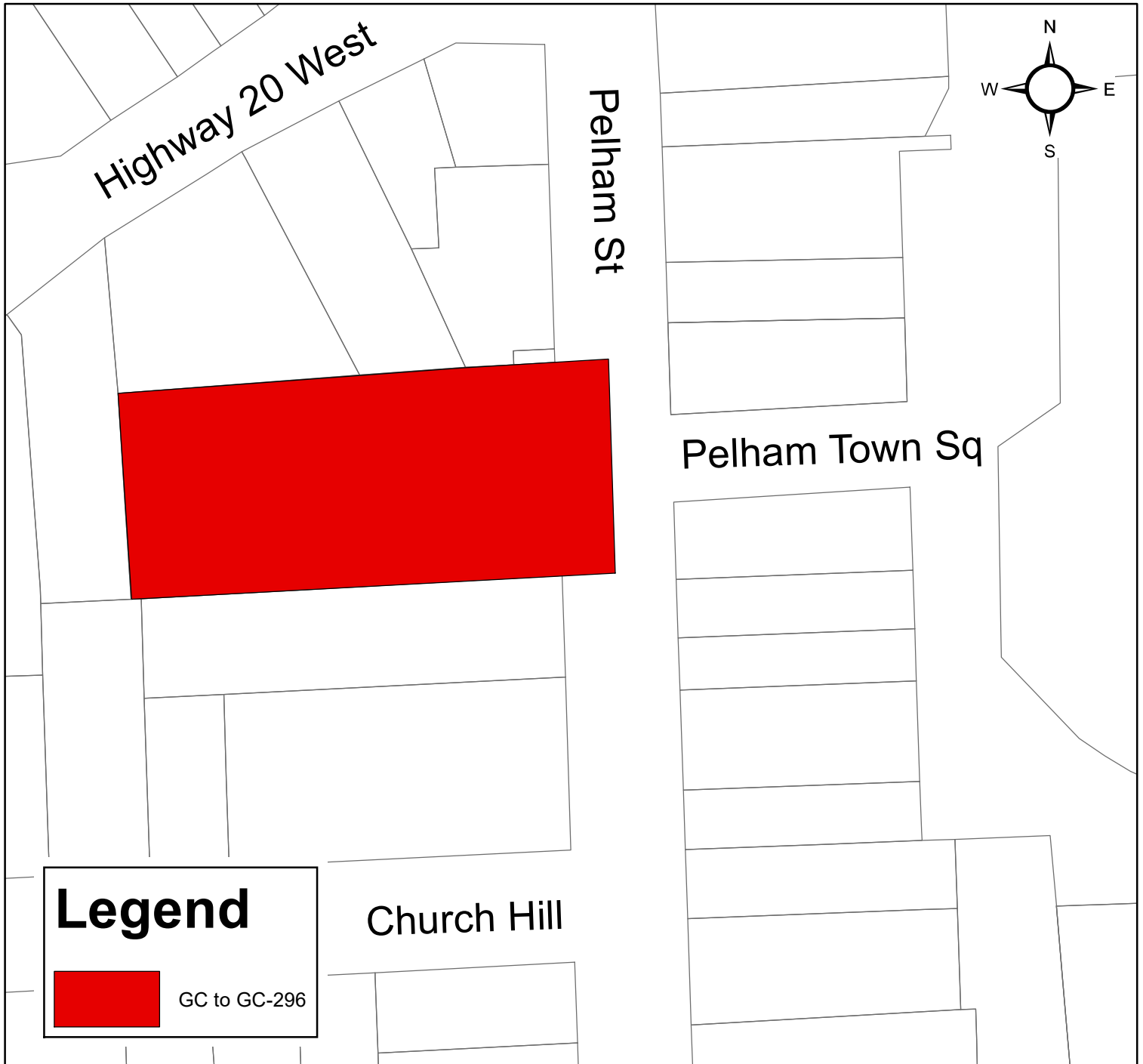
APPENDIX B

ENACTED, SIGNED AND SEALED THIS
15th DAY OF JULY, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

Schedule 'A':



25 12.5 0 25 Meters

Prepared: June 2019

This is Schedule 'A' to By-law No. _____ (2019) passed the 15th day of July, 2019.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

APPENDIX A

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. XXXX (2019)

Being a by-law to authorize the execution of a site plan agreement for the lands located on the west side of Pelham Street, municipally known as 1440 Pelham Street, legally described as Parcel 2-1 Section Temperanceville Plan; Part Lots 2-4 W/S S Pelham Street, Part Lots 3 & 4 S/S W CANBORO Street, Temperanceville Plan, Part 1, 59R724; PELHAM Lot 2 W/S South Pelham Street Plan 715; Part Lot 3 S/S West Canboro Street Plan 715 being Part 1 on 59R16172; TOWN OF PELHAM

Colonnade 1440 Inc.

File No. SP-05-17

WHEREAS By-law No. 1118 (1987) designates the Town of Pelham as a Site Plan Control area, and

WHEREAS it is deemed desirable to enter into a Site Plan Agreement in order to control the lands as described in Schedule ‘A’ of the Site Plan Agreement which is attached hereto and forms part of this by-law;

NOW THEREFORE the Municipal Council of the Town of Pelham hereby enacts as follows:

1. **THAT** the Mayor and Clerk are hereby authorized and directed to execute the Site Plan Agreement attached hereto as Schedule ‘A’ with Colonnade 1440 Inc. for the lands described in Schedule ‘A’ of the Site Plan Agreement.
2. **THAT** in the event minor modifications to the Site Plan Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

ENACTED, SIGNED AND SEALED THIS
15th DAY OF JULY, 2019 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

Site Plan Agreement
Colonnade 1440 Inc.
1440 Pelham Street

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THIS AGREEMENT made this day of , 2019.

BETWEEN:

COLONNADE 1440 INC.

Hereinafter called the "Owner"

OF THE FIRST PART

- and -

BUSINESS DEVELOPMENT BANK OF CANADA

Hereinafter called the "Mortgagee"

OF THE SECOND PART

- and -

744530 ONTARIO INC.

Hereinafter called the "Mortgagee"

OF THE THIRD PART

- and -

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town"

OF THE FOURTH PART

WHEREAS the Owner represents and warrants that it is the owner of the lands in the Town of Pelham described in Schedule 'A' attached hereto (the "Lands");

AND WHEREAS the Owner has assumed and agreed to be bound by the terms and conditions of the Site Plan Agreement;

AND WHEREAS the Owner wishes to develop the property for residential and commercial use in accordance with Schedules C through G attached hereto;

AND WHEREAS the Town has agreed to permit the said construction subject to certain terms and conditions;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One Dollar (\$1.00) now paid by the Owner to the Town (the receipt whereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows:

1. Definitions

In this Agreement:

- (a) **Chief Building Official** shall mean the Chief Building Official of the Corporation of the Town of Pelham.
- (b) **Clerk** shall mean the Clerk of the Corporation of the Town of Pelham.
- (c) **Council** shall mean the Council of the Corporation of the Town of Pelham.
- (d) **Director of Community Planning & Development** shall mean the Director of Community Planning & Development of the Corporation of the Town of Pelham.
- (e) **Director of Corporate Services** shall mean the Director of Corporate Services of the Corporation of the Town of Pelham.
- (f) **Director of Public Works** shall mean the Director of Public Works of the Corporation of the Town of Pelham.
- (g) **Facilities and Works** shall mean and includes those facilities and works which are shown on or referred to in any one or more of the plans, drawings and

schedules to this Agreement.

- (h) **Lands** shall mean the lands described in Schedule 'A' attached hereto.
- (i) **Professional Engineer** shall mean a Professional Engineer registered in good standing with the Association of Professional Engineers.
- (j) **Surveyor** shall mean an Ontario Land Surveyor registered in good standing with the Association of Ontario Land Surveyors.

2. General Provisions

- (a) The Owner shall develop and maintain the Lands only in accordance with the terms and conditions contained herein and any other applicable by-law of the Town.
- (b) Unless the context otherwise requires, where the Owner is obligated by this Agreement or the approved plans to make any payments or install, construct, or carry out any services or action, the provisions therefore contained herein shall be deemed to include the words, "at the sole expense of the Owner".
- (c) The Owner shall perform any and all construction and installation of works on the Lands and any off-site works in accordance with the terms and conditions contained herein and as shown on Schedules C through G attached hereto and forming part of this Agreement to the reasonable satisfaction of the Town.
- (d) The Owner shall not perform any construction or installation on the Lands except in accordance with the terms and conditions contained herein and shown on said Schedules C through G attached hereto and forming part of this Agreement and to the reasonable satisfaction of the Town.
- (e) The Owner shall maintain and keep in good repair driveways and access servicing the buildings located in the development.
- (f) The Owner shall keep all construction access routes free and ensure that adequate dust control, mud tracking and debris control measures are carried out during the site's development.
- (g) During construction, the Owner shall ensure all construction related vehicles that are not carrying out the works are parked on the subject lands and are not parked within the municipal road allowance.
- (h) All delivery / construction trucks taking materials from the subject lands included within this Agreement shall be adequately covered and not unreasonably loaded so as to scatter refuse, rubbish, dust or debris on neighbouring properties or public roadways.
- (i) Should deeply buried archaeological remains / resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture & Sport in London (519-675-7742) and the Owner's 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 & Sport and the Owner's licensed archaeological consultant.
- (j) The Owner grants to the Town, its servants, agents, and assigns permission to enter upon the Lands for the purpose of inspection of any Facilities and Works referred to in this Agreement and for the purpose of the completion of any Facilities and Works in accordance with this Clause and this Agreement.
- (k) The Owner will, at all times, indemnify and save harmless the Town from all loss, costs, damages and injuries which the Town may suffer or be put to for or by reason of the construction, maintenance, or existence of any Facilities and Works done by the Owner, its contractors, servants or agents on the Lands or which the Town may suffer or be put to for or by reason of the completion by the Town of any of the required Facilities and Works in accordance with this clause and this Agreement.

- (l) The Owner shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative tribunal the right of the Town to enter into this Agreement and to enforce each and every term, covenant, and condition herein contained and this Agreement may be pleaded as an estoppel against the Owner in any such proceeding.
- (m) In the event that a Mortgagee(s) exercises any rights as to sale, possession or foreclosure or takes any other steps to enforce its security against the subject lands, then such Mortgagee(s) agrees on behalf of itself, its heirs, executors, administrators, successors and assigns not to deal with the lands as a development or part thereof unless and until a new Agreement in the same form, mutatis mutandis, as this Agreement has been entered into with the Town.
- (n) Any lands required to be conveyed by the Owner in accordance with the provisions hereof shall be in a neat and tidy condition, free of all debris and trash, and the Owner shall complete all services for the lands in accordance with the terms of this Agreement.
- (o) Notwithstanding the provisions of this Agreement, the Owner shall be subject to all of the Town's By-laws and all Provincial and Federal government statutes and / or regulations and amendments thereto affecting the site's development and installation of municipal services.

3. Design & Supervision of Construction of Services

- (a) The Owner shall employ, at its cost, a competent and qualified Professional Engineer consultant approved by the Director of Public Works to:
 - (i) Carry out all soil investigations required by the Director of Public Works;
 - (ii) Design all of the works required to be completed in this Agreement;
 - (iii) Provide the Director of Public Works with an estimate of the costs of design, construction and maintenance of all works to be constructed under this Agreement to be used as the basis for determining the amount of security to be posted by the Developer prior to execution of this Agreement to guarantee the construction and maintenance of all works required under this Agreement;
 - (iv) Prepare engineering drawings that include plans, profiles and specifications for the works and to submit detailed plans, profiles and specifications to the Director of Public Works for approval prior to the installation or construction of such works;
 - (v) Submit to the Director of Public Works the detailed plans for signing and also provide two (2) sets of full-sized, signed hard copies and two (2) sets of signed hard copies reduced to 11"x17" size;
 - (vi) Obtain, in conjunction with the Town, all of the necessary approvals prior to installation or construction of the works;
 - (vii) Call tenders for the installation and construction of the works;
 - (viii) Obtain the approval from the Director of Public Works of the contractor employed to install or construct the works;
 - (ix) Provide full-time resident supervision, inspection and contract administration of all works within the municipal road allowance covered by this Agreement; or in the event that full-time inspection cannot or is not provided, the Town will provide inspection services at a per diem rate of \$1100.00 per day;
 - (x) Provide the Director of Public Works, or designate, 48 hours of notice prior to commencing construction on the works. Failure to do so will result in a Stop Work Order being placed on the lands;
 - (xi) Have a pre-construction meeting with the Director of Public Works, or designate, prior to commencing construction on the works. Failure to do so will result in a Stop Work Order being placed on the lands;

- (xii) Maintain all of the records of the installation or construction of the works and submit a copy of the same to the Director of Public Works;
 - (xiii) Obtain from the Director of Public Works, the details regarding the form and scale of these drawings prior to their presentation;
 - (xiv) Provide the Director of Public Works with individual record sheets illustrating location & depths for all sanitary sewer, storm sewer and water services;
 - (xv) Provide building levels for construction purposes as hereinafter provided;
 - (xvi) Furnish the Director of Public Works with the preliminary lot grading certificate for the subject lands; and
 - (xvii) Provide the Town with the final lot grading certificate.
- (b) The Owner shall not install works prior to a receipt in writing from the Director of Public Works of the detailed plans and specifications therefor.
 - (c) All of the works to be installed or constructed under this Agreement shall be installed or constructed under the direct supervision of the Owner's consulting Professional Engineer.
 - (d) The Owner shall not close / restrict any public roadway prior to receipt in writing from the Director of Public Works for such activity. In the event that construction works require lane restrictions and / or full closures, a minimum of 48 hours of notice must be given to the Director of Public Works. In addition, the Owner must submit a traffic management plan and is responsible for notification of all affected emergency and non-emergency agencies.

4. Grading

- (a) The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer, a detailed site drainage plan for the site, said Plan to clearly indicate the existing drainage pattern on all adjacent Lands originally flowing through, into, or over the area of the site, to the street storm sewer system or other outlet approved by the Director of Public Works. This Plan, attached hereto as Schedule 'E', shall be approved by the Director of Public Works prior to the execution of this Agreement. Minor changes to the Plan may be permitted subject to the approval of the Director of Public Works.
- (b) The Owner shall submit, upon completion of Facilities and Works, a certificate signed by an Ontario Land Surveyor or Professional Engineer which indicates that the grades as stipulated on Schedule 'E' to this Agreement have been complied with.
- (c) Unless otherwise approved or required by the Town, the Owner shall not alter the grades of the said Lands until such time as a Building Permit is issued for the construction of the buildings contemplated herein on the said Lands.
- (d) The Owner shall provide his Design Engineer's verification that all grading, drainage, and servicing provisions have been installed in conformance with the approved civil plans, prepared by Upper Canada Consultants Engineers/Planners, dated April 24, 2019, printed June 24, 2019, attached hereto as Schedule 'E'. The Owner shall provide a copy of the Design Engineer's verification to the Town.

5. Sanitary Sewer System

- (a) The Owner shall, at its own expense, forever maintain all necessary sanitary sewer connections required to serve the development; and, without limiting the generality of the foregoing, no storm, surface or roof water or weeping tiles shall be discharged into the sanitary sewer system.
- (b) Domestic waste water from the proposed building(s) shall be discharged into the sanitary sewer system through a drain connection via the sanitary sewer lateral shown on the Site Servicing & Grading Plan. The Owner shall be responsible for exposing the existing lateral to be inspected by Town staff to ensure pipe material and condition is satisfactory for connection. Should it be deemed

unsatisfactory, all costs associated with its removal and replacement shall be the Owner's responsibility.

- (c) The sanitary sewer system must comply with the Region's Sewer Use By-law #27-2014.

6. Water Supply

- (a) The Owner shall, at its own expense, forever maintain all necessary connections and all internal water supply services necessary to serve the development.
- (b) The operation of valves which cause the internal water supply service to be charged from existing municipal water mains shall **ONLY** be carried out by Town Staff certified in accordance with Ontario Regulation 128/04.
- (c) The Owner shall, at its own expense, forever maintain the internal water system necessary for servicing the development and comply with the provisions of the *Ontario Water Resources Act and Safe Drinking Water Act* and amendments thereto and all regulations thereunder, on components of the internal water supply.
- (d) The Owner grants the Town, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and the Owner shall ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks.
- (e) All internal and external water works, as specified by the site plan agreement, must be completed and be fully commissioned in accordance with Town water commissioning procedures prior to the construction of any structures within the development.

7. Storm Sewer System

- (a) The Owner shall undertake the installation, repair, and perpetual maintenance of the private storm water system as identified in the Site Servicing & Grading Plan, prepared by Upper Canada Consultants, dated April 24, 2019, printed June 24, 2019, attached hereto as Schedule 'E', and approved by the Director of Public Works.
- (b) All downspouts fronting the building shall not be directed towards the sidewalk and splash pads are required.
- (c) The storm sewer system must comply with the Region's Sewer Use By-law #27-2014.

8. Roads & Access

- (a) The Owner shall, at its own expense, prior to construction taking place within a Town road allowance, obtain a Town Temporary Works Permit from the Public Works Department.
- (b) The Owner shall, at its own expense, restore any curb cuts and trench excavations within the roadway as per Town standards. All road restorations shall take place no later than two (2) weeks after completion of the installation. No temporary measures will be permitted.
- (c) The Owner shall locate all private signs within the Owner's Lands in accordance with the Site Plan attached as Schedule 'C' and the Traffic Brief prepared by Paradigm Transportation Solutions Limited dated February 6, 2017.

9. Landscaping & Trees

- (a) The Owner shall, at its own expense, adequately landscape, plant and maintain all of the Lands not required for buildings, parking or roads in accordance with the approved Landscape Plans prepared by Donald Martin Landscape Architect, dated 02.02.17 and revised to 04.03.19, attached hereto as Schedule 'F'. Minor changes to the Plan may be permitted subject to the approval of the Director of Community Planning & Development.

- (b) The Owner agrees to install appropriate sediment and erosion control fencing prior to the commencement of construction and maintain it in good condition until all construction is complete and all areas are revegetated.

10. Waste Collection

- (a) The Owner shall at all times provide adequate collection and disposal of garbage, recyclables and sanitary refuse.
- (b) That the owner shall provide a written undertaking to Niagara Region Planning and Development Services acknowledging that because the site design does not meet the Region's Corporate Policy for Waste Collection and therefore, garbage/recycling pick-up for the development will be provided through a private contractor and not the Region.
- (c) That the following warning clause be inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit to survive closing:

"Purchasers/Tenants are advised that due to the site layout, garbage/recycling pick-up for the development will be provided through a private contractor and not the Region."

11. Easements / Rights-of-Way

In the event any easements are required by Enbridge Gas to service the development, the Owner shall provide these to Enbridge Gas Distribution at no cost.

12. Photometry

- (a) The Owner shall ensure that any lighting facility used to illuminate any building or parking area shall be designed and installed as to deflect from adjacent buildings and streets.
- (b) The Owner shall, at its own expense, provide exterior lighting in accordance with the Site Plan – Lighting Photometric and Detail attached hereto as Schedule 'G'.

13. Parking, Curbing, Driveways & Sidewalks

- (a) The Owner shall, at its own expense, provide and at all times maintain on the said Lands, paved parking and driveway areas acceptable to the Town.
- (b) The Owner shall perpetually maintain all internal pavement markings which include crosswalks and parking stall / accessible stall markings.
- (c) The Owner shall install signage as recommended in the Traffic Brief prepared by Paradigm Transportation Solutions Limited dated February 6, 2017 and in accordance with the Ontario Traffic Manual Book 5.

14. Building & Services

- (a) Prior to issuance of a building permit for residential use, the Owner shall file a Record of Site Condition on the Ministry of the Environment, Conservation and Parks Environmental Site Registry in accordance with Ontario Regulation 153/04 as amended and that a copy of the Ministry's acknowledgement letter be provided to the Town of Pelham and Niagara Region Planning and Development Services Department.
- (b) The Owner shall construct and the Town shall permit the construction of the buildings and other structures on the Lands in accordance with the Schedules attached hereto to permit the development provided that all such uses shall comply with all building and zoning requirements of the Town.
- (c) Window applications and signage shall not obstruct windows.

15. Administrative & Consulting Costs

The Owner shall pay the Town's reasonable costs (\$2,700 or Two-thousand, seven hundred dollars) in connection with this Agreement for preparation, processing, administration and supervision including, but not limited to, all

administrative, legal, inspection and consulting expenses.

16. Deposit for Facilities and Works

- (a) At the time of execution of this Agreement, the Owner shall pay to the Town a deposit to guarantee its compliance with this Agreement in an amount equal to:

- (i) 20 % of the estimated cost of completing the on-site Facilities and Works; and
- (ii) 100% of the estimated cost of completing the off-site works.

The parties have calculated that the estimated cost for completion to be \$192 876.72 (One hundred, ninety-two thousand eight hundred and seventy-six dollars and thirty-four cents) excluding taxes. Therefore, security in the amount of \$38 575.34 (Thirty-eight thousand, five hundred and seventy-five dollars and thirty-four cents) shall be provided to the Town.

- (e) The deposit shall be paid to the Town in cash or in the form of an irrevocable letter of credit from a chartered bank or from a recognized lending institution, subject to the approval of the Director of Corporate Services and shall be held as security to ensure the completion of the Facilities and Works until such time as the Town permits its release as ordered herein. The deposit may be used to pay for the cost of any work performed by the Town in accordance with the following clause in the event of the failure of the Owners to comply with the terms of this Agreement.
- (f) Upon completion of the Facilities and Works, the Owner shall provide to the Town, at the Owner's expense, confirmation in writing by the Owner's Qualified Designer or Professional Engineer, or both, that the approved plans appended hereto have been complied with. When such confirmation has been received, the Chief Building Official shall confirm such compliance and the deposit, less any amounts expended to enforce compliance with the Agreement and any amounts refunded or reduced as the work required by this Agreement progresses, shall be returned to the Owner, without interest.
- (g) The Town may, from time to time, demand an increase in the sum of the deposit in accordance with increases in the cost of performing the Facilities and Works required herein to be completed and the Owner covenants and agrees to make such increase. At the sole discretion of the Chief Building Official the amount of the deposit may be reduced at any time after the Owner has reached the stage where the costs to complete the Facilities and Works is less than the amount of the deposit.
- (h) The release of the deposit by the Town does not release the Owner from their obligation to maintain all of the Facilities and Works pursuant to this Agreement.
- (i) The Owner agrees that all of the Facilities and Works required to be provided by the Owner shall be provided, installed or constructed by the Owner within one hundred and eighty (180) days after the date of substantial completion of the proposed development as determined by the Chief Building Official and shall be maintained at all times in good condition. An extension of the completion of Works may be considered by the Director of Community Planning & Development.

17. Default

Upon breach by the Owner of any covenant, term, condition or requirement of this Agreement, or upon the Owner becoming insolvent or making any assignment for the benefit of creditors, the Town, at its option, may declare the Owner to be in default. Notice of such default shall be given by the Town, and if the Owner shall not remedy such default within such time as provided in the notice, the Town may declare the Owner to be in final default under this Agreement. Upon notice of default having been given, the Town may require all work by the Owner, its servants, agents, independent contractors and sub-contractors to cease (other than any work necessary to remedy such default) until such default shall have been remedied, and in the event of final default, may require all work as aforesaid, to cease. Upon final default of the Owner, the Town may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:

- (i) Enter upon the subject Lands by its servants, agents and contractors and complete any work, service, repair or maintenance wholly or in part required herein to be done by the Owner, and collect the cost thereof from the Owner and/or enforce any security available to it;
- (ii) Make any payment which ought to have been made by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- (iii) Retain any sum of money heretofore paid by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- (iv) Bring action to compel specific performance of all or any part of this Agreement for damages; and
- (v) Exercise any other remedy granted to the Town under the terms of this Agreement or available to the Town in law.

18. Covenants

The Owner covenants for itself, its successors and assigns and the Owners from time to time of the said Lands and the burden of the covenants contained in this Agreement shall be deemed to be negative and shall run with and be binding upon the Lands to and for the Town, its successors and assigns.

19. Registration

The Owner agrees and consents to the registration of notice of this Agreement against the said Lands.

20. Obligation

This Agreement and the provisions hereof do not give to the Owner or any person acquiring any interest in the said Lands (each hereinafter in this paragraph called "such person") or any other person any rights against the Town with respect to the failure of any such person to perform or fully perform any obligation under this Agreement, or the failure of the Town to force any such person to perform or fully perform any obligation under this Agreement or any negligence of any such person in the performance of the said obligation.

21. Building Permit

Notwithstanding any of the provisions of this Agreement, the Owner, its successors and assigns, shall be subject to all of the by-laws, as amended, of the Town at the time of the issuance of a Building Permit required pursuant to the terms of the Agreement or at the time of the execution of this Agreement, whichever is applicable.

22. Plans

The Owner agrees that all plans shall be drawn by a Qualified Designer or by a Professional Engineer and all surveys by an Ontario Land Surveyor, subject to the reasonable satisfaction of the Town.

23. Notices

Any notice, demand, acceptance or request provided for in this Agreement shall be in writing and shall be deemed to be sufficiently given if personally delivered or sent by registered mail (postage prepaid) as follows:

To the Town at:

Clerk
Town of Pelham
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0

To the Owner at:

Colonnade 1440 Inc.
2160 Effingham Road, P.O. Box 740
Ridgeville, ON L0S 1M0

To the Mortgagees at: Business Development Bank of Canada
25 Corporate Park Drive
Suite 202
St. Catharines, Ontario
L2S 3W2

744530 Ontario Inc.
2363 Sulphur Springs Drive
RR#1, Ridgeville ON L0S 1M0

or as such other address as the party to whom such notice is to be given shall have last notified the party giving the notice in the manner provided in this Section 23. Any notice delivered to the party to whom it is addressed in this Section 23 shall be deemed to have been given and received on the day it is so delivered at such address. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth day next following the date of its mailing.

24. Schedules

The originals of the plans set out in Schedule 'C', 'D', 'E', 'F', 'G' are available at the offices of the Town at the address set out in Section 24.

25. Binding Effect

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date and year first above written.

WITNESS

COLONNADE 1440 INC.

(printed name)

(printed name)

(signature)

(signature)

(date)

(date)

☐ 'I have the authority to bind the Corporation

WITNESS

BUSINESS DEVELOPMENT BANK OF CANADA

(printed name)

(printed name)

(signature)

(signature)

(date)

(date)

☐ 'I have the authority to bind the Corporation

WITNESS

744530 ONTARIO INC.

(printed name)

(printed name)

(signature)

(date)

(signature)

(date)

☐ 'I have the authority to bind the Corporation

**THE CORPORATION OF THE TOWN OF
PELHAM**

Mayor Marvin Junkin

Clerk Nancy J. Bozzato

SCHEDULE 'A'

LEGAL DESCRIPTION

PIN 64066-0069 (LT)

Legal Description:

Parcel 2-1 Section Temperanceville Plan; Part Lots 2-4 W/S S Pelham Street, Part
Lots 3 & 4 S/S W CANBORO Street, Temperanceville Plan, Part 1, 59R724; PELHAM

PIN 64066-0744 (LT)

Legal Description:

Lot 2 W/S South Pelham Street Plan 715; Part Lot 3 S/S West Canboro Street Plan
715 being Part 1 on 59R16172; TOWN OF PELHAM

SCHEDULE 'B'

Cost Estimates, Security Deposits & Cash Payments

On-Site Work (excludes HST)	
Sanitary System	\$16 050.00
Water System	\$23 500.00
Parking/Access Areas	\$118 790.00
Subtotal	\$158 340.00
Contingency (15%)	\$23 751.00
Total	\$182 091.00
Landscaping (excludes HST)	
Plant Material	\$1 211.25
Installation	\$1 816.88
Soil	\$350.00
Permeable Pavers	\$5 346.60
Administration	\$446.61
Subtotal	\$9 378.89
Contingency (15%)	\$1 406.83
Total	\$10 785.72

Securities			
On-Site	20% (\$192 876.72)	=	\$38 575.34
Off-Site	100% (\$0)	=	\$0
Total		=	\$38 575.34

In accordance with Section 16 (a) of this Agreement, that the estimated cost for completion shall be in the amount of **\$192 876.72** (One hundred, ninety-two thousand eight hundred and seventy-six dollars and thirty-four cents) excluding taxes. Therefore, security in the amount of **\$38 575.34** (Thirty-eight thousand, five hundred and seventy-five dollars and thirty-four cents) shall be provided to the Town.

Cash Payments

Administration	\$2 700.00
----------------	------------



SCHEDULE C



COMMERCIAL AREA	
FLOOR	AREA (SQM) - EXCL. COMMON AREA
BASEMENT	487.5
GROUND	517.75
SECOND	501.35
TOTAL	1506.60

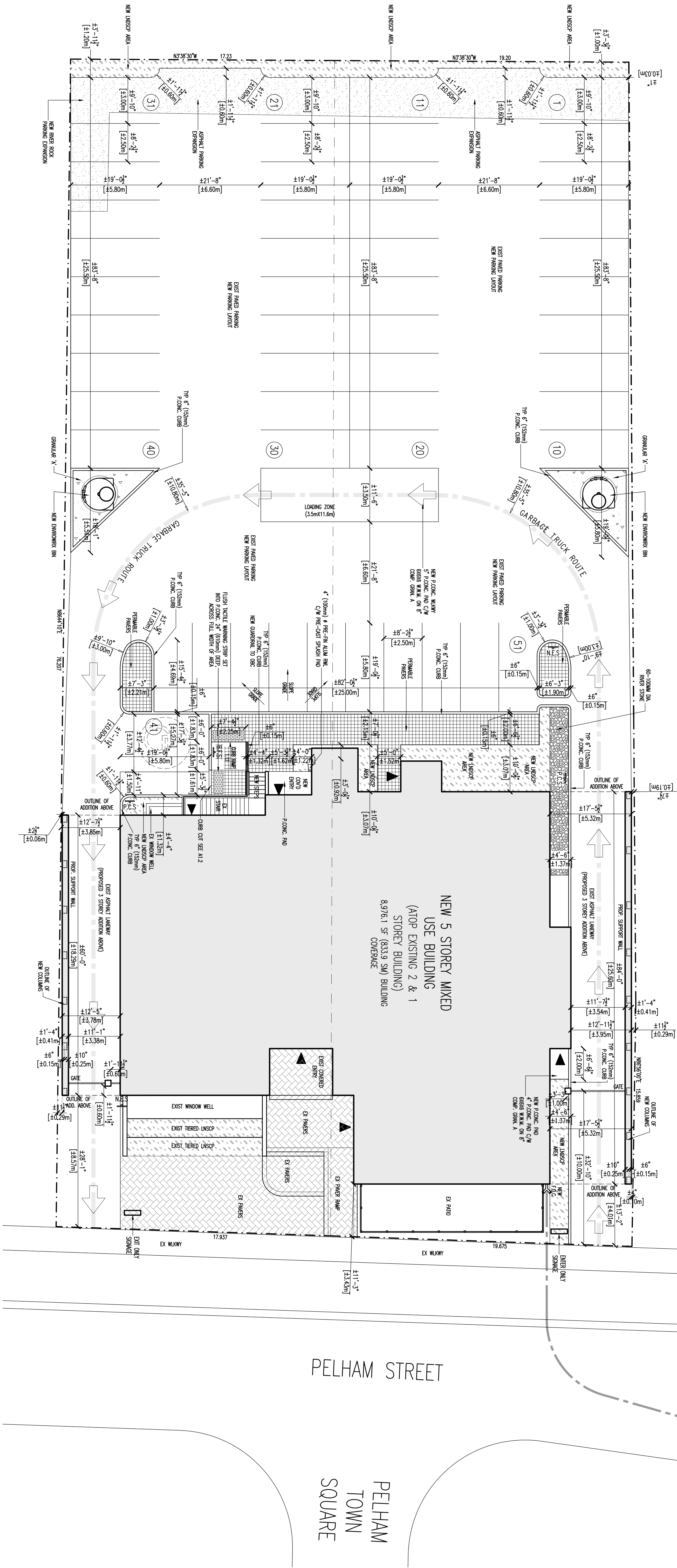
PARKING COUNT	
1 SPACES PER RESIDENTIAL UNIT (1/2)	12
PARKING AS PER PREVIOUS VARIANCE	39
REQUIRED (INCL. 1 B.F. SPACE)	51
PROVIDED (INCL. 1 B.F. SPACE)	51

COVERAGE CHART		
	AREA (±SM)	COVERAGE (%)
LOT AREA	2651.3	100.00
BLUG (INC. CONTR. LINE MMS)	842.5	±29.55
PAINTED AREA AREA	1,654.0	±58.01
LANDSCAPE AREA	354.8	±12.44

LEGEND	
P.C.S.	PEDESTRIAN CROSSING SIGNAGE (BY OTHERS)
N.E.S.	DO NOT ENTER SIGNAGE (BY OTHERS)
B.F.S.	ACCESSIBLE PARKING SIGNAGE (SEE A1.2)
	FIRE DEPARTMENT CONNECTIONS
	EXISTING FIRE HYDRANT



SCALE: N.T.S.



SITE PLAN

SCALE: 3/32"=1'-0"

[illegible]

THESE DOCUMENTS ARE NOT TO BE SCALED.

THE DESIGN AND DOCUMENTS REMAIN THE PROPERTY OF THE ARCHITECT AND ARE PROTECTED BY LAW. THEY MAY NOT BE ALTERED WITHOUT THEIR EXPRESSED WRITTEN CONSENT. ALL DOCUMENTS TO BE RETURNED AT COMPLETION OF WORK.

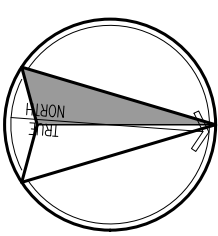
CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.

ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES.

drawn by:	TD/JB/ME/FR
design by:	LJM
approved by:	MRM
date:	
2019-06-25	

design by: LJM	plot scale: 1:1
approved by: MRM	scale: AS NOT
date: 2019-06-25	

2M architects inc.
115 Lake Street
St. Catharines, ON
Canada L2R 5X7
Tel:
905-687-9777
Fax:
905-687-9997
2Marchitects@cogeco.net
www.2marchitects.ca



CONSTRUCTION

project title:
PROPOSED 2ND, 3RD & 4TH STOREY ADDITIONS
MIX USE BUILDING – COLONNADE
1440 PELHAM ST
FONTHILL, ONTARIO

drawing title: SITE PLAN

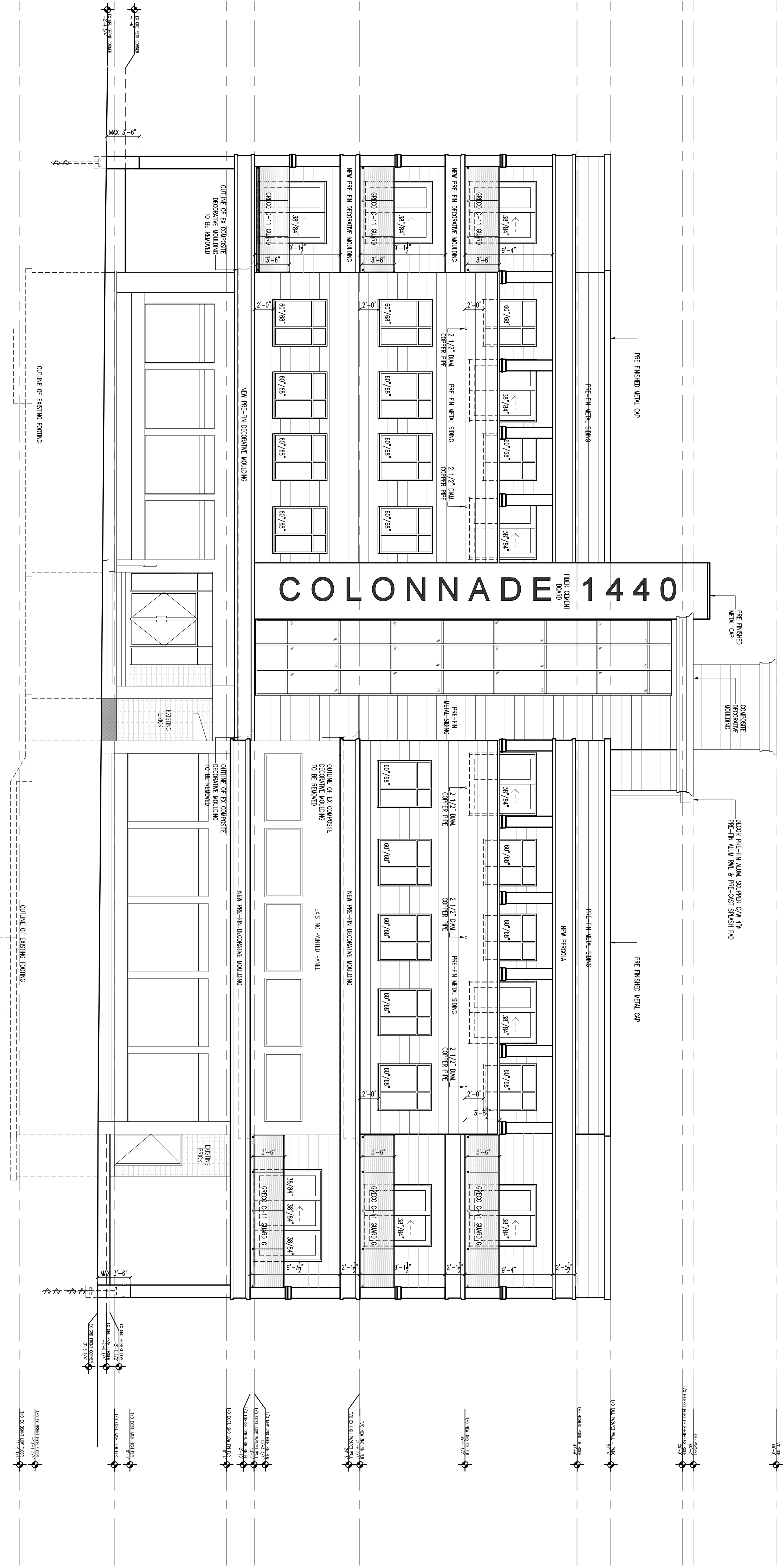
job number:	revision number:
17-03	04

A1.1

SCHEDULE D



SCALE: 3/16"=1'-0"



job number: 17-03	revision number: 01
drawing number: A4.1	

project title:
PROPOSED 2ND, 3RD & 4TH STOREY ADDITIONS
MIX USE BUILDING - COLONNADE
1440 PELHAM ST
FONTHILL, ONTARIO

drawing title:
FRONT/ EAST ELEVATION

drawn by: TD/JB/ME/FR	
design by: LJM	plot scale: 1:1
approved by: MRM	scale: AS NOTED
date: 2019-03-11	

2M architects inc.
115 Lake Street
St. Catharines, ON
Canada L2R 5X7
Tel: 905-687-9777
Fax: 905-687-9997
2Marchitects@cogeco.net
www.2marchitects.ca

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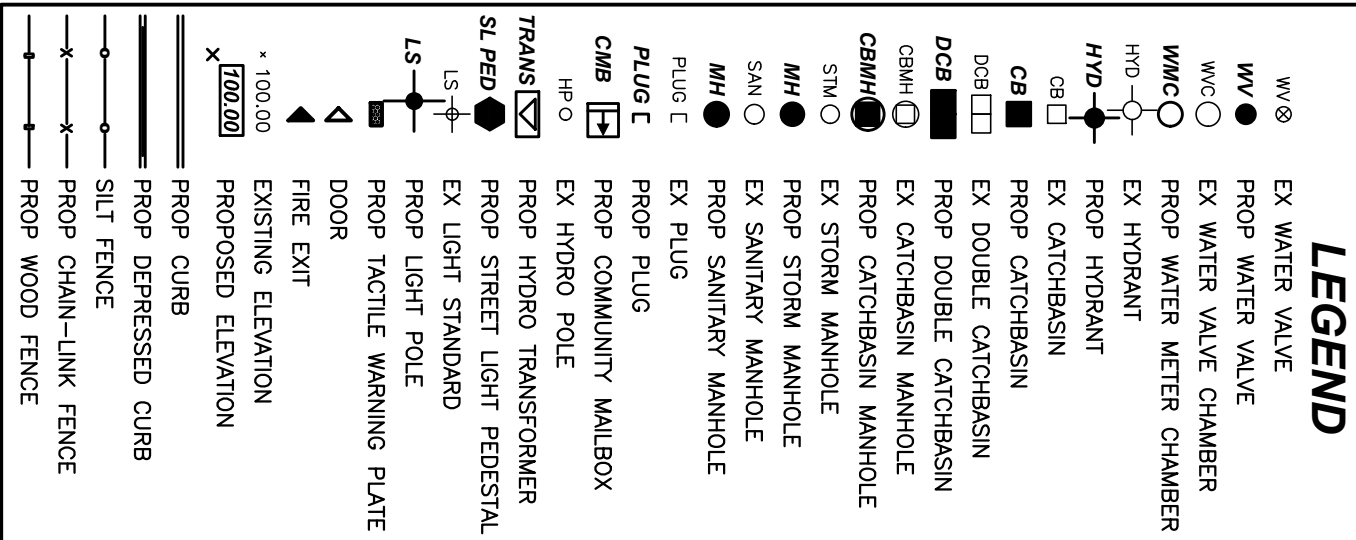
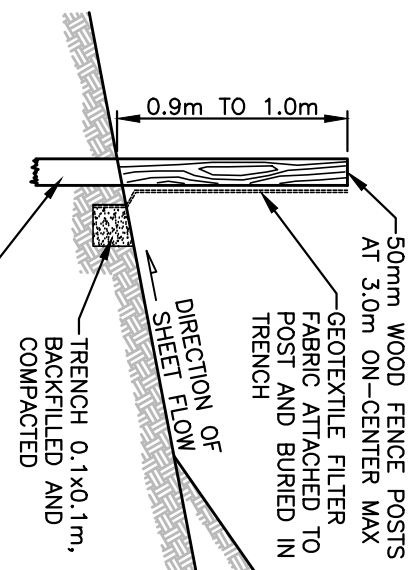
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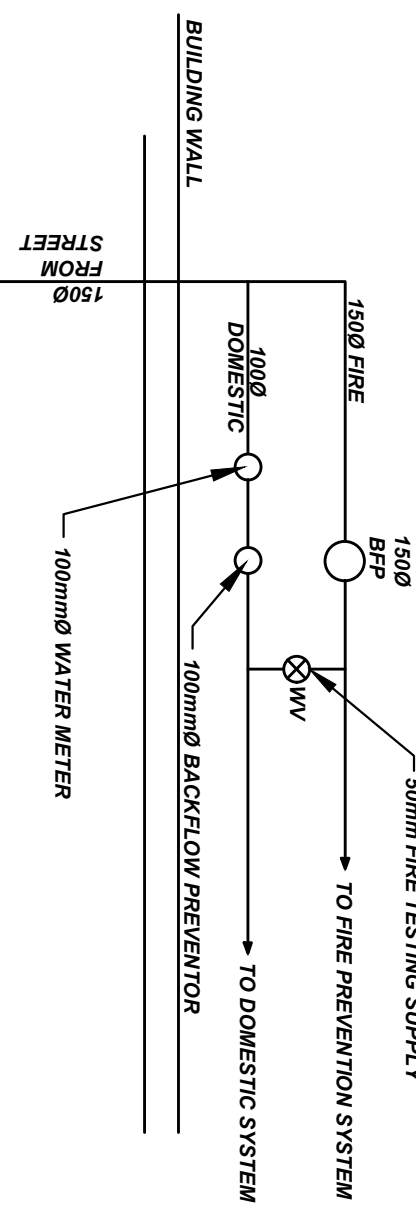
CONTRACTOR TO SITE VERIFY ALL DETAILS AND DIMENSIONS AND REPORT ANY AND ALL DISCREPANCIES TO THE ARCHITECT BEFORE COMMENCING WITH THAT RELATED PORTION OF THE WORK.

