

## Committee of Adjustment AGENDA

CofA 9b/2020

September 29, 2020

4:00 pm

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

Pages

1. **Attendance**
2. **Call to Order, Declaration of Quorum and Introduction of Committee and Staff**
3. **Disclosure of Pecuniary Interest and General Nature Thereof**
4. **Requests for Withdrawal or Adjournment**
5. **Applications for Minor Variance**
  - 5.1 **A20/2020P - 1010 Canboro Road**
    1. Town of Pelham Planning Department
    2. Town of Pelham Public Works
    3. Town of Pelham Building Department
    4. Niagara Region Planning & Development Services

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## **5.2 A21/2020P - 590 Canboro Road**

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1. Town of Pelham Planning Department
2. Town of Pelham Public Works
3. Town of Pelham Building Department
4. Niagara Region Planning & Development Services
5. NPCA

## **6. Applications for Consent**

### **6.1 B2/2019P - 204 Canboro Road**

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1. Town of Pelham Planning Department (March 12, 2019 and August 11, 2020)
2. Town of Pelham Public Works (February 21, 2019)
3. Niagara Region Planning & Development Services (February 27, 2019)
4. Niagara Peninsula Conservation Authority (2019 Comments and Updated 2020 Comments)
5. Bell Canada
6. Hydro One
7. Ben Obdeyn, et al.
8. Ben Obdeyn (July 29, 2020 Comments)
9. Angela and Brian Young (August 5, 2020)

Pre-Registered Members of the Public

1. Angela and Brian Young
2. Ben Obdeyn

## **7. Minutes for Approval**

## **8. Adjournment**

August 10, 2020

Mrs. Nancy J. Bozzato, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Minor Variance Application A20/2020P**  
**1010 Canboro Road, Pelham**  
Concession 10, Part of Lot 20  
**Roll No. 2732 010 016 15801**

The subject land is located on the south side of Canboro Road, lying east of Victoria Avenue, legally described above, and known locally as 1010 Canboro Road in the Town of Pelham.

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- i. **Section 7.3 (e) "Minimum Side Yard"** seeking 7.3 m, whereas 15 m is required.

The proposal seeks to construct a  $\pm 639 \text{ m}^2$  easterly greenhouse addition.

### **Applicable Planning Policies**

#### Provincial Policy Statement (PPS) (2020)

The Provincial Policy Statement (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.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Prime Agricultural Area' according to the PPS. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

#### Greenbelt Plan (2017)

The subject land is designated 'Tender Fruit & Grape Lands' (*Specialty Crop Area*) within the Greenbelt Plan's *Protected Countryside*.

Section 3.1.2 (Specialty Crop Area Policies) states that for lands falling within *specialty crop areas* of the *Protected Countryside* all types, sizes and intensities of agricultural uses and *normal farm practices* shall be

promoted and protected.

The proposed greenhouse expansion will serve the Slappendel Greenhouses agricultural operation by increasing and / or diversifying its product yield while ensuring adequate setbacks are maintained from adjacent land uses.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject parcel as 'Protected Countryside' and 'Unique Agricultural Area'.

Policy 5.B.6 states that in the *Unique Agricultural Area*, the predominant use of land will be for agriculture of all types, which includes greenhouse bedding plants.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject parcel as 'Specialty Agricultural'. The purpose of this designation is to implement the Greenbelt Plan and recognize the importance of specialty croplands.

Policy A2.1.2 states the objective of the Official Plan is to make planning decisions that consider the health and integrity of the broader landscape as well as long term cumulative impacts on the ecosystem. Planning decisions should also restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.

Pelham Zoning By-law No. 1136 (1987), as amended

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- i. **Section 7.3 (e) "Minimum Side Yard"** seeking 7.3 m, whereas 15 m is required.

The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

| Minor Variance Test  | Explanation  |
|--|--|
| 1. The variance is minor in nature.                            | The reduction of the minimum side yard setback is minor overall because no sensitive land uses are proximate and what appears to be an unopened road allowance continues to provide an additional 20 m of separation between the adjacent property to the east. Planning staff are of the opinion the zoning request is minor in nature. |
| 2. The variance is desirable for the development or use of the | The reduction of the minimum side yard setback is desirable because it will allow for improved usage of the existing and recently approved   |

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|--|--|
| land.  | greenhouse expansion. The easterly addition will improve the loading and cleaning of container systems according to the applicant.   |
| 3. The variance maintains the general intent and purpose of the Official Plan. | The variance maintains the general purpose and intent of the Official Plan because it supports the existing agricultural greenhouse operation. The rural community character will be maintained, the use is permitted, and no adverse impacts are anticipated regarding water quality, hydrogeology and stormwater runoff. |
| 4. The variance maintains the general intent and purpose of the Zoning By-law. | The variance maintains the general intent of the Zoning By-law because the requested side yard setback reduction still leaves adequate space for passage, negative drainage, and spatial separation between adjacent land uses.  |

### Agency & Public Comments

On July 14, 2020, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Region (July 27, 2020)
  - See attached.
  - No objections, provided a new septic system permit is issued and installed, and the proposed foundation is constructed using a similar floating slab anchor post layout that was provided for the recently approved greenhouse addition in accordance with that Site Plan Agreement.
- Building Department (July 31, 2020)
  - Building permit(s) are required.
- Public Works Department (July 28, 2020)
  - No comments.

