

**Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

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**Via Email Only**

December 13, 2019

File No.: D.18.06.ZA-19-0133

Curtis Thompson  
Planner  
Town of Pelham  
20 Pelham Town Square, PO Box 400  
Fonthill, ON L0S1E0

Dear Mr. Thompson:

**Re: Provincial and Regional Comments  
Zoning By-law Amendment Application  
Town File: AM-09-19  
Applicant: Pawel Ryzlak and Janusz Szymala  
Address: 695 Quaker Road  
Town of Pelham**

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Regional Development Planning staff has reviewed the information circulated with the application for Zoning By-law Amendment (ZBA), which proposes to rezone the subject lands from the Residential 1 (R1) Zone to the Residential 2 (R2) (Part 1) and Residential Multiple Exception 281 Holding (RM1-281(H)) (Part 2) Zones. The ZBA is proposed in conjunction with a lot addition (concurrent consent application) to transfer Part 2 to the lands to the south, described as Parts 3-5 of Plan 59R-15976, so that a consistent zone may be applied to the lands, to facilitate future development. The retained parcel of land (Part 1) contains an existing dwelling that will remain.

A pre-consultation meeting was held on May 2, 2019, at Pelham Town Hall with Town and Regional staff, as well as the applicant and their agent. The application was received by Regional staff on November 27, 2019. Regional staff provides the following comments to assist the Town in their consideration of the application from a Provincial and Regional perspective.

**Provincial and Regional Policies**

The subject land is located within a Settlement Area under the 2014 Provincial Policy Statement (PPS), where development is generally concentrated and an appropriate

range and mix of land uses are to be provided and the efficient use of land, resources, infrastructure and public service facilities that are planned or available is encouraged.

The subject land is within the Built-Up Area under the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and designated Urban Area in the Regional Official Plan (ROP). The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities. The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. The proposal aligns with Provincial and Regional growth management policies in so far as it will facilitate future development within the Urban Built-Up Area, making more efficient use of the land and existing services.

## **Archaeological Potential**

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 land was identified at the pre-consultation meeting as having high archaeological potential based on the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Criteria for Evaluating Archaeological Potential and the Town of Pelham’s approved Heritage Master Plan. A Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated October 28, 2019) (the Assessment), was submitted with the application. The Stage 2 Assessment resulted in the identification of no archaeological resources, and no additional archaeological assessment is recommended by the Licensed Archaeologist.

The report was submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) as a condition of the Archaeologist’s license. As of the date of this letter, a letter from the MHSTCI confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. Given that the acknowledgment letter has not been received from the MHSTCI, it is recommended that either a Holding provision be included in the amending Zoning By-law, or that condition(s) be added to any future site plan or draft plan of condominium/subdivision applications required for the proposed development. Staff notes that the removal of a Holding provision will require an additional Regional review fee.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff will require the inclusion of a standard warning clause as a condition of any future site plan or draft plan of condominium/subdivision application.

## Conclusion

In conclusion, subject to inclusion of a Holding provision or condition of future planning approvals for archaeological matters, the proposal aligns with the intent and direction of Provincial and Regional policies and Regional staff does not object to the proposed Zoning By-law Amendment. Should a Holding provision be the preferred means of addressing the archaeological clearance, the following provision should be included in the amending Zoning By-law:

1. That the Stage 1-2 Archaeological Assessment, prepared by Detritus Consulting Ltd. (dated October 28, 2019), be 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, prior to removal of the Holding. 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, prior to lifting the Holding provision. 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.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or Lola Emberson, MCIP, RPP, Senior Development Planner, at 905-980-6000 ext. 3518.

Kind regards,



Britney Fricke, MCIP, RPP  
Development Planner

cc: Lola Emberson, MCIP, RPP, Senior Development Planner, Niagara Region

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DATE: January 15<sup>th</sup>, 2020  
TO: Curtis Thompson, Planner  
CC: Jason Marr, Director of Public Works & Utilities  
FROM: Tolga Aydin, Engineering Technologist  
RE: File AM-09-19  
695 Quaker Road

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Public Works has completed a review of the amendment application AM-09-19 related to the amending of the currently zoning by-law for the lands located on the south side of Quaker Road at 695 Quaker Road.

The following drawings have been received and taken into account through the course of this review:

- 695 Quaker Road Planning Justification Report
- Consent Sketch

Public Works has the following comments:

- No comments at the time of Zoning amendment. All comments regarding the site will be captured upon receiving complete Site Plan submission for the development.

## Curtis Thompson

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**From:** Municipal Planning <MunicipalPlanning@enbridge.com>  
**Sent:** November 27, 2019 6:47 AM  
**To:** Curtis Thompson  
**Subject:** RE: Request for Comments - Zoning By-law Amendment (695 Quaker Rd)

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**

Municipal Planning Coordinator  
Long Range Distribution Planning

**ENBRIDGE GAS INC.**

TEL: 416-495-5386  
500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com

**Safety. Integrity. Respect.**

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**From:** Curtis Thompson <CThompson@pelham.ca>  
**Sent:** Monday, November 25, 2019 10:36 AM  
**To:** Derek Young <DYoung@pelham.ca>; Jason Marr <JMarr@pelham.ca>; Bob Lymburner <BLymburner@pelham.ca>; Mike Zimmer <MZimmer@pelham.ca>; Belinda Menard <BMenard@pelham.ca>; Dev Planning Applications - Region (devtplanningapplications@niagararegion.ca) <devtplanningapplications@niagararegion.ca>; 'Fricke, Britney' <Britney.Fricke@niagararegion.ca>; Municipal Planning <MunicipalPlanning@enbridge.com>; Niagara Peninsula Energy (info@npei.ca) <info@npei.ca>; Jim Sorley (jim.sorley@npei.ca) <jim.sorley@npei.ca>; Bell Canada <circulations@mmm.ca>  
**Cc:** Barbara Wiens <BWiens@pelham.ca>  
**Subject:** [External] Request for Comments - Zoning By-law Amendment (695 Quaker Rd)

**EXTERNAL: PLEASE PROCEED WITH CAUTION.**

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Hello,

We are in receipt of a **Zoning By-law Amendment** application for the property at **695 Quaker Road** in Fonthill.

The submitted material is attached and includes:

- Cover Letter
- Application
- Severance Sketch
- Planning Justification Report
- Archaeological Assessment

Hardcopies are being circulated to the Region and Town staff, including your applicable fee.

Comments would be appreciated by **Monday, December 16<sup>th</sup> 2019**. If you have any questions, or require additional material, please let me know.

Thank you,

	<b>Curtis Thompson, MPP</b> Member of Parliament Community Planning & Development	<b>e: <a href="mailto:cthompson@pelham.ca">cthompson@pelham.ca</a></b> <b>p: 905.892.2607 x324</b> <b>pelham.ca</b>	20 Pelham Town Square P.O. Box 400 Fonthill, ON L0S 1E0
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