ONLY SIGNED SEALED AND STAMPED DOCUMENTS ARE TO BE USED FOR CONSTRUCTION PURPOSES.

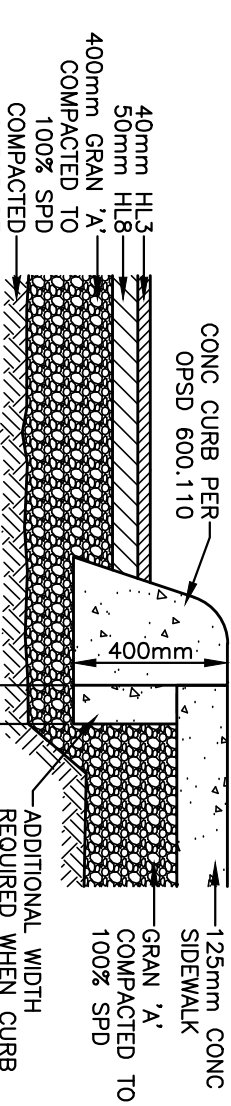
SCHEDULE E

[illegible]

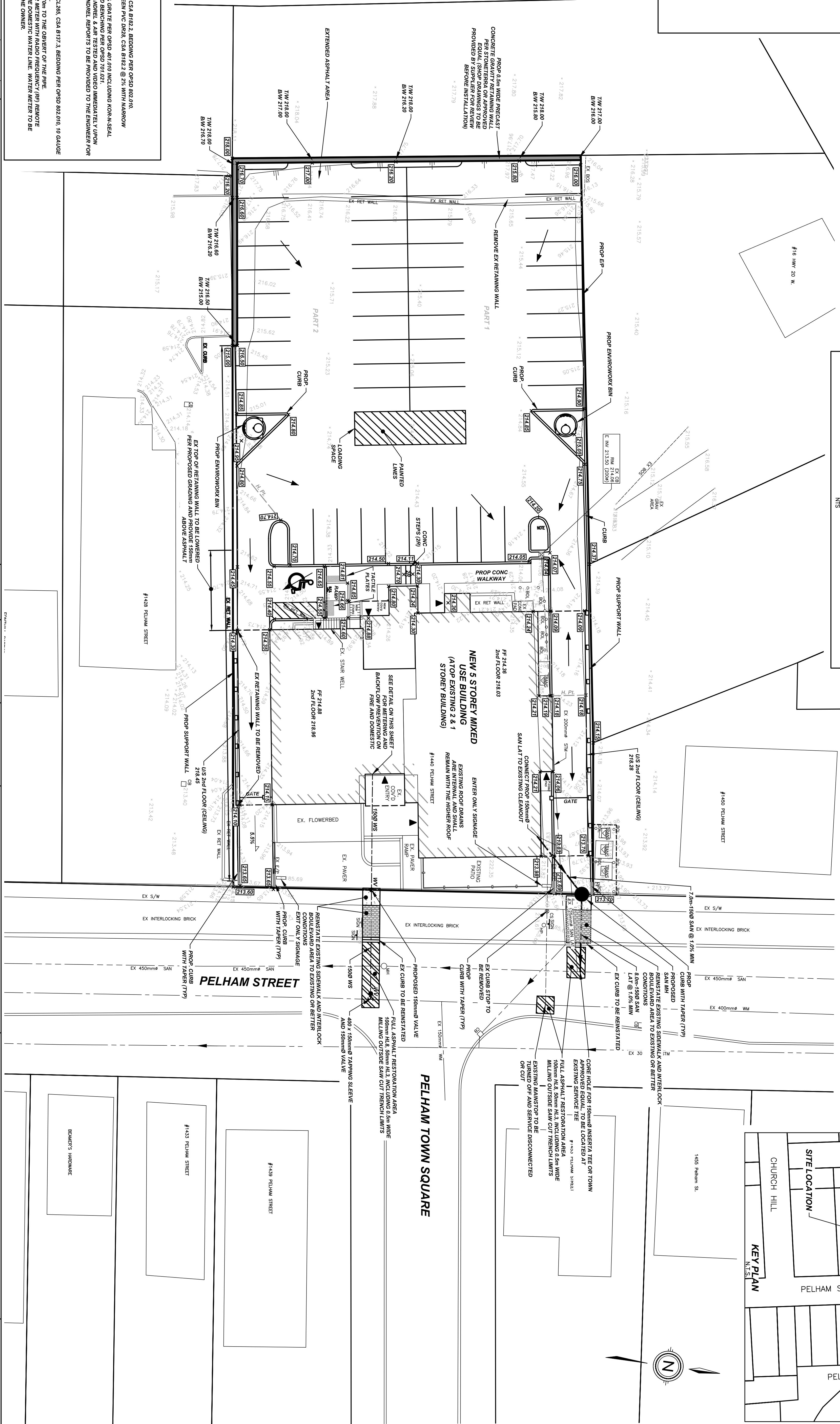
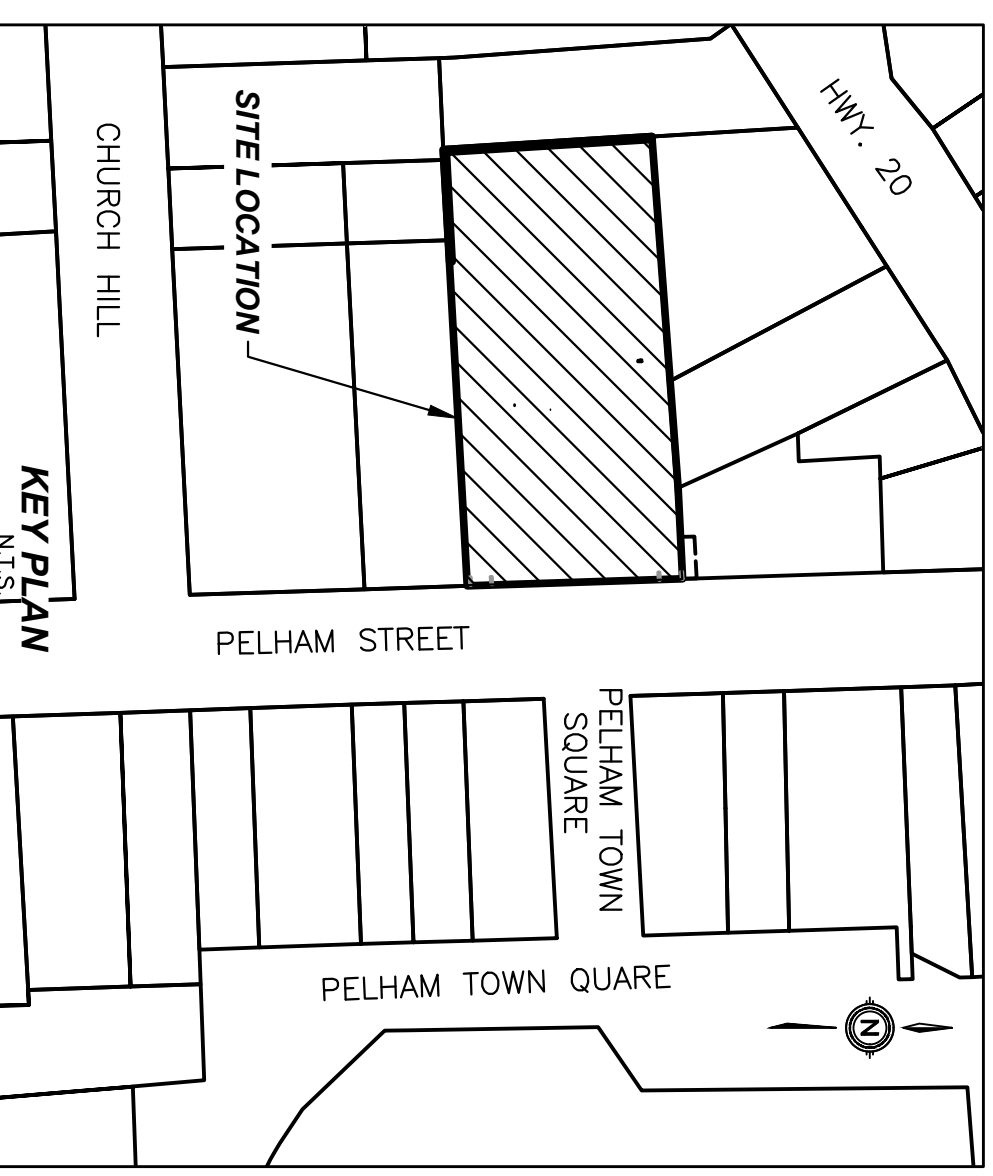
SILT FENCE DETAIL
N.T.S.



WATER METER & BACKFLOW PREVENTER SYSTEM DETAIL



**TYPICAL BARRIER CURB, SIDEWALK
AND ASPHALT CROSS SECTION**
N.I.S.



NOTES:

1. **SANITARY SYSTEM SHALL BE:**
 - a) SANITARY SEWER SHALL BE PVC DR35, CSA B182, BEDDING PER OSD 802.010.
 - b) SANITARY LINE TIE-TO BE 150mm Ø GREEN PVC DR28, CSA B182 ± 2% WITH HARBOR EXCAVATION LINED FOOTING AREAS.
 - c) MANHOLES PER OSD 810.010, FRAME & GRIOTE PER OSD 441.010 INCLUDING KOR-ASEAL.
 - d) SANITARY SEWERS TO BE CLUSTED, MANHOLE & AIR TESTING AND VIDEO IMMEDIATELY UPON COMPLETION AND 2 VIDEO, AIR AND MANHOLE REPORTS TO BE PROVIDED TO THE ENGINEER FOR REVIEW AND FINAL APPROVAL.
2. **WATER SYSTEM:**
 - a) SHALL BE PVC DR45, CSA B182, BEDDING PER OSD 802.010, 10 CALOUE TRACHER CREEK ON WATER SYSTEMS.
 - b) MINIMUM COVER FOR WATER SYSTEMS IS 1.7m TO THE CROWN OF THE PIPE.
 - c) 100mm DIAMETER COMPACTED WATER METERS WITH RADIO FREQUENCY (RF) REMOTE CAPPING SHALL BE INSTALLED FOR THE DOMESTIC WATER LINE. WATER METERS TO BE

ITEM:

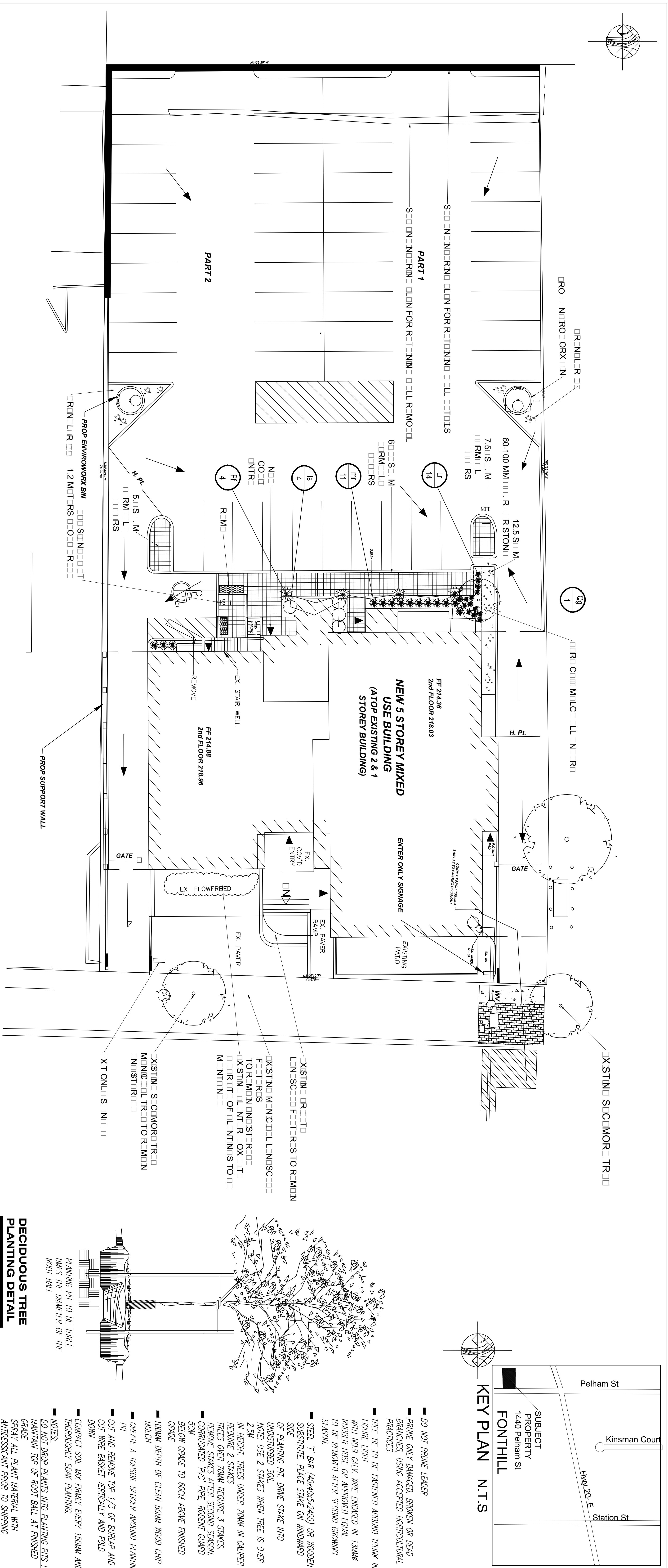
- 2. WATER SYSTEM:**
- a) 1500 WATERMAIN SHALL BE PVC DR18 CL245, CSA B137.3, BEDDING PER ONSD 802.010, 10 GAUGE TRACER WIRE ON ALL WATER SYSTEMS.
 - b) MINIMUM COVER FOR WATERMAIN IS 1.70m TO THE OBVERT OF THE PIPE.
 - c) A 100mm DIAMETER COMPOUND WATER METER WITH RADIO FREQUENCY (RF) REMOTE CAPABILITIES TO BE INSTALLED FOR THE DOMESTIC WATER LINE. WATER METER TO BE BROUGHT THROUGH THE ROW AND TO THE CURB.

NO.

1. THE POSITION OF POLE LINES, CONDUIITS, WATERWAYS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT PLANS AND, WHEN SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED BEFORE OR AFTER THE CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE OWNER. LOCATION OF ALL SUCH UTILITIES AND STRUCTURES SHALL BE ASSURED AT OWNERS RISK TO FIELD.
2. PROPERTY LINES BE GRANTED USING REGISTERED STAKES AND BARS LOCATED IN THE FIELD TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
3. ALL CONSTRUCTION MUST COMPLY WITH THE MADRAS PAVEMENT STANDARD CONTRACT DOCUMENT.

#1440 PELHAM STREET FONTHILL TOWN OF PELHAM SITE SERVICING & GRADING PLAN

DATE		2019-04-24
PRINTED		2019-06-24
SCALE		1:200 m
REF No.		
DWG No.		17127-SSGP
		REV 1



PLANT SCHEDULE:					
KEY	BOTANICAL NAME	COMMON NAME	NO.	SIZE	CONDITION
CONIFEROUS TREES:					
PF	QUERCUS F. STURTEANTI	QUERCUS STURTEANTI	1	200CM	GOOD
DECIDUOUS TREES:					
Q9	QUERCUS STR. STURTEANTI	QUERCUS STURTEANTI	1	50MM C.L.	GOOD
CONIFEROUS SHRUBS:					
IS	QUERCUS STURTEANTI	QUERCUS STURTEANTI	1	50CM	GOOD
GROUND COVER & PERENNIALS:					
LR	LIROPE MUSCARI ROYAL PURPLE	LIROPE MUSCARI	1	-	GOOD
MR	MISCANTHUS SINENSIS AUTUMN RED	MISCANTHUS SINENSIS	1	-	GOOD

SHRUB
PLANTING DETAIL
NTS
GRADE
SPRAY ALL PLANT MATERIAL WITH
ANTISEPTICANT PRIOR TO SHIPPING.
SOIL MIX: 4 PARTS INDIGENOUS SOIL TO ONE
PART WELL ROTTED COW MANURE.

■ **COMPACT SOIL MIX FINALLY EVERY 150MM AND THOROUGHLY SOAK PLANTING.**

■ **NOTES:**

DO NOT DROP PLANTS INTO PLANTING PIT; MAINTAIN TOP OF ROOT BALL AT FINISHED GRADE

SPRAY ALL PLANT MATERIAL WITH ANTIDESICCANT PRIOR TO SHIPPING.

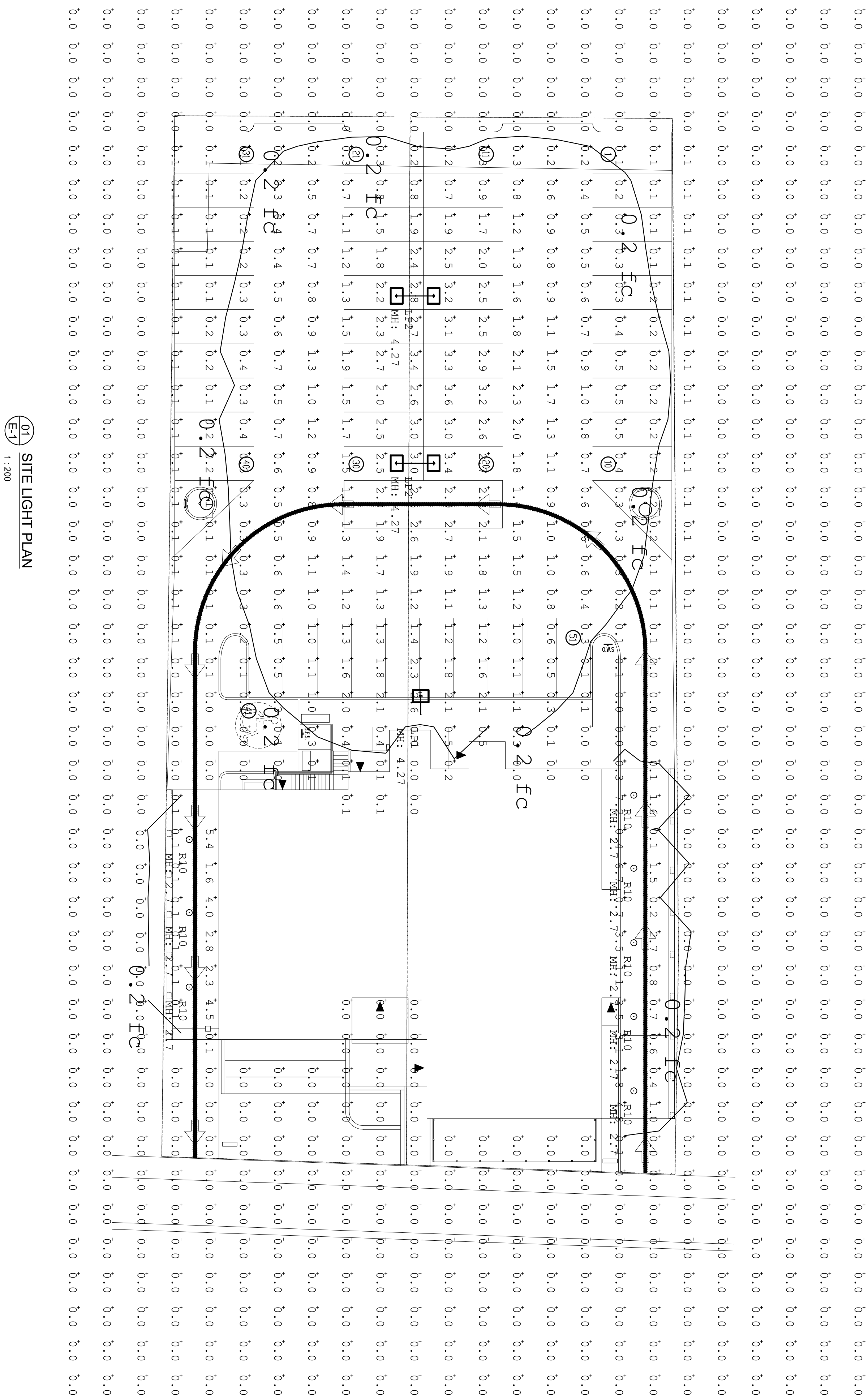
SOIL MIX: 4 PARTS INDIGENOUS SOIL TO ONE PART WELL ROTTED COW MANURE.

THOROUGHLY Y.M.X.

<div>NOTE: THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN, PURSUING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH, FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVICING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PRACTICES APPROVED BY THE ENGINEER.</div>	
<div>DIRECTOR OF PLANNING AND DEVELOPMENT</div>	
<div>DATE: _____ 20____</div>	
<div><div>THE TOWN OF DULUTH</div><div>SIGNATURE</div></div>	

[illegible]

SCHEDULE G



Luminaire Schedule						
Label	Symbol	BOG Rating	lum. lumens	lum. watts	Acrygonomic	PLGname
1		B3-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-554-610_140
2		B1-w-C2	390	34	BACK-BACK	PE-M7-11-2-DE5-660_140
3		999	999	136	SINGLE	PE-M7-11-2-DE5-660_140
4		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
5		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
6		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
7		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
8		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
9		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
10		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
11		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
12		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
13		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
14		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
15		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
16		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
17		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
18		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
19		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
20		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
21		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
22		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
23		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
24		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
25		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
26		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
27		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
28		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
29		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
30		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
31		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
32		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
33		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
34		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
35		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
36		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
37		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
38		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
39		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
40		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140
41		B1-w-C2	390	34	SINGLE	PE-M7-11-2-DE5-660_140

Calculation Summary					
Label	Description	CalcType	Unit	# Fts	Max
Pairing & Delivery	on tracks	illuminate	Hz	308	1.02
				7.2	1.0
					M.A.
					M.A.

Labeled		Unlabeled		Labeled		Unlabeled	
Labels	Size	Labels	Size	Labels	Size	Labels	Size
1	125	1	125	1	125	1	125
2	125	2	125	2	125	2	125
3	125	3	125	3	125	3	125
4	125	4	125	4	125	4	125
5	125	5	125	5	125	5	125
6	125	6	125	6	125	6	125
7	125	7	125	7	125	7	125
8	125	8	125	8	125	8	125
9	125	9	125	9	125	9	125
10	125	10	125	10	125	10	125
11	125	11	125	11	125	11	125
12	125	12	125	12	125	12	125
13	125	13	125	13	125	13	125
14	125	14	125	14	125	14	125
15	125	15	125	15	125	15	125
16	125	16	125	16	125	16	125
17	125	17	125	17	125	17	125
18	125	18	125	18	125	18	125
19	125	19	125	19	125	19	125
20	125	20	125	20	125	20	125
21	125	21	125	21	125	21	125
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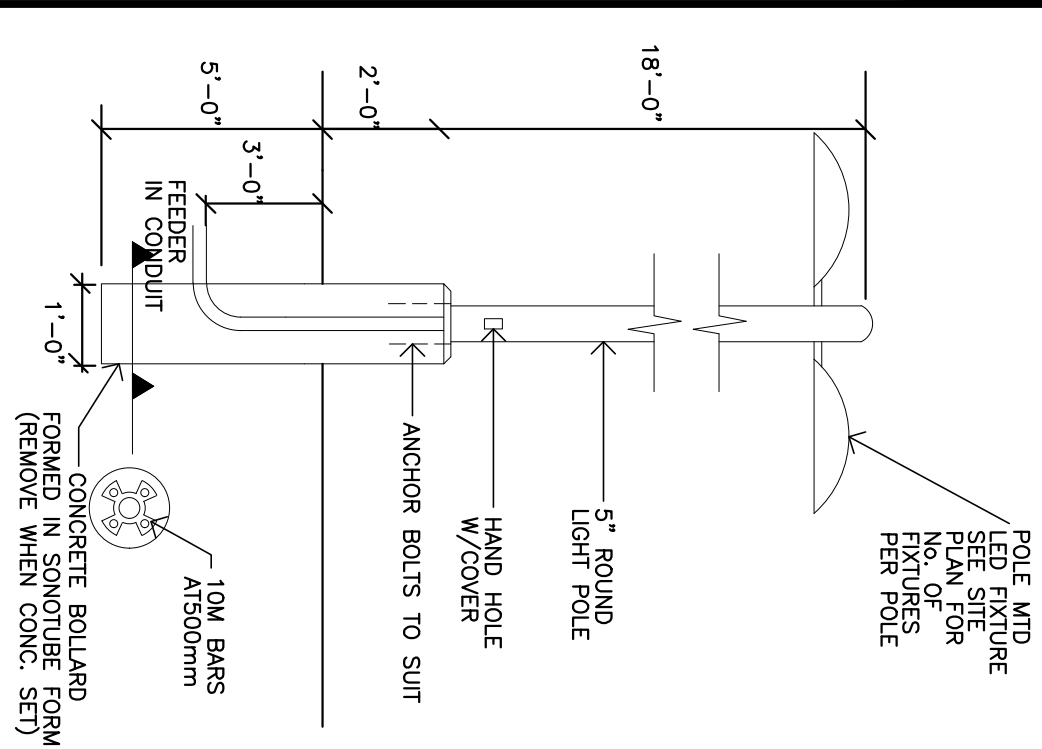


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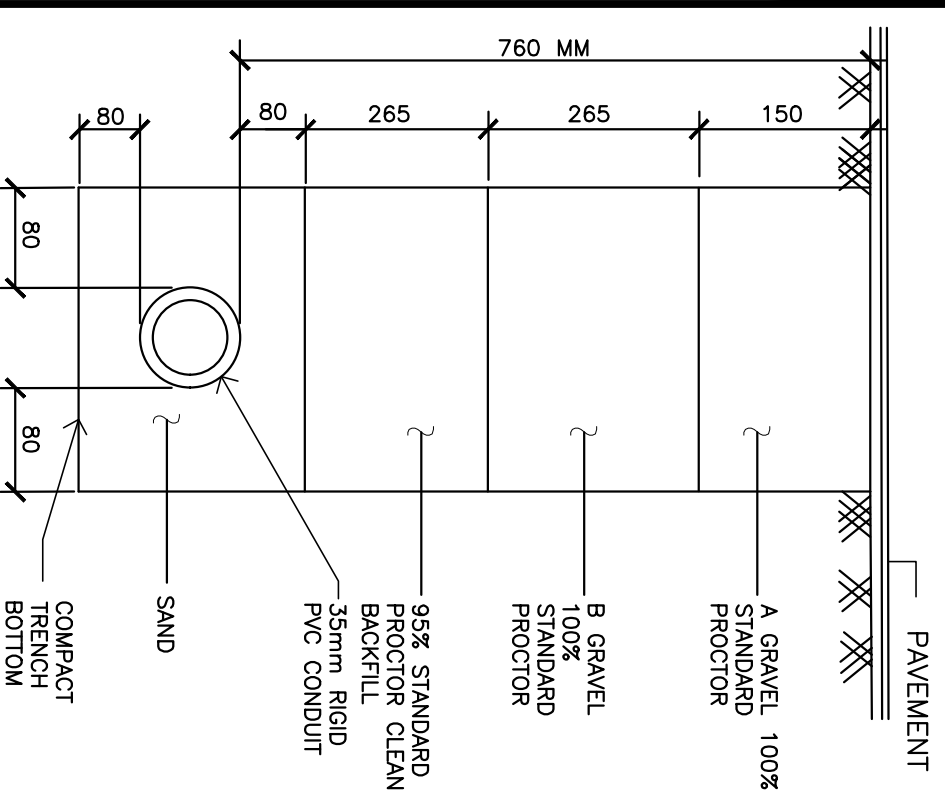


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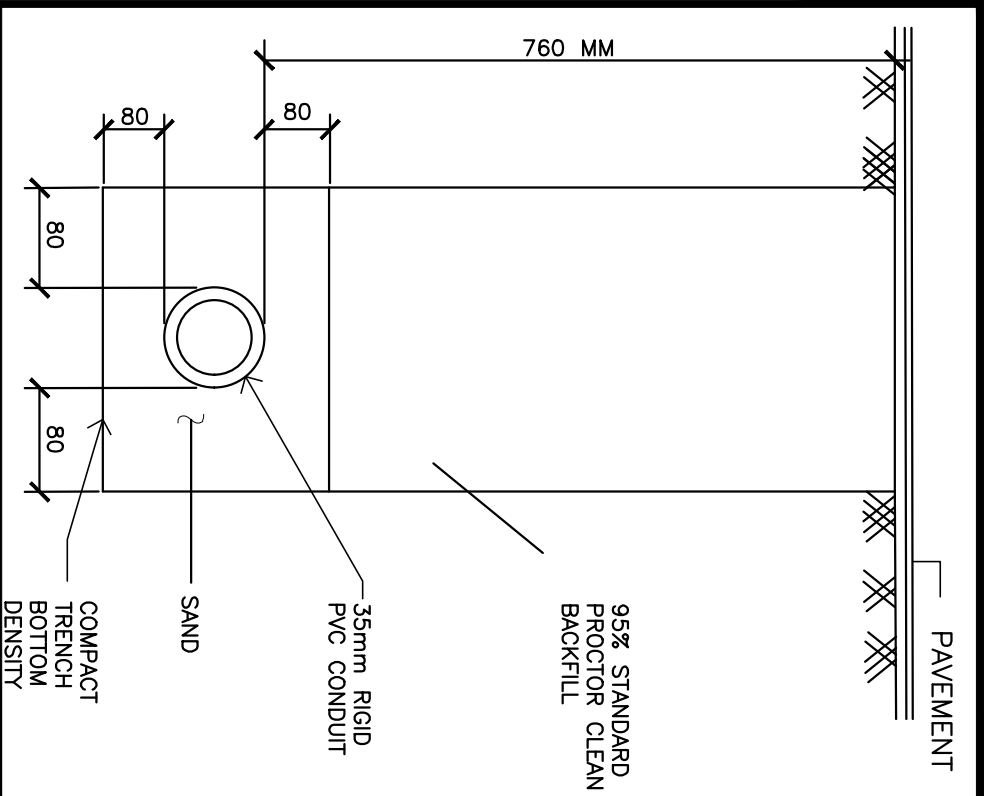


LIGHT STANDARD DETAIL



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TRENCH DETAIL AREA LIGHTING
UNDER PAVED AREAS AND SLABS
N.T.S.



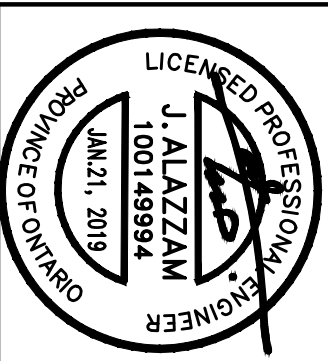
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TRENCH DETAIL AREA LIGHTING
UNDER NON VEHICLE AREA

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NO:	BY:	DATE:	REVISION:	
1	JAMAL	JUL 05, 2017	SPA APPROVAL	CONTRACTOR MUST VERIFY ALL DIMENSIONS AND BE RESPONSIBLE FOR THE SAME. REPORT ANY DISCREPANCIES TO CONSULTANT BEFORE COMMENCING THE WORK. DO NOT SCALE THE DRAWINGS. ALL DRAWINGS ARE PROPERTY OF CONSULTANT AND MUST BE RETURNED UPON REQUEST.
2	JAMAL	JUL 24, 2017	RE-SPA APPROVAL	DRAWINGS © JAHNY'S ENGINEERING INC. ST. CATHARINES, ONTARIO, CANADA.
3	JAMAL	OCT 26, 2018	RE-SPA APPROVAL	REPRODUCTION IN WHOLE OR IN PART IS FORBIDDEN WITHOUT PERMISSION OF CONSULTANT.
4	JAMAL	JAN 21, 2019	RE-SPA APPROVAL	THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNTIL COUNTERSIGNED.
				BY: JAMAL ALAZZAM, P. ENG.
				DATE: JAN 21, 2019

drawn by: JA	
design by: JA	plot scale: 1:1
approved by: JA	scale: AS NOTED
date: APRIL 20, 2017	



project title:

COLONNADE 1440 INC.

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drawing title:

SITE PLAN — LIGHTING
PHOTO METRIC AND DETAIL

job number: 17-002	revision number:
drawing number: SPE01	

Monday, July 15, 2019

Subject: Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Application (26T19-02-18; OP-AM-03-18; & AM-04-18) – Recommendation Report

Recommendation:

BE IT RESOLVED THAT Council receive Report CPD-030/2019 for information as it pertains to file numbers 26T19-02-18, OP-AM-03-18 & AM-04-18; and

THAT Council approve the By-law, attached hereto as Appendix D, amending the Official Plan policies of the subject property.

AND THAT, Council approve the By-law, attached hereto as Appendix E, amending the zoning of the subject property.

AND THAT, Council approve the draft plan of subdivision, attached hereto as Appendix A, subject to the conditions attached hereto as Appendix F.

Background:

The purpose of this report is to provide Council with a recommendation regarding an application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision under Sections 22, 34 and 51 (respectively), of the *Planning Act* for 162 Port Robinson Road. The proposal is for subdivision development of vacant land, consisting of: 135 single detached dwellings 36 semi-detached dwellings 110 street townhouses 126 block

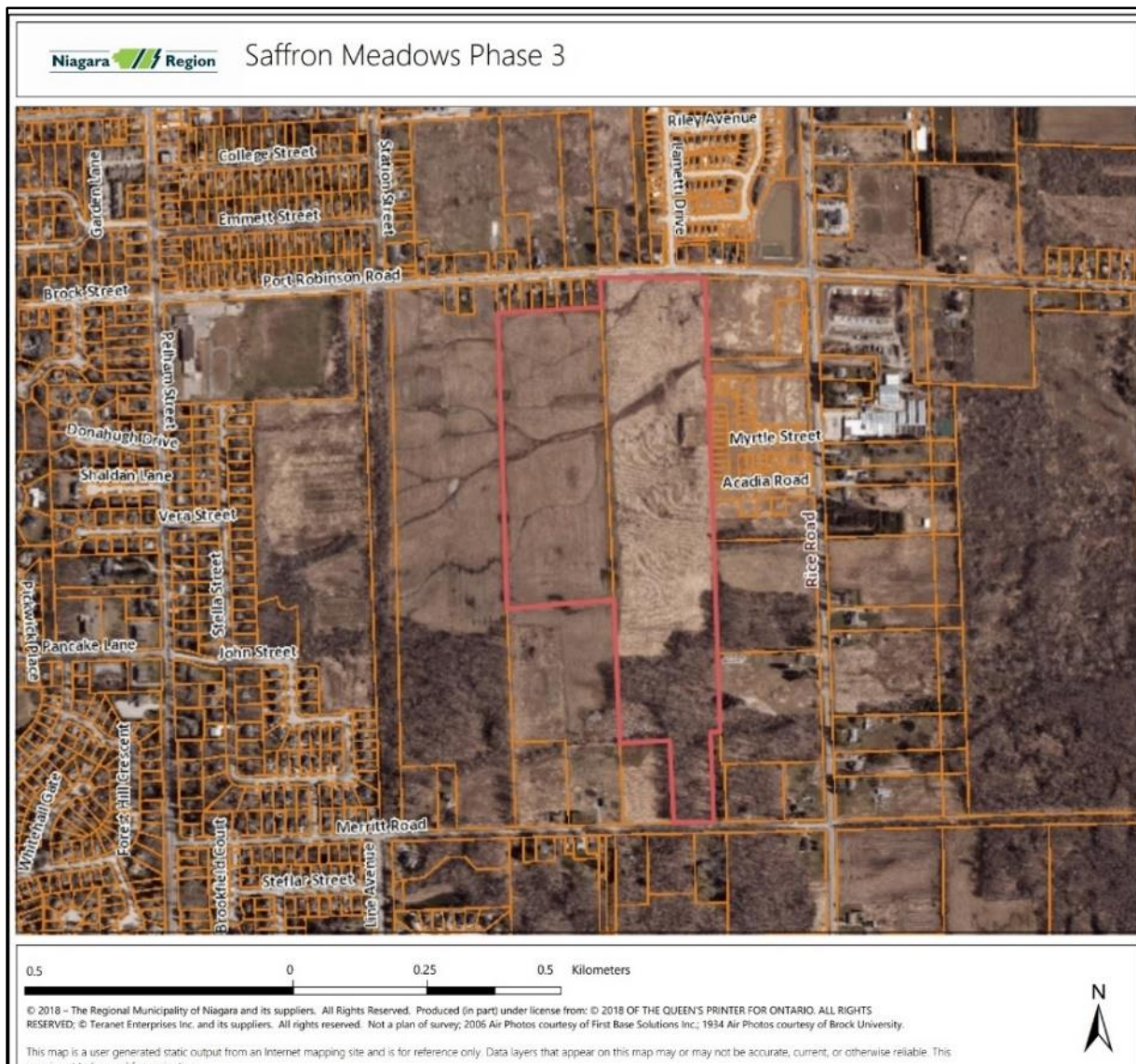
townhouse dwellings (condominium) 1.5 hectares of parkland Open Space & Environmental Protection Lands

Analysis:

Location – Context

The subject land is flanked by Port Robinson Road to the north and Merritt Road to the south, lying west of Rice Road (Figure 1). Municipally known as 162 Port Robinson Road, in Fonthill. The surrounding land uses include: North – Residential / Vacant Land East – Low & medium density residential South- Significant Woodlands / Provincially Significant Wetlands West - Agricultural / Vacant land.

Figure 1: Subject Lands



Project Description and Purpose

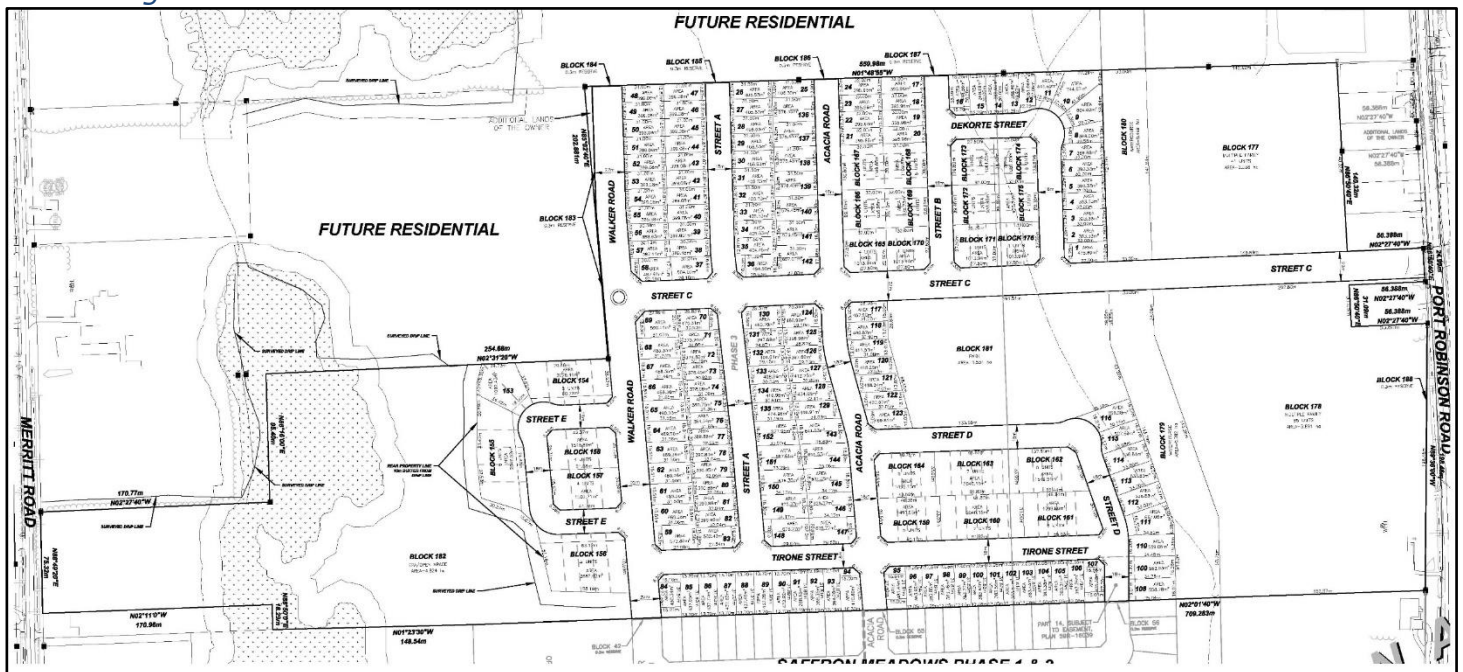
The property is 29.3 hectares (72 acres) in size and consists of two vacant parcels that are owned by Hert Inc. The land owner has applied for approval of a subdivision consisting of:

- 135 single detached dwellings
- 36 semi-detached dwellings
- 110 street townhouse dwellings
- 126 block townhouse dwellings (condominium)
- 1 (1.5 hectares) park
- Open Space / Environmental Protection lands (6.1 hectares)
- 5.5 hectares of public roadway

The proposal seeks to amend the Pelham Official Plan by modifying Policy B1.7.7.4.1 (b) to increase the number of single & semi-detached dwellings permitted in the EF-Medium Density Residential designation from 15% to 30% in a plan of subdivision.

The proposed Zoning By-law amendment will rezone the lands from *Agricultural (A)* to various site-specific zones that would accommodate the uses described above, for subdivision development. (Figure 2)

Figure 2: Draft Plan of Subdivision – Saffron Meadows Phase 3



Policy Review

Planning Act

Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- a) The protection of ecological systems, including natural areas, features and functions;
- b) The protection of the agricultural resources of the Province;
- c) The conservation of features and management of natural resources;
- e) The efficient use and conservation of energy and water;
- f) The adequate provision and efficient use of transportation, sewage & water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- l) The protection of the financial and economic well-being of the Province and its municipalities;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, support public transit and to be oriented to pedestrians;
- r) The promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaption to a changing climate.

The proposed development satisfies the Provincial minimum density requirement of 50 people and jobs combined per net hectare. The subdivision seeks to develop a compact neighbourhood and efficiently use the designated urban land available in East Fonthill. This residential land use efficiency helps ensure the long term protection of ecological systems, natural and agricultural lands, and helps to prolong (conserve) the finite urban land available for growth and development purposes throughout Pelham. Without orderly and compact development, inefficient low density housing projects would consume designated *Greenfields* and prematurely pressure urban boundary expansion efforts.

The proposed development offers several types of housing options which surround a central park and open space watercourse connected with a modified grid network of streets. The high level of street connectivity enables healthy communities by promoting walkability and bicycling, helping distribute traffic flows / volumes among the grid which reduces trip lengths, reduces greenhouse gas emissions and avoids the disproportionately negative distribution of cumulative property values and quality of life impacts for residents affected by overburdened roadways.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, municipalities "shall be consistent with the policy statements" and "shall conform to the Provincial plans that are in effect on that date, or shall not conflict with them, as the case may be."