No public comments were received at the time of this writing.

### Planning Staff Comments

The subject lands are located on the south side of Canboro Road, lying east of Victoria Avenue. The property is surrounded by agricultural uses and rural residential.

The proposed minor variance application seeks zoning relief to reduce the side yard setback from 15 m to 7.3 m.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate agricultural development and making efficient use of the existing agricultural parcel which currently was not being farmed for crops. The proposed minor variances should not negatively impact the surrounding land uses with regards to land use incompatibility, odour and storm water runoff.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Given this analysis, Planning staff recommend that minor variance file A20/2020P **be approved** subject to the following conditions:

**THAT** the applicant

- Obtain building permit approval ensuring that a floating slab & anchor post layout foundation are used similar to that approved on the existing Site Plan Agreement, to the satisfaction of the Director of Community Planning & Development.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



Barb Wiens, MCIP, RPP  
Director of Community Planning & Development

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## **Memorandum**

### **Public Works Department - Engineering**

DATE: July 28, 2020  
TO: Curtis Thompson, Planner  
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works  
FROM: Corey Sciarra, Engineering Technologist  
RE: File A20/2020P  
1010 Canboro Road

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Public Works has completed a review of the minor variance application A19/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.3 (e) "Minimum Side Yard" to permit a minimum side yard of 7.3m whereas the by-law requires 15m.

Public Works has no comments.

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## CONSENTS/MINOR VARIANCES COMMENTS

Date: July 31<sup>st</sup>, 2020

Subject: File A20/2020P – 1010 Canboro Rd.

The building department offers the following comment,

- Building permits will be required for all proposed work.

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.  
Building Intake & Zoning Technician  
dchristensen@pelham.ca



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**VIA E-MAIL ONLY**

July 27, 2020

**Sarah Leach, BA.**

**Administrative Assistant to the Clerk**

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

**Submission for Minor Variance Application**

Location: 1010 Canboro Road

In the Town of Pelham

Our File: MV-20-0026

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Regional Planning and Development Services staff have completed a review of the provided materials which were provided as part of an application for a minor variance at 1010 Canboro Road in the Town of Pelham.

The above-noted documents were received by Regional staff on July 15, 2020. The submitted Minor Variance application is proposing to construct a greenhouse from: Section 7.3() "Minimum Side Yard" to permit a minimum side yard of 7.3 metres whereas the bylaw requires 15 metres. The following comments are provided from a Regional and Provincial perspective based on the information submitted in order to assist the Town in reviewing the application.

**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 a 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. Based on discussions with the applicant at the preconsultation meeting and the Anchor Post Layout Plan, prepared by Westbrook Greenhouse Systems Ltd. (dated 10/3/19), submitted through the earlier Site Plan Approval process (Regional File SP-19-0100 and Town File SP-09-19), Regional staff determined that the type of construction proposed for the greenhouse will not result in deep excavation or the disturbance of archaeological resources on site. This is supported by the interpretation of "extensive and intensive disturbance" provided by the MTCS, which does not include gardening and landscaping, agricultural or historic building footprints. Therefore, provided

the current greenhouse expansions are constructed using the same slab-on-grade type foundation as previously proposed, which does not include deep excavation of the soil, the archaeological assessment can be waived. A standard archaeological clause will be included in the site plan agreement relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

### **Private Sewage System**

Our Department has inspected the above-mentioned property and reviewed the proposal to build additional greenhouses south of an existing greenhouse operation.

The property contains a residential dwelling and a greenhouse operation. No records were found for the existing sewage system servicing the dwelling or the greenhouse. There were no visible defects found with the sewage system for the dwelling at the time of our inspection. The additional greenhouses would require a new sewage system meeting current Building Code requirements to be installed to service the increase in employees and loading bays.

Therefore, our department will have no objection to the new greenhouses provided a permit is issued by our department for a new sewage system to be installed.