Section 22 of the Act allows for consideration of amendments to the Official Plan.
Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Section 51 of the Act allows for consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) The suitability of the land for the purposes for which it is to be subdivided;
- e) The number, width, location and proposed grades and elevations of streets, and the adequacy of them, and the streets linking the streets in the proposed subdivision with the established road system in the vicinity and the adequacy of them;
- f) The dimensions and shapes of the proposed lots;
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites;
- k) The area of land, if any, within the proposed subdivision that, exclusive of streets, is to be conveyed or dedicated for public purposes;
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,
- m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

The proposed subdivision conforms to Provincial, Regional and local planning policy. Specifically, the East Fonthill Secondary Plan which forms part of the Town's Official Plan. The conformity policies are extensive but deal mainly with land use, housing mix, natural heritage, cultural heritage, infrastructure servicing and mobility. Saffron Meadows Phase 3 also respects the transportation network illustrated in the Demonstration Plan (Appendix A) by accommodating a modified grid of streets and laneways that logically integrate with existing and future subdivision developments. The proposed lotting and block fabric is generic; with configurations, shapes and orientations that are resilient to changing development trends and cultural desirability. Over 1.5 hectares of land is proposed to be dedicated for a park which meets the 5% requirement. Over 6 hectares of land is proposed to be dedicated to the Town for environmental protection and stormwater management purposes.

The proposed Zoning By-law amendment which accompanies this subdivision application would regulate land use and built form (housing development) through detailed performance standards (i.e. setbacks, frontages, driveway / amenity area sizes etc.). These specifications influence urban design, streetscaping, land use

compatibility and cultural heritage which have direct impacts on quality of life, land use efficiency and safety among other matters.

Provincial Policy Statement (2014)

The subject lands are located in a 'Settlement Area' according to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Policy 1.1.1 states healthy, liveable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and Town over the long term;
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), and other uses to meet long-term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) Avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas*;
- e) Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- f) Improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g) Ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs; and
- h) Promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
 - i. Efficiently use land and resources;
 - ii. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate compact form, while avoiding or mitigating risks to public health and safety.

Development should provide for an appropriate range and mix of housing types and densities to minimize the cost of housing, and facilitate compact form, while maintaining public health and safety (Policy 1.4.3). Healthy, active communities

meet the needs of people by facilitating active transportation and ensuring neighbourhood connectivity (Policy 1.5.1) through infrastructure and land use. In addition, development shall efficiently use and optimize existing municipal sewage and water services; and, stormwater management shall promote best practices and low impact development (Policies 1.6.6.1 and 1.6.6.7).

The proposed draft plan of subdivision will result in compact built form with a mix of land uses (single detached, semi-detached, townhouses, second units, parkland and home occupations etc.) that efficiently use land and existing / planned municipal infrastructure while meeting Provincial density targets. Sidewalks will be constructed on both sides of all public streets, striped bicycle lanes on the collector roads, street trees in all boulevards, crosswalks and on-street parking will all help to keep vehicle speeds calm and support public health and safety. The entire development is well connected to the surrounding transportation network of streets and off-road trails. Most of Saffron Meadows Phase 3 is within a 15-minute walk of Downtown, the Meridian Community Centre and the shopping areas along Highway 20 East.

Stormwater runoff will be accommodated within the realigned watercourse together with the existing stormwater management facilities that were designed to handle this Phase (3) as part of Saffron Meadows Phase 1. The development can be served by existing available schools and public service facilities. Planning staff are of the opinion that the proposed development is consistent with the PPS.

Greenbelt Plan (2017)

The subject land is located outside of the Greenbelt Plan Area; and therefore, is not bound by the policies of this Plan.

Growth Plan for the Greater Golden Horseshoe (2019)

The updated Growth Plan took effect on May 16th 2019 and requires that all planning decisions made after May 16th 2019 shall conform to policies of this plan. The document informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.
- e) Development will be generally directed away from *hazardous lands*.

Policy 2.2.1.4 supports the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses and convenient access to local stores, services and public service facilities; improve social equity and overall quality of life for people of all ages, abilities and incomes; provide a diverse range and mix of housing options, including second units and affordable housing; expand convenient access to a range of transportation options including active transportation, public service facilities, co-located and integrated in community hubs, an appropriate supply of safe, publicly accessible open spaces, parks, trails and other recreational facilities and healthy, local and affordable food options including urban agriculture; ensure the development of high quality compact built form, an attractive and vibrant public realm through site design and urban design standards; mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions and contribute toward the achievement of low carbon communities and integrate green infrastructure and low impact development.

The proposed development provides the essential ingredients necessary to support the achievement of a *complete community* in the larger East Fonthill neighbourhood. A variety of residential uses are proposed which range from single detached, semi-detached, townhouses, second units, triplex dwellings and home occupations, among others. Parkland and open spaces, including off-road trails are also proposed while environmental lands will be protected. The subject land has convenient access to local stores, services, public schools and civic facilities, most of which are within walking and bicycling distance. The proposed transportation network is highly connected to the existing network and the two proposed collector roads will include striped bicycle lanes which help acknowledge cyclists as being legitimate road users.

The proposed zoning regulations achieve a balance of compact built form, that efficiently use municipal infrastructure while also providing and ensuring open landscaped amenity areas through provisions such as front / rear yard building setbacks, and maximum driveway widths, among others. The development complies with the minimum Provincial *Greenfield* density target (50 people & jobs / hectare) which helps control the unreasonable and premature expansion of urban *settlement areas*. Planning staff are of the opinion that the proposed development conforms with the 2019 Growth Plan.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as a 'Designated Greenfield Area' within the Urban Area Boundary.

Policy 4.C.6.1 states the Region will require a minimum combined gross density target of 50 people and jobs per hectare across all *Designated Greenfield Areas*,

excluding Environmental Protection and Conservation Areas.

Policy 4.G Urban Growth – states Niagara will build more sustainable, complete communities by:

- Encouraging mixed and integrated land uses;
- Making efficient use of land, resources and infrastructure;
- Promoting compact, transit support development friendly to active transportation;
- Building better *Greenfield* neighbourhoods;
- Fostering *development* that conserves natural resources and maintains or enhances natural systems.

Policy 4.J.4 states the Region encourages private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

Policy 11.A.1 states the Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential construction that:

- a) Provides for *active transportation* within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.
- b) De-emphasizes garages, especially in the front yard.
- c) Emphasizes the entrance and points of access to neighbourhoods.
- d) Is accessible to all persons.
- g) Provides an attractive, interconnected and *active transportation* friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- i) Balances the needs for private and public space.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.
- k) Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

Policy 11.A.3 states the Region will encourage the local municipalities to adopt policies and zoning by-laws facilitating the creation of secondary suites throughout the urban area.

As described above, the proposed development includes a variety of land uses located within close proximity to commercial, institutional and recreational facilities along a connected transportation network. Active transportation is supported through a highly connected street, lane and trail network.

A high quality public realm is proposed through not only urban design guidelines and architectural control, but also detailed zoning performance standards which deemphasize garages in front yards by requiring minimum setbacks paired with

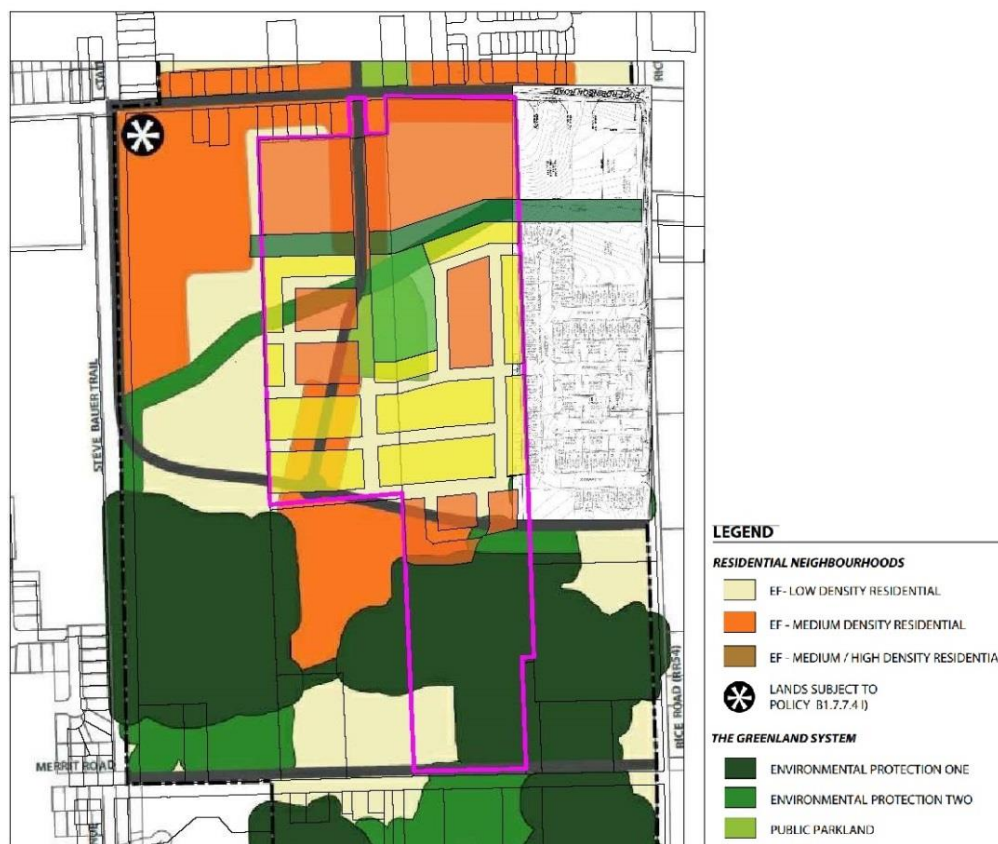
maximum dwelling front yard setbacks. These specific provisions will result in a more active streetscape by promoting front porches, neighbourly interaction while also preserving private rear yard landscaped amenity areas and the overall efficient use of land. Town and Regional Planning staff are of the opinion the development conform to the Regional Official Plan policies.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designations, (and some of their permitted uses) include:

- EF – Low Density Residential
 - (Single Detached / Semi-Detached / Second Dwelling Units etc.);
- EF – Medium Density Residential
 - (Townhouse / Second Dwelling Units / Small apartments etc.);
- Public Parkland
- Environmental Protection One
 - (Forest, fish & wildlife management / Conservation / Flood control projects / Small-scale passive recreational uses etc.);
- Environmental Protection Two
 - (Forest, fish & wildlife management / Conservation / Flood control projects / Small-scale passive recreational uses etc.)

Figure 3: Schedule A5 – Land Use Plan (Saffron Meadows Phase 3 Overlay)



In accordance with the Official Plan policies, the implementing Zoning By-law may further refine the list of permitted and / or prohibited land uses.

Policy A2 outlines the goals and objectives of the Pelham Official Plan. Summarized as follows:

- Natural Environment – Maintaining and enhancing the natural environment and ecosystems necessary to support life by making planning decisions that are cognizant of environmental impacts (A2.1.2);
- Growth & Settlement – Directing the majority of new development to the Urban Areas where full sewer and water services are available. Provide for diversity in housing types to accommodate a broad range of income levels, including affordable housing. (A2.2.2);
- Urban Character – Protecting and enhancing the character of the existing Urban Areas as diverse, liveable, safe and accessible communities. Ensuring that new development is integrated into the fabric of existing neighbourhoods in conformity with approved Secondary Plans. Development should be compact, pedestrian-friendly and provide a mix of housing types. (A2.3.2); and
- Infrastructure – Ensure infrastructure is developed sustainably and is cost effective. Establish an integrated transportation system that safely accommodates the broadest number of transportation modes, utilizing a street pattern that connects well with existing public roads. (A2.5.2)

The subject lands constitute part of the designated *Greenfield* land inventory and are therefore subject to the Provincial minimum gross density requirement of 50 people & jobs per hectare (PJ/H). Town staff have calculated an overall neighbourhood density of \pm 52 PJ/H.

Policy B1.7.3.1 General Development Objectives of East Fonthill are,

- a) Ensure the community is developed with a compact urban form and at an appropriate pedestrian-oriented scale;
- b) Ensure a well-designed, attractive, pedestrian / bicycle friendly community that includes an appropriate mixture of housing types, as well as locally focused retail / commercial uses;
- c) Create a sense of identity that is character for the East Fonthill Secondary Plan Area;
- h) Provide a connected Greenlands System that comprises natural heritage features, stormwater management facilities, streets and parks;
- j) Design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k) Develop a land use pattern and transportation system that supports motor vehicles, transit, cyclists and pedestrians equitably;
- p) Ensure that benefitting development interests are bound financially through appropriate mechanisms.

Policy B1.7.3.2 Affordable Housing

- a) It is the objective of this Plan that a minimum of 25% of all new residential development within the East Fonthill Secondary Plan Area meet the Provincial

definition of *affordable housing*. Affordable housing may be achieved by:

- i. Promoting higher density housing forms, where housing is more affordable due to the reduced per unit land costs;
 - ii. Building smaller units;
 - iii. Applying government grants and / or subsidies;
 - iv. Waiving or reducing municipal permit fees, taxes and / or development fees.
 - v. Encouraging the development of accessory apartments.
- b) The Town will work with the private sector to promote innovative housing forms, development techniques and incentives that will facilitate the provision of affordable housing; and
- c) Affordable housing will be encouraged to locate in proximity to local community facilities, active transportation routes and existing / potential public transit routes.

Policy B1.7.4 – Design Policies states the Demonstration Plans (*Appendix A*) have been prepared to articulate a response to policies of this Secondary Plan and the associated Urban Design Guidelines. The Demonstration Plans act as a guideline for development and approval processes that are required to implement this Plan, particularly zoning and draft plans of subdivisions / condominiums. All development shall be generally consistent with *Appendix A*. Adjustments and refinements are anticipated and do not require an Official Plan Amendment, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the Town's satisfaction.

Policy B1.7.7.2 – The residential lands of the East Fonthill Secondary Plan are divided into four (4) neighbourhoods, each with a unique set of density targets. Saffron Meadows Phase 3 is split between Neighbourhood 2 (western ½) and Neighbourhood 3 (eastern ½). Each neighbourhood shall achieve the following minimum overall density levels:

- | | | |
|---------------------|--------------------|--------------------|
| • Neighbourhood 2 → | Required = 53 PJ/H | Proposed = 58 PJ/H |
| • Neighbourhood 3 → | Required = 43 PJ/H | Proposed = 45 PJ/H |

A Neighbourhood Master Plan will be prepared for each of the residential neighbourhoods which includes the conceptual layout of roads, blocks, land uses, streetscapes, open space and servicing plans. The Demonstration Plan (*Appendix A*) prepared by the Town may constitute the Neighbourhood Master Plan provided the proposed development is generally consistent with *Appendix A & B*, to the Town's satisfaction.

The proposed draft plan was not generally consistent with *Appendix A*, and as a result, the applicant prepared an Overall Neighbourhood Master Plan to satisfy the Town's policy (see *Appendix B*). The Neighbourhood Master Plan shall form the basis of a draft plan of subdivision, implementing zoning by-law and / or site plan approval. Prior to development, the Town shall be satisfied that the Neighbourhood Master Plan has been completed and all policies of the Plan, fulfilled.

Policy B1.7.11.5 c) urges benefitting land owners in East Fonthill to work together,

and to enter into Developer's Group Agreements based on the Plan's requirements. The intention is for there to be at least one Developer's Group Agreement for each Residential Neighbourhood. The Town may consider combining two or more of the Residential Neighbourhoods, provided the applicable Official Plan policies are achieved.

Approximately 13 hectares of Saffron Meadows Phase 3 is located within Residential Neighbourhood 3, and approximately 10 hectares is located in Residential Neighbourhood 2, respectively, (excluding *Environmental Protection Areas*).

In situations where a singular Developer's Group Agreement is not possible due to the volume of land owners, an Agreement must include a landowner(s) that represent at least 50% of the landholdings within the subject Neighbourhood. If one landowner represents at least 50% of the landholdings, a Development Agreement is possible with the Town.

In situations where cooperation amongst benefitting land owners is not possible, and the applicant has been unsuccessful in garnering participation of other benefitting landowners via Developer's Group Agreement, they shall notify the Town and demonstrate that the proposal can accommodate appropriate urban development without the participation of other landowners, and elect either to enter into a Development Agreement with the Town or a Front-Ending Agreement. Neither of which in this policy, compels the Town to enter into any such agreement(s) with any applicant landowner.

The applicant and the neighbouring property owner with land that flanks Saffron Meadows Phase 3 to the south and west, together comprise over 50% of Neighbourhood 2. The neighbouring property owner supplied the Town with a letter (Appendix C) indicating a mutual understanding to implement cost-sharing measures with Hert Inc. on municipal infrastructure (i.e. stormwater, road, water / sanitary facilities etc.).

Schedule B1 identifies a *Highly Vulnerable Aquifer* affecting the subject lands. As a result, a variety of uses are prohibited from these lands, none of which are proposed by the applicant.

The subject Official Plan Amendment application is to increase the amount of low density residential uses in the EF – Medium Density Residential designation. Policy B1.7.7.4.1 b) prescribes a limit that no more than 15% of the total number of dwelling units within any individual draft plan of subdivision may be comprised of single and semi-detached dwellings. Town Planning staff calculated 29% of the EF – Medium Density Residential designation being comprised of single and semi-detached dwellings. Despite the developer requesting an increase of low density residential uses in the draft plan, the overall density requirements are still being achieved as there is a greater percentage of medium density uses (townhouses) being proposed in the EF – Low Density Residential designation which cumulatively, allows the proposed development to satisfy the required minimum of 50 PJ/H by achieving 58 PJ/H in Neighbourhood 2 and 45 PJ/H in Neighbourhood 3. Together,

the overall neighbourhood density is 52 PJ/H.

The applicant's Planning Consultant rationalize the redistribution of medium density residential land uses towards the northern limits of the site partially to help reduce the proliferation of driveway aprons / curb cuts along the collector road. Town Planning staff agree in principle with this position for increased safety and to maintain adequate front yard landscaping and street tree boulevard plantings. Town Planning staff also understand that more residents located closer to Downtowns / shopping areas, civic and institutional uses is broadly considered wise land use planning practice as residents, employment and commercial / institutional uses in close proximity to each other promotes sustainable transportation behaviour and a healthy population. Walking and bicycling should be seen as more than just a recreational or leisure activity, but instead as a practical alternative to driving, and a competitive option for getting places. This also puts less of a strain on public transportation infrastructure as residents are more inclined to avoid driving for short trips. Town staff are of the opinion the proposed Official Plan Amendment conform to local Official Plan policies.

Policy D5.3 complements the Section 51 (24) requirements of the *Planning Act* by requiring that prior to considering an application for a plan of subdivision, Council must be satisfied that:

- a) The approval for the development is not premature and is in the public interest;
- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of this Plan that relate to density and intensification;
- d) The subdivision, when developed, will be easily integrated / connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation;
- e) The subdivision conforms with the environmental protection and management policies in this Plan; and
- f) The proposal conforms to Section 51 (24) of the *Planning Act*, as amended.

For the balance of these Official Plan policies, Town Planning staff echo the sentiment used to describe the responses to higher level planning policy and legislation outlined (above) in prior sections, such as; that the proposed density and mix of land uses including second dwelling unit permissions and the compact built form cater well to various demographic & income cohorts, and is not considered premature and is in the public's best interest. The proposed transportation network is well connected to existing and future neighbourhoods and will be designed to be safe for pedestrians and drivers. Ecologically sensitive areas will be protected through the land use permissions distributed via Zoning By-law and the construction mitigation measures that will be entrenched throughout the Subdivision Agreement. Recreational opportunities including trails & public parkland

will be provided for existing and future residents to enjoy. Town staff are of the opinion that Saffron Meadows Phase 3 supports the health, safety, convenience and accessibility of the present and future inhabitants of the municipality and conforms with local Official Plan planning policy.

Appendix B – East Fonthill Secondary Plan – Urban Design Guidelines

The proposed Walker Road and Street 'C' are both identified as *Collectors* on Schedule A6. The Urban Design Guidelines require that all *collector* roads contain on-street bicycle facilities, on-street parking on one or both sides, street trees, sidewalks on both sides and maximum traffic lane widths of 3.4 metres and parking lane width of 2.2 metres.

- ✓ The proposed draft plan of subdivisions conditions require detailed engineered designed Servicing Plans, as well as Landscaping / Streetscaping Plans which will detail the street cross-section illustrating pedestrian & bicycle facilities together with on-street parking, boulevard street tree plantings, utilities and street lighting.

One traffic circle is required at the intersection of Walker Road and Street 'C' (Schedule A6). Traffic circles should be significantly landscaped and safely accommodate pedestrians and cyclists.

- ✓ The draft plan proposed a roundabout in the required location.

Section 2.6.2 Neighbourhood Parks – states parks shall have significant road frontage and rear lotting of adjacent residential dwellings is discouraged when flanking a park.

- ✓ The proposed park is flanked by two streets, one public trail (watercourse) and several single detached residential lots on one side. The proposed draft plan conditions require fencing and landscaping details be provided to ensure the public park is well flanked for optimal neighbourhood safety.

Section 3.1.1 Blocks and Lots – states developable lands shall be subdivided into a series of highly interconnected street grids of public roads and lanes which promote pedestrian and bicycle use.

Section 3.1.4 Building Relationship to Roads & Open Space – states buildings shall be street-front oriented, aligned parallel to a public road and located in proximity to the front lot line. Buildings located adjacent to parks and open spaces will provide opportunities for overlook into the public space.

Section 3.2.1 Single & Semi-Detached Houses – states where garages are provided in the front yard they shall be set behind or flush with the main building face. Double car garages / double-wide driveways shall employ a minimum 7.5 m setback from the front lot line, (does not apply to laneways).

Section 3.2.2 Townhouses – states townhouses shall be oriented toward the street with front doors and windows visible. Front-loaded garages should be paired to allow for more substantial landscaping. Rear-lane garages shall be used whenever possible to reduce the visual impact on the street.

- ✓ The proposed Zoning By-law regulations are designed to accommodate the

policies above.

- ✓ Particularly the proposed front yard setbacks to all attached garages and the minimum – maximum front yard setbacks to the dwelling are specifically designed to ensure residential buildings remain the prominent built form along all public streetscapes, whereby front porches / verandahs are visually noticed instead of bare garage doors.

Section 3.2.5 Priority Residential Lots – states a Priority Lot Map identifying priority lot treatments shall be provided to the Town. Priority lots are typically Gateway and corner lots and they should receive enhanced architectural treatments given their prominence.

- ✓ Required in the draft plan conditions.

Town of Pelham Zoning By-law Number 1136 (1987)

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The existing zoning predates the current (2014) Official Plan in effect, and does not conform with local or Regional policies.

The zoning by-law amendment seeks approval to allow various site specific residential zones, together with zones for parkland, open space and environmental protection. The following tables deal exclusively with the amended residential zones are condensed for clarity, and only include the amended provisions. For comprehensive detail, please refer to Appendix E.

	Current R2 Zone	Proposed R2 Zone
14.2 Zone Requirements for Single Detached Dwellings		
(b) Minimum Lot Frontage	12 m 15 m on a corner lot	12 m 13 m on a corner lot
(c) Minimum Front Yard	6.5 m	4 m to dwelling front face 6 m to garage
(d) Maximum Front Yard	NA	5.5 m to dwelling front face
(e) Minimum Interior Side Yard	1.5 m (4.92 ft) on one side and 3 m on the other side where there is no carport or garage attached, or 1.5 m (4.92 ft) on both sides where a carport or garage is attached.	1.2 m (3.94 ft) on one side and 3 m on the other side where there is no carport or garage attached, or 1.2 m (3.94 ft) on both sides where a carport or garage is attached.
(f) Minimum Exterior Side Yard	5 m (16.4 ft) from the side lot line or 15 m (49.21 ft) from the centre line of the road whichever is greater.	3 m to dwelling 6 m to garage
(g) Max Attached Garage Width	NA	7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.
(e) Max Driveway Width	9 m	7 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

	Current RM1 Zone	Proposed RM1 Zone
16.2 Zone Requirements for Semi-Detached, Duplex, Triplex, Fourplex and Converted Dwellings		
(a) Minimum Lot Frontage	19 m	16 m
(b) Minimum Lot Area	156 - 175 m ² per dwelling unit	150 m ² per dwelling unit
(c) Minimum Front Yard	7.5 m	4 m to dwelling front face 6 m to garage
(d) Maximum Front Yard	NA	5.5 to dwelling front face
(e) Minimum Interior Side Yard	3 m	1.2 m (3.94 ft) on one side and 3 m on the other side where there is no carport or garage attached, or 1.2 m (3.94 ft) on both sides where a carport or garage is attached.
(f) Minimum Exterior Side Yard	5.5 m	3 m to dwelling 6 m to garage
(g) Minimum Rear Yard	7.7 m	7.5 m
(h) Max Attached Garage Width	NA	7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

	Current RM1 Zone	Proposed RM1 Zone
16.3 Zone Requirements for Street Townhouse Dwellings		
(a) Minimum Lot Frontage	6 m per interior unit 9 m per end unit 14 m per corner lot unit	6 m 8 m per end unit
(b) Minimum Lot Area	230 m ² per dwelling unit	180 m ² per dwelling unit
(c) Minimum Front Yard	7.5 m	4 m to dwelling front face 6 m to garage
(d) Maximum Front Yard	NA	5.5 to dwelling front face
(e) Minimum Interior Side Yard	3 m	1.2 m
(f) Minimum Exterior Side Yard	7.5 m	3 m to dwelling 6 m to garage
(h) Max Attached Garage Width	NA	7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

	Current RM1 Zone	Proposed RM1 Zone
16.4 Zone Requirements for Block Townhouse Dwellings		
(c) Maximum Density	35 dwelling units per hectare	Minimum 20 units per hectare
(d) Minimum Front Yard	7.5 m on a street or internal	2.5 m on a street or internal

	Current RM1 Zone	Proposed RM1 Zone
	laneway	laneway
(e) Maximum Front Yard	NA	5 m on a street or internal laneway
(f) Minimum Side Yard	4.5 m, except where the rear of a building faces the side yard, the minimum side yard shall be 7.5 m, and the minimum side yard abutting a street or an internal laneway shall be 7.5 m.	1.2 m to dwelling, except where the rear of a building faces the side yard, the minimum side yard shall be 6 m. Detached garages shall have a 0 m setback with a shared masonry wall on one side and a 2.4 m setback on the other wise.
(g) Minimum Rear Yard	7.5 m	6 m, except where the side of a building faces the rear yard, the minimum side yard shall be 1.2 m. 0.5 m to garage or internal laneway.
(h) Max Attached Garage Width	NA	7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.
(i) Amenity Area	2.5 m ² - 5 m ² per unit (1 bed – 2 bed)	5 m ² per unit

The proposed Zoning By-law Amendment also seeks to legalize second dwelling units in all single detached, semi-detached and townhouse dwelling, subject to certain provisions, as required by the Province. Second dwelling units are an important and necessary housing type with high demand as residents seek out alternative living arrangements for family members, those looking to 'age-in-place', or as a means to afford living arrangement by way of supplementary rental income.

Additional revisions are proposed within the General Provisions (Section 6 of the Zoning By-law) to allow for more usable residential porches and verandahs, among some other minor adjustments.

Staff Comments

The purpose of this report is to provide Council with a recommendation regarding the proposed development applications (Saffron Meadows Phase 3), applicable policies and comments received thus far.

A pre-consultation meeting was held with the applicant on Thursday, November 2nd 2017 to identify preliminary planning issues associated with the proposal and to discuss submission requirements. Topics included; density, Official Plan Amendment, land use distribution, street network / potential future speeding concerns, storm water, waste collection and required studies among other things.

In response to agency, utility and Town staff comments, Planning staff advise that all requested conditions and zoning restrictions have been included in the recommended Draft Plan Conditions (Appendix F) and Zoning By-law Amendment (Appendix E).

Town Planning staff and the applicant's consultant planner have had considerable dialogue regarding optimal zoning regulations for the residential land uses. The emerging themes to help address the housing affordability and urban design policies can be summarized as follows:

- ✓ The need to include second dwelling units as an additional form of housing as significant demand already exists among the Town; to ensure life safety is maintained in the Building & Fire Codes due to persistent illegal conversions of existing dwellings and to conform with Provincial legislation.
- ✓ The need to ensure dwellings be located closer to the public street than attached garages through the use of a 'Maximum Front Yard setbacks'. Urban design principles discourage the assembly of residential garages dominating a streetscape, and, despite relatively recent zoning standards permitting dwelling faces to be located closer to streets, the building industry has not been exercising that permission and continue to construct 'garage forward' homes, with recessed front porches. This ultimately leads to eroding rear yard amenity areas as the floor area of most residential homes tends to be maintained, regardless of zoning setbacks.
- ✓ The need to maintain the default Residential Multiple 1 zone permitted uses, (i.e. triplex dwellings). These permissions already exist in the default RM1 zone across Pelham, and allowing a variety of dwelling types to be built is consistent with Provincial, Regional and local policies.

In response to the comments from C. & K. Larmour, the applicant's consultant has prepared three (3) conceptual plans for their lands illustrating possible development options. The concept plans demonstrate the parcel is large enough to be developed independently, or together with neighbouring lands and that development is possible for townhouses or apartments. It is staff's understanding that these concepts were provided to C. Larmour by the applicant and there have been discussions between both parties regarding how these lands can also be developed.

In response to the comments from C. Edwards, Town staff will endeavor to ensure a safe intersection is built at the Street 'C' and Port Robinson Road junction through the installation of curb extensions and marked crosswalks. Further, Street 'C' will include various known traffic calming elements (i.e. on-street parking, street trees, a roundabout, curb extensions and a narrow carriageway) to facilitate slower vehicle speeds.

The proposed development will not compromise any ecological or agricultural systems due to its geographic location within an *urban settlement area* and the restrictions proposed to be implemented for the surrounding natural heritage features. The proposal exemplifies ideal urban development standards by way of compact building orientation and overall connected mobility with neighbouring property. Public space, health & safety are positively enhanced both along Port

Robinson Road and on all new streets with progressive zoning specifications and active façade treatments, by reducing pedestrian-vehicle conflict with rear-loaded driveway access design to the north, buffered bike lanes on both collector roads, sidewalks on all streets and off-road trails elsewhere offering convenient pedestrian and bicyclist mobility. Sufficient on-street and off-street parking is either required via Zoning By-law, or will be designed into the Construction drawings for the proposed streets.

Planning staff are supportive of the development which represents good land use planning, including with respect to land use compatibility, urban design, public realm improvements, active transportation and efficient use of municipal infrastructure and land resources within an urban area. Planning staff are of the opinion that the executed Subdivision Agreement, Zoning By-law Amendment and Official Plan Amendment will result in an appropriate development in East Fonthill community.

Planning staff recommend that Council approve the Official Plan Amendment, Zoning By-law Amendment and draft plan approve the subdivision application subject to the Draft Plan Conditions as the applications are consistent with Provincial, Regional and Town policies and support the Active Transportation Master and represents good land use planning.

Attachments:

- Appendix A – Draft Plan of Subdivision
- Appendix B – Agency Comments
- Appendix C – Public Comments
- Appendix D – Official Plan Amendment
- Appendix E – Zoning By-law Amendment
- Appendix F – Draft Plan of Subdivision Conditions

Financial Considerations:

The developer is responsible for all costs associated with clearance of the draft plan conditions and capital costs associated with the development.

Alternatives Reviewed:

Council could choose not to approve the Official Plan Amendment, Zoning By-law Amendment and / or the Draft Plan of Subdivision.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Other Pertinent Reports/Attachments:

Information Report (dated: May 13, 2019)

Consultation:

Agency Comments

On May 16th 2018 and March 8th 2019, a 'Request for Comments' was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Fire, etc.). Revisions were made to the plans and reports to address both Town and agency comments.

See appendices for agency / staff comments. The most recent comments to date have been summarized below:

- Public Works Department (April 1, 2019; August 7, 2018)
 - Technical revisions on the Functional Servicing Report and Functional Servicing Drawing set.
- Fire Department (June 1, 2018)
 - No comments.
- Building Department (May 31, 2018)
 - No comments.
- Niagara Region Planning & Development Services (April 1, 2019; August 8, 2018)
 - No objection, subject to Regional conditions of Draft Plan Approval and the satisfaction of any local requirements.
- Niagara Peninsula Conservation Authority (April 16, 2019; July 3, 2018)
 - No objection, subject to NPCA conditions of Draft Plan Approval.
 - NPCA Work Permit required for watercourse realignment + detailed Landscape Plan
 - The PSW (Provincially Significant Wetland) and its associated 30m buffer be rezoned for Environmental Protection.
 - Other conditions etc.
- Bell Canada (June 1, 2018)
 - No objection, subject to standard Subdivision Agreement clauses.
- Canada Post (May 22, 2018)
 - No objection, subject to standard Subdivision Agreement clauses.
- Enbridge Gas (May 28, 2018)
 - No objection, subject to standard Subdivision Agreement clauses.
- Hydro One (May 22, 2018)
 - No comments.

Public Comments

On Monday, the 13th of May, 2019, a Public Meeting Notice was circulated to all property owners within 120 metres of the subject land's boundaries. In addition, a Public Notice sign was posted at each of the five (5) public street frontages. The following comments (Appendix D) have been received at the time of writing of this report:

Hummell Properties Inc.

- Supports the development applications.

C. Edwards

- Concern regarding future possible speeding of Street 'C', and aggravated speeding / noise issues along Port Robinson Road after development.
 - Town and Regional staff are both aware of the potential for future speeding issues associated with the new collector road known as Street 'C' (future Klager Avenue). Staff will work with the applicant's consultant team to design a safe roadway with traffic calming attributes built-in; such as alternating on-street parking bays, striped bicycle lanes, curb extensions, street trees and a roundabout.
- Suggest intersection enhancements for proposed Street 'C' & Port Robinson Rd junction. (i.e. curb extensions, narrower pavement and cross walks)
 - Town staff will work with the applicant's consultant team to ensure a safe design for the Street 'C' and Port Robinson Road intersection through the use of curb extensions and a marked crosswalk.

C. & K. Larmour

- Questions whether the proposed draft plan meets the general intent and design of the Demonstration Plan (Appendix A).
 - The applicant prepared a site neighbourhood plan to update the Demonstration Plan in accordance with the Official Plan policies.
- Issue with lack of consideration for neighbouring lands to the north as they relate to the requirement for a Neighbourhood Master Plan (Policies B1.7.7.2 d)-f)) and the lack of commentary / detail provided by the Planning Impact Analysis.
 - The applicant has prepared conceptual plans for Council at the Public Meeting on Monday, May 13th 2019 for the lands at 122-130 Port Robinson Road. The parcels have a lot depth in excess of 55 metres which is capable of sustaining a public or private rear laneway development product, as per Official Plan policy. Development in the form of a small apartment building(s) or townhouses is feasible, with or without the integration of Block 177 given the parcel size.
- Issue with Official Plan (Policy B1.7.11.5 c)) and how it relates to cooperation amongst benefitting land owners within Residential Neighbourhood 2.
 - The applicant and the neighbouring property owner to the west & south together, own over 50% of the land holdings of East Fonthill Neighbourhood 2. This neighbour has provided the Town with a memorandum outlining their participation in a future Front-Ending Agreement / Developer's Group Agreement with the applicant.

Legal Consultation, If Applicable:

NA

Prepared:

Curtis Thompson, B.URPI, Planner

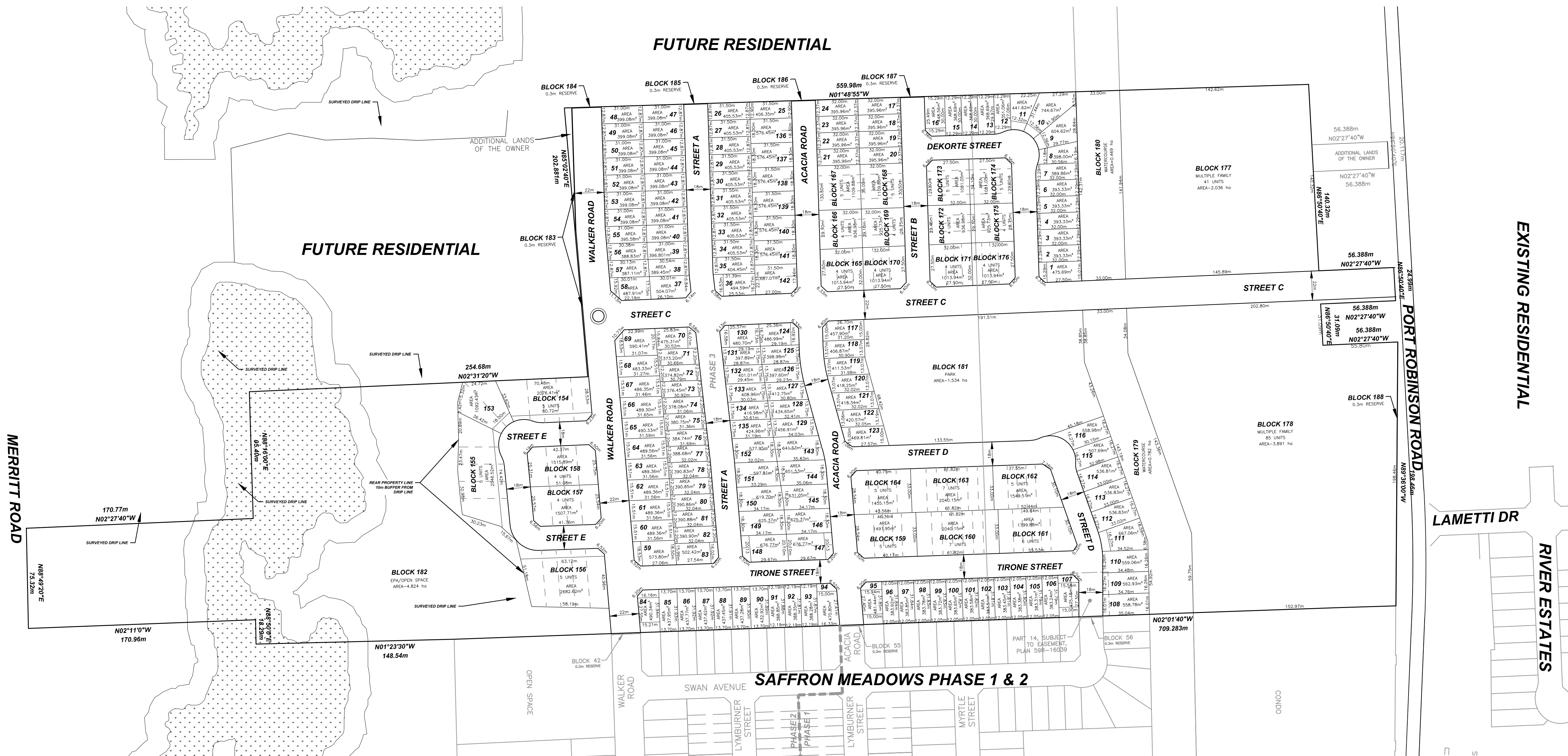
Recommended by:

Barbara Wiens, MCIP, RPP, Director of Community Planning and Development
Department

Approved and Submitted by:

Teresa Quinlin, Interim Chief Administrative Officer

SAFFRON MEADOWS PHASE 3
PELHAM



DENSITY CALCULATIONS:

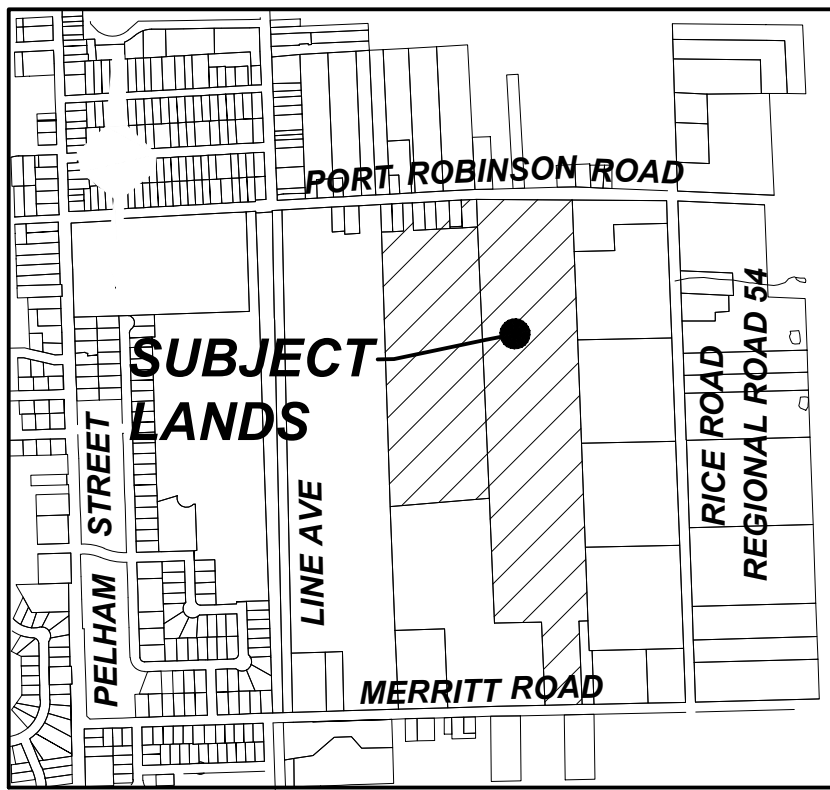
TOTAL REQUIRED DENSITY IS 43 PEOPLE PER GROSS HECTARE.

SINGLES	= 3.2 PEOPLE	TOTAL AREA IN ha (EXCLUDING WATERCOURSE, OPEN SPACE)	
STREET TOWNS	= 2.5 PEOPLE		= 23.230 ha
BLOCK TOWNS	= 2.0 PEOPLE	TOTAL AREA IN Ha = 23.230 ha	
		TOTAL NUMBER OF PEOPLE REQUIRED = 998.89 PEOPLE	

PROPOSED:

SINGLES	= 3.2 PEOPLE X 135 UNITS = 432 PEOPLE
SEMI FAMILY	= 2.5 PEOPLE X 36 UNITS = 90 PEOPLE
STREET TOWNS	= 2.5 PEOPLE X 110 UNITS = 275 PEOPLE
BLOCK TOWNS	= 2.0 PEOPLE X 126 UNITS = 252 PEOPLE

SUB TOTAL = 1049 PEOPLE
LIVE/WORK/EMPLOYMENT = 407 UNITS x 10% = 40.7 JOBS
TOTAL = 1089.7 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha) = 1089.7/23.230 ha = 46.909 PERSONS & JOBS PER HECTARE



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 171 & 172
GEOGRAPHIC TOWNSHIP OF THOROLD
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE TOWN OF PELHAM
FOR APPROVAL.

Richard Dekorte April 12, 2018
RICHARD DEKORTE, HERT INC. DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

William R. Mascoe JANUARY 31, 2018
KIRKUP-MASCOE-URE SURVEYING LTD. DATE

REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT

- | | | |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-135	135	5.823	19.87
SEMI FAMILY RESIDENTIAL	BLOCK 136-153	36	1.164	3.97
STREET TOWNS RESIDENTIAL	BLOCK 154-176	110	3.286	11.21
MULTIPLE FAMILY RESIDENTIAL	BLOCK 177-178	126	5.927	20.22
WATERCOURSE	BLOCK 179-180		1.251	4.26
PARK	BLOCK 181		1.534	5.23
EPA/OPEN SPACE	BLOCK 182		4.824	16.46
0.3m RESERVE	BLOCK 183-188		0.019	0.06
ROADWAY			5.477	18.72
TOTAL	188	407	29.305	100.00

DEVELOPABLE AREA = 23.230ha (EXCLUDES WATERCOURSE & EPA)
DEVELOPABLE DENSITY = 17.520 units/ha

0	ISSUED FOR REVIEW	2018-08-29	TA
#	REVISION	DATE	INIT

UPPER CANADA
CONSULTANTS
ENGINEERS / PLANNERS

261 Martindale Road
Unit #1
St. Catharines, ON
L2W 1A1
Phone: (905)688-9400
Fax: (905)688-5274

DRAWING TITLE

PRELIMINARY
DRAFT PLAN OF
SUBDIVISION

DRAFTING TA

DATE AUGUST 29, 2018

PRINTED JUNE 21, 2019

SCALE 1:1750

DWG No. 1541-DP

REV 0

May 2, 2019

File Numbers: 26T19-02-18 (Draft Plan of Subdivision)
OP-AM-03-18 (Official Plan Amendment)
AM-04-18 (Zoning By-law Amendment)

EMAIL ONLY (jvida@ucc.com)

Hert Inc.
c/o Jennifer Vida – Upper Canada Consultants
3-30 Hanover Drive
St. Catharines, ON L2W 1A3

RE: Saffron Meadows Phase 3 development (Resubmission 2)
162 Port Robinson Road
Part of Thorold Township Lot 171-172, and Part 1 on RP 59R-3218
Roll No. 2732 030 020 07600 + 2732 030 020 08700

Below is the 2nd round of consolidated comments provided regarding your development applications. Please ensure that all plans coordinate with each other and are updated accordingly. For any corrections, all related drawings and reports shall also be revised.

Town Planning Comments (2nd)

In summary, Planning staff are more satisfied with the draft plan resubmission thanks to the revised street network and Planning Justification Addendum which helps address some of our previously cited policy concerns.

We appreciate the emphasis noting how *Appendices* of the Secondary Plan are non-statutory components of the Town's Official Plan, include inherent degrees of flexibility in their interpretation and application, and ultimately their role for *guidance* in implementing the policies of the Secondary Plan. It is also important to recognize that several policies of the Official Plan require all East Fonthill development be consistent with the Plans and Guidelines, provided that the intent and general design approach are achieved to the Town's satisfaction.

In light of the above, we have begun to proceed with the statutory Public Meeting, and have begun that circulation process. There are some Official Plan policies which we are still coping with, that may be addressed subject to certain zoning regulations being implemented. The performance standards envisioned include such things as a maximum front yard dwelling setback, to complement the minimum requirement and enhanced front porch specifications. We feel this type of regulation will help resolve the balance of policy / safety concerns surrounding front-loaded vs rear-loaded (laneway) residential development on collector roads. As well as some other general concerns affecting the entire subdivision in regards to urban design, streetscaping and traffic safety etc. The review of the proposed subdivision plan will take this holistic approach.

1. Street Network

Re: Blocks 177-178 {Consultant Response to sub-bullet #1}

- The Town's provision for sidewalks on both sides of a street does not generally extend to private condominium developments. However, it is important to consider pedestrian safety, convenience and basic connectivity with the larger neighbourhood. Also, condominium

developments tend to isolate themselves from the larger transportation network, restricting connections to / from neighbouring lands. This is an integration concern as it relates to the remainder of the East Fonthill community.

Re: Blocks 177-178 {Consultant Response to sub-bullet #2}

- The realigned stormwater channel does reduce the depth of Block 177 by more than 1/3rd and Block 178 marginally. The realignment results in more rectangular block shapes, which are easier to plan and develop.
- The dimensions of a traditional block / lot are usually fixed, the realignment results in depths of 145m, which are more than large enough to accommodate a variety of block / lotting design layouts.
 - Planning staff find it unusual why this logic is used to avoid developing public lanes or streets on these lands, yet, the Street E area to the south is proposed on a much smaller plot of land, with a total depth under 100m and is also narrower in width.

Re: Connection to Kunda Park Phase 4 (Neighbourhood Master Plan)

- Thank you for submitting the conceptual Neighbourhood Master Plan to illustrate how the lands to the west could interact with the subject lands and beyond.
 - Previously we asked for a street connection to be shown over the Steve Bauer Trail, at the time, we did not have access to the revised Kunda Park Phase 4 subdivision proposal, which proposes a SWM pond in the vicinity of an Acacia Road extension. Knowing this, and after more thought, Town staff believe the more logical connection(s) are with the Walker Road collector. (Attached)

2. Development Surrounding the Park

- Town Planning staff is supportive of having single detached dwellings flank the southern limits of the proposed park if the units are designed to 'front' the public park and served by a public walkway. The same public walkway has also been identified as part of Appendix A – Demonstration Plan for Active Transportation. Providing *eyes-on-the-park* enhances neighbourhood safety by providing greater exposure to public spaces which might otherwise be hidden from neighbours as a natural-surveillance mechanism. This can be addressed through careful consideration of the house designs and landscape treatments of the 'rear' yards.

Town Planning Policy

Official Plan

Re: Policy B1.7.3.1 – East Fonthill development objectives:

- “To provide a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel.”
 - See Town Planning Comment #1

Re: Policy B1.7.4

- “All development within the East Fonthill Secondary Plan Area shall be generally consistent with the Demonstration Plans (B1.7.4.1) & Urban Design Guidelines (B1.7.4.2). Adjustments and further refinements to the Demonstrations Plans & Urban Design Guidelines are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the Town’s satisfaction.”
 - See Town Planning Comment #1-2

Re: B1.7.4.4 – Crime Prevention through Environmental Design (CPTED)

- See Town Planning Comment #2

East Fonthill – Urban Design Guidelines (Appendix B)

Section 2.6.2 – Neighbourhood Parks

- Parks shall have significant road frontage
- Rear lotting adjacent to a park is discouraged
 - See Town Planning Comment #2

Section 3.1.1 – Blocks and Lots

- Developable lands shall be subdivided into a series of development blocks, defined by a highly interconnected grid, or modified system of public roads and lanes.
 - See Town Planning Comment #1
- Development block densities will reflect the road network hierarchy, which itself will respond to topography while providing a permeable transportation pattern.
 - See Town Planning Comment #1
- Each development lot in a block must have frontage on a public road or laneway.
 - Though Blocks 177 & 178 are proposed to both have frontage on Street C, the land consumed by such large, future draft plans of condominium will need to be cognizant of where otherwise logical public road connections would have otherwise been located. The design must also be considerate of neighbouring lands which may, (or have been) developed by ensuring transportation connections and integration with the overall neighbourhood.
 - The revised Neighbourhood Master Plan did not take into consideration the lands fronting on Port Robinson Road (west of Street C & one lot east of Street C).

Section 3.1.4 – Building Relationship to Roads & Open Space

- Building layouts should be used to reduce the incidence of crime through the implementation of CPTED principles including natural surveillance, natural access control, territorial reinforcement and space assessment.
- Buildings located adjacent to, or at the edge of parks and open spaces will provide opportunities for overlook.
- The massing, siting and scale of buildings adjacent to, or along the edge of a park or open space will create a degree of enclosure or definition appropriate to the type of open space they enclose.
 - See Town Planning Comment #2

Section 3.2.2 – Townhouses

- Townhouses shall, whenever possible, have rear lane garages to reduce visual impact of garages on the street.
 - See suggested zoning resolution above.

Summary of Agency / Town Department Comments

Niagara Peninsula Conservation Authority

- Refer to previous comments.

Regional Municipality of Niagara

See attached for detailed comments and conditions.

- No objections, subject to conditions.

Department of Public Works & Utilities

See attached for detailed comments.

Re: Sanitary Sewer

1. Confirm the existing sanitary sewer on Port Robinson Road and the three proposed 200mmØ sewers on the east side of the development will have sufficient capacity to support the proposed development.
2. No proposed elevations have been provided for the development. As such, we ask that the consultant confirm that the existing stubs on Port Robinson Road and the proposed stubs on the east side of the development are low enough such that sanitary wastewater from new subdivision can be sent via gravity sewer to these connection points.
3. Page 2 of the Functional Servicing Study indicated that Block 177 will be serviced by a proposed 250mmØ sanitary sewer on Street 'C'. However, drawing 0478-Sanitary shows an existing 250mmØ sanitary stub at elevation 185.9 and an existing 375mmØ sanitary stub at elevation 187.70, both on Port Robinson Road. We assume the proposed 250mmØ sewer will connect to the existing 250mmØ stub. – Please confirm.
4. Submit a sanitary sewer design sheet for review.

Re: Storm Sewer

1. We request that a storm sewer design sheet specific to Phase 3 be submitted for review.

Re: Environmental Impact Study

1. None of the block numbers or land areas listed in the 1st and 2nd paragraphs of Page 25 of Section 5 are consistent with those indicated in the Draft Plan of Subdivision – Drawing No. 1541-DP, except for the area indicated for the southern portion of the subject lands supporting EP1 and PSW. Please revise accordingly.
2. The 3rd sentence of Section 6.1.1 state that Block 146 through 149 will lie adjacent to the EP1 forest edge. According to the Draft Plan of Subdivision, Drawing No. 1541-DP, it will be development blocks 153 through 156. Please revise accordingly.

Re: Functional Servicing Study

1. The 1st page indicates 128 proposed single detached dwellings; the Draft Plan of Subdivision indicates 135. Please revise accordingly.
2. In the 2nd sentence of the 2nd paragraph under 'Sanitary Servicing', it references Block 170 & 171. This appears to be incorrect as the two condominium blocks are Blocks 177 & 178.
3. The paragraph on Page 3 under 'Stormwater Management' is somewhat unclear. Based on a review of the drawing entitled 'Overall Storm Drainage Areas', it appears that storm sewer flow and overland flows from the portion of the proposed development south of the realigned channel will be conveyed to the South SWMF while storm sewer flow and overland flows from the portion of the proposed development north of the realigned channel will be conveyed to the North SWMF. Please confirm.

Please indicate in writing, how each comment is addressed in the revised submission.

Please provide digital copies of the updated plans and two (2) paper copies.

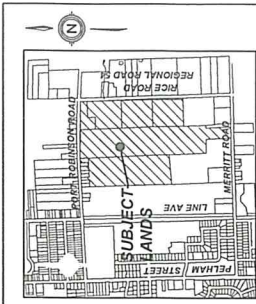
We're happy to meet with you to go over the comments in detail should you prefer. If you have any questions or concerns, please contact myself or Barb Wiens.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis Thompson". The signature is fluid and cursive, with the first name "Curtis" and last name "Thompson" clearly distinguishable.

Curtis Thompson,
Planner, B.URPI

C: Barb Wiens, MCIP RPP - Director of Community Planning & Development
Derek Young, - Manager of Engineer
Alex Pasquini – Development Planner, Niagara Region



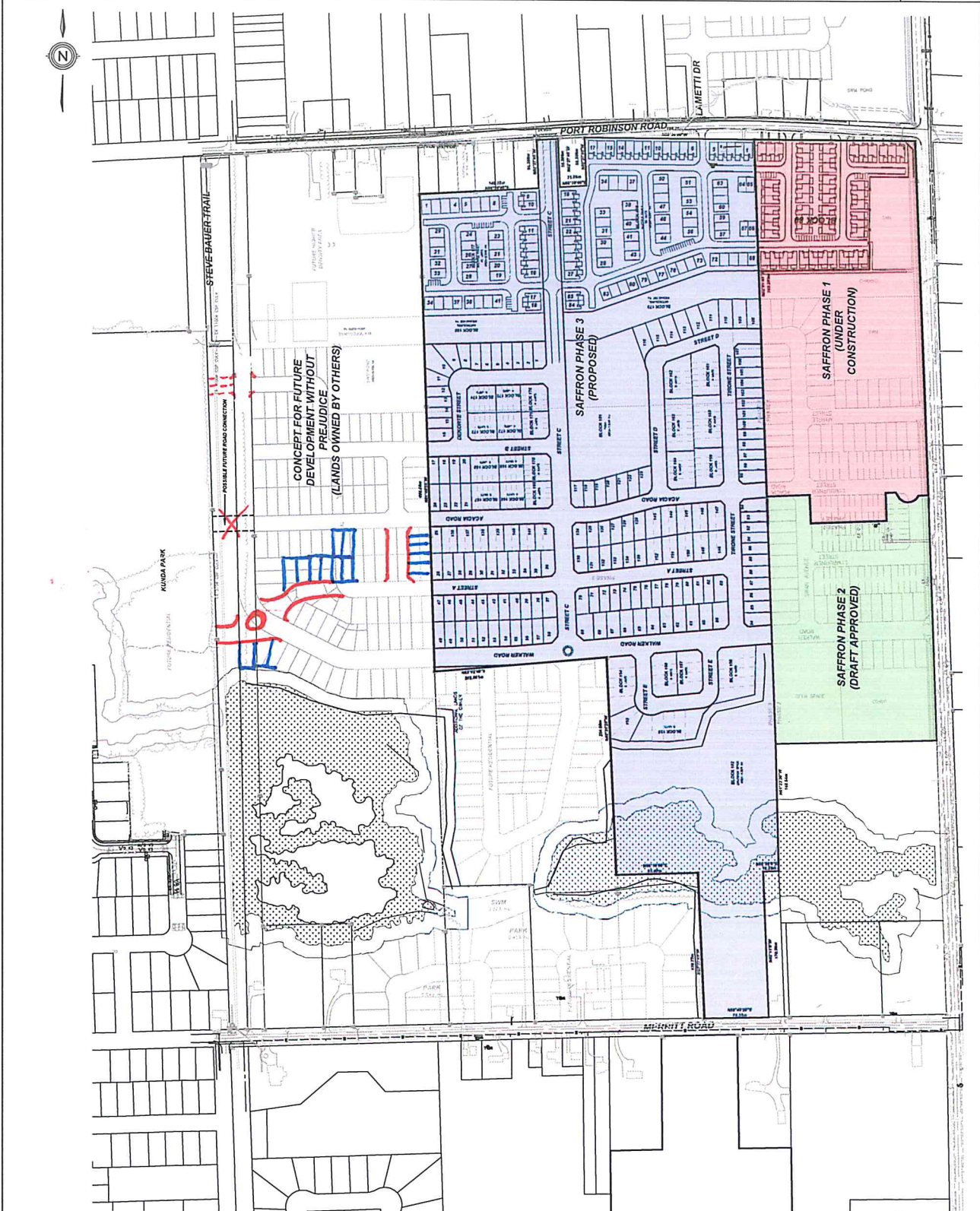
KEY PLAN
N.T.S.

NO.	DESCRIPTION	DATE	BY	CHK
1	ISSUED FOR REVIEW	2018-11-23	MC	
2				



UPPER CANADA
CONSULTANTS
ENGINEERS / PLANNERS
241 Macdonnell Road
Unit 41
Burlington, ON L7R 4K1
Tel: (905) 688-8400
Fax: (905) 688-8574

DRAWING TITLE	DATE	NOVEMBER 23, 2015
NEIGHBOURHOOD MASTER PLAN	PRINTED NOVEMBER 26, 2015	
NEIGHBOURHOODS SAFFRON PHASE 1 & 2	SCALE 1:2000	
(EAST FORTMILL SECONDARY PLAN)	DWG No. 1541	REV 0



Memorandum

Public Works Department - Engineering

To: Curtis Thompson, Planner

From: Xenia Pasiecznik, Engineering Technologist

Date: April 1, 2019

File #: N/A

Subject: Saffron Meadows (Phase 3) Draft Plan of Subdivision – Second Submission

The Public Works Department has reviewed the submitted documentation regarding the Saffron Meadows (Phase 3) Development. Please note the following comments provided.

1. Environmental Impact Study Natural Heritage Saffron Meadow Estate Phase 3 – dated January 2019:

- a. In the first paragraph of Page 25, when describing lands south of the condominium blocks, Block 177 is noted twice. It should read, “South of Blocks 177 and **178**.” Please revise accordingly.
- b. The 3rd sentence of Section 6.1.1 on Page 26 of the study states that Block 146 through 149 will lie adjacent to the EP1 forest edge. According to the Draft Plan of Subdivision, drawing 1514-DP, it will be development blocks 153 through 156. Please revise accordingly.
- c. The 1st sentence of Section 6.2.1 on Page 27 of the study states that Block 146 through 149 will require permanent fencing with no gate along the rear lot lines. According to the Draft Plan of Subdivision, drawing 1541-DP, it will be development blocks 153 through 156. Please revise.
- d. On Pages 28-32 of the study, under multiple sections the study references Block 175 as the EPA/open space adjacent to the woodlot. According to the Draft Plan of Subdivision, drawing 1514-DP, Block 175 will be 4 unit towns and Block 182 will be the EPA/open space. Please clarify and revise all sections.

From the Department of



2. Functional Servicing Study, Saffron Meadows Phase 3 – dated March 2019:

- a. The 3rd paragraph on Page 4 of the document under 'Stormwater Management' states that the receiving phase 1 and 2 of Saffron Meadows storm sewers flow at a maximum of 63.5% full. However, according to the design sheet on Phase 3 Storm Drainage Areas, drawing 1541-STMDA, there are multiple areas in phase 1 and 2 over this maximum. Including drainage area 13 running at 105.9% full. Please comment.
- b. The report is not signed. Please revise accordingly and ensure it is signed.

3. Phase 3 Storm Drainage Areas – DWG 1541-STMDA – dated March 5, 2019

- a. In multiple drainage areas where townhouses are majority of the area, a run-off co-efficient of 0.55 was used when a co-efficient of 0.65, in accordance with the Town's Engineering Design standards, shall be used. Please comment and revise.
- b. The areas contributing to the South pond on the design sheets between Phase 3 DWG 1541-STMDA, Phase1&2 DWG 0478-STMDA and the Functional Servicing Report do not match. Please see attached PDF red-lines and comment.

4. Draft Plan of Subdivision – DWG 1541-DP, REV 0 – dated August 29, 2018

- a. In the table entitled 'Assumptions to Generate Development Yields – March 2012' of Appendix D of the Town's Official Plan, it lists 2.8 persons per unit as the household size to be assumed for semi-detached units. On the Draft Plan of Subdivision Dwg 1541-DP, the Consultant indicates a household size of 2.5 persons per unit for semi-detached dwellings. Please comment.

5. Neighbourhood Master Plan – DWG 1541, REV 0 – dated November 23, 2018

- a. The drawing shows a connection between Kunda Park Ph.4 and the future development west of Saffron Ph.3. Kunda Park Ph.4 draft plan of subdivision does not indicate a connection point between the subdivisions. Please review.

From the Department of



For stormwater flows being conveyed to the south stormwater management facility, there are two existing stubs; a 750mm diameter stub on Swan Avenue and a 1350mm diameter stub on Acacia Road. These stubs have been designed and constructed to receive stormwater flows from the Phase 3 development. There is also a 975mm diameter stub located at the south western extent of block 178 to receive stormwater flows from the 2 condominium blocks and convey the flows to the north stormwater management facility. Both the north and south stormwater management facilities provide Normal stormwater quality protection levels before outletting to the existing portion of the realigned channel as shown in the included drainage area plan.

The north pond was sized for a drainage area of 29.75 ha and it is proposed to convey the reduced area of 28.91 ha to the facility. The south pond was sized for a drainage area of 11.83 ha and it is proposed to convey the reduced area of 9.48 ha to the facility. Therefore both ponds are expected to operate without modifications and does not require revisions to the MECP approvals.

A preliminary stormwater drainage area plan and design sheet have been included with this submission (DWG 1541-STMDA) to demonstrating how stormwater flows within site are to be conveyed and the available capacity in the existing storm sewers. The included design sheet shows that the receiving phase 1 and 2 storm sewers flow at a maximum of 63.5% full, therefore, there is adequate capacity in the receiving storm sewers.

CHANNEL REALIGNMENT

As identified within the East Fonthill Secondary Plan, the existing watercourse identified as the headwaters for the Singer's South drain traversing the subject property was to be realigned and deepened to ensure proper drainage for the proposed developments within the immediate area and areas west of the Steve Bauer Trail. However, the proposed alignment of the channel has shifted north from the Secondary Plan to the location of the new Town of Pelham storm sewer that was constructed to address the drainage issues in the Port Robinson Road, Station Street and Pelham Street area.

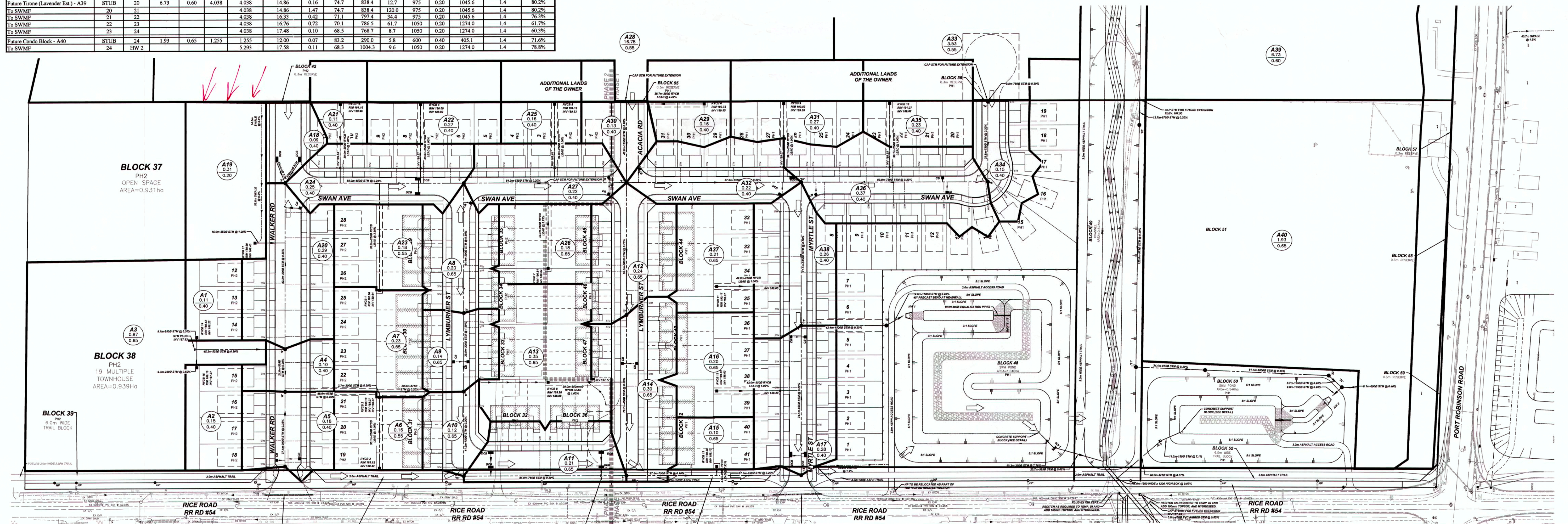
Subsequent to the completion of the Secondary Plan, storm sewers have been constructed along Port Robinson Road and Station Street to convey flows from approximately 40.5 hectares of existing residential lands and now outlets via an existing 1500mm diameter concrete storm sewer located approximately 225m south of Port Robinson Road along the Steve Bauer Trail. The proposed channel is now aligned with the existing 1500mm diameter outlet to ensure flows created by the external area are now conveyed to the outlet at Rice Road.

The Kunda Park Extension 4 Development is located immediately west of the Steve Bauer Trail, and shall be serviced with an independent Stormwater Management Facility. Flows leaving that site and the 26.4 hectare external area shall outlet to the upstream end of the proposed channel relocation and be conveyed through the Saffron Meadows site. Flows from the existing Kunda Park Phases 1-3 areas will continue to outlet to the existing stormwater management facilities located south of Merritt Road and east of Line Avenue.

UPPER CANADA CONSULTANTS 261 MARTINDALE ROAD, UNIT #1 ST. CATHARINES, ONTARIO, L2W 1A1 TEL: 905-688-9400										BY: D LAMPMAN DATE: July-13-17									
RAINFALL PARAMETERS: 5 YEAR DESIGN STORM EVENT CITY OF WELLAND IDF CURVE										SEWER DESIGN: PIPE ROUGHNESS: 0.013 FOR MANNING'S EQUATION PIPE SIZES: 1.016 INFERIAL EQUIVALENT FACTOR PERCENT FULL: TOTAL PEAK FLOW / CAPACITY									
MUNICIPALITY: TOWN OF PELHAM PROJECT NAME: SAFFRON MEADOWS PROJECT NO.: 0478										STORM SEWER DESIGN SHEET									
STORMWATER ANALYSIS										STORM SEWER DESIGN									
LOCATION	DESCRIPTION	From M.H.	To M.H.	A Area (hectares)	R Runoff Coeff.	A-R	Accumulated A-R	Time of Concentration (min)	Flow Time (min.)	Rainfall Intensity (mm/hr)	Peak Flow (L/s)	Length (m)	Diameter (mm)	Slope (%)	Full Flow Capacity (L/s)	Full Flow Velocity (m/s)	Percent Full		
SOUTH POND																			
	Reyard - A1	RYCB 14	SEWER	0.11	0.40	0.044	0.044	10.00	0.03	90.6	11.1	5.7	250	5.30	142.8	2.8	7.8%		
	Reyard - A2	RYCB 16	SEWER	0.15	0.40	0.060	0.060	10.00	0.18	90.6	15.1	9.3	250	0.50	43.9	0.9	34.4%		
	Future Development - A3	PLUG		4	0.87	0.65	0.566	0.670	12.00	0.84	83.2	154.8	45.2	525	0.20	200.6	0.9	77.1%	
	Walker Road - A4	4	6	0.10	0.40	0.040	0.710	12.84	0.39	80.5	158.7	21.0	525	0.20	200.6	0.9	79.1%		
	Walker Road - A5	5	6	0.18	0.40	0.072	0.072	10.00	0.76	90.6	18.1	37.1	300	0.35	59.7	0.8	30.4%		
	Reyard - A6	RYCB 3	RYCB 2	0.16	0.55	0.088	0.088	10.00	0.48	90.6	22.1	35.1	250	1.00	62.0	1.2	35.7%		
	Reyard - A7	RYCB 2	SEWER	0.23	0.55	0.127	0.215	10.48	0.01	88.7	52.9	2.7	300	6.20	251.2	3.4	21.0%		
		6	9				0.996	13.23	1.40	79.3	219.4	89.0	675	0.20	392.2	1.1	56.0%		
	Lynburner Street - A8	7	8	0.20	0.65	0.130	0.130	10.00	1.10	90.6	32.7	64.4	300	0.50	71.3	1.0	45.9%		
	Lynburner Street - A9	8	9	0.14	0.65	0.091	0.221	11.10	0.38	86.4	33.0	39.0	300	1.50	123.6	1.7	42.9%		
	Lynburner Street - A10	9	10	0.12	0.65	0.078	1.295	14.63	0.61	75.4	271.1	41.9	750	0.20	519.4	1.1	52.2%		
	Lynburner Street - A11	10	13	0.21	0.65	0.137	432	13.24	1.19	73.8	299.3	81.0	750	0.20	519.4	1.1	56.5%		
	Lynburner Street - A12	11	12	0.24	0.65	0.156	0.156	10.00	0.91	90.6	39.3	65.5	300	0.75	87.4	1.2	44.9%		
	Reyard - A13	RYCB 8	SEWER	0.35	0.65	0.228	0.228	10.00	0.53	90.6	57.3	39.0	250	1.00	62.0	1.2	92.3%		
	Lynburner Street - A14	12	13	0.30	0.65	0.195	0.579	10.91	1.04	87.1	139.9	79.7	450	0.50	210.3	1.3	66.5%		
	Reyard - A15	RYCB 13	SEWER	0.10	0.65	0.065	0.065	10.00	0.03	90.6	16.4	4.5	200	7.93	96.4	3.0	17.0%		
		13					2.075	16.42	1.27	70.9	408.6	87.0	750	0.20	519.4	1.1	78.7%		
	Reyard - A16	RYCB 12	SEWER	0.20	0.65	0.130	0.130	10.00	0.57	90.6	32.7	42.0	250	1.00	62.0	1.2	52.7%		
	Myrtle Street - A17	18	17	0.28	0.40	0.112	2.317	17.70	1.02	68.1	438.1	74.1	825	0.20	669.7	1.2	65.4%		
	Walker Road - A18	DCB		2	0.09	0.40	0.036	0.036	10.00	0.15	90.6	9.1	110	250	1.00	62.0	1.2	14.6%	
	Reyard - A19	RYCB 17	SEWER	0.31	0.20	0.062	0.062	10.00	0.19	90.6	15.6	15.0	250	1.20	68.0	1.3	23.0%		
	Walker Road - A20	4	2	0.29	0.40	0.116	0.178	10.00	1.68	90.6	44.8	82.3	300	0.35	59.7	0.8	75.1%		
	Reyard - A21	RYCB 15	SEWER	0.11	0.40	0.044	0.044	10.00	0.53	90.6	11.1	39.0	250	1.00	62.0	1.2	17.8%		
	Reyard - A22	RYCB 4	SEWER	0.27	0.40	0.108	0.108	10.00	0.53	90.6	27.2	39.0	250	1.00	62.0	1.2	43.8%		
	Reyard - A23	RYCB 1	SEWER	0.18	0.55	0.099	0.099	10.00	0.46	90.6	24.9	53.0	250	2.50	98.1	1.9	25.4%		
	Swan Avenue - A24	2	7	0.25	0.40	0.100	0.565	11.68	1.61	84.3	133.3	89.0	450	0.26	151.7	0.9	87.3%		
	Reyard - A25	RYCB 5	SEWER	0.16	0.40	0.064	0.064	10.00	0.53	90.6	16.1	39.0	250	1.00	62.0	1.2	26.0%		
	Reyard - A26	RYCB 7	SEWER	0.18	0.65	0.117	0.117	10.00	0.30	90.6	29.4	42.4	250	3.75	120.1	2.4	24.5%		
	Swan Avenue - A27	7	11	0.22	0.40	0.088	0.834	13.28	1.50	79.2	183.4	81.0	525	0.20	200.6	0.9	91.4%		
	Future Trione (Lavender Est.) - A28	STUB		16.78	0.55	9.229	9.229	21.11	0.05	61.6	1579.7	5.0	1350	0.20	2490.2	1.7	63.4%		
	Reyard - A29	RYCB 6	SEWER	0.16	0.40	0.064	0.064	10.00	0.25	90.6	16.1	38.7	250	4.42	130.4	2.6	12.3%		
	Acacia Road - A30	STUB		9.13	0.40	0.052	9.345	21.16	0.16	90.6	159.4	40.6	1350	0.20	2490.2	1.7	64.1%		
	Reyard - A31	RYCB 9	SEWER	0.27	0.40	0.108	0.108	10.00	0.53	90.6	27.2	39.1	250	1.00	62.0	1.2	43.8%		
	Swan Avenue - A32	11	16	0.22	0.40	0.088	10.375	21.56	0.86	60.9	1754.3	97.0	1350	0.20	2490.2	1.7	70.4%		
	Future Trione (Lavender Est.) - A33	STUB		3.53	0.55	1.942	1.942	14.00	0.01	77.1	415.7	0.8	750	0.20	519.4	1.1	80.0%		
	Swan Avenue - A34	14	15	0.15	0.40	0.060	2.002	14.01	0.38	77.0	428.3	39.8	750	0.20	519.4	1.1	82.5%		
	Reyard - A35	RYCB 10	SEWER	0.23	0.40	0.092	0.092	10.00	0.53	90.6	23.2	39.1	250	1.00	62.0	1.2	37.1%		
	Swan Avenue - A36	15	16	0.37	0.40	0.148	2.242	14.59	1.36	75.4	469.8	99.0	750	0.20	519.4	1.1	90.4%		
	Reyard - A37	RYCB 11	SEWER	0.21	0.65	0.137	0.137	10.00	0.57	90.6	34.4	42.0	250	1.00	62.0	1.2	55.4%		
	Myrtle Street - A38	16	17	0.26	0.40	0.104	12.857	22.42	0.44	59.5	2124.9	71.1	1350	0.50	3997.3	2.7	54.0%		
		17	19				15.174	22.87	0.39	58.8	2479.1	42.4	1500	0.20	3298.0	1.8	75.2%		
		19	HW 1				15.174	23.26	0.12	58.2	2454.4	12.6	1500	0.20	3298.0	1.8	74.4%		
NORTH POND																			
	Future Trione (Lavender Est.) - A39	STUB		20	6.73	0.60	4.038	4.038	0.08	14.86	1.47	74.7	838.4	12.7	975	0.20	1045.6	1.4	80.2%
	To SWMP	20	21				4.038	14.86	1.47	74.7	838.4	120.0	975	0.20	1045.6	1.4	80.2%		
	To SWMP	21	22				4.038	16.33	0.42	71.1	797.4	34.4	975	0.20	1045.6	1.4	76.3%		
	To SWMP	22	23				4.038	16.76	0.72	70.1	786.5	61.7	1050	0.20	1274.0	1.4	61.7%		
	To SWMP	23	24				4.038	17.48	0.10	68.5	768.7	8.7	1050	0.20	1274.0	1.4	60.3%		
	Future Condo Block - A40	STUB		24	1.93	0.65	1.255	1.255	12.00	0.07	83.2	290.0	5.8	600	0.40	405.1	1.4	71.6%	
	To SWMP	24	HW 2				5.293	17.58	0.11	68.3	1004.3	9.6	1050	0.20	1274.0	1.4	78.8%		

SCALE - 1:2000

SEE BELOW FOR CONTINUATION



5 REVISED LOT & BLOCK NUMBERS 2017-11-08 MW 4 REVISED MANHOLES 2017-08-23 MW 3 REVISED PER M.O.E. COMMENTS 2017-07-13 DUL 2 ISSUED FOR M.O.E. APPROVAL 2017-07-04 JC 1 REVISED BLOCK NUMBERS AND STREET NAMES 2017-04-28 SJ 0 ISSUED FOR REVIEW 2017-03-31 JC # REVISION DATE INIT			DRAFTING JC DESIGN AK CHECKED BY DL APPROVED BY		Pelham NIAGARA UPPER CANADA CONSULTANTS ENGINEERS / PLANNERS 261 Martindale Road Unit #1 St. Catharines, ON L2W 1A1 Phone: (905) 688-9400 Fax: (905) 688-5274	OWNERS HERT INC. 273 Welland Rd Fenwick, ON L0S 1C0	SAFFRON MEADOWS TOWN OF PELHAM STORM DRAINAGE AREA PLAN	CONSULTANT FILE No. 0478 DATE 2017-11-08 PRINTED 2017-12-13 SCALE 1:1000 m REF No. DWG No. 0478-STMDA REV 5	
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DRAWING FILE: F:\0478\ENGINEERING\0478-BASE.dwg PLOTTED: Dec 13, 2017 - 3:12pm PLOTTED BY: Marcus

April 1, 2019

BY EMAIL ONLY

Files: D.11.06.SD-18-018
D.10.06.OPA-18-025
D.18.06.ZA-18-067

Mr. Curtis Thompson
Development Planner
Community Planning & Development
The Town of Pelham
20 Pelham Town Square
Fonthill, ON, L0S 1E0

Dear Mr. Thompson:

RE: Regional and Provincial Comments
Saffron Meadows Phase 3 – Submission 2
Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments
Town File Nos.: 26T19-022018, OP-AM-03-18, & AM 04-18
Owner: Hert Inc.
Agent: Upper Canada Consultants (Jennifer Vida)
Port Robinson Road (South Side) – West of Rice Road
Town of Pelham

Regional Development Planning staff has reviewed the information circulated with the resubmission for Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment for lands known as Saffron Meadows Phase 3, in the Town of Pelham. The proposed applications will permit the construction of 407 dwelling units (135 single detached dwellings, 36 semi-detached dwellings, 110 street townhouses, and 126 condominium townhouses), and will provide blocks for parkland, a naturalized channel, environmental protection, and road widening, day lighting triangles and 1 foot reserves, and public roads. The subject lands are approximately 29.31 hectares in size.

Regional Planning provided comments on the first submission of the applications in a letter dated August 8, 2018. The following additional comments are provided to assist the Town in considering the revised submissions.

Provincial and Regional Planning Policies

Please refer to Regional comment letter dated August 8, 2018.

Archaeological Resources

Please refer to Regional comment letter dated August 8, 2018.

Core Natural Heritage System

Regional Environmental Planning staff have reviewed the Environmental Impact Study (EIS) for Saffron Meadow Estates Phase 3 prepared by Beacon Environmental Limited (dated January 2019). The EIS appears identical to the previous report dated April 2018, with the exception of revisions to the Draft Plan of Subdivision (Appendix 5) which do not impact environmental features. As such, further to Regional comments dated August 8, 2018, staff are satisfied that the proposed subdivision may be permitted, subject to the mitigation measures noted in the EIS Section 6.2 and recommended as conditions of approval below. Regional Environmental Staff note that mitigation measures noted in Section 6.2 of the EIS include permanent rear lot fencing, signage, grading and surface water controls, construction fencing, sediment and erosion control measures and timing of construction.

Regional staff is not opposed to the proposed Zoning By-law application subject to Block 182 being zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection. Furthermore, the Region requires that a Landscape Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA), be submitted to for review and approval to illustrate how Blocks 179 and 180 (i.e., the watercourse corridor) will be adequately vegetated with riparian plantings. Regional Environmental Planning Staff recommended that the Plan consider plantings within the woodland buffer along the boundary of Block 182 to further discourage human intrusion into the woodland. In this regard, a condition in the appendix is included in the subdivision agreement.

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, the NPCA should be consulted with respect to any requirements under NPCA Regulations.

Regional Engineering / Technical Comments

Servicing

Please refer to Regional comment letter dated August 8, 2018.

Stormwater Management

Please refer to Regional comment letter dated August 8, 2018.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,

- 1 garbage container per unit.

Based on review of the Draft Plan of Subdivision by Upper Canada Consultants (dated April 12, 2018), Regional staff note the proposed temporary dead-end roads (i.e. Acacia Road, Street A, Street B, Walker Road). These dead-end roads, and any dead-end roads resulting from development stages/phases, shall require temporary turn-arounds for all units fronting the noted roadways, west of Street C, to be eligible for waste collection until such time that the adjacent subdivision is completed and/or through passage is enabled. A condition of approval has been requested to require temporary turnaround facilities for these streets, with easements provided in favour of the Region if the turnaround facilities are located on private property.

Condominium Blocks

The agent submitted preliminary site plans illustrating the private road layout and townhouse units of Blocks 177 and 178. Condominium townhouse developments are able to receive internal curbside garbage collection through the Region. In order for this service to be provided, the developer/owner shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and an Indemnity Agreement. The forms and policy can be found at the following link:
www.niagararegion.ca/waste.

- Block 177
 - Due to proposed internal roadway design, Regional waste collection staff require the inclusion of waste collection pads for Units 1, 2, 9, 10, 17, 18, 34, 35. These collection pads should be placed close to corners of the internal roadway intersections.
- Block 178
 - Regional waste collection staff have reviewed the submitted site plan and note the requirement of waste collection pads for Units 1-4, 65-72, and 86. Further, staff request that the applicant include waste collection pads for Units 5, 73 and 85 so waste collection trucks can make complete loops and negate the need for any reverse motion.

Regional Bicycle Network

Please refer to Regional comment letter dated August 8, 2018.

Septic Decommissioning

Regional staff acknowledge that private septic systems may exist on the existing lots that are encompassed in the subdivision plan, prior to the construction of the Town sewer on Port Robinson Road. The Region does not have a record of the decommissioning of the system. Therefore, the owner shall confirm that all systems were decommissioned.

Conclusion

Regional Planning and Development Services staff is not opposed to the proposed Draft Plan of Subdivision, and Official Plan Amendment applications, subject to the conditions of draft approval listed in the attached Appendix, and the satisfaction of any local requirements. Regional staff is not opposed to the proposed Zoning By-law application subject to Block 182 being zoned Environmental Protection Area (EPA) or similar zoning which achieves the same level of protection.

If you have any questions or wish to discuss these comments, please contact myself at ext. 3518 or Aaron Butler, MCIP, RPP, Senior Development Planner at ext. 3264.

Please send a copy of Council's decision on this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex', with a long horizontal stroke extending to the right.

Alexsandria Pasquini
Development Planner

cc: Mr. Aaron Butler, MCIP, RPP, Senior Development Planning, (Niagara Region)
Ms. Susan Dunsmore, P. Eng., Manager Development Engineering (Niagara Region)
Ms. Jennifer Whittard, Manager of Environmental Planning (Niagara Region)
Mr. David Deluce, MCIP, RPP, Senior Manager, Plan Review & Regulations, (NPCA)

**Appendix
Conditions of Approval
Draft Plan of Subdivision
Saffron Meadows Phase 3, File No. 26T19-022018
Town of Pelham**

1. That the subdivision agreement between the owner and the Town 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 even 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.”
2. That the owner submit a Landscape Planting Plan, prepared by a full member of the Ontario Association of Landscape Architects (OALA), shall be submitted to the Region for review and approval to illustrate how Blocks 179 and 180 (i.e., the watercourse corridor) 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).
3. 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 in order to reduce disturbance to rare bat species.
4. That the owner agrees in the subdivision agreement that prior to site alteration and construction, filter fabric and paige wire fencing be installed at the 10 m setback from the dripline of the woodland edge along Block 182.
5. That the owner agrees in the subdivision agreement to install permanent rear-lot fencing along Blocks 153, 155 and 156 adjacent to the woodland edge. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
6. That the owner agrees in the subdivision agreement to install appropriate signage along the perimeter of open space Block 182 that states that cutting of vegetation within the woodland is prohibited and pets are not allowed.
7. That the applicant submit a Functional Servicing Review signed and stamped by a professional engineer (for Stormwater Management control confirmation) to the Niagara Region for review and approval.

8. That prior to approval of the final plan or any on-site grading, the owner shall the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change 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 and 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, and permanent and temporary fencing) contained in the Environmental Impact Study prepared by Beacon Environmental Limited (dated January 2019), to the satisfaction of Niagara Region Environmental Staff.

9. That the subdivision agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the previous condition.
10. That the subdivision agreement between the owner and the Town contain provisions whereby the owner ensures that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and Corporate Procedure for Waste Collection, and by-laws relating to the curbside collection of waste.
11. The owner shall provide temporary turnaround facilities for waste collection purposes at the proposed termini of Acacia Road, Street A, Street B and Walker Road, until such time that the adjacent subdivision is completed and/or through passage is enabled. The required temporary turnaround facilities shall have a minimum curb radii of 12.8 metres in compliance with the Regional Waste Collection Policy, and shall be subject to easements in favour of the Region if located in whole or in part on private property.
12. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and Corporate Procedure for Waste Collection, and by-laws relating to the curbside collection of waste.
13. That the owner submit a written acknowledgement to the Niagara Region Planning and Development Services Department that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
14. That the owner submit a written undertaking to the Niagara Region Planning and Development Services Department that all offers and agreements of Purchase and Sale,

which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this 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.

15. 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 Compliance Approval under the Transfer of Review Program.
16. That owner to provide documentation for review and approval to the Region confirming that the all private septic systems currently on the subject lands have been decommissioned.

Notes:

1. Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
2. Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clauses pertaining to any of these conditions have been included.

NOTE: The Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.

3. In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (two hard copies and a PDF digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Town of Pelham.

Curtis Thompson

From: David Deluce <ddeLUce@npca.ca>
Sent: April 16, 2019 3:51 PM
To: Curtis Thompson
Cc: Alexandria Pasquini (alex.pasquini@niagararegion.ca)
Subject: RE: Request for Comments - Draft Plan of Subdivision Resubmission (Saffron Meadows Ph.3) (26T19-020-18)

Follow Up Flag: Follow up
Flag Status: Completed

Hi Curtis,

Our original comments of July 3, 2018 remain applicable, particularly the recommended Conditions of Draft Plan Approval. We have no objections to the revised plan. Let me know if you have any questions.