### **CONCLUSION**

Based on the analysis and comments above, Regional staff offers no objection to the application, provided a permit is issued by our department for a new sewage system to be installed and subject to the Conditions outlined in the Appendix.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo  
Development Approvals Technician  
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Britney Fricke, Senior Development Planner, Niagara Region  
Susan Dunsmore, Manager Development Engineering, Niagara Region  
Caitlin Goodale, Private Sewage System Inspector, Niagara Region

August 10, 2020

Mrs. Nancy J. Bozzato, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Minor Variance Application A21/2020P**  
**590 Canboro Road, Pelham**  
Concession 9, Part of Lot 11 and Part 1 on RP 59R-9296  
**Roll No. 2732 010 014 13310**

The subject land is located on the southeast corner of Canboro Road and Cream Street, legally described above, and known locally as 590 Canboro Road in the Town of Pelham.

The subject land is zoned 'Agricultural – 127' (A-127) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- i. **Section 7.4 (e) "Minimum Exterior Side Yard"** seeking 2.43 m, whereas 8 m is required, to recognize the existing *legal non-complying* dwelling; and
- ii. **Section 7.4 (e) "Minimum Exterior Side Yard"** seeking 3.85 m, whereas 8 m is required, to construct a  $\pm 56.4 \text{ m}^2$ , 2-storey residential addition to the north.

### Applicable Planning Policies

#### Provincial Policy Statement (PPS) (2020)

The Provincial Policy Statement (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.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Prime Agricultural Area' according to the PPS. The permitted uses (among others) include: agricultural / agricultural related uses, limited residential development and home occupations. 'Prime Agricultural Areas' are defined as including associated Canada Land Inventory Class 4-7 lands as well as 'Prime Agricultural Lands' (Class 1-3 lands).

#### Greenbelt Plan (2017)

The subject land is designated 'Tender Fruit & Grape Lands' (*Specialty Crop Area*) within the Greenbelt Plan's *Protected Countryside*.

Section 3.1.2 (Specialty Crop Area Policies) states that for lands falling within *specialty crop areas* of the

*Protected Countryside* all types, sizes and intensities of agricultural uses and *normal farm practices* shall be promoted and protected.

The proposed residential addition is relatively small in scale and will not compromise the ability for the subject land to be farmed any more than the limitations posed by its existing undersized rural residential lot area. These small rural residential lots are characteristic of this neighbourhood along Canboro Road which has a highly fragmented parcel fabric.

#### Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject parcel as 'Protected Countryside' and 'Unique Agricultural Area'.

Policy 5.B.6 states single dwellings are permitted on existing lots of record provided they were zoned for such as of December 16, 2004.

Policy 10.C.2.1.13 states that *development* and *site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Regional staff are requesting that, as a condition of approval, the applicant cease all excavation activities should deeply buried archaeological resources be discovered, and that the Ministry of Heritage, Sport, Tourism and Culture be notified.

#### Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject parcel as 'Specialty Agricultural'. The purpose of this designation is to implement the Greenbelt Plan and recognize the importance of specialty croplands. Policy B2.1.2 states (among other uses) one single detached dwelling is permitted on a vacant lot of record.

Policy A2.1.2 states the objective of the Official Plan is to make planning decisions that consider the health and integrity of the broader landscape as well as long term cumulative impacts on the ecosystem. Planning decisions should also restrict and regulate land uses which could impact the water quality and hydrological and hydrogeological characteristics of watercourses, aquifers and wetlands.

Policy D4.3 Archaeological Resources – states that Council recognizes that there are archaeological remnants of pre-contact and early historic habitation as well as archaeological potential areas within the Town. Council shall require archaeological assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial guidelines, requirements and protocols.

Based on the Town's Heritage Master Plan, the subject lands are identified as having high potential for deeply buried archaeological material. This is likely a result of its proximity to watercourses and historic transportation

routes. Considering the proximity of the addition to the existing dwelling, and that the majority of the addition is a carport built above a floating slab, only a narrow wall will require full foundation footings. Town staff are comfortable waiving the requirement for an archaeological evaluation subject to the recommended condition below.

The proposed development application was accompanied by a Site Plan, Topographic Survey, Floor Plan and Elevation Plans. The Region of Niagara, whom is responsible for reviewing private sewage servicing on all rural properties has advised that an upgraded private septic system in accordance with the *Ontario Building Code* is required. It should be noted that the proposed septic tank is located underneath the proposed covered porch which cannot be approved by Regional staff, see comments below. However, the proposed covered porch is not the subject of this minor variance application. Planning staff are of the opinion the proposed variance will conform to the Official Plan, including Policy A2.1.2, subject to conditions.

Pelham Zoning By-law No. 1136 (1987), as amended

The subject land is zoned 'Agricultural – 127' (A-127) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The minor variance application requests relief from:

- i. **Section 7.4 (e) "Minimum Exterior Side Yard"** seeking 2.43 m, whereas 8 m is required, to recognize the existing *legal non-complying* dwelling; and

**Section 7.4 (e) "Minimum Exterior Side Yard"** seeking 3.85 m, whereas 8 m is required, to construct a ± 56.4 m<sup>2</sup>, 2-storey residential addition to the north.