Regards,

David Deluce, MCIP, RPP
Senior Manager, Plan Review & Regulations
Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 224
ddeLUce@npca.ca
www.npca.ca

From: Curtis Thompson <CThompson@pelham.ca>
Sent: April 15, 2019 11:35 AM
To: David Deluce <ddeLUce@npca.ca>
Subject: FW: Request for Comments - Draft Plan of Subdivision Resubmission (Saffron Meadows Ph.3) (26T19-020-18)

Hi David,

I have not received any updated comments from the NPCA regarding Saffron Meadows Ph.3 resubmission. I know that you had no objections (subject to conditions) in your original set of comments. Are you able to confirm whether these still apply?

Thanks,



Curtis Thompson, B. Urban
Planner
Community Planning &
Development

e: cthompson@pelham.ca
p: 905.892.2607 x324
pelham.ca

20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

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From: Curtis Thompson

Sent: March 8, 2019 3:51 PM

To: Derek Young <DYoung@pelham.ca>; Jason Marr <jmarr@pelham.ca>; Bob Lymburner <BLymburner@pelham.ca>; Mike Zimmer <MZimmer@pelham.ca>; Jason Longhurst <jlonghurst@pelham.ca>; Alex Pasquini@niagararegion.ca (<alex.pasquini@niagararegion.ca> <alex.pasquini@niagararegion.ca>; Dev Planning Applications - Region (<devtplanningapplications@niagararegion.ca> <devtplanningapplications@niagararegion.ca>; David Deluce (<ddeluce@npca.ca> <ddeluce@npca.ca>; Sue Mabee (<sue.mabee@dsbn.org> <sue.mabee@dsbn.org>; Scott Whitwell (<scott.whitwell@ncdsb.com> <scott.whitwell@ncdsb.com>

Cc: Barbara Wiens <BWiens@pelham.ca>; Shannon Larocque <slarocque@pelham.ca>

Subject: Request for Comments - Draft Plan of Subdivision Resubmission (Saffron Meadows Ph.3) (26T19-020-18)

Hello,

We are in receipt of a 2nd resubmission for Draft Plan of Subdivision Approval (26T19-020-18) for the lands referred to as **Saffron Meadows Phase 3** in Fonthill.

The submitted material is downloadable via the *Dropbox Link* below and includes:

- Draft Subdivision Plan
- FSR Drawing Set
 - Water Distribution Plan
 - Sanitary Drainage Plan
 - Storm Drainage Plan
 - Overall Stormwater Management Plan
- Neighbourhood Master Plan
- Active Transportation Plan
- EIS (Jan 2019)
- Planning Justification Report (November 2018)
- Function Servicing Report (March 2019)

Hardcopies will also be provided.

<https://www.dropbox.com/sh/opmjghr1oous6mo/AABW0JjMIQFPcCqNRYXl7avva?dl=0>

Comments would be appreciated by **Monday, April 1st, 2019**. If you have any questions, or require additional material, please let myself, or Shannon Larocque know.

Thank you,



Curtis Thompson, B. Urban
Planner
Community Planning &
Development

e: cthompson@pelham.ca
p: 905.892.2607 x324
pelham.ca

20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

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August 16, 2018

File Numbers: 26T19-02-18 (Draft Plan of Subdivision)
OP-AM-03-18 (Official Plan Amendment)
AM-04-18 (Zoning By-law Amendment)EMAIL ONLY (jvida@ucc.com)

Hert Inc.
c/o Jennifer Vida – Upper Canada Consultants
3-30 Hanover Drive
St. Catharines, ON L2W 1A3

**RE: Saffron Meadows Phase 3 development
162 Port Robinson Road
Part of Thorold Township Lot 171-172, and Part 1 on RP 59R-3218
Roll No. 2732 030 020 07600 + 2732 030 020 08700**

Below is the 1st round of consolidated comments provided regarding your development applications. Please ensure that all plans coordinate with each other and are updated accordingly. For any corrections, all related drawings and reports shall also be revised. Detailed comments are as follows.

Town Planning Comments

In summary, Planning staff has few, but important issues that should be worked through as part of the resubmission before proceeding to a Public Meeting. Of these, we have tried to clearly outline in detail what these specific issues are by offering suggestions. We also wish to note that the requirements for a revised Neighbourhood Master Plan (see Official Plan & Pre-Consultation Notes), if deviating from the Demonstration Plan significantly, must be addressed as part of the Planning Impact Analysis and not just in the Functional Servicing Report.

1. Land Use

Deviating away from medium density residential uses to a lower density housing type conflicts with various planning policies that are grounded on efficiently using finite urban land and the strategic distribution of certain land uses. Town Planning staff understands that higher densities have been proposed in some of the low density designations throughout the subject land which is permitted, and not necessarily the concern as the overall density is achieved.

- Pg. 24 of the Planning Justification Report indicates *the purpose of the land use adjustment is to accommodate the realigned storm channel.*
 - This does not explain why townhouses are designated east of the park or west of the townhouses fronting Street C? Please address.
- By eliminating (medium density) townhouses along the Street C corridor south of the park, directly ignores the strategic planned distribution of a compact, urban built form along one of the few neighbourhood Collector Roads which is clearly illustrated on Schedule A5 and Appendix A.
- Part of the planning justification for proposing low density single detached dwellings along the Street C corridor is that it will result in fewer curb cuts and driveway aprons.

- Planning staff can appreciate the desire to reduce curb cuts and driveway aprons along a collector road by replacing townhouses with singles. However, townhouses are proposed immediately north of this site (or west of the park) and would be front-loaded driveways anyways, contrary to the Planning Justification Report. Planning staff recommend a rear lane be provided for the length of the Street 'C' corridor and the singles be reverted back to townhouses with zero driveway aprons, except those necessary to serve any laneways.
- The dwellings flanking Street C, north of Walker Rd and south of the park are not fronting Street C, as per Appendix A. These lots are designated as 'cap end' lots, meaning they should be rotated 90° and directly front the Neighbourhood Collector Street.

Re: Section 3.2.2 – Townhouses

- "Townhouses shall, whenever possible have rear lane garages to reduce visual impact of garages on the street."
 - Planning staff suggest rear lanes be provided for all townhouses and other dwelling units fronting Street C in order to improve sidewalk, cyclist and vehicle safety by reducing numerous conflict points at driveway aprons. Also, the uninterrupted boulevard will allow for more on-street parking, additional street trees and boulevard green space which together, aid in traffic calming and healthier communities. Rear yard privacy is enhanced and laneways provide an alternative to registering several easements on various properties to allow for maintenance and yard access. Please address.

2. Street Network

Various connections of the Secondary Plan's street grid found on Appendix A – Demonstration Plan are not presented. Most of these connections are not considered minor and should be provided for as public access ways.

- By neglecting parts of the street grid, (Appendix A – Demonstration Plan), the compromised transportation network limits the number of alternative travel routes to disperse traffic volume. Remaining routes of travel become artificially long, circuitous and unnecessarily overloaded with greater traffic volume. The fewer connections provided results in more concentrated and unfavourable traffic impacts on the remaining available streets. The *dendritic* transportation model (branch like) has proven to be inefficient at moving people and cars, negatively distorts land value, and is proven to be less safe when it comes to collisions and overall human health versus connected street networks with higher intersection density.
- Please address.

Re: Blocks 177-178

- Page 25 of the Planning Impact Analysis notes that the townhouse condominium units proposed north of the storm channel *offers a different type of home ownership which appeals to a different sector of the market.*
 - It should be noted that if the entirety of these lands become two separate condominium developments, public mobility through the Secondary Plan will be adversely impacted due to limited public access caused by eliminating a potential travelled streets and / or lanes. Notwithstanding the provision of future sidewalks / trails being included, much is lacking from an overall transportation mobility perspective. Please address.
 - The proposal for these lands is not considered to be a *permeable transportation network* (Section 3.1.1 – Appendix B) because through traffic / mobility is restricted due to private condominium lanes. Though a future draft plan of subdivision application may come forward and fulfill the essential connectivity, this is not apparent in the proposal. Please address.

Re: Street E

- Planning staff question the need for a looping public road (Street E) to be provided in the south which won't serve a larger connective purpose other than for the 25 dwelling units it serves. This

development area is fairly constrained in geography with limited developable area due to the Environmental Protection Areas (EPA) to the south. In keeping with the Planning consultant's comments, Planning Staff suggests these lands be designated as a block for future condominium development because condominiums are better suited and most effective on physically constrained sites. The site is geographically private in nature as it backs onto an EPA and offers no larger transportation value. These ingredients better reflect the comments on Pg. 25 of the Planning Impact Analysis surrounding the diversity for a market and household type of condominium tenure. Overall, these lands are more appropriate for condominium style development than the entirety of Blocks 177-178 which lack public street connectivity.

Re: Tirone Street

- Contrary to the Demonstration Plans (Appendix A), at least 1 road connection is missing which would directly link Street A to Walker Road. It should be noted that the Demonstration Plan provided for 4 (four) north-south local roads connecting into the (Walker Road) collector in between Rice Road and Street C. Saffron Meadows Phases 1-2 only provided for 1 connection, the Street C realignment can be considered a 2nd connection, but a 3rd / 4th has not been provided in this Draft Plan. The pre-consultation notes state the applicant's lack of desire to provide a 2nd connection (of Tirone Street) over the storm channel, to which no agency objected. However, the balance of the street network should still be provided in a form consistent with the Official Plan. The principle to maintain some form of integral street grid is critical to the overall success of East Fonthill. As a result, Planning Staff suggest Tirone Street be extended southward to link at Walker Road.

Re: Street B / Dekorte Street

- Contrary to the Demonstration Plans (Appendix A), at least 1 road connection is missing to the west. Based on the overall neighbourhood plan in the Functional Servicing Report, the most logical connection is to extend Street B directly west connecting to the future developable lands.
- Planning staff concur in principle with the Planning consultant's desire to reduce curb cuts along the Street C corridor. However, this preference was used to justify proposed side flanking single detached lots south of Acacia Road but disregarded the proposed front-loaded townhouses of Blocks 165, 170-171 & 176.
 - Planning staff suggest a connection be extended westerly in accordance with the Demonstration Plan and either Street B be rotated, or, a rear laneway be provided to service the townhouse blocks (noted above) which front Street C.

Re: Connection to Kunda Park Phase 4 (Overall Neighbourhood Master Plan – See Functional Servicing Report)

- Contrary to the Demonstration Plans (Appendix A), one (1) road connection is missing that would connect Kunda Park Phase 4 with East Fonthill, over the existing Steve Bauer Trail. This street connection is important as the distance between Port Robinson Road and Merrit Road is over 1km in length. A pedestrian / multi-use path connection is not satisfactory. Please address.

3. Development Surrounding the Park

- Town Planning staff is supportive of having single detached dwellings flank the southern limits of the proposed park only if the units are rear-loaded, designed to 'front' the public park and served by a public walkway. The same public walkway has also been identified as part of Appendix A – Demonstration Plan for Active Transportation. These 'front-facing' dwelling types have also been symbolically placed throughout the Urban Design Guidelines in various pictures.
- Front-facing dwellings provide *eyes-on-the-park* which enhances neighbourhood safety by providing greater exposure to public spaces which might otherwise be hidden from neighbours as a natural-surveillance mechanism.

Town Planning Policy

Official Plan

Re: Policy B1.7.3.1 – East Fonthill development objectives:

- “To provide a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel.”
 - See Town Planning Comment #2

Re: Policy B1.7.4

- “All development within the East Fonthill Secondary Plan Area shall be generally consistent with the Demonstration Plans (B1.7.4.1) & Urban Design Guidelines (B1.7.4.2). Adjustments and further refinements to the Demonstrations Plans & Urban Design Guidelines are anticipated and shall not require an Amendment to this Plan, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the Town’s satisfaction.”
 - See Town Planning Comment #1-2

Re: B1.7.4.4 – Crime Prevention through Environmental Design (CPTED)

- See Town Planning Comment #3

Re: B1.7.7.2 – General Policies

- “D) A Neighbourhood Master Plan will be prepared for each of the four Residential Neighbourhoods. The required Neighbourhood Master Plan shall include the entire neighbourhood as identified on Schedule A4, and shall include the following components: (among others) Road, Block & Land Use Plan and Servicing Plan.”
- “E) The Demonstration Plans (Appendix A) and the Urban Design Guidelines (Appendix B), may constitute the Road, Block and Land Use Plan, the Streetscape and Open Space Plan and the Urban Design Guidelines components of the Neighbourhood Master Plan, if the proposed development is generally consistent with these appendices, to the satisfaction of the Town.”
- “F) The Neighbourhood Master Plan shall form the basis of Draft Plan of Subdivision, implementing zoning, and / or Site Plan Approvals. Prior to development in any Residential Neighbourhood, the Town shall be satisfied that the Neighbourhood Master Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled.”
 - Town Planning staff assumes the Neighbourhood Master Plan, submitted as part of the Functional Servicing Study (Pages 4-6) was included to address these policies. However, the proposal is not consistent with the Demonstration Plans, fails to include the entire neighbourhood and is not clear on proposed land uses. If a revised Neighbourhood Master Plan is necessary, it must be addressed in the Planning Justification Report while still ensuring conformity.
 - See Town Planning Comments.

Re: B1.7.7.4 – EF Medium Density Residential

- B1.7.7.4.1 b) In addition to the permitted used identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15% of the total number of dwelling units within any individual draft plan of subdivision.
 - See chart below & attached calculation – total of 29% within EF Medium Density lands.

Re: B1.7.11.3 – Transportation

- B) (*General comment for information*) Right-of-way widths for public roads within East Fonthill shall be as follows:
 - Collectors 20-22m
 - Locals 16-20m
 - Lanes 7.5-9m

- C) A Comprehensive trails system is identified conceptually on the Demonstration Plan for Active Transportation (Appendix A). It is the intent of the Town to achieve this trails network through the approvals processes required to facilitate the Plan's development.
 - See Town Planning Comment #2-3

Re: D5.4.3.1 – Parkland Development Policies

- a) Parkland should have as much street frontage as possible and be open to view on as many sides as possible for safety purposes;
- c) Have direct and safe pedestrian access from adjacent residential areas and be designed to minimize any potential negative impacts on adjacent residential areas;
- d) Be accessible with limited or no barriers to active forms of transportation;
 - See Town Planning Comment #3

East Fonthill – Urban Design Guidelines (Appendix B)

Section 2.6.2 – Neighbourhood Parks

- Parks shall have significant road frontage
- Rear lotting adjacent to a park is discouraged
 - See Town Planning Comment #3

Section 3.1.1 – Blocks and Lots

- Developable lands shall be subdivided into a series of development blocks, defined by a highly interconnected grid, or modified system of public roads and lanes.
 - See Town Planning Comment #2
- Development block densities will reflect the road network hierarchy, which itself will respond to topography while providing a permeable transportation pattern.
 - See Town Planning Comment #2
- The size and configuration of each development block will facilitate and promote pedestrian / bicycle movement and provide a sufficient number and, where appropriate, range of building lots to achieve cost effective and efficient development.
 - See Town Planning Comment #1-2
- Each development lot in a block must have frontage on a public road or laneway.
 - Though Blocks 177 & 178 are proposed to both have frontage on Street C, the land consumed by such large, future draft plans of condominium will eliminate various public road connections and reduced interconnectedness. Planning staff suggest these lands be divided further into smaller blocks divided by public roads and, if desired, public lanes to reflect consistency and intent with the Official Plan. The design must also be considerate of neighbouring lands which may be developed in the future.

Section 3.1.4 – Building Relationship to Roads & Open Space

- Building layouts should be used to reduce the incidence of crime through the implementation of CPTED principles including natural surveillance, natural access control, territorial reinforcement and space assessment.
- Buildings located adjacent to, or at the edge of parks and open spaces will provide opportunities for overlook.
- The massing, siting and scale of buildings adjacent to, or along the edge of a park or open space will create a degree of enclosure or definition appropriate to the type of open space they enclose.
 - See Town Planning Comment #3

Section 3.2.2 – Townhouses

- Townhouses shall, whenever possible, have rear lane garages to reduce visual impact of garages on the street.
 - See Town Planning Comment #3

Planning Impact Analysis:

Re: Page 24 – storm channel realignment (B1.7.6)

- Planning staff can appreciate the reasoning behind the realigned storm channel and have no concerns in principle. However, the realignment results in a shift of land use designations / street network, now it is unknown how the lands to the west will integrate with the subject lands proposed layout without a revised overall Neighbourhood Master Plan (for Neighbourhood 2) being received to the Town's satisfaction.
 - Unless the draft plan of subdivision is redesigned to more accurately reflect Appendix A – Demonstration Plan, please submit an overall Neighbourhood Master Plan, taking into consideration the lands to the west and north, including Kunda Park Phase 4 with connections over the Steve Bauer Trail.
- The storm channel realignment also results in an elimination of ± 40m of designated rear-loaded townhouse frontage on both sides of Street C (totaling 80m of frontage or at least 18 rear-loaded townhouse dwelling units).
 - Please address this nonconformity in the Planning Impact Analysis.
 - Planning staff suggest replacing this lost built form on the balance of the Street C corridor running south. As the current draft plan suggests, the built form will actually change at least 4x beginning with; Rear-loaded townhouses → Side flanking singles → Front-loaded townhouses → Side flanking singles, in this order from north to south.
 - This conflicts with the Secondary Plan's intent which clearly illustrates the entire Street C corridor being flanked by generally one (1) built form, townhouses, and more particularly, rear-loaded townhouses.

Re: Page 24 – Neighbourhoods 2 & 3 density (B1.7.7.2)

- Official Plan requirement for Neighbourhood 2 = 53 PJ/H, Neighbourhood 3 = 43 PJ/H
- Applicant proposed overall = 46.9 PJ/H
 - Town calculated: Overall = 52 PJ/H
 - Neighbourhood 2 = 58 PJ/H
 - Neighbourhood 3 = 45 PJ/H
 - No issues for density requirements.

Re: Page 26 – Neighbourhood Master Plan policies (B1.7.7.2 d), e) and f))

- Town Planning staff disagrees in that the Road, Block and Land Use Plan is not generally consistent with the Demonstration Plan (Appendix A). – See Town Planning Comment #2.

Re: B1.7.7.3 & B1.7.7.4 (Pages 29-30) Townhouse / Single / semi-detached ratios

	Total # of dwelling units	Planning Impact Analysis Calculation	Planning Staff Calculation
EF – Low Density Residential (Max 60% townhouses)	306 <ul style="list-style-type: none"> • Semis = 41 • Singles = 117 • Towns = 148 	58%	48%
EF – Medium Density Residential (Max 15% single & semi-detached)	101 <ul style="list-style-type: none"> • Semis = 11 • Singles = 18 • Towns = 72 	42%	29%

Re: Page 30-31

- The subject Official Plan Amendment is to increase the amount of low density residential uses in the medium density residential designation.
 - Despite the overall density targets being achieved, the redistribution of medium & low density residential land uses may have an adverse impact on traffic patterns when combined with the proposed disconnected street network – please revise the plans and / or address further in the Planning Justification Report.
 - This increase of low density in the medium density designation contradicts the Official Plan because the East Fonthill Secondary Plan is principled on *Smart Growth* that recognizes and responds to the policy initiatives of the Province and Region while establishing a comfortable and attractive community with a full range of housing types. In other words, the land use designations were strategically distributed along a particular street and block pattern, notably the collector roads.
 - See Planning Comment #1.

Re: Page 34 – Public Parkland (B1.7.9.4)

- Appendix A – Demonstration Plan identifies a Parkette Linkage in the southeast quadrant of the developable subject lands. The parkette is designated approximately where Block 156 is proposed.
 - Please address this inconsistency.

Summary of Agency / Town Department Comments

Niagara Peninsula Conservation Authority

- See attached for detailed comments.
- No objection (in principle) to the realignment of Tributary A. Details such as natural channel design and riparian plantings can be addressed through an NPCA Work Permit.
- No objections subject to rezoning the PSW / 30m buffer to an Environmental Protection zone category and the recommended Conditions of Draft Plan Approval.

Regional Municipality of Niagara

See attached for detailed comments and conditions.

- No objections, subject to conditions.

Department of Fire & By-law Services

- No comments.

Department of Public Works & Utilities

See attached for detailed comments.

Re: Sanitary Sewer

1. Confirm the existing sanitary sewer on Port Robinson Road and the three proposed 200mmØ sewers on the east side of the development will have sufficient capacity to support the proposed development.
2. No proposed elevations have been provided for the development. As such, we ask that the consultant confirm that the existing stubs on Port Robinson Road and the proposed stubs on the east side of the development are low enough such that sanitary wastewater from new subdivision can be sent via gravity sewer to these connection points.
3. Page 2 of the Functional Servicing Study indicated that Block 177 will be serviced by a proposed 250mmØ sanitary sewer on Street 'C'. However, drawing 0478-Sanitary shows an existing 250mmØ sanitary stub at elevation 185.9 and an existing 375mmØ sanitary stub at elevation 187.70, both on Port Robinson Road. We assume the proposed 250mmØ sewer will connect to the existing 250mmØ stub. – Please confirm.
4. Submit a sanitary sewer design sheet for review.

Re: Storm Sewer

1. We request that a storm sewer design sheet specific to Phase 3 be submitted for review.

Re: Environmental Impact Study

1. None of the block numbers or land areas listed in the 1st and 2nd paragraphs of Page 25 of Section 5 are consistent with those indicated in the Draft Plan of Subdivision – Drawing No. 1541-DP, except for the area indicated for the southern portion of the subject lands supporting EP1 and PSW. Please revise accordingly.
2. The 3rd sentence of Section 6.1.1 state that Block 146 through 149 will lie adjacent to the EP1 forest edge. According to the Draft Plan of Subdivision, Drawing No. 1541-DP, it will be development blocks 153 through 156. Please revise accordingly.

Re: Functional Servicing Study

1. The 1st page indicates 128 proposed single detached dwellings; the Draft Plan of Subdivision indicates 135. Please revise accordingly.
2. In the 2nd sentence of the 2nd paragraph under 'Sanitary Servicing', it references Block 170 & 171. This appears to be incorrect as the two condominium blocks are Blocks 177 & 178.
3. The paragraph on Page 3 under 'Stormwater Management' is somewhat unclear. Based on a review of the drawing entitled 'Overall Storm Drainage Areas', it appears that storm sewer flow and overland flows from the portion of the proposed development south of the realigned channel will be conveyed to the South SWMF while storm sewer flow and overland flows from the portion of the proposed development north of the realigned channel will be conveyed to the North SWMF. Please confirm.

Building Department

- No comments

Bell Canada

- Standard Agreement clauses.

Enbridge Gas Distribution

- No objections. (standard easement / agreement requirements)

Hydro One

- No comments or concerns at this time.

Canada Post

- See attached for detailed comments.

Please indicate in writing, how each comment is addressed in the revised submission.

Please provide digital copies of the updated plans and two (2) paper copies.

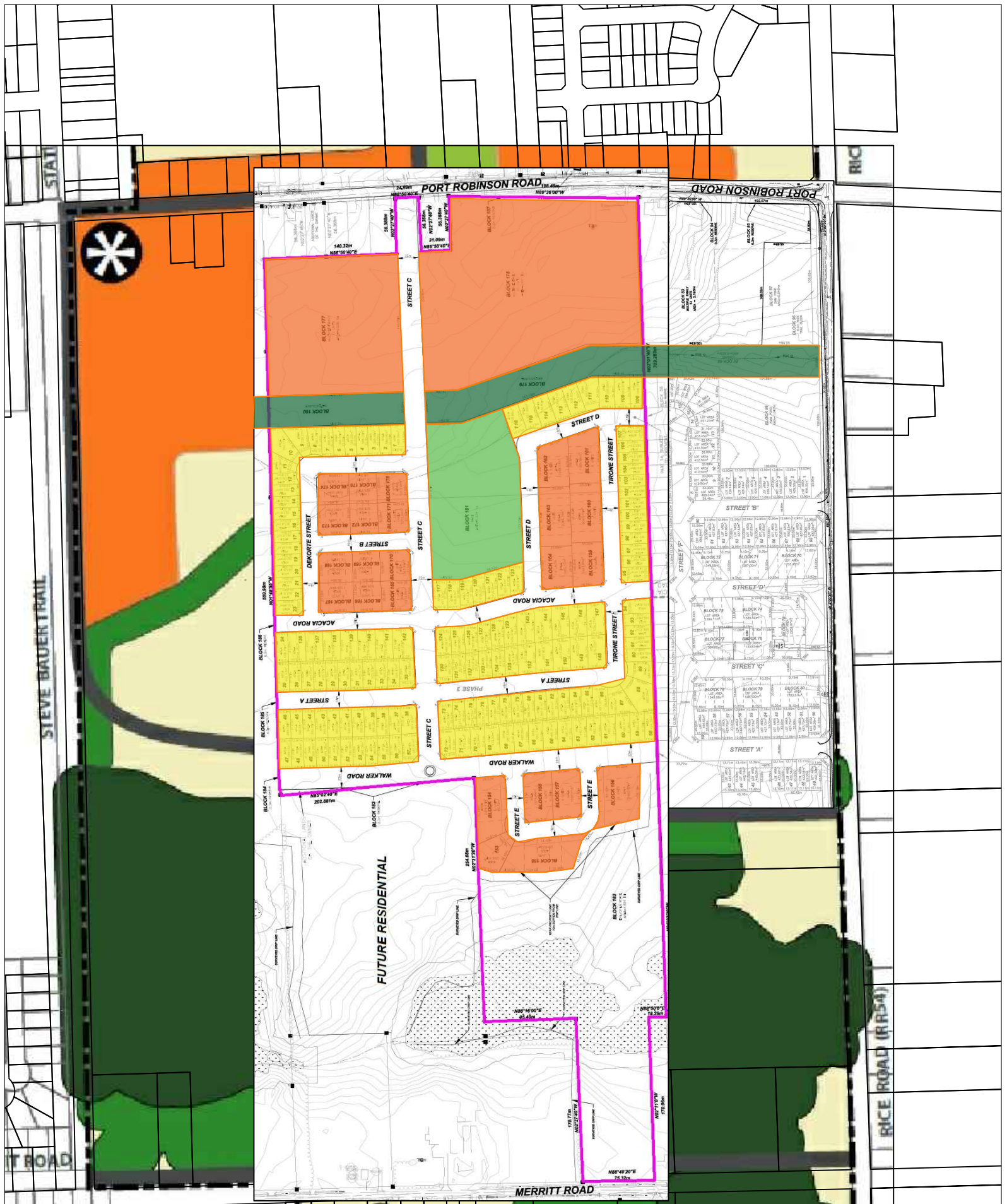
We're happy to meet with you to go over the comments in detail should you prefer. If you have any questions or concerns, please contact myself or Barb Wiens.

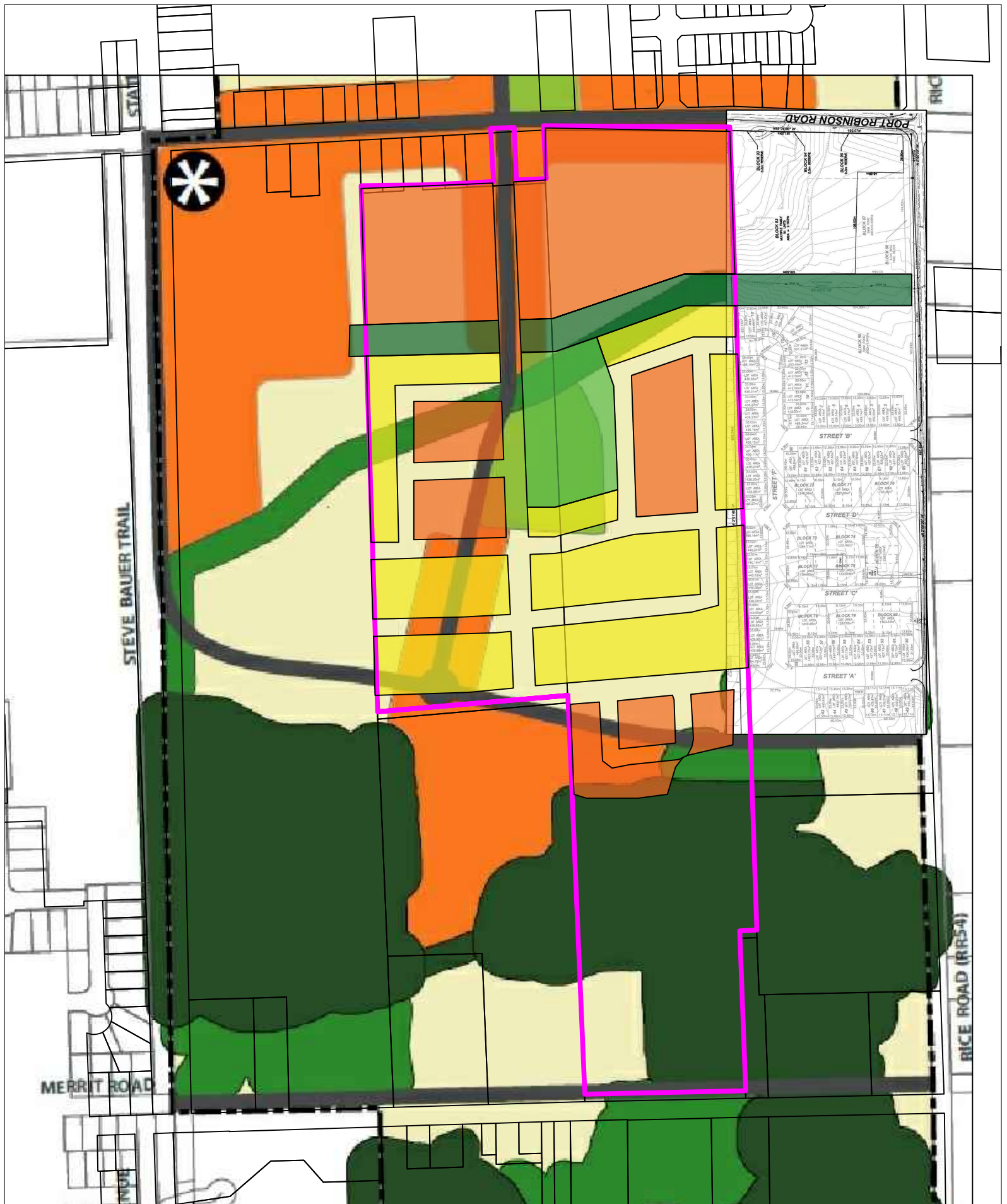
Sincerely,

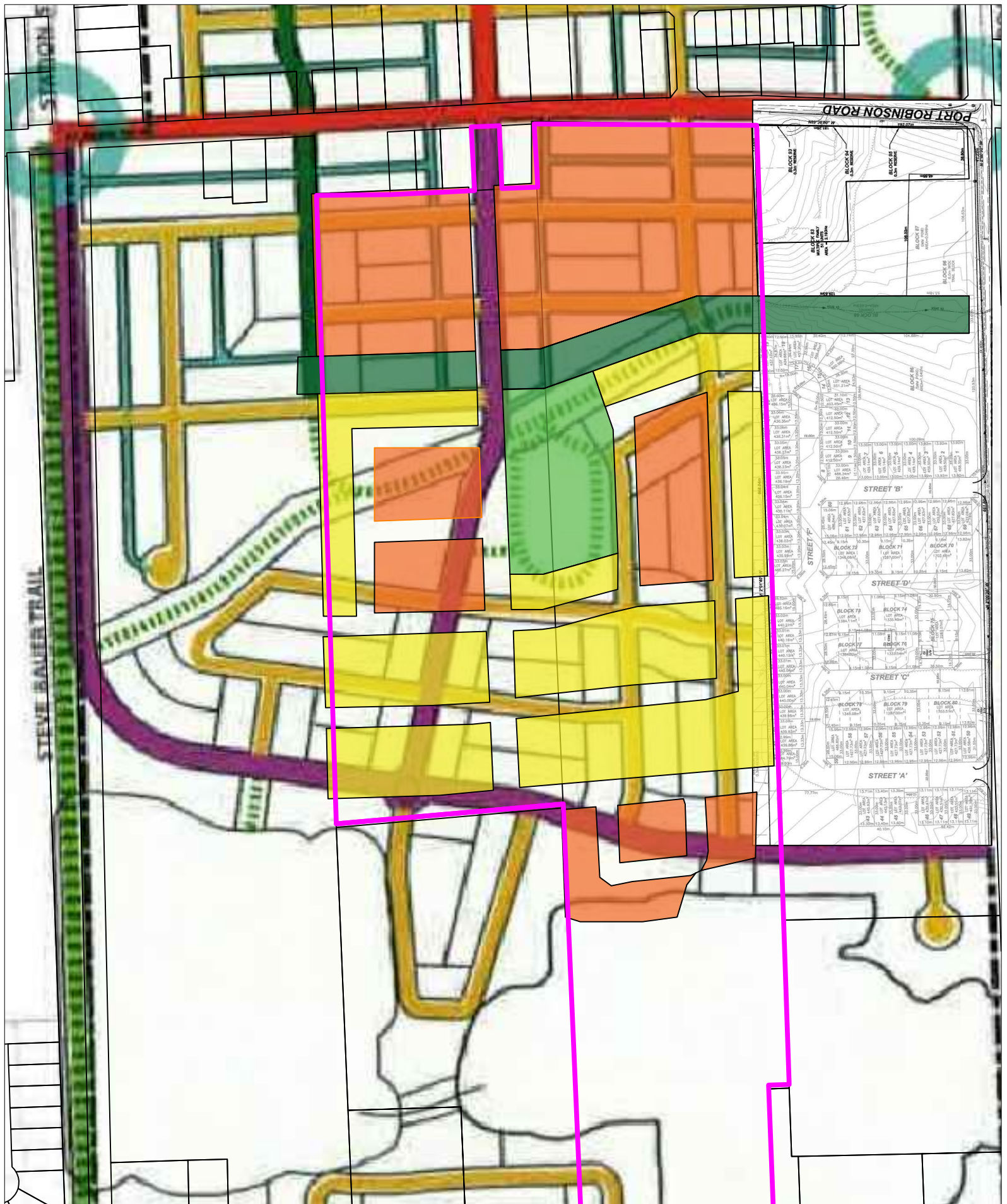


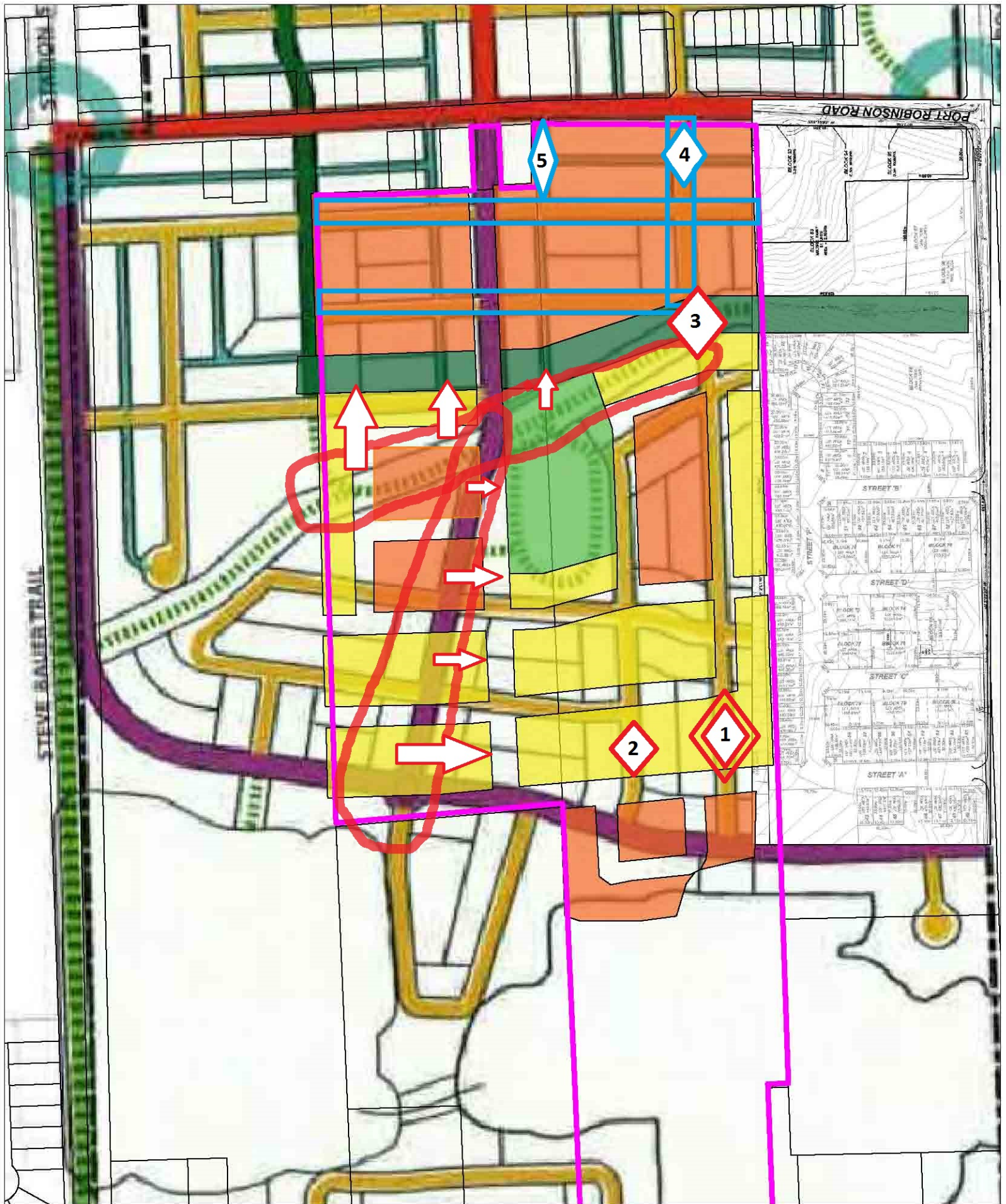
Curtis Thompson,
Planner, B.URPI

C: Barb Wiens, MCIP RPP - Director of Community Planning & Development
Derek Young, - Manager of Engineer
Richard Wilson, MCIP RPP – Senior Development Planner, Niagara Region





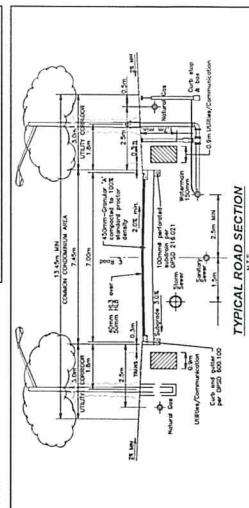
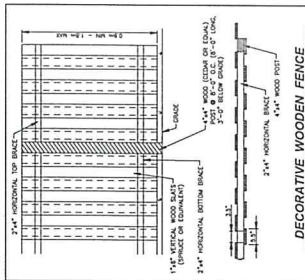






49 + 23	Town5	72
61 + 5	semi5	11
18	Singles	18
		101 100%

EF-Medium Density	
EF-Low Density	
49 + 58	
49 + 68	
	Town5 148
	semi5 31
	Singles 117
	296 100%



CONSULTANT F.E. No. 1541	REV. 0
DATE 2018-04-26	
PRINTED 2018-04-26	
SCALE 1:500	
LF. No. .	
WG No. 1541-SP178	

BLOCK 178 SAFFRON MEADOWS PH3
PORT ROBINSON ROAD

**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

3-30 Hannover Drive
St. Catharines, ON
L2W 1A3
Phone: (905) 688-9400
Fax: (905) 688-5274

100

TESTING	
M.C.	
EN	
J.S.	
EXED BY	
D.L	
EXED BY	
M.H.	

DATE	DECLARATION	CH	AD
<p>IS NOT NECESSARILY IT GUARANTEED BEFORE ILL ASSUME ALL LIABILITY FOR PROPERTY LINES, A LEGAL</p>			

TO VERIFY THE ACCURACY OF THESE P
NT.

SEWER AND OTHER UNDERGROUND LINES AND BARS LOCATED IN THE FIELD BY THE FIELD PERSONNEL. THE LOCATION OF ALL LINES AND BARS LOCATED IN THE FIELD BY THE FIELD PERSONNEL. THE LOCATION OF ALL LINES AND BARS LOCATED IN THE FIELD BY THE FIELD PERSONNEL.

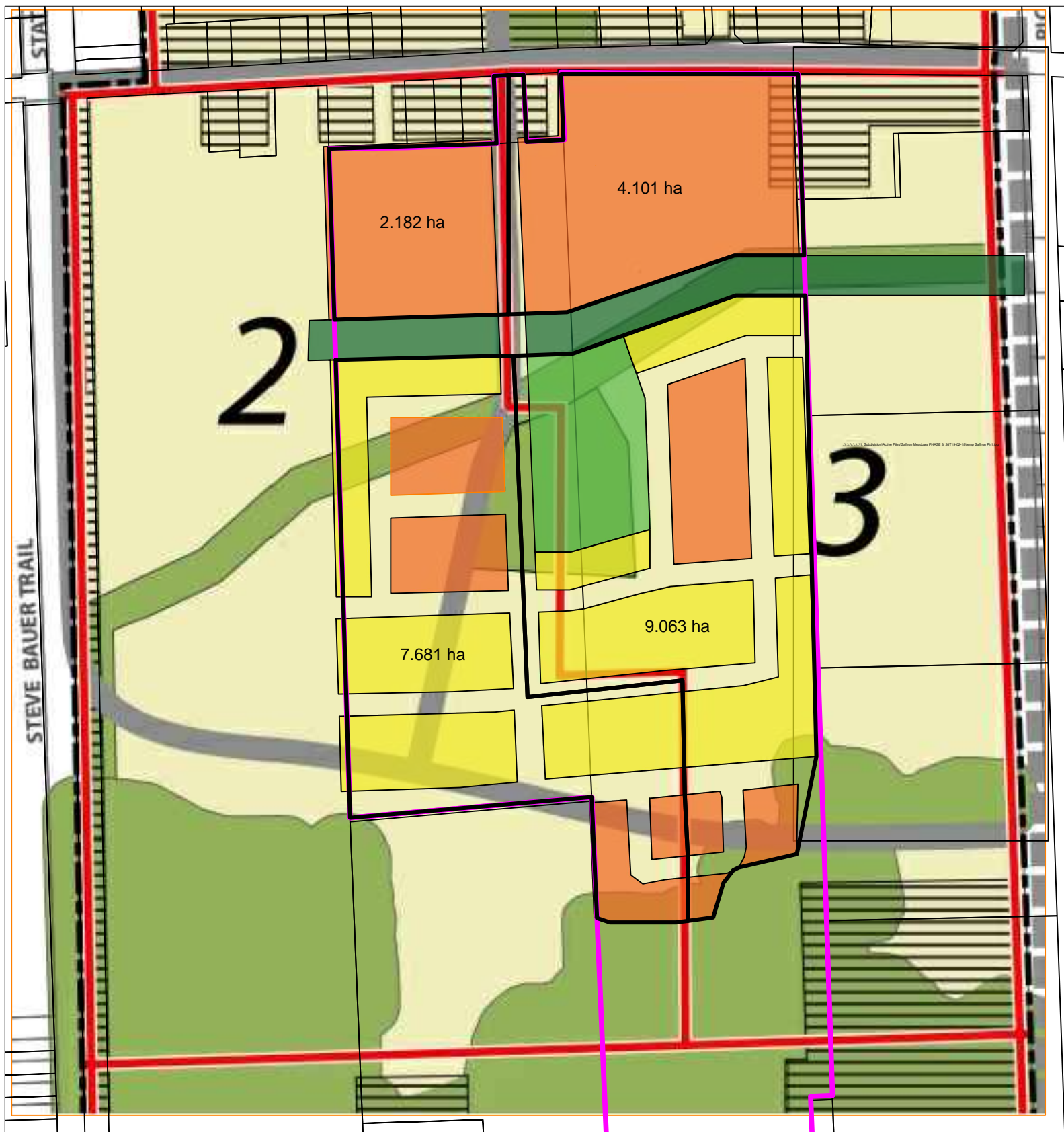
OF POLE LINES, COORDINATE WATERMANS, AND MAKE CONTACT DURING AND AFTER THE WORK. THE CONTRACTOR SHALL INFORM THE CITY OF ANY CHANGES TO THE POLE LINES.

[illegible]

ISSUED FOR REVIEW
REVISION

[illegible]

Page 181



Density Calculations

	Lot Area	People + Jobs	Density
Neighbourhood 2	9.863 ha	575	58 PJ/H
Neighbourhood 3	13.164 ha	591	45 PJ/H
Overall Total	23.027 ha	1166	52 PJ/H

Note:

- Gross land area (GLA) is the total land area minus EP1 & EP2 designated lands.
- Roads divided down € (centreline)
- Jobs factor = 10% of units
- People / Household ratio from 'Appendix D'

Neighbourhood 2

$$\text{Block towns} = 41 \times 2 = 82 \text{ people}$$

$$\text{Singles} = 73 \times 3.2 = 233.6 \text{ people}$$

$$\text{Street towns} = 65 \times 2.5 = 162.5 \text{ people}$$

$$\text{Semis} = 16 \times 2.8 = 44.8 \text{ people}$$

$$\begin{array}{r} 522.9 \text{ people} \\ \times 10\% = 52.29 \text{ jobs} \end{array}$$

$$= 575.19 \text{ people + jobs}$$

$$\div 9.863 \text{ ha}$$

$$= 58 \text{ PJ/H}$$

Neighbourhood 3

$$\text{Block towns} = 85 \times 2 = 170 \text{ people}$$

$$\text{Singles} = 62 \times 3.2 = 198.4 \text{ people}$$

$$\text{Street towns} = 45 \times 2.5 = 112.5 \text{ people}$$

$$\text{Semis} = 20 \times 2.8 = 56 \text{ people}$$

$$\begin{array}{r} 536.9 \text{ people} \\ \times 10\% = 53.69 \text{ jobs} \end{array}$$

$$= 590.59 \text{ people + jobs}$$

$$\div 13.164 \text{ ha}$$

$$= 45 \text{ PJ/H}$$

Saffron Phase 3 - 1st Submission
Density check

Saffron Phase 3 - 1st Submission

Low vs Medium Density Ratio check

Low Density

Townhouses may be allowed @ 60%
of total # of dwelling

$$\text{Semi's} = 20 + 11 + 4 + 6 = \underline{41}$$

$$\text{Singles} = 33 + 13 + 14 + 8 + 18 + 10 + 21 = \underline{117}$$

$$\text{Towns} = 35 + 36 + 25 + 52 = \underline{148}$$

Total # of dwelling units
in EF-Low = 306

$$148 \div 306 = \underline{48\%}$$

Medium Density

singles/semi's are allowed up to 15%
of total # of dwelling units

$$\text{Semi's} = 6 + 3 + 2 = \underline{11}$$

$$\text{Singles} = \underline{18}$$

$$\text{Towns} = 23 + 16 + 16 + 17 = \underline{72}$$

Total # of dwelling units
in EF-Medium = 101

$$29 \div 101 = \underline{29\%}$$

"Multi Family" consists of
110 towns & 16 semi's

Draft Plan 1st Submission

$$\begin{array}{l} \text{singles} = 135 \\ \text{semi} = 36 \end{array} \quad \begin{array}{l} \text{Street towns} = 110 \\ \text{Multi Fam} = 126 \end{array}$$

$$\text{Total} = 407$$

Memorandum

Public Works Department - Engineering

To: Curtis Thompson, Planner

From: Matthew Sferrazza, Engineering Technologist

Date: August 7, 2018

File #: N/A

Subject: Saffron Meadows (Phase 3) Draft Plan of Subdivision – First Submission

The Public Works Department has reviewed the submitted documentation regarding the Saffron Meadows (Phase 3) Development. Please note the following comments provided.

- 1. Based on the review of the “Preliminary Functional Servicing” and “Stormwater Management” reports, we ask that the Consultant confirm the following:**
 - a. Sanitary Sewers:
 - i. Please confirm that the existing sanitary sewer on Port Robinson Road and as well as the three proposed 200mm sewers on the east side of the development will have sufficient capacity to support the proposed development.
 - ii. No proposed elevations have been provided for the development. As such, we ask that the Consultant confirm that the existing stubs on Port Robinson Road and the proposed stubs on the east side of the development are low enough such that sanitary wastewater from the proposed development can be conveyed by gravity sewer to these connection points.
 - iii. Page 2 of the Functional Servicing Study indicated that Block 177 will be serviced by a proposed 250 mm sanitary sewer on Street ‘C’. However, drawing 0478-Sanitary shows an existing 250 mm sanitary stub at elevation 185.9 and an existing 375mm sanitary stub at elevation 187.70, both on Port Robinson Road. We assume the proposed 250 mm sewer will connect to the existing 250mm stub. Please confirm.
 - iv. We request that a sanitary sewer design sheet for this development be submitted for review.
 - b. Storm Sewers:
 - i. We request that a storm sewer design sheet specific to the Phase 3 development be submitted for review.

From the Department of



2. Environmental Impact Study Natural Heritage Saffron Meadow Estate Phase 3 – dated April 2018:

- a. None of the block numbers or land areas listed in the 1st and 2nd paragraphs of Page 25 of Section 5 of this document are consistent with those indicated in the Draft plan of Subdivision – Drawing No. 1541-DP except for the area indicated for the southern portion of the subject lands supporting EP1 and PSW. Please revise accordingly.
- b. The 3rd sentence of Section 6.1.1 of the study states that Block 146 through 149 will lie adjacent to the EP1 forest edge. According to the Draft Plan of Subdivision, Drawing 1514-DP, it will be development blocks 153 through 156. Please revise accordingly.

3. Functional Servicing Study, Saffron Meadows Phase 3 – dated April 2018:

- a. The first page indicated 128 proposed single family units; the Draft Plan of Subdivision drawing indicates 135. Please revise accordingly.
- b. In the second sentence of the second paragraph under 'Sanitary Servicing', it references Block 170 & 171. This appears to be incorrect as the two condominium blocks are Blocks 177 & 178.
- c. The paragraph on Page 3 of the document under 'Stormwater Management' is somewhat unclear. Based on a review of the drawing entitled 'Overall Storm Drainage Areas' it appears that storm sewer flow and overland flows from the portion of the proposed development south of the realigned channel will be conveyed to the South SWMF while storm sewer flow and overland flows from the portion of the proposed development north of the realigned channel will be conveyed to the North SWMF. Please confirm.

4. Draft Plan of Subdivision – DWG 1541-DP, REV 0 – dated April 12, 2018

- a. In the table entitled 'Assumptions to Generate Development Yields – March 2012' of Appendix D of the Town's Official Plan, it lists 2.8 persons per unit as the household size to be assumed for semi-detached units. On the Draft Plan of Subdivision Dwg 1541-DP, the Consultant indicates a household size of 2.5 persons per unit for semi-detached dwellings. Please comment.

Shannon Larocque

From: Belinda Menard
Sent: Thursday, May 31, 2018 3:36 PM
To: Shannon Larocque
Subject: RE: Request for Comments - Saffron Meadows Phase 3

Hello Shannon,

Building offers no comment at this time regarding the zoning by-law, official plan and draft plan of subdivision for the above property.

Belinda



Belinda Menard, Dipl.T
Building Intake/Plans Examiner
Community Planning & Development

e: bmenard@pelham.ca
p: 905.892.2607 x344
pelham.ca

20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0



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From: Shannon Larocque
Sent: Wednesday, May 16, 2018 3:04 PM
To: Wilson, Richard; David Deluce; Andrea Clemencio; Bob Lymburner; Mike Zimmer
Cc: Belinda Menard; Derek Young
Subject: Request for Comments - Saffron Meadows Phase 3

Good Afternoon,

We have received applications from Upper Canada Consultants on behalf of Hert Inc. for Zoning By-law (AM 04-18), Official Plan (OP-AM-03-18) and Draft Plan of Subdivision (26T19-022018) for Saffron Meadows Phase 3.

The drawings, reports and applications are available via the following dropbox link:

https://www.dropbox.com/sh/to8bfgertpo5pte/AACMrATw1UhRAAFmi2gesVN_a?dl=0

Hard copies will also be provided. Rick and David, Regional and NPCA fees have been received and will be sent by courier.

Your comments would be appreciated by June 6th.

If you require any further information, please feel free to contact me.

Regards,

Shannon



Shannon Larocque, MCIP, RPP
Senior Planner
**Community Planning &
Development**

e: slarocque@pelham.ca
p: 905.892.2607 x319
pelham.ca

20 Pelham Town
P.O. Box 400
Fonthill, ON L0S



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Curtis Thompson

From: William Underwood
Sent: June-01-18 9:15 AM
To: Shannon Larocque
Cc: Bob Lymburner; Curtis Thompson
Subject: Draft Plan of Subdivision Reviews

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Shannon,

The Fire Department does not have any comments for the following plans:

1. Saffron Meadows Phase 3,
2. River estates phase 2.

Thanks,

Will



William Underwood, C.E.T., CFEI
Fire Prevention Officer
Fire & By-Law Services

e: wunderwood@pelham.ca
p: 905.892.2607 x202
c: 905.327.0402
pelham.ca

177 H
P.O. B
Fonth



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www.facebook.com/Pelhamfire

July 13, 2018

Via Email Only

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON, L0S 1E0

Our File: PLSUB201800428

Dear Ms. Larocque

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan
of Subdivision
Saffron Meadows Phase 3
Town of Pelham
Applicant: Upper Canada Consulting
File Nos.: AM 04-18, OP-AM-03-18 and 26T19-022018**

The NPCA has received applications for Official Plan amendment (OPA), Zoning By-law amendment (ZBA), and Draft Plan of Subdivision for the above project. In support of the applications, the NPCA also received an environmental impact study (EIS), prepared by Beacon Environmental, dated April 2018. The purpose of the applications is to establish a subdivision consisting of 136 lots for single detached dwellings, 18 blocks for semi-detached dwellings, 18 blocks for townhouse dwellings, two blocks for multiple residential, and various other blocks for open space and a watercourse. We have reviewed the applications and offer the following comments.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands contain two

watercourses and the Niagara Street Cataract Road Woodlot Wetland Complex, which is a provincially significant wetland (PSW).

The northern watercourse (identified in the EIS as Tributary A) is contained in Blocks 179 and 180. This watercourse also flows through the previous phases of this development east of the subject lands. The subdivision plan as shown requires a realignment and road crossing of Tributary A. NPCA staff have no objection in principle to this. Details such as natural channel design and riparian plantings can be addressed through an NPCA Work Permit. A Condition of Draft Plan Approval is included to address this matter. The southern watercourse (identified in the EIS as Tributary B) is contained in Block 182 and not proposed to be altered.

The PSW is located nearly 100 metres south of the nearest residential block. This exceeds the minimum 30 metre buffer required by NPCA policies. The portion of the PSW on the subject lands, and the significant woodland lying between the PSW and the subdivision (Block 182) are to be zoned Open Space (OS). NPCA staff are concerned that the OS zone is not an appropriate zone for the PSW and 30 metre buffer as it permits uses not consistent with NPCA policies (e.g. cemeteries, mausoleums and crematoriums). Such uses would involve extensive site alteration. Therefore, NPCA staff require that the PSW and its 30 metre buffer be zoned to some type of Environmental Protection zone that will prohibit structures and inappropriate uses within the PSW.

The EIS provided mitigation measures to help achieve no negative impact to the PSW. These have been incorporated into the recommended Conditions of Draft Plan Approval. NPCA staff note that the EIS did not recommend a setback to the PSW given the large separation between the PSW and the nearest residential block. Further EIS work will be required should further development be proposed in Block 182, particularly south of the PSW.

Based on the above, NPCA staff have no objections to the applications as they relate to NPCA policies, subject to rezoning the PSW and 30 metre buffer to an Environmental Protection zone category and the recommended Conditions of Draft Plan Approval.

Conditions of Draft Plan Approval

NPCA staff request the following conditions be incorporated into the Conditions of Draft Plan Approval.

1. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work related to realigning and crossing the watercourse. In support of the Work Permit application, the following information will be required:
 - a. 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 Niagara Peninsula Conservation Authority.
2. 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 level of protection, to the satisfaction of the Niagara Peninsula Conservation Authority.

3. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
4. That the Developer provide 1.5 metre high chain link fencing along the boundary of Block 179 and Lots 108 to 116, and Block 178 and the boundary between Block 180 and Lots 1 to 10, and Block 177, to the satisfaction of the Niagara Peninsula Conservation Authority.
5. That conditions 1 to 4 above be incorporated into the Subdivision Agreement between the Developer and the Town of Pelham, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Pelham shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Conclusion

At this time, NPCA staff have no objections to the applications subject to the Conditions of Draft Plan Approval. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please let me know.

Regards,



David Deluce, MCIP, RPP
Manager, Plan Review & Regulations (ext. 224)

cc: Ms. Jennifer Vida, MCIP, RPP, Upper Canada Consultants (email only)
Mr. Rick Wilson, MCIP, RPP, Region of Niagara (email only)
Mr. Darren MacKenzie, C.Tech, rcsi, NPCA (email only)

VIA EMAIL ONLY

August 8, 2018

Files: D.11.06.SD-18-018
D.10.06.OPA-18-025
D.18.06.ZA-18-067

Shannon Larocque, MCIP, RPP
Senior Planner
Community Planning & Development
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

Re: Regional and Provincial Comments
Saffron Meadows Phase 3
Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments
Town File Nos.: 26T19-022018, OP-AM-03-18, & AM 04-18
Owner: Hert Inc.
Agent: Upper Canada Consultants (Jennifer Vida)
Port Robinson Road (South Side) – West of Rice Road
Town of Pelham

Regional Planning and Development Services staff has reviewed the information circulated for the above-noted applications, including a Planning Impact Analysis (prepared by Upper Canada Consultants, dated April 2018), Archaeological Assessments and associated Ministry of Tourism, Culture and Sport (MTCS) acknowledgement letters, Functional Servicing Study (prepared by Upper Canada Consultants, dated April 2018), a Revised Stormwater Management Plan (prepared by Upper Canada Consultants, dated March 2018), and Environmental Impact Study (prepared by Beacon Environmental Limited, dated April 2018). The proposed applications will permit the construction of 407 dwelling units (135 single detached dwellings, 36 semi-detached dwellings, 110 street townhouses, and 126 condominium townhouses), and will provide blocks for parkland, a naturalized channel, environmental protection, and road widening, day lighting triangles and 1 foot reserves, and public roads. The subject lands are approximately 29.31 hectares in size.

Regional staff notes that the subject lands are within the East Fonthill Secondary Plan, which envisions low and medium density residential uses. The official plan amendment proposes to permit additional single detached dwellings within the plan of subdivision, in order to meet the intent of the secondary plan. The zoning by-law amendment application proposes to re-zone the subject lands from Agricultural (A) to Residential Second Density

(R2) Site Specific, Residential Multiple 1 (RM1) Site Specific, and Open Space (OS) Site Specific.

A pre-consultation meeting for these applications was held on November 2, 2017 at the Town of Pelham with the owner, agent, and staff from the Town, Region, and Niagara Peninsula Conservation Authority (NPCA). The following Provincial and Regional comments are provided to assist the Town in considering these applications.

Provincial and Regional Policy

The subject lands are located within a Settlement Area (designated growth area) as per the Provincial Policy Statement (PPS), and the Designated Greenfield Area according to the policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan). New development in designated growth areas shall provide for a compact form that allows for the efficient use of land, infrastructure and public service facilities that are planned or available, as well as an appropriate range of housing types and densities that meet the projected needs of current and future residents. According to the Growth Plan, new development occurring within the Designated Greenfield Area is to be planned and designed in a manner that supports the achievement of complete communities and active transportation, and encourages the integration and sustained viability of transit services. The Regional Official Plan (ROP) designates the subject lands as within the Urban Area and Designated Greenfield Area for the Town of Pelham. These areas are to be planned to ensure that development is sequential, orderly and contiguous with existing surrounding built-up areas.

Greenfield Density

According to the ROP, a minimum combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas is required. Based on the provisions of the ROP, the gross density target is calculated utilizing the entire area of the subject lands, excluding Environmental Protection Areas and Environmental Conservation Areas. As per the submitted information, the total developable area of the lands is 23.23 hectares, which excludes the Watercourse and Environmental Protection Area/Open Space blocks. The draft plan of subdivision proposes a total of 407 residential units; based on information contained in the ROP, a factor of 2.76 persons per household is to be utilized in Pelham for 2021 (the subdivision units may be occupied at this time). The forecast population of the development is approximately 1123 people. The Region considers 10% of the residential units would generate “at-home” employment (40.7 jobs). Therefore, the 1164 people/jobs on the 23.23 hectare Greenfield site has a density of 50.1 people and jobs per hectare on an individual subdivision basis according to Regional criteria. This density satisfies current Regional and Provincial policy.

East Fonthill Secondary Plan

The Town's East Fonthill Secondary Plan provides detailed policies and demonstration plans for the comprehensive development of the area. The secondary plan identifies density requirements for different neighbourhoods that contribute to the overall 50 people/jobs per hectare Greenfield Area target. This subdivision is in "Neighbourhood 3" for which developments shall achieve an overall minimum density of approximately 43 persons and jobs per gross hectare combined. The number of people per household used in the secondary plan varies depending on the unit type. According to the Planning Justification Report, the calculated density with the Town factors is 46.9 persons and jobs per hectare. The Town is to monitor developments to ensure that the overall Greenfield density target will be achieved.

The subdivision proposes a housing mix of approximately 33% single detached dwellings, 27% street townhouses, 31% condominium townhouses, and 9% semi-detached dwellings. The dwellings will contribute to the variety of new housing in the area and the creation of a complete community in the secondary plan area. The Region recommends that the amending zoning by-law include the proposed minimum number of townhouse units specified for Blocks 177 and 178 on the draft plan/concept plan to address Greenfield density and housing mix policies.

Archaeological Resources

Based on Provincial screening criteria, the subdivision land exhibits potential for the discovery of archaeological resources. The agent submitted several archaeological assessments completed for the property, including: Stage 1-2 Archaeological Assessment (prepared by Detritus Consulting Ltd., dated July 31, 2014); Archaeological Assessment (Stages 1, 2 and 3) prepared by Detritus Consulting Ltd., dated January 5, 2016; and Archaeological Assessment (Stage 4 of Location P2 AgGt-216), prepared by Detritus Consulting Ltd., dated November 18, 2016. The Stage 1-2 Archaeological Assessment dated July 31, 2014, and the Stage 4 of Location P2 AgGt-216 dated November 18, 2016 concluded that the subject lands do not warrant further excavation or investigation, and retain no further cultural heritage value or interest.

Ministry of Tourism, Culture and Sport (MTCS) acknowledgement letters were received as detailed below:

- MTCS letter dated August 11, 2015 (pertaining to the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd., dated July 31, 2014);
- MTCS letter dated January 17, 2017 (pertaining to the Archaeological Assessment for Stages 1, 2 and 3, prepared by Detritus Consulting Ltd., dated January 5, 2016);
- MTCS letter dated February 24, 2017 (Archaeological Assessment for Stage 4 of Location P2 AgGt-216, prepared by Detritus Consulting Ltd., dated November 18, 2016).

The MTCS acknowledgement letters indicate that the ministry is satisfied the fieldwork and reporting for the assessments are consistent with Provincial standards and guidelines. Therefore, it appears that archaeological resource concerns have been addressed for the subject lands. The Region requests a standard clause in the subdivision agreement respecting the possible discovery of deeply buried remains during construction.

Core Natural Heritage/Environmental Impact Study

Regional Environmental Planning staff has reviewed the subject applications and notes that the Regional Core Natural Heritage mapping identifies an Environmental Protection Area (EPA) associated with a Provincially Significant Wetland (PSW), an Environmental Conservation Area (ECA) associated with Significant Woodlands and Significant Wildlife Habitat (Kunda Park Forest), and two watercourses regulated by the Niagara Peninsula Conservation Authority (NPCA), one of which (Tributary A) contains Important (Type 2) Fish Habitat on the subject property. In accordance with Regional Official Plan (ROP) Table 7-1 and its associated policies, an Environmental Impact Study (EIS) was required to demonstrate that over the long term, there will be no significant negative impact on these features or their ecological function.

Regional Environmental Planning staff has reviewed the EIS for Saffron Meadow Estates Phase 3 prepared by Beacon Environmental Limited, dated April 2018. Staff are satisfied that the EIS adequately demonstrates that the proposed development will *not* result in significant negative impacts on either the Significant Woodlands or Significant Wildlife Habitat, provided that the appropriate mitigation measures as outlined in Section 6.2 of the EIS are implemented. It also demonstrates that both the PSW and woodland areas identified as Habitat of Endangered and Threatened Species will be protected from development as per Provincial and Regional policies. This protection will be afforded by maintaining existing surface water flows into the PSW and a development setback of approximately 100 metres from the PSW (to be appropriately zoned as per NPCA comments dated July 13, 2018). Protection of the Significant Woodlands will further be afforded by provision of a 10 metre setback from the Kunda Park Forest edge dripline, including installation of appropriate construction fencing along the forest edge prior to site alteration, and permanent no-gate rear lot fencing following construction completion. In addition, to reduce disturbance to rare bat species, no construction activity is to occur during the month of June (bat maternity roosting season) in any year within 30 metres of the forest edge.

Regarding the Fish Habitat mapped on site, the EIS notes that Tributary A does not constitute fish habitat and will not result in any adverse effects on fish or fish habitat. Rather, the proposed realignment of Tributary A will improve fish and riparian habitat by incorporating a natural channel design and naturalization plantings within a 33 metre wide corridor through the development. Therefore, Regional environmental staff have no objection to the proposed realignment provided that a NPCA Work Permit is obtained prior to any site alteration.

In summary, Regional environmental staff are satisfied that the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision satisfy Provincial and Regional environmental policies and should be permitted as outlined above.

Stormwater Management

Regional staff has reviewed the 'Revised Stormwater Management Plan – Saffron Meadows, Town of Pelham' (revised March 2018); and the 'Functional Servicing Study – Saffron Meadows Phase 3' (dated April 2018), both prepared by Upper Canada Consultants, and offer the following comments:

- a) The Region is satisfied that both the Saffron Meadows North and South Stormwater Management Facilities have been designed to provide sufficient stormwater quality and quantity controls for the proposed Saffron Meadows Phase 3 development.
- b) Prior to construction, the Region will require that detailed grading, storm servicing, and construction sediment control drawings be circulated to this office for review and approval.
- c) Prior to construction, the Region will require that the engineering consultant provide confirmation that the final design of the Saffron Meadows Phase 3 development is in general conformance with the 'Revised Stormwater Management Plan – Saffron Meadows, Town of Pelham' (revised March 2018).

Conditions to address criteria b) and c) have been included in the Appendix.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage container per unit.

Based on review of the Draft Plan of Subdivision by Upper Canada Consultants (dated April 12, 2018), Regional staff note the proposed temporary dead-end roads (i.e. Acacia Road, Street A, Walker Road). These dead-end roads, and any dead-end roads resulting from

development stages/phases, shall require temporary turn-arounds for all units fronting the noted roadways, west of Street C, to be eligible for waste collection until such time that the adjacent subdivision is completed and/or through passage is enabled. Niagara Region shall require easements for which these temporary turn-arounds shall exist within, as well as revised plans to reflect their locations.

Condominium Blocks

The agent submitted preliminary site plans illustrating the private road layout and townhouse units of Blocks 177 and 178. Condominium townhouse developments are able to receive internal curbside garbage collection through the Region. In order for this service to be provided, the developer/owner shall comply with the Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and an Indemnity Agreement. The forms and policy can be found at the following link: www.niagararegion.ca/waste

- Block 177
 - Due to proposed internal roadway design, Regional waste collection staff require the inclusion of waste collection pads for Units 1, 2, 9, 10, 17, 18, 34, 35. These collection pads should be placed close to corners of the internal roadway intersections.
- Block 178
 - Regional waste collection staff have reviewed the submitted site plan and note the requirement of waste collection pads for Units 1-4, 65-72, and 86. Further, staff request that the applicant include waste collection pads for Units 5, 73 and 85 so waste collection trucks can make complete loops and negate the need for any reverse motion.

Please see the Regional Waste Collection Policy and Procedure (link above) for required waste collection pad dimensions. Conditions related to waste collection have been included in the Appendix.

Servicing

The subject lands are within the Towpath Road (SPS). The Region has reviewed the recently completed 2016 Water and Wastewater Master Servicing Plan (W&WW MSP) and provide the following comments:

- This site falls within the Towpath Road SPS sewershed. This sewershed has been allocated growth out to 2041. The study was completed at a high level and did not allocate capacities to individual properties.

- The current operational firm capacity of the Towpath Road SPS is 141.7 L/s. The MSP has projected the 2041 design peak wet weather flow will exceed the current capacity and has a projected pumping deficit.
- The W&WW MSP identified that the sanitary sewer sheds for the Towpath Road SPS, which services Fonthill area, will develop constraints for wet weather flows. The MSP has identified the need for an upgrade to the Towpath Road SPS which is expected by 2022, pending annual budget approval by Regional Council.
- The MSP can be found at the following link:
<http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>

Please refer to the attached Appendix for conditions related to servicing.

Conclusion

Regional Planning and Development Services staff is not opposed to the proposed Draft Plan of Subdivision, and Official Plan and Zoning By-law Amendment applications, subject to the conditions of draft approval listed in the attached Appendix, and the satisfaction of any local requirements.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352 or Richard Wilson, Senior Development Planner, at extension 3391.

Please send a copy of the staff report and notice of the Town's decision on these applications.

Sincerely,



Aimee Alderman
Development Planner

Attachments – Appendix (Conditions of Draft Plan Approval)

cc: Ms. S. Dunsmore, P.Eng., Development Engineer, Niagara Region
Mr. S. Miller, P.Eng., Stormwater Management Engineer, Niagara Region
Ms. J. Whittard, Manager, Environmental Planning, Niagara Region
Ms. S. Mastroianni, Watershed Planner, Niagara Peninsula Conservation Authority (NPCA)
Mr. C. Thompson, Planner, Town of Pelham
Mr. D. Deluce, MCIP, RPP, Manager, Plan Review & Regulations, NPCA
Ms. J. Vida, MCIP, RPP, Manager of Planning and Development, Upper Canada Consultants

Appendix
Conditions of Approval
Draft Plan of Subdivision
Saffron Meadows Phase 3, File No. 26T19-022018
Town of Pelham

1. That the subdivision agreement between the owner and the Town 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 even 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 [owner’s licensed archaeological consultant].”

2. That the applicant submit a Functional Servicing Review signed and stamped by a professional engineer (for Stormwater Management control confirmation).
3. That prior to approval of the final plan or any on-site grading, the owner shall the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change 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 and 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; and,
 - b. Detailed erosion and sedimentation control plans.
4. That the subdivision agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the Condition above (#3) regarding Stormwater Management.
5. The owner shall provide a revised draft plan to reflect proposed temporary turnarounds in compliance with the Regional Waste Collection Policy or a temporary through-passage in the case of phased development. The owner must provide an easement to the Region for legal access to any potential turnaround areas on private land.

6. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and Corporate Procedure for Waste Collection, and by-laws relating to the curbside collection of waste.
7. That the owner submit a written acknowledgement to the Niagara Region Public Works Department (Development Services Division) that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.
8. That the owner submit a written undertaking to the Niagara Region Public Works Department (Development Services Division) that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this 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.
9. 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 Compliance Approval under the Transfer of Review Program.

Clearance of Conditions

Prior to granting final plan approval, the Town of Pelham must be in receipt of written confirmation that the requirements of each condition have been met and that all fees have been paid to the satisfaction of the Niagara Region.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Regional Planning and Development Services Department for verification that the appropriate clauses pertaining to any of these conditions have been included. **Note:** The Niagara Region Planning and Development Services Department recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Shannon Larocque

From: circulations@wsp.com
Sent: Friday, June 01, 2018 10:10 AM
To: Shannon Larocque
Subject: OPA, ZBLA, Draft Plan of Subdivision - Saffron Meadows Phase 3, Pelham - File No. OP-AM-03-18, AM 04-18 & 26T19-022018

2018-06-01

Shannon Larocque

Pelham

, ,

Attention: Shannon Larocque

Re: OPA, ZBLA, Draft Plan of Subdivision - Saffron Meadows Phase 3, Pelham - File No. OP-AM-03-18, AM 04-18 & 26T19-022018; Your File No. OP-AM-03-18, AM 04-18, 26T19-022018

Our File No. 82534

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario’s principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

MMM (a WSP company) operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from MMM.** MMM is not responsible for the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

Yours truly,

Meaghan Palynchuk
Manager, Municipal Relations
Access Network Provisioning, Ontario
Phone: 905-540-7254
Mobile: 289-527-3953
Email: Meaghan.Palynchuk@bell.ca

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-LAEmHhHzdJzBITWfa4Hgs7pbKI

May 22, 2018

SHANNON LAROCQUE
TOWN OF PELHAM
20 PELHAM TOWN SQUARE
FONTHILL, ONTARIO, L0S 1E0

Re: **FILE # 26T19-022018**
Saffron Meadows Phase 3

Dear Shannon,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the town of Pelham and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further 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.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Officer, Delivery Planning
(226) 268-5914

Andrew.Carrigan@Canadapost.ca

May 28, 2018

Shannon Larocque
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Draft Plan of Subdivision, Official Plan Amendment
& Zoning By-law Amendment – Saffron Meadows Phase 3
Hert Inc.
Port Robinson Road
Town of Pelham
File No.: 26T19-022018, OP-AM-03-18 & AM 04-18

Enbridge Gas Distribution does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea80@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

Easement(s) are required to service this development and any future adjacent developments. The applicant will provide all easement(s) to Enbridge Gas Distribution at no cost.

In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department. For more details contact SalesArea80@enbridge.com.

The applicant will grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads "Alice Coleman". The signature is fluid and cursive, with the first name "Alice" and last name "Coleman" clearly distinguishable.

Alice Coleman

Municipal Planning Coordinator
Long Range Distribution Planning

—

ENBRIDGE GAS DISTRIBUTION

TEL: 416-495-5386

MunicipalPlanning@enbridge.com

500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com

Integrity. Safety. Respect.

AC/jh

Shannon Larocque

From: Paul.Shllaku@HydroOne.com
Sent: Tuesday, May 22, 2018 10:59 AM
To: Shannon Larocque
Subject: Pelham Niagara - 26T19-022018

Hello,

We are in receipt of your Plan of Subdivision application, 26T19-022018 dated May 16,2018. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Service Territory Overly" and locate address in question by entering the address or by zooming in and out of the map



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead, Real Estate Department

Hydro One Networks Inc.

Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

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Curtis Thompson

From: CRAIG EDWARDS [REDACTED]
Sent: May 3, 2019 12:44 PM
To: Curtis Thompson
Subject: Official Plan & Zoning By-law Amendments & Draft Plan of Subdivision re Saffron Meadows Phase # 3

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mr. Curtis Thompson,

Thanks so much for meeting with my wife & I on Wednesday May 1, 2019 & reviewing the application for the potential amendment to the existing "Official Plan & Zoning By-law" for Saffron Meadows Phase # 3. As discussed, we will not be able to attend the public meeting to personally comment on this application on May 13, 2019 & therefore we are sending this correspondence in lieu of our attendance.

After reviewing the proposed official plan & zoning by-law amendment application, we feel that there are various issues which must be thoroughly addressed before an amendment should be granted.

Proposed "Street C" & Port Robinson Rd will serve as main transportation arteries providing access for hundreds of new residence heading out of or into the town centre. A thorough review of the expected traffic patterns, vehicle, pedestrian & bicycle use on Street C & Port Robinson Rd will need to take place to provide the proper "traffic calming" measures to adequately ensure a safe environment for all our constituents.

Proposed "Street C" will eventually intersect & then continue across Port Robinson Rd. This would be a great opportunity to introduce various traffic calming measures & use curb "extensions" & narrow the roadways at all four corners. As this will eventually be a major residential intersection, this could provide a perfect opportunity to properly position delineated pedestrian "cross walks" to allow the walking & cycling community to safely cross at this intersection. We would also suggest that the existing bicycle paths on each side of Port Robinson Rd be widened & traffic calming measures be implemented to the properly accommodate both existing & future vehicle, pedestrian & bicycle traffic. Furthermore, we would suggest that designated bicycle paths be considered & positioned on each side of the proposed Street C along with practical & strategically located traffic calming measures to ensure that vehicle drivers stay within posted residential speed limits.

This is the time to try and correct the problems that have overwhelmingly come to light with the Port Robinson Road construction and its design. We must not make the same mistakes with proposed Street C development. As residents that live, walk and drive this corridor daily we see first hand the struggles of the families in existing homes as well as the newly constructed homes in River Estates. When establishing driving paths (as that has the biggest impact on pedestrian and cycle traffic) most cars are not headed in a westerly pattern. Most head east towards Hwy 406 and the ability to keep cars within safe speeds while driving Port Robinson Road, Lametti and the future Street 'C' will be key to safety. The continuation of Street C north of Port Robinson Road won't be as widely used as one might think as it will be used to get to the shopping plaza area. During critical times of the day (morning and evening commute times) most cars use Port Robinson Road and currently use Lametti as one outlet to get to Rice Road via Shaw or Summersides to avoid the Rice Road and Port Robinson Road intersection as they drive towards Hwy 406. That won't change with a traffic light as many will try to avoid such an intersection. This will be a safety issue as drivers turn left on Rice Rd from Shaw or Summerside outlets. This will be our only chance to change the 'drag strip' design of Port Robinson Road. There must be some sort of physical deterrent to slow cars and trucks between Station Street and Rice Road to enhance the walkability and control the noise for all those living along the street. All proposed future development clearly shows more houses will be closer

to the road. Currently the noise level is a huge deterrent and we would expect that developers would want an improvement to make their homes more attractive for potential residents. Rear laneway access has zero impact on this issue. A roundabout at the intersection of Street C and Port Robinson Road would be the ideal solution. A two way stop (with a stop sign on Street C) would do little to improve any conditions and a four way stop with full cross walk markings would be a half-hearted attempt. At the very least if done with extended curbs (extending into Port Robinson Road) it may be a compromise. We are the individuals that spear-headed the implementation of the three way stop at Station St and Port Robinson Road and that was met with major objections at the time but at least it has saved some lives as cars do generally observe a 'rolling stop & slowdown'. Please listen to the residents that live in this region and watch with great empathy the new residents that try and walk their children to school everyday from the recently completed River Estates.

Controlled growth & strategic thinking are paramount to developing & maintaining a desirable & safe community environment. The Town of Pelham needs to thoroughly consider the residential impact of each new & existing roadway to properly address potential traffic congestion & it's impact on our daily lives!

Sincerely Mr & Mrs Edwards

May 07, 2019

Mayor and Members of Pelham Town Council
c/o Nancy J. Bozzato, Town Clerk
PO Box 400, 20 Pelham Town Square
Fonthill, Ontario, L0S 1E0

RE: File Nos Official Plan Application OP-AM-03-18, Zoning By-law Amendment AM-03-18 & Draft Plan of Subdivision 26T19-02-18 (Hert Inc.)

Thank you for the opportunity to submit comments in respect of the above noted applications. I appreciate the responsiveness of Staff, especially Curtis Thompson, in making the background information and reports in relation to these applications available.

We own 124 and 126 Port Robinson Road. These properties are located on the south side of Port Robinson Road, lying north of the proposed development and east of the proposed Street 'C' connection to Port Robinson Road.

The Town took great effort in establishing the East Fonthill Secondary Plan contained in Section B1.7 of the Official Plan. The Plan provides a comprehensive set of policies intended to result in a highly structured planned community.

Section B1.7.2 (Community Structure) identifies four residential neighbourhoods illustrated on Schedule A4 (excerpt below). The proposed development straddles the line dividing Neighbourhoods 2 and 3.



Section B1.7.4.1 identifies the provision of Demonstration Plans, an excerpt of Appendix A is provided below.



The Demonstration Plans are intended “...to provide a detailed land use distribution and road pattern, as well as defining an open space and trails network”; “...to act as a guideline for successive development and approval processes that are required to implement this Plan, particularly zoning, required Master Plans and Draft Plans of Subdivision/Condominium”

B1.7.4.1c) states:

All development within the East Fonthill Secondary Plan Area shall be generally consistent with the Demonstration Plans attached to this Plan as Appendix A. Adjustments and further refinements to the Demonstration Plans are anticipated and shall not require an Amendment to this Plan, provided that the intent and

general design approach inherent to the Demonstration Plans are achieved to the satisfaction of the Town.

The proposed development is illustrated below. It is questionable if the proposed plan of subdivision reflects the intent and general design of the Demonstration Plan.



Section B1.7.7.2 (General Policies) contains the following specific requirements for the provision of a Neighbourhood Master Plan:

- d) *A Neighbourhood Master Plan will be prepared for each of the four Residential Neighbourhoods. The required Neighbourhood Master Plan shall include the entire neighbourhood as identified on Schedule A4, and shall include the following components:*
- i) **Road, Block and Land Use Plan** – *The Road, Block and Land Use Plan will identify the conceptual layout of the Site, including the distribution of land uses and building heights. This Plan will provide enough detail to ensure that the minimum overall density assigned to each of the Neighbourhoods has been achieved;*
 - ii) **Streetscape and Open Space Plan** – *The Streetscape and Open Space Plan will identify the function, design and treatment of all the internal road types. It will identify the location of all public sidewalks, on-street bikeways, and the various components of the open space system and trails network, and the integration of these facilities with existing, proposed and future land uses. The Streetscape and Open Space Plan will identify the linkages between proposed parks and parkettes;*
 - iii) **Urban Design and Architectural Control Guidelines** – *The Urban Design and Architectural Control Guidelines will provide more detail and implement the Urban Design Guidelines attached to this Plan as Appendix B, and any other applicable policies of this Plan. These Guidelines will articulate building height, massing and form, building setbacks, the arrangement of buildings on lots and the treatment of on-site parking. In addition, the urban and architectural control guidelines will identify the location and design treatment of landmark architectural features and architectural design requirements for all buildings, including landscape elements;*
 - iv) **Servicing Plan** – *The Servicing Plan shall include, but shall not be limited to, technical details regarding the provision of water, wastewater, stormwater management and public and/or private utilities; and,*
 - v) **Environmental Impact Study** – *An Environmental Impact Study (EIS), where required by the policies of the Official Plan. The required EIS shall include the contiguous lands of participating landowners.*
- e) *The Demonstration Plans provided in Appendix A and the Urban Design Guidelines provided in Appendix B, attached, may constitute the Road, Block and Land Use Plan, the Streetscape and Open Space Plan and the Urban Design Guidelines components of the Neighbourhood Master Plan, if the proposed development is generally consistent with the Demonstration Plans and Urban Design Guidelines of Appendix A and B, to the satisfaction of the Town;*
- f) *The Neighbourhood Master Plan shall form the basis of Draft Plan of Subdivision, implementing zoning, and/or Site Plan Approvals. Prior to development in any Residential Neighbourhood, the Town shall be satisfied that the Neighbourhood Master Plan has been completed, and all of the policies of this Plan have been appropriately fulfilled;*

The Consultant's Planning Impact Analysis, dated April 2018 mentions the requirement for a Neighbourhood Master Plan on page 26 but provides no further commentary or the required Master Plan.

The Consultant's November 27, 2018 "Addendum to Planning Justification Report/Response to Town Planning Comments", states, in part, on page 10:

The overall neighbourhood master plan that is provided in the Functional Servicing Report is a schematic plan to show how the neighbouring lands can be developed from a functional servicing perspective. In absence of development applications on lands to the west, it is very difficult to speculate how these lands will develop.

The plans contained in the Functional Servicing Study, dated March 2019, are titled:

- SINGER'S DRAIN PHASE 3 WATER DISTRIBUTION PLAN
- SINGER'S DRAIN PHASE 3 SANITARY DRAINAGE AREAS
- SINGER'S DRAIN PHASE 3 STORM DRAINAGE AREAS
- SINGER'S DRAIN OVERALL STORMWATER MANAGEMENT AREAS

The plans illustrate a potential street layout and lot patterning on adjacent lands to the west; however, ignore the potential redevelopment of lands lying north that are designated Medium Residential Density. More importantly, they do not contain the level of detail required by subsections B1.7.7.2 d), e) and f) above for a Neighbourhood Master Plan.

In respect to d) iv) specifically, the Functional Servicing Study fails to identify the opportunity and designated potential for lands to the north, labelled 'EXISTING RESIDENTIAL' to be considered as part of the required Master Plan.

Section B1.7.11.5 (Subdivision of Land) contains detailed policy urging benefitting landowners to work together, and to enter into Developer's Group Agreements based on the requirements of this Plan.

Subsection iii) is of particular interest, stating (**bold emphasis mine**):

*It is recognized that in circumstances where there are multiple landowners, a singular Developer's Group Agreement may not be possible. To be considered a Developer's Group Agreement in fulfilment of the requirements of this Plan, **the Agreement must include a landowner or landowners that represent at least 50% of the landholdings within the subject Neighbourhood.** This policy does not apply to lands within the identified Commercial /Employment Centre;*

While the applicant clearly represents 50% of Neighbourhood 3, the same cannot be said of Neighbourhood 2. For this reason, the applicant is required to attempt reaching an agreement with benefitting property owners. We have made various attempts to

address this issue with the applicant to no avail. In the absence of an agreement being provided in the supporting material, we assume that the applicant has not reached agreement with other parties in order to meet the required 50% representation.

Subsection vi) addresses a situation where landowners encounter some difficulty in achieving cooperation:

If a benefitting landowner within a Residential Neighbourhood or within the Commercial/Employment Centre wishes to submit a development application and has been unable to obtain the necessary participation of other benefitting landowners through a Developer's Group Agreement, notwithstanding best efforts to do so, then:

- *The **applicant landowner shall notify the Town in writing** that it proposes to submit an application for development on its lands, or a portion thereof, without a Developer's Group Agreement;*
- *The **applicant landowner in said notice shall set out**, in compliance with the provisions of this Plan, that the development proposal is able to accommodate on it's lands, without the participation of other landowners or lands, appropriate urban development that represents a logical expansion of the existing community. **The applicant landowner shall** also elect in said notice, at its option, either to:*
 - ***Enter into a Development Agreement with the Town in lieu of other benefitting landowners; or,***
 - ***Enter into, with the Town, a Front-Ending Agreement in accordance with the provisions of Section 44 of the Development Charges Act, as amended.***
- *The purpose of these alternative agreements shall be to ensure that a nonparticipating, benefitting landowner cannot develop their lands without appropriate compensation to the applicant landowner for any expenditures that exceeds the amount required to develop the applicant landowner's lands, and is a direct benefit to a non-participating, benefitting landowner; and,*
- ***Nothing in the policy compels the Town to enter any agreements with any applicant landowner.***

In the absence of a Development Agreement with the Town, we question if the applicant has gained compliance in this respect.

Please be advised that this correspondence has been shared with the applicant and their agents.

Please consider this correspondence as our request for personal notice of Council's future consideration of any reports relating to these applications in addition to any decisions regarding same.