The Committee of Adjustment, in Section 45 (1) of the *Planning Act*, may authorize a minor variance from the provisions of the by-law, subject to the following considerations:

| Minor Variance Test  | Explanation  |
|--|--|
| 1. The variance is minor in nature.  | The reduction of the minimum exterior side yard setbacks is minor overall because it will help to improve the historic streetscape, which is characterized by many homes built close to the road. The proposed addition is a logical extension of the existing dwelling, in that it will help to preserve the balance of the subject lands, private sewage system servicing and landscaped amenity area purposes. The proposed addition is also at a larger setback than the existing <i>legal non-complying</i> front yard setback which has not posed any adverse impacts to date. |
| 2. The variance is desirable for the development or use of the land.           | The reduction of the minimum exterior side yard setback is desirable because it will allow for improved living arrangements and usage of the existing <i>legal non-complying</i> dwelling. The proposed addition also has the potential to improve the Cream Street public streetscape if subject to appropriate urban design treatments, which are described in the conditions of approval.   |
| 3. The variance maintains the general intent and purpose of the Official Plan. | The variance maintains the general purpose and intent of the Official Plan because it does not compromise the rural character of the neighbourhood, nor does it prevent the ability for the site from being adequately serviced with a private septic system. The rural community character will be maintained, the use is permitted, and  |

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|--|---|
|  | no adverse impacts are anticipated regarding water quality, hydrogeology and stormwater runoff.   |
| 4. The variance maintains the general intent and purpose of the Zoning By-law. | The variance maintains the general intent of the Zoning By-law because the requested setback reduction recognizes the existing <i>legal non-complying</i> dwelling and allows for the logical, and appropriate extension of the dwelling while still maintaining adequate setbacks from the travelled roadway, and usable land for the private sewage system. |

### Agency & Public Comments

On July 15, 2020, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Peninsula Conservation Authority (July 21, 2020).
  - No objections.
- Niagara Region (July 27, 2020)
  - See attached and conditions.
  - No objections; provided a new septic system permit be issued and installed in accordance with the *Ontario Building Code*.
- Building Department (July 31, 2020)
  - Building permit(s) are required.
- Public Works Department (July 28, 2020)
  - Should a new driveway be needed, or the existing driveway widened, then a Driveway Entrance & Culvert Permit will be required via the Public Works department, at the owner's expense.

No public comments were received at the time of this writing.

### Planning Staff Comments

The subject lands are located on the southeast corner of Canboro Road and Cream Street. The property is surrounded by rural residential uses on all sides. A Pre-Consultation meeting was held with the applicants, Town staff and NPCA staff on February 20<sup>th</sup> 2020 to discuss the subject application and requirements for a complete submission.

The proposed minor variance application seeks zoning relief to recognize the existing *legal non-complying* exterior side yard setback of the original dwelling and to allow for a reduced exterior side yard setback to facilitate a northerly 2-storey addition.

Niagara Region staff have indicated the proposed addition warrants a new private sewage system under the *Ontario Building Code* requirements. However, the proposed covered porch is illustrated above the septic tank. The septic tank must be at least 1.5 m from any structure. Therefore, the Region cannot support the permit for

the covered porch section of the addition.

However, Regional staff contacted Town Planning staff about the concern and recognized that the subject of the minor variance (reducing exterior side yard setbacks), are not related to the proposed covered deck. Therefore, enforcing a condition with respect to the deck would be outside of the scope of zoning relief and this issue can be rectified at the building permit stage, regardless of any condition imposed by the Committee of Adjustment. Based on this, no conditions are being requested by Town staff to address the issue between the septic tank and proposed covered deck. The applicant should be made aware of this issue and understand that it will need to be dealt with in order to obtain a building permit for the rear deck.

Town Planning staff are of the opinion the proposed addition to the north is a logical, and rather efficient use of the existing dwelling in order to gain additional living space and improve use of the property.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate rural residential development and making efficient use of the existing undersized rural residential parcel. The proposed minor variances should not negatively impact the surrounding land uses with regards to land use incompatibility, privacy and storm water runoff.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Given this analysis, Planning staff recommend that minor variance file A21/2020P **be approved** subject to the following conditions:

**THAT** the applicant

- At the time of building permit, provide a west (Cream Street) *Elevation Plan* that positively contributes to the public street through the use of a more practical front porch, and ground floor windows symmetrically proportionate to the building's mass, to the satisfaction of the Director of Community Planning & Development.
- Cease excavation activities immediately upon discovery of deeply buried archaeological resources. The Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) shall be notified 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 & Consumer Services (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 in contravention of the *Ontario Heritage Act*.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