Thank you for your time in considering this correspondence, we look forward to further conversation.

Sincerely,

Craig & Kelly Larmour

[REDACTED]

[REDACTED]



June 14, 2019

Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON, L0S 1E0

Dear Mr. Curtis Thompson, Planner, B.URPI

Re: Saffron Meadows Phase 3 (162 Port Robinson Road)

File No. OP-AM-03-18, AM-03-18 & 26T19-02-18

Sterling Realty (Niagara) Inc. owns the lands directly adjacent to the above noted property, to the south and west of it. Sterling Realty is aware that Hert Inc. has applied for applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to develop their lands for a residential subdivision. Sterling Realty is supportive of these applications that have been submitted by Hert Inc., as the proposed subdivision includes future road and pedestrian connections to the Sterling Realty lands which will provide for a comprehensively designed community.

It is understood between Hert Inc. and Sterling Realty that cost-sharing measures for stormwater management outlet facilities and other services will be addressed as part of the final detailed engineering design and through conditions of Draft Plan approval for the Saffron Meadows Phase 3 development which are to be prepared by the Town.

Sterling Realty requests that the Town of Pelham provide Sterling Realty with a copy of the Draft Plan conditions for these cost sharing measures prior to them being approved by council.

Sincerely,

A handwritten signature in dark ink, appearing to read "John DeLisio", is written over a light blue horizontal line.

John DeLisio

President

Sterling Realty (Niagara) Inc.

The Corporation of the Town of Pelham

BY-LAW NO. _____ (2019)

Being a by-law to adopt an Amendment to the Official Plan for the Town of Pelham Planning Area.

Amendment No. 08

File No. OP-AM-03-18 (Saffron Meadows Phase 3)

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM IN ACCORDANCE WITH THE PROVISIONS OF SECTION 17 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, HEREBY ENACTS AS FOLLOWS:

1. **THAT** Amendment No. 08 to the Official Plan of the Town of Pelham consisting of the attached explanatory text and schedules is adopted.
2. **AND THAT** the Clerk of the Town is authorized to effect any minor modifications or correction solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after passage of this by-law

ENACTED, SIGNED AND SEALED THIS

15TH Day of July, 2019.

Mayor Marvin Junkin

Clerk Nancy J. Bozzato

Amendment No. 08
to the Official Plan (2014) for the
Corporation of the Town of Pelham

CONTENTS

PART “A” – THE PREAMBLE

- Section 1 Title and Components
- Section 2 Purpose of the Amendment
- Section 3 Location of the Amendment
- Section 4 Basis of the Amendment
- Section 5 Implementation of the Amendment

PART “B” – THE AMENDMENT

- Introductory Statement
- Details of the Amendment
- Schedule A Location of Proposed Amendment

PART “A” – THE PREAMBE

SECTION 1

TITLE AND COMPONENTS

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. 08 to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. 08 to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Policy B.1.7.7.4.1(b) by replacing the number “15%”, with “30%”.

The policy currently reads, “In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15% of the total number of dwelling units within any individual draft plan of subdivision;”

SECTION 3

LOCATION OF THE AMENDMENT

The lands that are subject to this Amendment are municipally known as 162 Port Robinson Road, located on the south side of Port Robinson Road, west of Walker Road, Acacia Road and Swan Avenue within the Fontheil Settlement Area and shown on Schedule A.

SECTION 4 BASIS OF THE AMENDMENT

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

1. The subject lands are located within the East Fonthill Secondary Plan Area with a Greenfield Overlay and are proposed to be developed for low and medium density residential, parkland, and open space / environmental protection uses.
2. The proposed use of lands is compatible with the existing and planned neighbourhood and represents an appropriate and compatible form of greenfield development by making effective use of urban land and infrastructure.
3. This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.
4. The development will provide a diverse range of residential uses for the community.
5. The proposed development will maintain the policy requirement of a minimum density of 50 people and jobs per hectare.

SECTION 5 IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

PART “B” – THE AMENDMENT

Part “B” – The Amendment consisting of the following policies and attached map designated as Schedule ‘A’, identifies the subject lands that constitute Amendment No. 08 to the Official Plan adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014.

The Official Plan, adopted by By-law 3259 (2012) for the Pelham Planning Area, and confirmed by the Ontario Municipal Board decision of July 18, 2014 is hereby amended as follows:

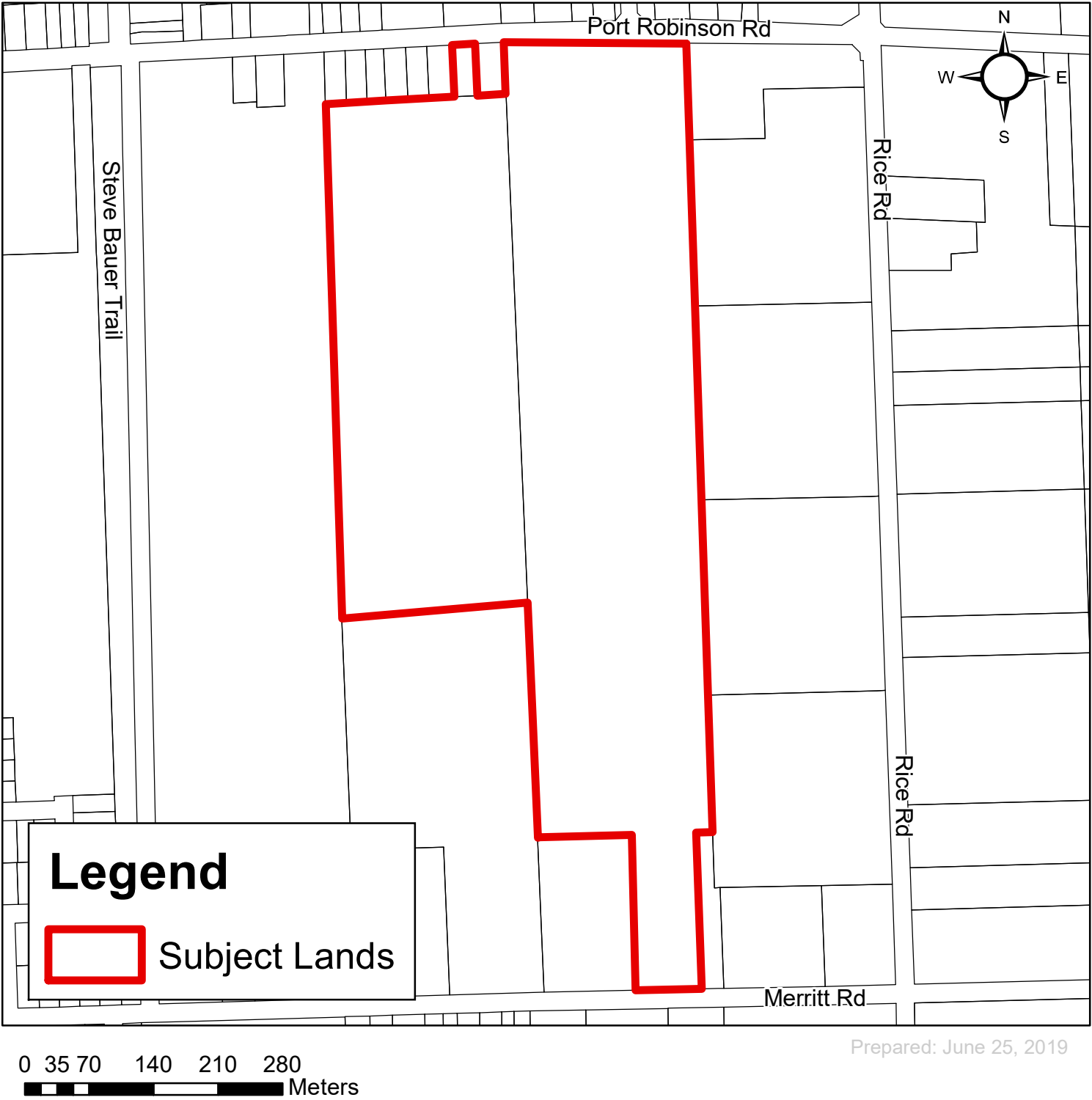
1. The revision of the following Policy:

B.1.7.7.4 EF-Medium Density Residential

B.1.7.7.4.1 Permitted Uses

b) Policy B1.7.7.4.1 b) is hereby revised from, *“In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 15% of the total number of dwelling units within any individual draft plan of subdivision;”* to *“In addition to the permitted uses identified above, single and semi-detached dwellings may be permitted but may not constitute more than 30% of the total number of dwelling units within any individual draft plan of subdivision;”*.

Schedule 'A':



This is Schedule 'A' to By-law No. _____ (2019) passed the 15th day of July, 2019.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

The Corporation of the Town of Pelham

BY-LAW NO. _____ (2019)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Port Robinson Road, west of Walker Road, Acacia Road and Swan Avenue, legally described as Part of Lots 171-172 and Part 1 on RP 59R-3218, in the Town of Pelham. The Zoning By-law Amendment rezones the lands from the Agricultural (A) zone to the following site specific zones:

- Residential 2 – 290 (R2-290)
- Residential Multiple 1 – 291 (RM1-291)
- Open Space – 292 (OS-292)
- Open Space – 293 (OS-293)
- Environmental Protection – 294 (EP-294)

Hert Inc.

File No. AM-04-18

WHEREAS, Section 34 of the Planning Act. RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. **THAT** Schedule ‘A5’ to Zoning By-law 1136 (1987), as amended, is hereby amended by rezoning the lands identified on Schedule ‘A’, attached hereto and forming part of this By-law from:

Agricultural (A)	to	Residential 2 – 290 (R2-290)
Agricultural (A)	to	Residential Multiple 1 – 291 (RM1-291)
Agricultural (A)	to	Open Space – 292 (OS-292)
Agricultural (A)	to	Open Space – 293 (OS-293)
Agricultural (A)	to	Environmental Protection – 294 (EP-294)

2. **THAT** Section 30 – Exceptions of By-law No. 1136 (1987), as amended, be modified by adding the following:

Definitions Section 5 of the Definitions is amended for the subject lands as follows:

Section 5.55

d) Second Dwelling Unit

Means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

General Provisions Section 6 of the General Provisions is amended by deleting and replacing the following subsections as follows

for the lands identified as R2-290 and RM1-291:

Section 6.1 – Accessory Uses

a) General

Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this By-law is specifically permitted.

Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or their accessory building provided:

- i) The maximum floor area does not exceed 60 m².
- ii) A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling.
- iii) A minimum of one parking stall is required.
- iv) Compliance with the Ontario Building Code and Fire Code, as applicable.

c) Maximum Height

Except as otherwise provided herein, no accessory building shall exceed 3.7 m in height and no accessory building containing a second dwelling unit shall exceed 6 m in height.

Section 6.2 – Dwelling Units Below Grade

Deleted.

Section 6.16 – Parking Area Regulations

d) Ingress and Egress

i) Ingress and egress, to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3 m wide, where only one-way traffic is permitted or if the number of residential units is three or less, and have a minimum width of 6.5 m, but not more than 7.3m in perpendicular width where two-way traffic is permitted.

All uses fronting Port Robinson Road and Street ‘C’ from a point no less than 220 m south of Port Robinson Road shall be

accessed from a public or private laneway.

ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 7.3 m.

Section 6.35 – Yard Encroachments Permitted

c) Unenclosed Porches, Balconies, Steps & Patios

Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2 m of the front lot line or exterior side lot line, and 4.5 m of the rear lot line provided that, such uses are not more than 1.3 m above ground. Uncovered patios and decks shall not be permitted within 1.2 m of a rear or side lot line provided that, such uses are not more than 0.3 m above ground.

R2-290 Notwithstanding Section 14 of the Residential 2 (R2) zone, the following site-specific regulations shall apply:

Section 14.1 – Permitted Uses

- a) One single detached dwelling;
- b) Uses, buildings and structures accessory thereto;
- c) Home occupations.

Section 14.2 – Regulations

- | | |
|-------------------------------|---|
| a) Minimum Lot Area | 360 m ² |
| b) Minimum Lot Frontage | 12 m |
| | 13 m on a corner lot |
| c) Minimum Front Yard | 4 m to dwelling front face |
| | 6 m to garage |
| d) Maximum Front Yard | 5.5 m to dwelling front face |
| e) Minimum Interior Side Yard | 1.2 m on both sides |
| | where carport or garage is attached, or 1.2 m on one side and 3 m on the other side where there is no attached carport or garage. |
| f) Minimum Exterior Side Yard | 3 m to dwelling |
| | 6 m to garage |
| g) Minimum Rear Yard | 7.5 m |
| h) Maximum Height | 10.5 m |
| i) Max Attached Garage Width | 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |
| j) Max Driveway Width | 7 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |

RM1-291 Notwithstanding Section 16 of the Residential Multiple 1 (RM1) zone, the following site-specific regulations shall apply:

Section 16.1 – Permitted Uses

- a) Semi-detached dwellings;
- b) Duplex dwellings;
- c) Triplex dwellings;
- d) Fourplex dwellings;
- e) Converted dwellings;
- f) Street townhouse dwellings;
- g) Block townhouse dwellings;
- h) Uses, buildings and structures accessory thereto;
- i) Home occupations.

Section 16.2 – Regulations for semi-detached, duplex, triplex, fourplex and converted dwellings

- a) Minimum Lot Area 150 m² per dwelling unit
- b) Minimum Lot Frontage 16 m
- c) Minimum Front Yard 4 m to dwelling front face
6 m to garage
- d) Maximum Front Yard 5.5 m to dwelling front face
- e) Minimum Interior Side Yard 1.2 m on both sides
where carport or
garage is attached, or 1.2
m on one side and 3 m on
the other side where there
is no attached carport or
garage.
- f) Minimum Exterior Side Yard 3 m to dwelling
6 m to garage
- g) Minimum Rear Yard 7.5 m
- h) Maximum Height 10.5 m
- i) Max Attached Garage Width 7.5 m or 50% of the lot
frontage, or 20% of the lot
depth, whichever is less.

Section 16.3 – Regulations for street townhouse dwellings

- a) Minimum Lot Area 180 m² per dwelling unit
- b) Minimum Lot Frontage 6 m per dwelling unit
8 m per dwelling unit
attached on one side only
- c) Minimum Front Yard 4 m to dwelling front face
6 m to garage
- d) Maximum Front Yard 5.5 m to dwelling front face
- e) Minimum Interior Side Yard 1.2 m
- f) Minimum Exterior Side Yard 3 m to dwelling
6 m to garage
- g) Minimum Rear Yard 7.5 m
- h) Maximum Height 10.5 m
- i) Max Attached Garage Width 7.5 m or 50% of the lot
frontage, or 20% of the lot
depth, whichever is less.

Section 16.4 – Regulations for block townhouse dwellings

- a) Minimum Lot Area 2000 m²
- b) Minimum Lot Frontage 30 m
attached on one side only
- c) Minimum Density 20 units per hectare
- d) Minimum Front Yard 2.5 m on a street or
internal laneway
6 m to garage on a street
or internal laneway
- e) Maximum Front Yard 5 m on a street or internal
laneway
- f) Minimum Interior Side Yard 1.2 m to dwelling, except
where the rear of a
building faces the side

- | | |
|--|---|
| | yard, the minimum side yard shall be 6 m |
| | Detached garages shall have a 0 m setback with a shared masonry wall on one side and a 2.4 m setback on the other side. |
| g) Minimum Exterior Side Yard | 3 m on a street or internal laneway
6 m to garage on a street or internal laneway |
| h) Maximum Exterior Side Yard | 5 m on a street or internal laneway |
| i) Minimum Rear Yard | 6 m, except where the side of a building faces the rear yard, the minimum rear yard shall be 1.2 m
0.5 m to garage on internal laneway |
| j) Maximum Height | 10.5 m |
| k) Distance between buildings on the same lot: | |

A FACE of a building means, one or other of the longest walls of a building. Each building shall be deemed to have two faces.

A SIDE of a building means, one or other of the shortest walls on a building. Each building shall be deemed to have two sides.

Any face of one townhouse shall be no closer to any side of another townhouse than 7.2 m.

Any face of any townhouse shall be no closer than 11 m to any face of another townhouse.

Any side of any townhouse shall be no closer than 3 m to any side of another townhouse.

- | | |
|------------------------------|---|
| l) Max Attached Garage Width | 7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less. |
| m) Minimum Landscaped Area | 25 % |
| n) Amenity Area | 5 m² of amenity area shall be provided for each unit in one location for recreational use of the residents. |

OS-292 Notwithstanding Section 26 of the Open Space (OS) zone, the following site-specific regulations shall apply:

Section 26.1 Permitted Uses

- a) Public parkland
- b) Conservation and flood control projects;
- c) Recreational uses such as trails, fences, and picnic facilities; and
- d) Uses, buildings and structures accessory to the foregoing permitted uses.

Section 26.2 Regulations

- | | |
|-------------------------|--------|
| c) Minimum Lot Area | 0.4 ha |
| d) Minimum Lot Frontage | 15 m |
| e) Maximum Lot Coverage | 10 % |

- f) Minimum Front Yard 4 m
- g) Minimum Exterior Side Yard 4 m
- h) Minimum Side Yard 4 m
- i) Minimum Rear Yard 7.5 m
- j) Maximum Building Height 12 m

OS-293 Notwithstanding Section 26 of the Open Space (OS) zone, the following site-specific regulations shall apply:

Section 26.1 Permitted Uses

- j) Forest, fish and wildlife management uses;
- k) Conservation and flood control projects;
- l) Stormwater management facilities; and
- m) Small-scale passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on the natural heritage features or on the ecological functions of such features.

Section 26.2 Regulations

- k) Minimum Lot Area 0.4 ha
- l) Minimum Lot Frontage 15 m

EP-294 The lands identified as EP-296 shall be subject to the following site-specific regulations:

Permitted Uses

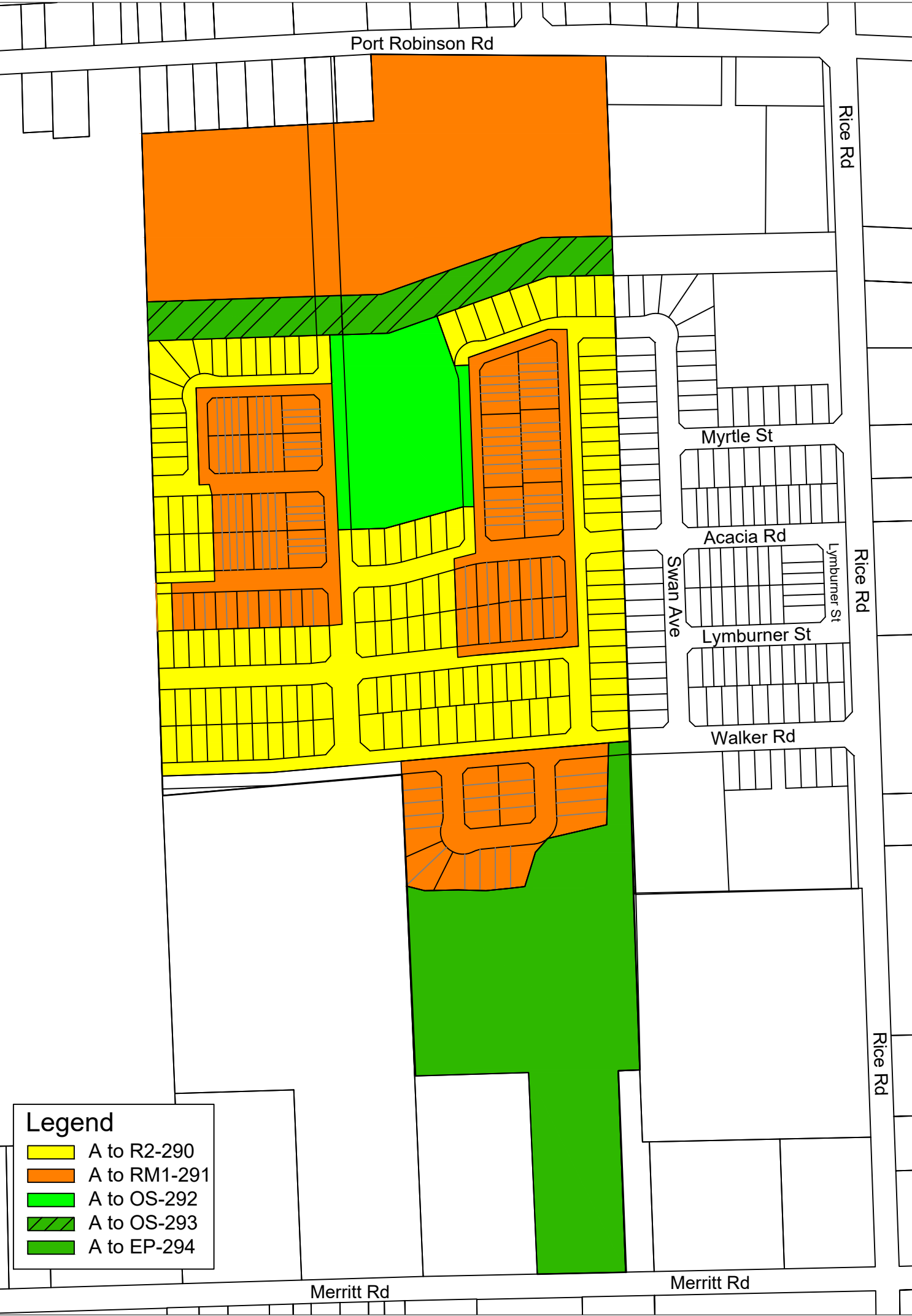
- a) Forest, fish and wildlife management uses;
 - b) Conservation and, flood control projects; and
 - c) Small-scale, passive recreation uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural features or on the ecological functions of such features.
- a) **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED and SEALED THIS
15th day of July, 2019.

MAYOR: MARVIN JUNKIN

CLERK: NANCY J. BOZZATO

Schedule 'A':



This is Schedule 'A': to By-law No. _____(2019) passed the 15th day of July, 2019.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

**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

Monday, July 15, 2019

Subject: Affordable Housing Proposal by R. Hummel

Recommendation:

<p>BE IT RESOLVED THAT Council receive Report CPD-0028/2019; and</p> <p>THAT Council not pursue the housing proposal by R. Hummel.</p>
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Background:

Mr. R. Hummel is a Niagara developer and owns approximately 6.61 ha of land in the Town of Pelham, primarily in the East Fonthill neighbourhood. Mr. Hummel met with Town staff and the Mayor and proposed a concept for the provision of housing that he would develop which he indicated would meet a level of housing affordability for the community of Pelham.

Analysis:

Proposal by R. Hummel

Mr. Hummel is proposing to utilize a federal housing program that provides low interest rate loans to non-profit organizations and developers for the construction of affordable housing. Mr. Hummel is proposing to construct apartment type housing units in two locations; the first being on a property on the east side of Station Street that he owns and the second, on a property on the north side of Port Robinson Street. Mr. Hummel indicated that the projects would be a for profit development not a non-profit.

Mr. Hummel proposes that the first project on Station Street would consist of an 8 unit apartment building that would be built as a condominium building, his company would own all the units and that they would be rented at 90% of the average market rental rate for a one, two or three bedroom unit, depending on the unit, for 15 years. After 15 years the units would be sold as condominium

units for profit.

The second project on Port Robinson Street would consist of 28 apartment units and would be developed in the same manner as the first building, i.e. units offered for rent for 15 years at 90% of the average market rental rate and sold after 15 years for profit as condominium owned unit.

In return, Mr. Hummel would be seeking financial relief on Town development charges, planning application fees, building permit application fees, parkland dedication fees, tax relief for 4 years on the Town taxes payable on the units, and expedited approvals.

Presumably the regional and school board development charges, regional planning application fees and regional and provincial taxes would be paid as the Town has no authority to provide relief of those matters.

Mr. Hummel has indicated that with the low interest rates loans offered by the federal government together with the municipal relief, he will be able to construct residential apartment units that can be offered for rent at 90% of the average market rate, thereby achieving a degree of "housing affordability" and providing housing options. Mr. Hummel's research indicates that \$1400/month is the average monthly rent for a two bedroom apartment in Pelham. Note, Town staff have not verified this information. Under Mr. Hummel's proposal the rent for a two bedroom apartment at 90% of the average market rate would be \$1,260/month.

Housing Affordability Policies

The Provincial Policy Statement requires that planning authorities establish targets for the provision of housing which is affordable to low and moderate income households. Affordable is defined as:

"a) in the case of ownership housing, the least expensive of:

- 1. Housing for which the purchase price results in an annual accommodation costs which do not exceed 30% of gross annual household income for low and moderate households; or*
- 2. Housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the regional market area;*

b) in the case of rental house, the least expensive of:

- 1. A unit for which the rent does not exceed 30% of gross annual household income for low and moderate income households; or*
- 2. A unit for which the rent is at or below the average market rent of unit is the regional market area."*

Low and moderate income households is defined as:

- "a) in the case of ownership housing, households with the lowest 60% of the income distribution for the regional market area; or*
- b) in the case of rental housing, households with incomes in the lowest 60% of the income distribution for renter households for the regional market area."*

In the Town Official Plan there are targets for housing affordability, specifically in areas designated Downtown, it is a policy that at least 50% of the dwellings constructed in the Downtown designation should be affordable to low and moderate income households and in the East Fonthill secondary plan area, there is an objective that sets a minimum target of 25% of all new residential development meet the provincial definition of affordable housing, through the provision of smaller housing units; promoting higher density built forms; applying government grants and/subsidies including land dedication that will reduce overall development costs; waiving or reducing municipal permit fees, taxes and/or development fees; and encouraging the development of accessory apartments.

The challenge in realizing these targets, is that the Town does not control what the market will bear with respect to housing prices/rents, labour and cost of construction, and land values; rather the market determines these costs and these costs in a large part determine housing costs and are passed onto the consumer.

The provincial government does annually release information regarding housing affordability criteria related to the definition of affordable housing, by regional market areas. The 2018 figures regarding the provincial affordability criteria in the Niagara regional market are as follows:

Home Ownership Housing		Rental Housing	
60 th Income Percentile	\$83,800	60 th Income Percentile	\$44,400
60 th Percentile Affordable House Price	\$296,900	60 th Percentile Affordable Rent	\$1,100
10% Below Average Resale Price	\$346,000	Average Rent by Bedroom	Bachelor - \$658
			1 Bedroom - \$870
			2 Bedroom - \$1,035
			3 Bedroom - \$1,158

These values are based on the Niagara regional market area and are not specific to Pelham. However, they do illustrate that there is a disparity between what the housing affordable house price should be and what the 10% below the average resale price is in Niagara. With respect to rental housing, it appears that across the Region, there is less disparity with regards to meeting the housing affordability criteria for monthly rents with only 3 bedroom units average monthly rents not meeting the affordability target. Specific housing affordability values for Pelham are not available.

Mr. Hummel's proposal of renting a two bedroom apartment at 10% below what he believes is the market rate, i.e. at \$1,260/month does not meet, but rather exceeds, the housing affordability targets for the Niagara regional market area of \$1,100/month, and it exceeds the Niagara regional market area average rent for a two and three bedroom units of \$1,035 and \$1,158 respectively.

Financial Considerations:

To try to determine what the financial impact on the municipality would be, if Council were to support Mr. Hummel's proposal, a number of assumptions would have to be made. At this time, we do not have specifics with regards to Mr. Hummel's proposal such as breakdown of proposed units between 1, 2 or 3 bedroom, floor area of buildings and it is difficult to project future tax assessments as we do not know what the market value of the buildings will be.

The type of relief that Mr. Hummel is seeking exemptions from Council on relate to planning and building permit application fees, Town development charge fees, parkland dedication fees and taxes for four years.

Planning staff have consulted with the Town Treasurer regarding the financial implications of Mr. Hummel's proposal. The Town Treasurer advised that the financial implications are a best 'guesstimate' at this time and more specific details are required to better determine the actual financial implications, however the 'guesstimate' does provide an understanding of the magnitude of the financial implications in order for Council to determine if this is a proposal that they wish staff to pursue further with Mr. Hummel. We have assumed that the cost to service the lands is less than \$100,000 for the 8 unit apartment building, the building would be approximately 930 m² in area and that there is an even split between one and two bedroom units.

Type of Exemption	Value of Relief (2019)
Planning Application Fees	Zoning By-law Amendment - \$4,404.00
	Site Plan Application - \$3,852.00
	Site Plan Agreement - \$10,790.00
Building Permit Application Fees	\$1.47/sqft of building area – \$14,700.00
Town Development Charge Fees	One Bedroom \$7,431/unit x 4 units - \$29,724.00
	Two Bedroom \$12,335/unit x 4 units - \$49,340.00
Parkland Dedication Fees	5% of value of land - \$15,000
4 Year Tax Exemption	\$20,000
Total for 8 unit Building	\$147,810

MPAC determines the assessed value of multi-residential based on their revenue earning potential based on information provided from property owners on a yearly basis. For an 8 unit apartment building Mr. Hummel would be seeking relief in the order of \$150,000 from the Town for offering rent at 10% below the \$1400/month market rate.

For the 28 unit apartment building we have assumed that the cost to service the lands is less than \$100,000, the building would be approximately 3150 m² in area and that there is an even split between one and two bedroom units.

Type of Exemption	Value of Relief (2019)
Planning Application Fees	Zoning By-law Amendment - \$4,404.00
	Site Plan Application - \$3,852.00
	Site Plan Agreement - \$10,790.00
Building Permit Application Fees	\$1.47/sqft of building area – \$49,840.00
Town Development Charge Fees	One Bedroom \$7,431/unit x 14 units - \$104,034.00
	Two Bedroom \$12,335/unit x 14 units - \$172,690.00
Parkland Dedication Fees	5% of value of land - \$20,000
4 Year Tax Exemption	\$67,200
Total for 28 unit Building	\$432,810

For a 28 unit apartment building Mr. Hummel would be seeking relief in the order of \$430,000+ from the Town for offering rent at 10% below the \$1400/month market rate.

These estimates are based on current application fees, development charges and tax rates. The relief does not include any regional fees, taxes or provincial taxes and is only the municipal portion.

Alternatives Reviewed:

The Town previously granted site plan approval for a 10 storey, 96 unit apartment building at 80 Meridian Way consisting of a mix of 60 one and 36 two bedroom units of which 60% of the units are to meet the provincial affordability criteria. When the developer purchased this property from the Town, it was on the condition that 60% of the units would be affordable housing. To date, this project has not proceeded to construction and it is unknown when it may proceed. This development would address to a large part housing affordability in the community and it was supported by many in the community with over 150 people signed on with the developer as being interested in this project.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Other Pertinent Reports/Attachments:

N/A

Consultation:

Senior Management Team discussed Mr. Hummel's proposal and felt that while affordable housing is an issue for the community, the preference is to have it for the long term, i.e. the 15 year commitment was too short. Staff also questioned if 10% below the market rate of \$1400/month met the affordability needs of the community. Staff also felt that the amount of relief being sought is significant and will place a financial burden on the municipality that is difficult to absorb and would mean that the taxpayer would bear burden.

Overall staff understands the need for affordable housing in the community and feels that given a number of development approvals that have been given recently, the diversity of housing will increase in the community, offering more housing choice and options that will help alleviate to a degree the housing affordability issue in Pelham, albeit, it will take some time.

At this time, staff are not in a position to recommend Council pursue the proposal offered by Mr. Hummel, however, should Council direct staff to do so, staff would be pleased to do so.

Legal Consultation, If Applicable:

N/A

Prepared and Recommended by:

Barbara Wiens, MCIP, RPP, Director of Community Planning and Development
Department

Approved and Submitted by:

Teresa Quinlin, Interim Chief Administrative Officer

Monday, July 15, 2019

Subject: Municipal Alcohol Management Policy S100-01
Amendment**Recommendation:**

BE IT RESOLVED THAT Council receive Report RCW 2019-00016; and THAT Council approve the amendments to Municipal Alcohol Management Policy S100-01, as presented.

Background:

Prior to our busy outdoor event season we meet annually with our AGCO Inspector. It was recognized that our current Municipal Alcohol Management Policy from 2013 needed to be amended to reflect the latest changes in Regulations and update Town facilities. It was also noted that the amendments should be made as soon as possible in order to govern upcoming events.

Analysis:

Staff reviewed the policy with Brian Sharpe, AGCO Inspector, as well took into consideration other best practices demonstrated in other Municipalities. The analysis took into consideration the types of events that are held as well as the facilities that are available.

Financial Considerations:

N/A

Alternatives Reviewed:

N/A

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Other Pertinent Reports/Attachments:

Attached is the original Municipal Alcohol Management Policy S100-01, with the proposed amendments outlined.

Consultation:

Brian Sharpe, AGCO Inspector
Senior Management Team
Tim McAvoy, McAvoy Insurance

Legal Consultation, If Applicable:

N/A

Prepared and Recommended by:

Vickie vanRavenswaay, Director of Recreation, Culture & Wellness

Approved and Submitted by:

Teresa Quinlin, Interim Chief Administrative Officer

MEMO:

DATE: August 20, 2019

TO: Policy & Priorities Committee

C.C.: David Cribbs, CAO

FROM: Vickie vanRavenswaay, Director of Recreation, Culture & Wellness

RE: Update on Municipal Alcohol Management Policy S 100-01 Amendment

Report RCW 2019-00016, Municipal Alcohol Management Policy Amendment, was originally sent to Council at its July 15, 2019. Council deferred the report to the September 3 Policy & Priorities meeting.

Since the report was already presented to Council the report cannot be amended. This memo is to inform Council that since the July 15th meeting, the Hospitality Committee had a chance to review the Policy and proposed 2 additions to the presented policy.

In section #3 they added “unlicensed” and “unless approved” (both shown in red).



TOWN OF PELHAM ADMINISTRATIVE POLICIES

S 100-01

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POLICY STATEMENT:

The Town of Pelham owns and manages many facilities which are currently licensed or can be licensed under authority of the Alcohol and Gaming Commission (A.G.C.O) to allow the consumption of alcoholic beverages. It is the policy of the Council of the Town of Pelham to incorporate an alcohol management policy in order to prevent problems that arise from alcohol consumption within its facilities and to promote a safe, enjoyable environment for those who use these facilities.

A range of problems can arise from alcohol consumption. These problems can affect not only the person or persons consuming alcohol but other people who use the facilities, and the general public. These problems may include:

- Injuries to drinkers or other individuals
- Police being called to municipal property
- Liability action arising from alcohol related injuries or deaths
- Increased insurance rates as a result of alcohol related incidents
- Loss in insurability should the insurer's risk assessment escalate
- Charges laid against the Town or the Special Occasion Permit holders under the Liquor License Act
- Suspension or loss of alcohol permit privileges by the Alcohol and Gaming Commission of Ontario (A.G.C.O)
- Vandalism and destruction of Town property
- Loss of enjoyment by non-drinkers and moderate drinkers
- Complaints lodged by offended parties
- Withdrawal from use of facilities by people concerned about alcohol consumption
- Increased public concern about alcohol consumption

In many instances, these problems will not be attributable to moderate drinkers or to those who respect the rules regarding alcohol consumption. The majority of these problems arise from drinkers who engage in four specific drinking practices:

- Underage drinking
- Drinking to intoxication
- Drinking and driving
- Drinking in unlicensed areas

To the extent that these four drinking practices can be reduced, the likelihood of alcohol related problems will correspondingly diminish. For those who do not engage in these targeted drinking practices, the policy will be minimally intrusive. The policy is not intended to stand in



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opposition to legal and moderate drinking.

PURPOSE:

The Alcohol Management Policy consists of a range of measure designed to prevent alcohol related problems and to increase the enjoyment of those who use the facilities. By reducing the potential for alcohol related problems, the Town of Pelham concurrently reduces users' loss of enjoyment of the facilities, reduces the risk of injury and death and reduces the risk of liability actions.

DEFINITIONS:

Smart Serve Program (SSP) – training provided by Ontario Hotel & Restaurant Association (DELETE) Provided by Smart Serve Ontario (ADD)

Special Occasion Permit (SOP) – granted through Alcohol and Gaming Commission of Ontario

GENERAL:

1. The following are Municipal Facilities that will be eligible to be designated as suitable facilities for the use of SOP functions. Pelham Town Council may change the designation of any site at its discretion.

INDOOR

- Pelham Arena and Community Hall, 1120 Haist St., Fonthill (DELETE)
 - Meridian Community Centre, 100 Meridian Way, Fonthill (ADD)
 - Old Pelham Town Hall, 491 Canboro Rd., Ridgeville
 - Pelham Fire Station #1, 177 Highway 20, Fonthill
 - Pelham Fire Station #2, 792 Welland Rd., Fenwick
 - Pelham Fire Station #3, 2355 Cream St, North Pelham (ADD)
 - Pelham Library, Fonthill Branch, 43 Town Square, Fonthill
 - Pelham Library, Fenwick Branch 781 Canboro Rd, Fenwick (ADD)
 - Platform Tennis Club House, 1120 Haist St., Fonthill
 - Town Hall, 20 Pelham Town Square, Fonthill
2. The following outdoor facilities would only be eligible if Pelham Town Council approved the application for use of SOP functions:



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OUTDOOR

- Centennial Park, 999 Church St., Fenwick
- Harold Black Park, 953 Haist St. Fonthill
- North Pelham Park, Cream St. North, Fenwick
- Peace Park (behind Municipal Offices), Fonthill
- Woodstream Park, Spruceside Cres., Fonthill
- Pelham Arena Grounds Park, 1120 Haist St., Fonthill
- Pelham Fire Station #1, 177 Highway 20, Fonthill (ADD)
- Pelham Fire Station #2, 792 Welland Rd., Fenwick (ADD)
- Pelham Fire Station #3, 2355 Cream St, North Pelham (ADD)
- Meridian Community Centre Grounds, 100 Meridian Way, Fonthill (ADD)
- Any Municipal Streets as approved by Council.

3. All alcoholic beverages must be removed from **unlicensed** Town facilities prior to the start of a regular business work day. Alcoholic beverages are not permitted to be stored in Town facilities where daily work activities occur, **unless approved. (ADD)**

All alcoholic beverages stored in inventory at licensed Town facilities must be held in a locked area. Inventory sheets must be prepared before and after each event, with 2 separate staff counts. (ADD).

4. The following outdoor facilities are NOT ELIGIBLE to be designated for the use of SOP functions. Pelham Town Council may change the designation of any site at its discretion.

INDOOR

- Pelham Library, 781 Canboro Rd., Fenwick (DELETE)
- Model Railroad Building, 1141 Maple St., Fenwick

OUTDOOR

- Marlene Stewart Streit Park, Park Lane, Fonthill
 - Hillcrest Park, Pancake Lane, Fonthill
5. In order to be eligible to rent/use a municipal facility for a special occasion permit event, the sponsor(s) must agree that persons under the legal drinking age shall not be admitted to adult social events being held in these facilities except in the case of a family



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occasion.

6. Signs must be posted at the entrance of the building during all SOP functions informing the public where they can **direct** their concerns. The sign will name the sponsor of the event, the name of the SOP holder and the addresses and telephone number of the Community Services Department of the Town of Pelham, the Niagara Regional Police and the Alcohol and Gaming Commission of Ontario (A.G.C.O). **(DELETE)**

SOP must be on site and available for Alcohol & Gaming Commission of Ontario (A.G.C.O.) Inspector at all times. **(ADD)**

7. There shall be uniformity (size: 8 ½ X 14– inserted under the plexi-glass located at entrance – see Town Staff) in the sign outlining:
- Event Sponsor & Name of SOP holder
 - Town of Pelham Community Services, Department, 20 Pelham Town Square, PO Box 400, Fonthill ON Tel: 905-892-2607
 - Niagara Regional Police, 5 Lincoln St. West, Welland ON Tel: 905-688-4111
 - Alcohol and Gaming Commission of Ontario, 20 Dundas St. W, 7th Floor, Toronto ON M5G 2N6 Tel: 416-326-8700 or toll free 1 800 522-2876
- (DELETE)**

The Liquor License Act requires certain premises to post signs warning women that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder. The warning sign will be posted at the serving area, no smaller than 8.5" x 11"

- Post A.G.C.O. "Sandy's Law" Poster - Fetal Alcohol Spectrum Disorder
- (ADD)**

8. In order to be eligible for a facility permit for an SOP function, the sponsor must demonstrate to the satisfaction of the **Community Services Coordinator or the Facilities Manager** **(DELETE)** Director of Recreation and/or the Director of Fire & By-law Services **(ADD)** that there are sufficient controls in place to prevent intoxicated or rowdy people **form** **(CORRECT)** **from** entering the event and that the before mentioned participants will be refused service and be escorted safely from the event. These controls will include:
- i. The event sponsor must obtain a SOP from the A.G.C.O and must show proof of this to the Town of Pelham at least 10 days prior to the event.
 - ii. Licensee to abide by rules of the Municipal Alcohol Policy as enforced by Municipal Representatives.
 - iii. The **even** **(CORRECT)** **event** sponsor must provide a list of event workers at least 10 days prior to the event, with their **certification number** **(DELETE)** Smart Serve number. **(ADD)**
 - iv. The SOP signatory or designate must attend the event and be



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- responsible for making decisions regarding the operation of the event.
- v. **That the server(s) be SSP trained (DELETE).**
That anyone handling, serving, and/or selling tickets must be Smart Served. **(ADD)**
 - vi. That floor monitors of a minimum of two (2), one (1) for each additional fifty (50) participants be utilized i.e. 3 monitors – 100 participants, 4 – 150, 5 – 200 etc. Fifty percent (50%) of the monitors must be SS trained.
 - vii. **A minimum of two people, at least one SSP trained, will be designated to sell tickets. (DELETE) The Town of Pelham may require wrist banding be implemented at an event (ADD).**
 - viii. All event workers must refrain from consuming alcohol while the event is in progress. Workers may consume alcohol if they are working a shift and their work responsibilities have ended for the entire event.
 - ix. The event sponsor and facility staff must ensure the physical setting is safe for drinkers and non drinkers. They must also ensure that patrons do not engage in activities that could harm them or others.
 - x. All **entrances and (ADD)** exits must be supervised.
 - xi. All bottles must be retained within the bar area; all drinks served in paper/plastic cups, or tin cans.
 - xii. No marketing practices which encourage increased consumption, i.e. oversize drinks, double shots, drinking contests, etc.
 - xiii. **Tickets must be purchased from the designated ticket seller and redeemed at the bar; maximum of 4 tickets per purchase per person (DELETE)**
 - xiv. The Town of Pelham reserves the right to require the presence of police officers for the duration of an event, the cost to be borne by the sponsoring group or individual.
 - xv. **A free bar event must have trained servers and floor supervisors. (DELETE)**
 - xvi. All event workers are to wear identification.
 - xvii. That only age of majority card, a photo driver's license or a passport as identification will be accepted for being served or consuming alcohol.
 - xviii. That there will be no "last call" announced.
 - xix. Organizers are to encourage consumption of food, low-alcohol and non-alcohol beverages.
 - xx. That non-alcoholic beverages be available at all times.
 - xxi. That 30% of the total amount **of** alcohol available be classified as "light" as follows:
 - a. Light beer – less than 5% alcohol per 12 oz/**354 ml (ADD)** serving



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- b. Light wine – 10% or less alcohol per 5 oz (DELETE)
7oz/207ml (ADD) serving
- xxii. Bar area is to be closed no later than 1:00 am, unless approved by the
Town. (ADD)
- xxiii. Event sponsors are required to document positive and/or negative
comments/activities regarding the event and forward to the Town of
Pelham.
- xxiv. Police to be notified by sponsor of OR (correct) facility staff before
situation is out of control.
9. The facility staff may report any infraction of this policy to legal authorities whenever they
believe such action is required.
10. Any infraction will be reviewed at the next Community & Infrastructure Services
meeting. (DELETE) by the Director of Recreation and the Director of Fire & By-law
services. (ADD)
11. A registered letter describing the problem will be sent by the Manager of Community
Services (DELETE) to the sponsor and the Committee (delete) may be refused (Correct)
future rental privileges to the sponsor. (DELETE)
12. Should a group be found to be consuming or have consumed alcohol in the arena
change rooms, the authorities will be called and violators will immediately forfeit all rights
to the use of the facility.
13. Future rental privileges to the penalized individuals or groups will depend on
demonstrating to the Manager of Community Services and/or the Manager of Recreation
and Cemetery Facilities (DELETE) Director of Recreation and Director of Fire & By-law
Services (ADD) that all rules will be followed at future functions.
14. The permit holder will be responsible for promoting safe transportation options for all the
drinking participants. Examples of safe transportation options are:
- Having a designated driver program in effect
 - Providing identification for designated drivers, and providing free or charge
non-alcoholic drinks (i.e. coffee, pop, juice)
15. Individuals or groups sponsoring a SOP function at a facility, listed in the Alcohol
Management Policy, must show proof to the Town of Pelham at least two (2) weeks prior
to the event, that they have a minimum of \$2,000,000.00 liability insurance coverage and
that the Town of Pelham is named as co-insured. The permit holder will indemnify and
save the Town of Pelham harmless from all claims arising from the permit or event.
16. The policy shall be updated as new legislation under the Alcohol and Gaming
Commission of Ontario is updated or changed and/or as senior management determine
necessary for Occupational Health and Safety matters, or due to changes within the
Municipality.