Barb Wiens, MCIP, RPP  
Director of Community Planning & Development



## **Memorandum**

### **Public Works Department - Engineering**

DATE: July 28, 2020  
TO: Curtis Thompson, Planner  
CC: Nancy J. Bozzato , Clerk; Holly Willford, Deputy Clerk; Jason Marr, Director of Public Works  
FROM: Corey Sciarra, Engineering Technologist  
RE: File A21/2020P  
590 Canboro Road

Public Works has completed a review of the minor variance application A21/2020P for relief of Pelham Zoning By-Law 1136(1987), as amended. The application is made to seek relief from the following:

- Section 7.4 (e) “Minimum Exterior Side Yard” to permit a minimum exterior side yard of 3.85m whereas the by-law requires 8m.

Public Works has the following comments;

- Should the Applicant require a new driveway or a driveway widening, that the applicant shall obtain approval through a Driveway Entrance and Culvert Permit Application from the Public Works department for the installation of a new entrance or modification of an existing entrance in accordance with current Town standards at the time of or prior to building permit application. Installation and/or modification shall be completed in accordance with current Town standards and the applicant shall bear all costs associated with these works (design, construction, etc.).

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## CONSENTS/MINOR VARIANCES COMMENTS

Date: July 31<sup>st</sup>, 2020

Subject: File A21/2020P – 590 Canboro Rd.

The building department offers the following comment,

- A building permit will be required for all proposed work.

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.  
Building Intake & Zoning Technician  
dchristensen@pelham.ca

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**VIA E-MAIL ONLY**

July 27, 2020

**Sarah Leach, BA.**

**Administrative Assistant to the Clerk**

Administration Services

20 Pelham Town Square, P. O. Box 400

Fonthill, Ontario L0S 1E0

**Submission for Minor Variance Application**

Location: 590 Canboro Road  
In the Town of Pelham

Our File: MV-20-0027

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Regional Planning and Development Services staff have completed a review of the provided materials which were provided as part of an application for a minor variance at 590 Canboro Road in the Town of Pelham.

The above-noted documents were received by Regional staff on July 15, 2020. The submitted Minor Variance application is proposing the construction of an addition to the dwelling. The application was made to recognize the current side yard setback distance of 2.43 metres and for relief from: Section 7.4(e) "Minimum Exterior Side Yard" to permit a minimum exterior side yard of 3.85 metres whereas the bylaw requires 8 metres. The following comments are provided from a Regional and Provincial perspective based on the information submitted in order to assist the Town in reviewing the application.

**Archaeological Potential**

The Provincial Policy Statement (PPS) and Regional Official Plan (ROP) provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development (including the construction of buildings and structures requiring approval under the Planning Act) and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The property was identified at a 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 due to proximity (within 300m) to several watercourses to the west, south and east. As the Town has an approved Heritage Master

Plan, Regional staff defer to the Town on any requirements for an Archaeological Assessment. Regional staff have included a standard warning clause included in the appendix.

### **Private Sewage System**

Private Sewage System inspection staff have reviewed the application to construct an 86 sq meter addition (Car port with dwelling above) with a covered porch on the existing property. No records were found for the existing sewage system on the property however a tank replacement was completed in 2018 and approved by this department. No visible defects were noted with the sewage system at the time of our inspection. The proposed addition would require a new sewage system to be installed on the property meeting building code requirements.

Please note, our department cannot approve of the covered porch as it is being proposed over the septic tank. The tank must be 1.5 m from any structure and no structure shall be built over the tank.

Regional staff have included conditions for the minor variance in the appendix to address these comments.

### **Conclusion**

Based on the analysis and comments above, Regional staff offers no objections to the proposed addition provided a new sewage system is installed to accommodate the increased flows for the site and future plans address the need for separation between the covered porch and the septic tank to comply with the Ontario building code requirements.

If you have any questions or wish to discuss these comments please contact the undersigned at extension 3345, or Susan Dunsmore, Manager Development Engineering, at extension 3661.

Best Regards,



Matteo Ramundo  
Development Approvals Technician  
Niagara Region

Attention: Appendix- Regional Conditions for Site Plan Approval

cc. Britney Fricke, Senior Development Planner, Niagara Region  
Susan Dunsmore, Manager Development Engineer, Niagara Region  
Caitlin Goodale, Private Sewage System Inspector, Niagara Region

**APPENDIX**  
**Regional Conditions for Minor Variance**  
**590 Canboro Road, Town of Pelham**

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1. Should deeply buried archaeological remains/resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) must be notified 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 (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture Industries 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.
2. That prior to the issuance of a building permit the owner shall apply to the Niagara Region's Planning and Development Services Department for a private sewage system permit.
3. That the owner agrees to move the proposed septic system or covered porch in order to meet the requirements of the Ontario Building Code.