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RELATED ADMINISTRATIVE PROCEDURES/FORMS:

<i>Procedures/Forms</i>	<i>Document #</i>
<i>Special Occasion Permit Holder Agreement</i>	<i>DOC 100-01</i>
<i>Activity Report</i>	<i>DOC 100-02</i>
<i>Party Alcohol Liability</i>	<i>DOC 100-03</i>

Committee Report
Tuesday, September 03, 2019

Subject: Proposed Energy Assessment Grant application
– Natural Resources Canada (NRCAN)

Recommendation:

THAT Committee Receive Report #2019-0054; and recommend:

THAT Council support an Energy Assessment Grant application through Natural Resources Canada (NRCAN) for the Meridian Community Centre.

Background:

Council established the Utility Sustainability Committee in the beginning of 2019. This Committee is to provide advice to Council on reducing utility costs in the Town of Pelham and operating clean, efficient and low cost buildings and facilities. At the August 13th meeting of the Utility Sustainability Advisory Committee meeting, it was identified by David Cano, Committee member, that Natural Resources Canada (NRCAN) was offering an Energy Assessment Grant. This program provides funding (covering up to 75% of costs for an energy assessment to a total of \$40,000 per building) to implement an energy study in a building that will help identify energy conservation measures. This program is ideal to support a re-commissioning study done at the MCC, analysing all mechanical and electrical systems. The application is due September 30 and if successful the program is from April 1, 2020 – March 31, 2021.

Analysis:

The assessment and scope of work would include the review of the roof-top units, HVAC system, BAS programming and settings, ice plant, lighting system, electrical panels, etc. The application requires the identification of someone with energy management expertise for implementation of the program. David Cano, member of

the Utility Sustainability Committee, is an Certified Energy Manager with experience in energy audits and is willing for us to use his name, as this is an initiative of the Committee.

Financial Considerations:

The program is being offered April 1, 2020 – March 31, 2021 and will cover up to 75% of costs for an energy assessment to a total of \$40,000. Natural Resource Canada \$30,000; Town of Pelham \$10,000

Alternatives Reviewed:

The Utility Sustainability Advisory Committee has analyzed utility billings, identified issues although have not had the ability to perform an energy audit that would recommend conservation measures. This funding would make it possible and we do have the ability for implementation with the volunteer expertise on the Committee.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

A full analysis of mechanical and electrical systems will ensure optimal performance, ensuring the facility performs appropriately, recognizing its significant cultural value.

Other Pertinent Reports/Attachments:

N/A

Consultation:

Utility Sustainability Advisory Committee; Senior Leadership Team

Legal Consultation, If Applicable:

N/A

Prepared and Recommended by:

Vickie vanRavenswaay, Director of Recreation, Culture & Wellness

Approved and Submitted by:

David Cribbs, Chief Administrative Officer

Tuesday, September 03, 2019

Subject: Town of Pelham Gypsy Moth Control Policy Development

Recommendation:

BE IT RESOLVED THAT Council receive Report #2019-0053-Public Works; and THAT no final policy decision be made until after public feedback is received at the October 15, 2019 topic-specific public meeting.

Background:

The Town of Pelham has experienced two Gypsy Moth infestation cycles in the last fifteen years. In 2008, Council directed staff to develop a policy and procedure to address the Gypsy Moth infestation. The 2009 CAO 04-09 report to General Committee stated that "Staff struggled with the development of such a policy" and that "The severity of the infestation of the moth will dictate the policy and procedure that the Town would implement in any given year".

In 2009 the Town of Pelham sprayed approximately 105 acres made up of 255 private and public properties. The 2009 spray program was funded through the 2008 surplus and the Town's Working Funds Reserve. After 2009, the gypsy moth population collapsed due to a number of factors including the age of the infestation; the presence of a virus and fungus that affected the caterpillars; and the acreages sprayed in 2008 and 2009.

In 2017 staff received notification from residents surrounding Hillcrest Park on Pancake Lane and Blackwood Crescent that the Gypsy Moth population was returning to the area. The July 24th 2017 report to Council "Canker Worm and Gypsy Moth Caterpillars in Pelham Trees" requested the amount of \$10,000.00 to be included for pest treatment in the Facilities & Beautification Operating Budget for 2018. In 2018, the cost of spraying Hillcrest Park which included 6.47 acres of Public Property and 2.77 acres of private property was \$7,319.10+hst. Private landowners were not asked to

contribute to the cost of spraying.

Staff continued to receive reports from property owners of severe levels of infestation throughout the spring and summer of 2018. An operating budget of \$25,000.00 was approved by Council in April of 2019 to administer an aerial spray program and treat municipally-owned lands and unopened road allowances. It did not include a provision for the spraying of privately owned property in the urban or rural area. After Gypsy Moth surveys were completed and the extent of the infestation became known, By-law #4106 (2019) was passed providing staff the authority to spray for the Gypsy Moth on public and private land where the infestation was found to be severe. The funding that enabled the Town to spray in 2009 and 2018 without contribution from private land owners was not available in 2019 because of the status of the Town's reserves. Council authorized the cost of spraying private property to be evenly distributed amongst private properties located within the spray blocks, as there was no effective way to opt-out and doing so would result in "free riding".

Analysis:

Although the 2019 Gypsy Moth Spray Program was implemented under tight timelines it was successful in reducing the population of Gypsy Moth caterpillars and limiting the defoliation of highly valued mature trees within the spray blocks. It is estimated that the spray protection was very good to excellent, especially due to the initially high Gypsy Moth populations in these areas. It is difficult to state the overall success of the program until egg mass surveys can be completed in the fall of 2019, but through citizen reports and staff observations, high populations of Gypsy Moths and severe defoliation of trees were apparent throughout untreated areas of Fenwick and Fonthill.

The process of issuing invoices to benefitting property owners also brought criticism of the program from homeowners within the spray blocks. Lessons learned from this year's program will be integrated in future policies and procedures should they be undertaken by the Town.

Gypsy Moth infestations have affected several larger municipalities in southern Ontario including the Cities of Hamilton, Mississauga, Burlington and Toronto on approximately the same frequency as the Town of Pelham.



When developing the alternatives listed below, the gypsy moth spray programs of these municipalities were investigated as staff were unable to find a municipality of similar size and urban/rural make up as Pelham providing Gypsy Moth Control.

Because eradication of the Gypsy Moth population is not achievable, the objective of developing a Gypsy Moth Control policy is to maintain a tolerable population at any point in time and make sure that outbreaks are properly controlled. It has been identified as a Best Practice to complete annual surveys to monitor populations of Gypsy Moths and other defoliating pests to allow for targeted control programs.

Several potential alternatives are listed below and represent approaches taken by other municipalities with consideration of the urban and rural make-up of our community. One alternative that was not included in the list below for consideration was the blanket spraying of the entire 126.43km² land area of the Town which would have an estimated cost of \$4,500,000.

Financial Considerations:

The total cost of the 2019 Municipal Spray Program was \$89,388.82 +HST. This included \$5,106.10 for consulting and coordination of rural property spraying, \$4,865.74 for consulting and coordination of the Town of Pelham's spray program, and \$79,416.98 for the aerial spraying of 161.2 acres of properties identified as moderate to severely infested. The estimated costs are included in the alternatives listed below.

Alternatives Reviewed:

Alternative 1 – The Town of Pelham completes annual Gypsy Moth infestation surveys of Municipal Property and **sprays only municipal property with moderate to severe infestation**. This alternative would be funded through the general tax base. Property owners would be responsible for the cost of coordinating and spraying for the Gypsy Moth on private properties.



Pros:

- Spraying only Municipal Property allows for greater cost certainty and budget projection.
- Urban and Rural property owners would be treated equitably.
- Reduction in staff time developing and coordinating residential spray programs.
- Unused budget during low population cycles could be placed in reserve for control measures during infestation cycles.
- Cost of spraying would be minimized: This approach would require an estimated annual budget between \$20,000 and \$60,000 depending on the gypsy moth population and control measures required in a given year. Between infestations it is best practice to budget for annual surveys to monitor populations of Gypsy Moths and other defoliating pests.

Cons:

- Municipal properties could be re-infested from neighboring properties that do not attempt control measures.
- Private properties owners who do spray their trees could be re-infested from neighboring properties that do not attempt control measures.
- Increased cost to property owners for treatment, removal and replacement of trees.
- Potential loss of urban canopy.

Alternative 2 – The Town of Pelham completes annual Gypsy Moth infestation surveys and **sprays the entire urban boundary** when infestation levels meet moderate to severe limits in a defined percentage of urban acreage. This alternative would be funded through the general tax base.

Pros:

- Gypsy Moth populations will be controlled within the entire urban canopy. The approximate area within the Urban Boundary is 1040 Hectares.

From the Department of



- A program of this scale would receive a cheaper rate per Hectare for aerial spraying.
- Reduction in complaints of program exclusion.

Cons

- Non-targeted spraying results in the inefficient use of funds and unnecessary application of pesticide to pavement, roofs and other large areas without trees or presence of Gypsy Moths.
- Extensive traffic control and safety measures are required beyond the capabilities of the Public Works Department.
- Rural property owners are required to pay out of pocket for spraying private property
- Properties boarding the urban boundary may become re-infested from rural properties that do not attempt control measures.
- Cost of spraying: the cost of spraying the entire urban boundary (approximately 1040ha) would cost \$911,040 based on information received for spray programs of this scale. Additional costs for police assistance for road closures, and notification requirements are unknown at this time.

Alternative 3 – The Town of Pelham completes annual Gypsy Moth infestation surveys and **sprays public properties and private properties, within or adjacent to the urban boundary** with moderate to severe infestation. This alternative would be funded through the general tax base.

Pros

- Targeted spraying for Gypsy Moth is the most efficient method for controlling populations.
- The urban canopy provides a social and environmental benefit to all residents and visitors.
- Including properties adjacent to the Urban Boundary would reduce re-infestation from rural properties that do not attempt control measures.
- No requirement for individual invoicing.



- Cost of spraying up to 200 acres: This approach would require an estimated annual budget between \$20,000 and \$125,000 depending on the Gypsy Moth population and control measures required in a given year. Between infestations it is best practice to budget for annual surveys to monitor populations of Gypsy Moths and other defoliating pests.

Cons

- It is difficult to estimate the annual budget for spraying based on infestation levels unless it is limited to a defined number of acres. This could mean that without additional budget allocation some properties could be excluded.
- Rural property owners adjacent to the urban boundary may be included in the program while others are left to fund their own spraying.

Alternative 4 - The Town of Pelham completes annual Gypsy Moth infestation surveys and **sprays public properties and private properties, within or adjacent to the urban boundary** with moderate to severe infestation **with the cost of the spraying of private properties being equally distributed amongst the tax base within the urban boundary.** In this alternative the cost of surveying and spraying of public property would be funded by the general tax base while coordination and spraying of private property would be funded by only those property owners within the Urban Boundary.

Pros

- Targeted spraying for Gypsy Moth is the most efficient method for controlling populations.
- Including properties adjacent to the Urban Boundary would reduce re-infestation from rural properties that do not attempt control measures.
- No requirement for individual invoicing.

- Cost of spraying up to 200 acres: this approach would require an estimated annual budget between \$20,000 and \$125,000 depending on the gypsy moth population and control measures required in a given year. Between infestations it is best practice to budget for annual surveys to monitor populations of Gypsy Moths and other defoliating pests.

Cons

- It is difficult to estimate the annual budget for spraying based on infestation levels unless it is limited to a defined number of acres. This could mean that without additional budget allocation some properties could be excluded.
- Rural property owners adjacent to the urban boundary may be included in the program while others are left to fund their own spraying.
- We do not have a list of properties inside the urban boundary.

Alternative 5 – The Town of Pelham completes annual Gypsy Moth infestation surveys and **sprays private and public properties throughout the Urban and Rural areas** with moderate to severe infestation **with the cost being equally distributed throughout the entire Town's tax base**. This alternative would be funded through the general tax base.

Pros

- All property owners within the Town of Pelham would receive the same level of service.

Cons

- It is difficult to estimate the annual budget for spraying based on infestation levels unless it is limited to a defined number of acres. This could mean that without additional budget allocation some properties could be excluded.
- Cost of spraying up to 200 acres of urban land and 400 acres of rural property: this approach would require an estimated annual budget between \$20,000 and \$350,000.

From the Department of



Alternative 6 – The Town of Pelham completes annual Gypsy Moth infestation surveys and **sprays only municipal property** with moderate to severe infestation. The Town of Pelham subsidizes the coordination and administration of spraying private properties, while the owners are responsible for organizing and funding the spraying of neighborhoods.

Pros

- Engaging the public to determine and organize their method of Gypsy Moth control increases the level of community participation and awareness of the problem.
- Spraying only Municipal Property allows for greater cost certainty and budget projection.
- Urban and Rural property owners would be treated equitably.
- Significant reduction in the overall program cost: this approach would require an estimated annual budget between \$20,000 and \$80,000 depending on the Gypsy Moth population and control measures required in a given year. Between infestations it is best practice to budget for annual surveys to monitor populations of Gypsy Moths and other defoliating pests.

Cons

- Municipal properties could be re-infested from neighboring properties that do not attempt control measures.
- Consensus within neighborhoods might not be achievable.
- Cost of private spraying may increase depending on scale.

Strategic Plan Relationship: Strong Organization

The urban forest and rural woodlots are vital to increasing the quality of life within the Town of Pelham and are assets that set us apart from neighboring municipalities.

Other Pertinent Reports/Attachments:

Control of Gypsy Moth Outbreak in the Town of Pelham - Monday, April 01, 2019

2019 Town of Pelham Gypsy Moth Infestation - Tuesday, April 23, 2019

From the Department of



2019 Gypsy Moth Cost Funding Strategies and Cost Recovery Option -
Tuesday, May 21, 2019

Additional Budget Request for 2019/2020 Gypsy Moth Program Coordination
– Monday August 12, 2019

Consultation:

City of Burlington – Urban Forestry

City of Hamilton – Forest Health

Legal Consultation, If Applicable:

N/A

Prepared and Recommended by:

Jason Marr, Director of Public Works

Approved and Submitted by:

David Cribbs, Chief Administrative Officer



Subject: Update to Alcohol and Illicit Drugs in the Workplace Policy

Recommendation:

THAT Committee Receive Report #20190050; and recommend:

THAT Council approve the Alcohol, Cannabis and Illicit Drugs in the Workplace Policy, P 100-02 as amended.

Background:

Recreational Cannabis was legalized in Canada in October of 2018. As such, the Town's current policy on alcohol and illicit drugs in the workplace requires an update to specifically include Cannabis. A person impaired while at work is a health and safety risk to themselves, their coworkers, and the public. This policy update will ensure employees understand that even though Cannabis is no longer a prohibited substance, the corporate expectation remains that all staff are expected to attend work fit-for-duty and to conduct their work unimpaired.

Financial Considerations:

None.

Strategic Plan Relationship: Risk Management

A policy that clearly defines the Town's expectations for appropriate behaviour, establishes the consequences for non-compliance, provides consistent guidelines, but also establishes a framework for supporting employees who are dealing with current or emerging drug and alcohol problems will reduce the potential for a workplace injury or incident due to impairment.

Other Pertinent Reports/Attachments:

Attached is the Town's proposed Alcohol, Cannabis, and Illicit Drugs in the Workplace Policy, P 100-02.

Prepared and Recommended by:

Brianna Langohr, Human Resources and Health and Safety Coordinator

Approved and Submitted by:

David Cribbs, Chief Administrative Officer

Policy Title:	Alcohol, Cannabis, and Illicit Drugs in the Workplace	
Last Updated:	May 2, 2011	P 100-02

HOW MIGHT WE:

How Might the Town of Pelham establish the Town's expectations for appropriate behaviour, to establish the consequences for non-compliance, to provide consistent guidelines for all "individuals", and to provide a means for supporting employees who are dealing with current or emerging drug and alcohol problems.

KEY FACTS:

Alcohol, **cannabis** and illicit drugs in the workplace policy is set out to establish the Town's expectations for appropriate behaviour, to establish the consequences for non-compliance, to provide consistent guidelines for all "individuals", and to provide a means for supporting employees who are dealing with current or emerging drug and alcohol problems.

Individuals - are referred to as;

- Full time & part time employees
- Elected officials and administrative officials;
- Volunteer firefighters;
- All other volunteers of the Town involved in special jobs, functions and activities;
- Casual employees, meaning those persons hired for an occasional period to perform special jobs or functions;
- Seasonal employees meaning those persons employed to perform work on a seasonal basis;
- Contracted persons.

SOLUTION STATEMENT

1. This policy applies to all "individuals" while they are employed for the Town of Pelham, working on the Town's premises or worksites, and operating Town vehicles and equipment. Violations of this policy will result in disciplinary action up to and including termination of employment.
2. "Individuals" are expected to perform their job in a safe manner and in all ways consistent with established practices.
3. All "individuals" working for the Town have a shared responsibility for workplace safety and are encouraged to look out for the safety of other "individuals" and visitors.
4. "Individuals" are expected to take appropriate action to ensure no individual remains in an unfit condition on Town premises such that they may endanger

Policy Title:	Alcohol, Cannabis, and Illicit Drugs in the Workplace	
Last Updated:	May 2, 2011	P 100-02

- themselves or others, by ensuring their Director or another member of management is advised of the situation.
5. All "individuals" are expected to report fit for work, and remain fit throughout their work day while on Town business and premises.
 6. The following situations are prohibited:
 - reporting for duty under the influence of alcohol, cannabis, and/or illicit drugs;
 - use of alcohol, cannabis, and/or illicit drugs during the work day including during break and lunch periods;
 - possession, distribution, offering or sale of alcoholic beverages, cannabis, and/or illicit drugs;
 - storing alcoholic beverages, cannabis and/or illicit drugs on Town facilities during regular business hours, with the exception of the Fire Stations and the Meridian Community Centre, where alcohol is stored and locked away for events.
 7. Certain "individuals" of the Town are required to travel for work business situations, training events, or seminars and are prohibited to consume alcohol or use cannabis and/or illicit drugs during work hours. Failure to comply will result in immediate disciplinary action up to and including termination.
 8. "Individuals" are expected to use prescribed and over-the-counter medications responsibly. The intentional misuse of medications while on Town business, premises or worksites is prohibited. Medications that inhibit or may inhibit an "individuals" ability to perform their job safely and productively are prohibited from operating any equipment on Town facilities or worksites, including municipal vehicles.
 9. "Individuals" receiving standby pay for on-call situations are expected to be fit for work and in compliance with these standards. If unexpected circumstances arise where an "individual" is requested to perform unscheduled services while under the influence of alcohol, cannabis, or medications, it is the responsibility of that "individual" to decline the call.
 10. "Individuals" with apparent performance issues will be offered assistance through Employee Assistance Programs (EAP) should a personal problem be affecting their job performance.
 11. In all situations where there are reasonable grounds to believe an "individual" is unfit to be at work, the "individual" will be escorted from the work site to a safe place and given the opportunity to explain why they appear to be in a condition unfit for duty. If the "individual" is believed to be in a condition unfit for normal duty they will be referred for medical attention if there are immediate medical concerns (doctor, local hospital or clinic). The "individual" will be provided with transportation to either their residence or hospital/clinic depending on the circumstances. The "individual" may be temporarily held out of service with pay or reassigned pending completion of any investigation.
 12. Where an employee uses cannabis for medical purposes, it is expected they will provide a copy of their medical documentation to use cannabis to Human

Policy Title:	Alcohol, Cannabis, and Illicit Drugs in the Workplace	
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Resources.

13. The Town reserves the right to investigate any situation when there are reasonable grounds to believe that alcohol, cannabis, or illicit drugs are present on Town premises in violation of this policy.
14. "Individuals" who operate a motor vehicle on behalf of the Town are required to maintain a valid driver's license for the class operation required. Any loss of license must be reported immediately to the departmental Director and the "individual" will no longer be qualified to drive on behalf of the Town. "Individuals" must inform their departmental Director if they have been charged with an impaired driving offence when operating a vehicle on behalf of the Town. Receipt of a charge will result in a full investigation and immediate discipline up to and including termination.
15. In all situations, an investigation will be conducted to verify that a policy violation has occurred before disciplinary action is taken. Therefore, management has the authority and discretion to hold out of service, with pay, any "individual" who is believed to be involved in an incident that could lead to disciplinary action pending the results of the investigation. Appropriate discipline depends on the nature of the policy violation and the circumstances surrounding the situation.
16. Should the Town determine that employment will be continued in a specific circumstance, the "individual" would be required to enter into an agreement governing their continued employment which may require any or all of the following actions:
 - a. Temporary removal from their position;
 - b. Assessment to determine the need for a structured treatment program (EAP);
 - c. Adherence to any recommended treatment, monitoring and aftercare program;
 - d. Maintenance of sobriety and satisfactory performance on return to duty;
 - e. No further violations of this policy.
17. Failure to meet these conditions including a second violation of the policy may result in termination of employment.

Committee Report
Tuesday, September 03, 2019

Subject: Medical Cannabis Accommodation Policy

Recommendation:

THAT Committee Receive Report #2019-0057; and recommend:

THAT Council approve the Medical Cannabis Accommodation Policy

Background:

As the use of medical cannabis is becoming more prevalent, the Town requires a policy that outlines how to handle employees who are prescribed medical cannabis. The Town has an obligation to protect the rights of employees who are prescribed cannabis for medical reasons and accommodate their disability up to the point of undue hardship, as described by the Ontario Human Rights Code. This policy outlines the expectations for employees requesting accommodation and for management developing an accommodation plan.

Financial Considerations: None.

Strategic Plan Relationship: Risk Management

This policy will help to ensure that individuals requiring this accommodation are able to work effectively and safely, up to the point of undue hardship.

Other Pertinent Reports/Attachments:

Attached is the Town's proposed Medical Cannabis Accommodation Policy.

Prepared and Recommended by:

Brianna Langohr, Human Resources and Health and Safety Coordinator

Approved and Submitted by:

David Cribbs, Chief Administrative Officer



Policy Name: Medical Cannabis Accommodation Policy	Policy No: Council 600-##
Committee approval date:	September 3, 2019
Council approval date:	September 16, 2019
Approval authority:	Council Resolution
Revision date(s):	
Department/Division:	Corporate wide

1. Purpose

The Town has a duty to accommodate employees who are prescribed medical cannabis, and as such this Policy will set out how the Town will work with employees who use medical cannabis.

2. Policy Statement

The Town of Pelham is committed to providing equal treatment without discrimination because of a prohibited ground, including the use of prescribed medical cannabis, as described by Ontario's *Human Rights Code*. The Town of Pelham will work to ensure that individuals are able to work effectively and safely, up to the point of undue hardship.

3. General Provisions

3.1 A Qualified medical practitioner refers to a person who is registered and entitled under the laws of a province to practice medicine in that province and has not been named in a notice issued under the Narcotic Control Regulations.

3.2 Employees may only use medical cannabis with appropriate documentation in their names from a qualified medical practitioner as defined by the *Access to Cannabis for Medical Purposes Regulations*.

3.3 If an employee must use medical cannabis while at work and requires accommodation to do so, they must inform Human Resources. An employee does not have to disclose their specific medical diagnosis; however, they must provide a note from their doctor and a copy of the appropriate documentation if accommodation is required.



3.4 All information provided in regard to medical cannabis use is considered confidential and will be treated as such, keeping an employee's privacy as a top concern second only to safety.

3.5 Employees who have a medical condition which requires additional accommodation can discuss their cannabis use schedule in the context of the general accommodation plan with the Town of Pelham and their qualified medical practitioner.

3.6 Employees may be required to work with the company's service provider, who will provide direction and support for the use of medical cannabis.

3.7 The Town of Pelham will work with the individual who requests accommodation to ensure that the measures taken are both effective and mutually agreeable.

4. Use of Medical Cannabis While at Work

4.1 If an employee takes medical cannabis during regular working hours, they shall do so only at the recommended dosage and frequency of the doses.

4.2 The Town of Pelham asks that where possible employees who require medical cannabis use a method of consumption other than smoking.

4.3 Employees who choose to smoke medical cannabis must abide by the Regional By-law 112-2013 and the Town's Smoke Free Workplace Policy.

4.4 Employees who choose to smoke medical cannabis are not permitted to smoke in the presence of other employees.

4.5 Clear direction is required from a qualified medical practitioner regarding the ability of the employee to operate equipment while using medical cannabis.



5. Employee Expectations

5.1 Management must:

- I. Treat employees who use medical cannabis the same as all other employees using prescription medication.
- II. Provide accommodation up to the point of undue hardship.
- III. Be aware of the effects of cannabis use and ensure employees are not placed in any safety-sensitive situations.
- IV. Assess the effects of the use of cannabis on an employee's performance on the job.
- V. Ensure that the use of medical cannabis does not adversely affect the safety of the employee or their co-workers.
- VI. Ensure that any employee who asks for help due to a drug or alcohol dependency is provided with the appropriate support (including accommodation) and is not disciplined for doing so.
- VII. Respond to any employee queries regarding the use of medical cannabis, while maintaining the privacy of an employee's specific situation at all times.

5.2 Employees must:

- I. Work with The Town of Pelham to develop accommodation plans that are mutually agreeable.
- II. Follow the agreed-upon accommodation plan and the guidelines of this policy.
- III. Never share their medication with any other employee, even those who may have a similar prescription.
- IV. Maintain ongoing communication with management regarding the effects of cannabis on their ability to perform their job duties.
- V. Never participate in activities which could cause a safety risk, such as driving while under the influence of cannabis.

Committee Report - Clerk
Tuesday, September 03, 2019

Subject: Establishment of a Flag Policy

Recommendation:

THAT Committee receive Report 2019-0008-Clerks – Establishment of a Flag Policy; and

THAT Committee recommend that Council approve the following recommendations:

THAT Staff be directed to include the purchase of two additional flag poles for installation at the Town of Pelham Municipal Building, 20 Pelham Town Square in the 2020 Facilities Budget; and

THAT, if budget approval is obtained, the third ranking flag pole be designated as the Community Flag Pole; and

THAT the Flag Policy as appended to this report be recommended to Council for approval; and

THAT Policy CLERK14, Flag Lowering at Municipal Building be repealed and replaced; and

THAT flag raising requests be suspended until such time as the community flag pole is in place.

From the Clerk's Department



**Administration
Services**

Background:

The Town of Pelham periodically receives requests to raise a community flag for various events, proclamations, commemorations, etc. Further, the Town has historically lowered flags to the half-staff position as a sign of respect and community mourning, or to commemorate specific dates. Establishment of a policy for the raising of community flags, and half-staffing of flags at municipal facilities during periods of mourning will ensure a fair and consistent approach to such requests. Furthermore, flag raising policies are both standard and a best practice in municipal operations.

The Town has consistently flown various community flags to recognize, such causes and community groups as Seniors' Month, United Way Campaigns, Pride Week, as well as in support of issue-specific proclamations. Because the municipal building is host to only one single flag pole, this results in the National Flag (Maple Leaf) being replaced at certain times during the year. The Town constantly maintains a Maple Leaf over the Veterans' Memorial in Peace Park.

Under the guidelines contained on the Heritage Canada webpage, <https://www.canada.ca/en/canadian-heritage/services/flag-canada-etiquette/flying-rules.html#a22> the National Flag should not be subjected to dishonor or displayed in a position inferior to any other flag and should always be flown on its own mast or flag pole. It is improper to fly two or more flags on the same mast or flag pole, i.e. one beneath the other.

As such, in order to accommodate flag raising requests and in the absence of a formal policy, the Town has been in the practice of removing the National Flag from the front of Town Hall and flying a community flag for a period of no longer than one week in its place, while always ensuring the flag over the Veterans' Memorial remains. Although the number of flag raising events has not been significant in the past, i.e. 3-4 per year, there is the potential for an increase in requests which could result in the National Flag being replaced by a community flag more often. To ensure that the Maple Leaf continues to be flown in front of Town Hall consistently, while simultaneously allowing the Town to support the community requests, it is recommended that Council approve the purchase of two additional flag poles for installation at 20 Pelham Town Square in front of the municipal building and to adopt a flag policy to govern the raising of community flags and setting out half-staff protocols.

There are specific protocols required when there is more than one flag pole installed, as outlined below.

The National Flag of Canada (Maple Leaf): The official ceremony to inaugurate the current Canadian Flag was held in Ottawa, on Parliament Hill, February 15, 1965. When sharing the same base where three flags are displayed, the National Flag of Canada should be at the centre. To the observer facing the flag display, the second-ranking flag is placed to the left of centre and the other to the right.

The Province of Ontario Flag: The flag was first raised on May 21, 1965 in front of the Legislative Assembly building, Queen's Park, being the day it was proclaimed into force. In a three-flag series, this flag would be flown on the flag pole to the left of the National Flag, as described above.

The Town of Pelham Municipal Flag: The Town of Pelham flag bears the official Coat of Arms, granted on January 10, 1979. In the three-flag series noted above, this flag would fly to the right of the National Flag and this third pole would be utilized as the community flag pole, wherein the Municipal Flag would be interchanged with the community flag in accordance with an approved Flag Policy. As outlined in the proposed policy, flags flown by special request would replace the Municipal Flag for the duration the of the request, to a maximum of one week.

Analysis:

While it is recognized that charitable or non-profit organizations may use a flag raising event to increase public awareness of their programs and activities, it is also important to recognize and honour the importance of the Maple Leaf remaining visible in front of the Town Hall. In order for the Town of Pelham to continue to build a strong community and align policy with the values of Caring and Respect as included in the Town's Strategic Plan, specific protocols are recommended as they relate to flag raising, similar to those adopted through the Proclamations Policy.

The proposed policy also includes provisions for flying flags in the half-staff position as an expression of a collective community sense of sorrow, which will also be implemented in a consistent and appropriate manner.

The policy includes a component relating to communication on the Town's website to describe the purpose of the community flag, half-staff positioning and the expected duration in either circumstance.

Financial Considerations:

Cost implications relate to the purchase of two additional flag poles in front of Town Hall, 20 Pelham Town Square, estimated at \$6,017.25 total, to supply and erect. A concrete base would be built by Public Works staff. Because this item was not

contemplated and thus budgeted for 2019, it is recommended for consideration during the 2020 budget deliberations.

Alternatives Reviewed:

Council could direct staff to prepare a policy that does not permit raising of any community flags representing organizations, events or causes to be displayed on municipal property and continue with a single flag pole displaying the National Flag only.

Alternatively, Council could direct staff to continue with past practice of occasionally replacing the National Flag in front of Town Hall with a community flag. This approach is not recommended.

Finally, Council could authorize the purchase of two flag poles in 2019.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Community flag raisings are seen as a celebration of a community's cultural diversity and inclusivity while increasing awareness of special occasions, initiatives and activities. Through the addition of two additional flag poles in front of Town Hall, the National Flag will remain permanent and prominent while providing the ability to incorporate a community flag.

Other Pertinent Reports/Attachments:

Proclamations Policy, appended.

Proposed Flag Policy and associated Community Flag Pole Request Form

Consultation:

Referenced Flag Policies and Protocols from Across Ontario; Heritage Canada website. Members of the Senior Leadership Team and the Deputy Treasurer.

Legal Consultation, If Applicable:

Not Applicable

Prepared and Recommended by:

Nancy J. Bozzato, Town Clerk

Approved and Submitted by:

David Cribbs, Chief Administrative Officer



Policy Name: Flag Policy	Policy No: ADMIN - 15
Committee approval date:	September 10, 2015
Council approval date:	October 13, 2015
Approval authority:	Council, Resolution No. 1234
Revision date(s):	May 3, 2016
Department/Division:	Corporate wide

1. Purpose

The purpose of this policy is to outline a uniform and harmonized flag etiquette and protocols for the Town of Pelham for:

- the display of flags at Town Hall and municipal facilities;
- half-staff protocol;
- replacement of flags;
- disposal of flags; and
- special requests for flag raising.

2. Policy Statement

The Town of Pelham will fly the National Flag of Canada on a permanent basis at municipal facilities, and will fly the Province of Ontario Flag at the Municipal Town Hall, also on a permanent basis. The Town of Pelham flag will be flown at the Municipal Town Hall on the third-ranking flag pole, which shall also be designated as the Community Flag Pole. The Community Flag Pole will, from time to time, mark special occasions or be used for flag-raising ceremonies that enhance public awareness of activities such as national days, multicultural events and/or fundraising drives. The Town will also fly its flags at half-staff in the event of a death or to commemorate a solemn occasion.

3. General Provisions

3.1 Scope: Flags are an important symbol of honour and pride and shall be treated in a respectful and consistent manner. In addition, as an expression of collective mourning, half-staffing of flags is supported under certain circumstances. The Town values respect, caring and building strong community and cultural assets, which is reflected in this policy, in celebration of our cultural diversity and inclusivity, while also increasing awareness of special occasions, initiatives and activities. This policy applies to all properties and facilities owned and operated by the Town of Pelham, as well as locations of all town-run events,



save and except those taking place where the policies of another government body would take precedence.

3.2 Responsibility:

3.2.1 The Town Clerk will administer the policy for flying of flags at Town Hall and will co-ordinate flag raising events with the Office of the Mayor, and provide notification to the Town's Beautification Team when flags are to be raised or ordered to half-staff position.

3.2.2 In the event of a dispute between an organization and the Town Clerk as to the eligibility of a request, the appeal process shall be with the Town Council having full and final say as to whether or not the request to fly a flag on the community flag pole will be granted.

4. Displaying of Flags:

4.1 National Flag of Canada

The National Flag of Canada is a red flag of the proportions two by length and one by width containing in its centre a white square of the width of the flag, with a single red maple leaf centred therein. The colours red and white are Canada's official colours and with the maple leaf, are the symbolic elements found in the Canadian flag. The official ceremony inaugurating the Canadian Flag was held on Parliament Hill in Ottawa, February 15, 1965.

4.2 Province of Ontario Flag

The Province of Ontario flag is red and of the proportions two by length and one by width, with the Union Jack occupying the upper quarter next to the staff and with the shield of the armorial bearings of the Province of Ontario centred in the half farthest from the staff. The flag was first raised in a ceremony in front of the Legislative Assembly building, May 21, 1965 on the day the flag was proclaimed into force.

4.3 Town of Pelham Flag

The Town of Pelham municipal flag bears the Arms of the Town of Pelham developed through a design contest to identify the newly-constituted municipality, and granted by the Heraldry Society on January 10, 1979. The Motto, *Floreat Pelham*, meaning "May Pelham Flourish" is incorporated in the white centre, flanked by green on either side.



4.4 Community Flag

Community Flag Raising/Flying shall be in accordance with Section 5.

4.5 Positioning and Priority of Flags

Flags shall be flown or displayed in good condition. Any soiled, frayed or torn flags shall be replaced immediately. In compliance with Heritage Canada guidelines, an observer facing a flag display would find these flags positioned in the following manner:

One Pole: The National Flag of Canada.

Two Poles: Where a Town of Pelham flag is flown or displayed with the Canadian Flag, the Canadian Flag will hold the place of honour, which is to the left of the observer of the flags, and the Town of Pelham Flag on the right.

Three Poles: Where the Town of Pelham or a Community Flag is flown or displayed with the Canadian Flag and the Province of Ontario Flag, the Canadian Flag shall occupy the centre position to the observer of the flags, the Province of Ontario Flag to the left and the Town or Community flag to the right.

Speaker's Podium: When using flags with a speaker's podium, the flags may be either positioned directly behind, or to the left of the podium from the observer's view of the speaker, and shall be positioned in accordance with the Department of Canadian Heritage requirements, found at www.pch.gc.ca.

5. Community Flag Requests:

Community Flag requests will be considered to celebrate an achievement; or to recognize a charitable or non-profit organization to help raise public awareness of their programs or activities; or an organization that has achieved national or international distinction or made a significant contribution to the community; or an organization that has helped to enhance the Town of Pelham in a positive manner. Community flags to be flown by special request will take the place of the Municipal Flag.

5.1 Guidelines for Community Flag Requests:

The following guidelines shall be observed for the flying of community flags:

- The organization's flag will fly in connection with a particular event by such organization;
- No flags of commercial, religious or political organizations shall be permitted;



- No flags of a group or organization whose undertakings or philosophy are contrary to Town of Pelham policies or by-laws, or espouse hatred, violence, discrimination, prejudice, or racism shall be permitted;
- An organization's flag shall be flown no more than once per calendar year;
- A flag shall be flown for a period of up to one week, or for the duration of the associated event, whichever is less;
- Organizations shall be required to submit requests for their organization's flag to fly on an annual basis, a minimum of four weeks prior to the requested date, and shall be in the form appended to this Policy;
- Requests for use of the community flag pole will be considered on a first come first served basis;
- Flags shall only be raised and lowered on those business days and hours that Town Hall is open.

6. Lowering of Flags:

Flags are flown at the half-staff position as a sign of respect and condolence, or to commemorate specific dates. The position of the flag when flying at half-staff, or half-mast, will depend on its size, the length of the flagpole, and its location. Generally, the centre of the flag should be exactly half way down the flagpole. When hoisted to or lowered from half-staff position, a flag should be first raised to the masthead.

6.1 Lowering Protocol:

When multiple flags are to be raised and lowered, and where it is not possible to perform this task at the same time, the flags will be raised and lowered according to rank, with the Canadian Flag first, followed by the Province of Ontario Flag, followed by the Town of Pelham or community flag. When a flag is flown at half-staff, all other flags must also be flown at half-mast, and at no time should the Canadian Flag be flown lower than any other flag.

6.2 Notice of Flag Lowering:

Public notice of the reason for the lowering of flags will be posted on the Municipal website and at the municipal office, facilitated by the Clerks Department.



6.3 Guiding Principles to Lower Flags to Half Staff Position:

Flags will be lowered on municipal properties in accordance with the guiding principles of the Canadian National Flag Protocol, through the following specific occasions:

- On the death of the Mayor or a sitting Member of Council;
- On the death of a current Municipal employee or volunteer fire fighter;
- On the death of a former Mayor or Member of Council;
- In accordance with the National protocols, the death of the following persons will be recognized by lowering the flags at municipally-owned facilities:
 - The Sovereign or a member of the Royal family related in the first degree to the Sovereign (i.e. husband or wife, son or daughter, father, mother, sibling)
 - Current or former Governor General
 - Current or former Prime Minister
 - Current or former Lieutenant-Governor of the Province of Ontario
 - Current or former Premier of Ontario
 - Current or former member of the House of Commons representing the Town of Pelham
 - Current or former Member of the Legislative Assembly representing the Town of Pelham
 - Special events recognized by the Canadian Government recognizing the death of a universal major figure(s)
- On the death of an individual(s) of local, provincial or national significance, or to commemorate a solemn occasion, in consultation with the Mayor;
- The official period of mourning is defined as the day of passing or notification thereof, until sunset on the day of the funeral or memorial;
- The guiding principles to lower flags to a half-staff position shall take priority over the flying of a community flag;
- Flags at the municipal office and cenotaphs will be flown at half-staff in recognition of Remembrance Day, November 11th.

7. Flag Replacement

All exterior flags shall be replaced annually, prior to Canada Day. Flags may be additionally replaced as necessary if they become faded, soiled or frayed. When a flag becomes worn, noticeably faded or otherwise unfit for service, it must be disposed of privately in a dignified manner.

8. Attachments: Request for Community Flag Form

Community Flag Pole Request

Requests must be received a minimum of four (4) weeks prior to the date the flag is to be flown. Please refer to the Flag Protocol policy for related guidelines. Requests should be directed to the Town Clerk, 20 Pelham Town Square, PO Box 400, Fonthill, ON L0S 1E0 or emailed to njbozzato@pelham.ca. Telephone enquiries should be directed to the Clerk's office (905) 892-2607, ext. 322. Please Refer to Community Flag Pole protocols on reverse.

Details of Flag Request:

Name of Organization:	
Nature of Organization:	
<input type="checkbox"/> Charitable Organization	Reg. # _____
<input type="checkbox"/> Not-For-Profit Organization	Reg. # _____
Jurisdiction of Organization:	
<input type="checkbox"/> International	<input type="checkbox"/> National
<input type="checkbox"/> Provincial	<input type="checkbox"/> Local
Description of associated event:	
Date(s) of event:	
Date Community Flag to be Raised:	Number of Days to be Flown:
Flag Details (please include a photo/diagram of the flag):	

Contact Information:

Contact Name:	Date Submitted:
Contact Address:	
Contact City/Province:	Contact Postal Code:
Contact Daytime Telephone:	Contact E-mail Address:

Community Flag Requests:

Community Flag requests will be considered to celebrate an achievement; or to recognize a charitable or non-profit organization to help raise public awareness of their programs or activities; or an organization that has achieved national or international distinction or made a significant contribution to the community; or an organization that has helped to enhance the Town of Pelham in a positive manner. Community flags to be flown by special request will take the place of the Municipal Flag.

Guidelines for Community Flag Requests:

The following guidelines shall be observed for the flying of community flags:

- The organization's flag will fly in connection with a particular event by such organization;
- No flags of commercial, religious or political organizations shall be permitted;
- No flags of a group or organization whose undertakings or philosophy are contrary to Town of Pelham policies or by-laws, or espouse hatred, violence, discrimination, prejudice, or racism shall be permitted;
- An organization's flag shall be flown no more than once per calendar year;
- A flag shall be flown for a period of up to one week, or for the duration of the associated event, whichever is less;
- Organizations shall be required to submit requests for their organization's flag to fly on an annual basis, a minimum of four (4) weeks prior to the requested date, and shall be in the prescribed form;
- Requests for use of the community flag pole will be considered on a first come first served basis;
- Flags shall only be raised and lowered on those business days and hours that Town Hall is open.

The Town Clerk will administer the policy for flying of flags at Town Hall, and will co-ordinate flag raisings with the Office of the Mayor, and the Town's Beautification Team.

In the event of a dispute between an organization and the Town Clerk as to the eligibility of a request, the appeal process shall be with the Town Council having full and final say as to whether or not the request to fly a flag on the community flag pole will be granted.

The guiding principles to lower flags to a half-staff position shall take priority over the flying of a community flag.