**From:** [Sarah Leach](#)  
**To:** [Curtis Thompson](#); [Holly Willford](#)  
**Subject:** FW: Town of Pelham Notice of Hearing  
**Date:** Tuesday, July 21, 2020 1:36:09 PM

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FYI



**Sarah Leach, BA.**

Administrative Assistant to the Clerk  
Town of Pelham

T: 905-892-2607 x322 | E: [sleach@pelham.ca](mailto:sleach@pelham.ca)

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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**TOWN OF PELHAM CONFIDENTIALITY NOTICE**

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**From:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Sent:** Tuesday, July 21, 2020 1:19 PM  
**To:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Subject:** RE: Town of Pelham Notice of Hearing

Good Afternoon Sarah,

Please be advised that the NPCA has no objections to the approval of this application.

Thank you.

**Sarah Mastroianni**  
**Senior Watershed Planner**  
Niagara Peninsula Conservation Authority  
250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
Phone: 905 788 3135 (ext. 249)  
Fax: 905 788 1121  
email: [smastroianni@npca.ca](mailto:smastroianni@npca.ca)

[NPCA Watershed Explorer](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries

or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

### **NPCA Watershed Explorer**

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**From:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Sent:** Wednesday, July 15, 2020 8:46 AM  
**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Subject:** Town of Pelham Notice of Hearing

Good morning,

Attached, please find the notice of hearing for Committee of Adjustment file(s): A21/2020P.  
Fees have been sent via regular mail.

Thank you,



**Sarah Leach, BA.**  
Administrative Assistant to the Clerk  
Town of Pelham  
T: 905-892-2607 x322 | E: [sleach@pelham.ca](mailto:sleach@pelham.ca)  
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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system. Thank you.

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



March 12, 2019

Mrs. Nancy J. Bozzato, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Consent Application B2/2019P**  
**204 Canboro Road, Pelham**  
Part of Lot 3, Concession 8  
**Roll No. 2732 020 010 09800**

The subject parcel, shown as Part 2 on the attached sketch, is an interior portion of 204 Canboro Road (Parts 1-2), lying south of Canboro Road and west of Oakridge Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to convey a  $\pm 60\text{m}^2$  easement (Part 2) in perpetuity, in favour of Part 3 for the purposes of discharging storm water. Parts 1-2 will be retained for the continued use of a single detached residential dwelling known as 204 Canboro Road.

Note – There is an existing storm sewer easement in favour of the Town of Pelham within Part 1, that Part 2 is proposing outfall towards.

### **Applicable Planning Policies**

#### Provincial Policy Statement, (2014)

The subject parcel is located in the 'Settlement Area' according to the Provincial Policy Statement (PPS).

Policy 1.1.3.1 states *settlement areas* shall be the focus of growth and development, 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:
  - 1. Efficiently use land and resources;
  - 2. 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.

The application seeks to utilize the existing stormwater easement (previously established for another

subdivision development) in the lower valley to the south, for the purposes of continuing to accommodate the stormwater flows from the development of 204 Canboro Road for townhouses.

Policy 2.1.5 states development and *site alteration* shall not be permitted in *significant valleylands* in Ecoregion 7E unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

*Site alteration* is proposed beneath the top of slope to install a storm sewer and drop structure which will be released into rip-rap and geotextiles before exiting to the existing storm drainage easement / swale. The stormwater will be treated through an oil / grit separator and pass through an orifice plate before being discharged down the slope. This treats the runoff and controls the post-development discharge volume to pre-development volume levels for up to the 100-year design storm event.

The applicant's engineer has explained the reason for this site alteration in the valleyland is because there is no existing stormwater infrastructure along Canboro Road, the existing site at 204 Canboro Road naturally drains southward down the valley, there are requirements for quantity & quality controls, the valley contains no significant *Natural Heritage Features* and that the valley wall will be restored to its existing (or better) condition, with limited vegetation removal. The EIS (Environmental Impact Statement) did not identify any *Core Natural Heritage Features* or *species at risk* associated with the valleylands.

#### Growth Plan for the Greater Golden Horseshoe (GGH) (2017)

This Plan 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.
- Improve the integration of land use planning with planning and investment in *infrastructure*.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- 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.

The application seeks to register a perpetual easement over Part 2, in favour of Part 3 (204 Canboro Rd) to allow for stormwater discharge from Part 3's townhouse development into an existing stormwater easement / drainage channel below.

Policy 3.2.7 Stormwater Management – states proposals for large-scale development proceeding via vacant

land plan of condominium or site plan will be supported by a *stormwater management plan* or equivalent, that:

- a) is informed by a *subwatershed plan* or equivalent;
- b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater pods, which includes appropriate *low impact development* and *green infrastructure*;
- c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and
- d) aligns with the *stormwater master plan* for the *settlement area*, where applicable.

A Functional Servicing Report was submitted as part of the Site Plan Control application (SP-02-19) for 204 Canboro Road. Included is an Existing & Proposed Drainage Plan, as well as explanation of the quantity and quality controls being proposed to manage stormwater runoff.

#### Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject parcel as 'Built-up Area' within the Urban Area Boundary.

Policy 4.G.7.2 states 'Urban Areas' will be the focus of the Region's long term growth and development.

Policy 7.A.6.5 d) states that along valleylands where the valley bank height is equal or greater than 3m...vegetation below the top of valley slope shall not be disturbed.

The Region notes that the NPCA is responsible for the review and comment on *Planning Act* applications associated with valley slopes.

#### Pelham Official Plan (2014)

The local Official Plan identifies the subject parcel as 'Urban Living Area / Built Boundary', 'Wooded Area' and a 'Deer Wintering Area'.

Policy B1.1.1 states the purpose of the Urban Living Area designation is to recognize the existing residential areas of Fonthill and promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential intensification, where appropriate.

Policy B3.3.4.11 states 'Wooded Area' (shown on Schedule B) have not been assessed or confirmed for significance, therefore they have not been included in the *Environmental Protection Two* designation. When an assessment of these features has been completed in accordance with the Regional Official Plan, and to the satisfaction of the Town, Region and NPCA, the 'Wooded Areas' will be added to the EP2 designation through an Official Plan Review or via special amendment.

The EIS prepared by Beacon Environmental Ltd. (2015) submitted as part of consent file B14/2016 did not identify the wooded area as being considered a *Significant Woodland* because of its deficient size and did not identify any endangered species. The EIS satisfied the Town, Region and NPCA at that time, as they pertained to the creation of 204 Canboro Road.

Pelham Zoning By-law No. 1136 (1987), as amended

The subject parcel is zoned 'Residential 1' (R1) according to the Zoning By-law.

### Agency and Public Comments

On February 13<sup>th</sup>, 2019, a notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Region Planning & Development Services (February 27, 2019)
  - (see Appendix)
  - Regional Environmental Planning staff note there are no natural heritage concerns on the subject lands (see file 26CD19-02018).
  - The NPCA is the lead agency for natural hazards associated with valley slopes and therefore the Region defers to the NPCA as it relates to the conveyance of storm water runoff down the valley slope.
  - No objection, subject to local and other planning requirements, pertaining to the valley slope hazards as there is concern that the proposal may include vegetation removal.
- Niagara Peninsula Conservation Authority (February 20, 2019)
  - (see Appendix)
  - Typically, the discharge of stormwater over a valley is not permitted by NPCA policies unless there is no other option available (which has not yet been confirmed).
  - As per the attached NPCA comments (dated February 14, 2019) provided for the Site Plan Approval application (SP-02-19), further analysis is required prior to NPCA supporting the discharge of stormwater into the valley. As the NPCA has not formally supported the idea of allowing drainage over the valley, this Consent application is premature.
  - Suggest application be deferred until the drainage issues are resolved via Site Plan Control.
- Bell Canada (March 4, 2019)
  - No concerns.
- Public Works Department (February 21, 2019)
  - Advises the applicant that a comprehensive Overall Lot Grading & Drainage Plan for all parcels will be required at Site Plan Control demonstrating that drainage neither relies on, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works.

Public comments:

- Concern with storm sewer impacting the forested area and over 20 different bird species living in this area.
  - ✓ The EIS (2015) conducted by Beacon Environmental identified 25 species of breeding bird. No interior forest or area-sensitive species were noted. None of the recorded species are listed on the Schedules of the *Endangered Species Act* or are considered Provincially or regionally rare species.
- Concern about losing bird species / trees as a result of the development.

- ✓ The townhouse development is limited to the table lands (already disturbed area which included the former dwelling, driveway and grass lawn) adjacent to the valley. The townhouse development maintains the valley land in a natural state with no grading or vegetation disturbance below the physical top-of-slope or within the 7.5m setback. However, to accommodate stormwater control, a storm easement is requested to release water to an existing storm easement in the valley below to the south. It is not known, to what extent their proposed easement will have on the existing woodlot.

### Planning Comments

Multiple pre-consultation meetings were held with the applicant, staff from the Town, Region and the NPCA to discuss the various *Planning Act* applications.

The subject land is bounded by the westerly limits of the Fonthill urban area boundary on the west lot line. To the south is woodlot within a valley and further south is a residential subdivision. Residential houses abut to the east and opposite Canboro Rd to the north.

The application was submitted with an Environmental Impact Statement Report by Beacon Environmental Ltd. which included a Geotechnical Report by Landtek directed to the NPCA to verify the stable top of bank for the valley at the south. Geotechnical staff and a survey crew staked the stable top of bank for the purpose of establishing the new dividing line between the proposed parcels.

In Planning staff's opinion, given the concerns raised by the NPCA and without more information and their support, conditional approval of the conveyance for a perpetual (stormwater) easement is premature at this time.

Planning staff recommend that consent file B2/2019P **be deferred** to allow additional time to resolve concerns raised by the NPCA.

Submitted by,



Curtis Thompson  
Planner, B.URPI

Approved by,



Barb Wiens, MCIP, RPP  
Director of Community Planning & Development



August 11, 2020

Mrs. Nancy J. Bozzato, Secretary Treasurer  
Committee of Adjustment  
Town of Pelham  
Fonthill, ON L0S 1E0

**Re: Consent Application B2-2019P**  
**204 Canboro Road, Pelham**  
Part of Lot 3, Concession 8  
**Roll No. 2732 020 010 09800**

The subject parcel, shown as Part 2 on the attached sketch, is an interior portion of 204 Canboro Road (Parts 1-2), lying south of Canboro Road and west of Oakridge Boulevard, legally described above, in the Town of Pelham.

Application is made for consent to convey a  $\pm 343 \text{ m}^2$  easement (Part 2) in perpetuity, in favour of Part 3 for the purposes of discharging storm water. Parts 1-2 will be retained for the continued use of a single detached residential dwelling known as 204 Canboro Road.

Note – There is an existing storm sewer easement in favour of the Town of Pelham located within the valley (Part 1). Town Council has also approved the Site Plan Agreement for the townhouse development at 190 Canboro Road (Part 3).

### **Applicable Planning Policies**

#### Provincial Policy Statement, (2020)

The Provincial Policy Statement (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.

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

- Policy 1.1.1 Healthy, liveable and safe communities are sustained by (among others):
- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;

- h) Promoting development and land use patterns that conserve biodiversity; and
- i) Preparing for the regional and local impacts of a changing climate.

The application seeks to utilize the existing stormwater easement (previously established for another subdivision development) in the lower valley to the south, for the purposes of continuing to accommodate the stormwater flows from the development of 190 Canboro Road (Part 3) for townhouses.

Policy 2.1.5 states development and *site alteration* shall not be permitted in *significant valleylands* in Ecoregion 7E unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

*Site alteration* is proposed beneath the top of slope to convey overland flows from Part 3 to the bottom of the valley into the existing storm sewer easement via an existing old path channel, proposed headwall, rip-rap covered geomat, and native hydro seeding to prevent soil erosion on the valley slope. The stormwater will be treated through an oil / grit separator and pass through an orifice plate before being discharged down the slope. This treats the runoff and controls the post-development discharge volume to pre-development volume levels for up to the 100-year design storm event.

The applicant's engineer has explained the reason for this site alteration in the valleyland is because there is no existing stormwater infrastructure along Canboro Road, the existing site at 204 Canboro Road naturally drains southward down the valley, there are requirements for quantity & quality controls, the valley contains no significant *Natural Heritage Features* and that the valley wall will be restored to its existing (or better) condition, with limited vegetation removal. The EIS (Environmental Impact Statement) did not identify any *Core Natural Heritage Features* or *species at risk* associated with the valleylands.

#### Growth Plan for the Greater Golden Horseshoe (GGH) (2017)

This Plan 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.
- Improve the integration of land use planning with planning and investment in *infrastructure*.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- 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.



The application seeks to register a perpetual easement over Part 2, in favour of Part 3 (204 Canboro Rd) to allow for stormwater discharge from Part 3's townhouse development into an existing stormwater easement / drainage channel below.

Policy 3.2.7 Stormwater Management – states proposals for large-scale development proceeding via vacant land plan of condominium or site plan will be supported by a *stormwater management plan* or equivalent, that:

- a) is informed by a *subwatershed plan* or equivalent;
- b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater pods, which includes appropriate *low impact development* and *green infrastructure*;
- c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and
- d) aligns with the *stormwater master plan* for the *settlement area*, where applicable.

A Functional Servicing Report and Environmental Impact Statement was submitted as part of the Site Plan Control application (SP-02-19) for 204 Canboro Road. Included is an Existing & Proposed Drainage Plan and stormwater channel design, as well as explanation of the quantity and quality controls being proposed to manage stormwater runoff.

#### Niagara Region Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject parcel as 'Built-up Area' within the Urban Area Boundary.

Policy 4.G.7.2 states 'Urban Areas' will be the focus of the Region's long term growth and development.

Policy 7.A.6.5 d) states that along valleylands where the valley bank height is equal or greater than 3m...vegetation below the top of valley slope shall not be disturbed.

The Region notes that the NPCA is responsible for the review and comment on *Planning Act* applications associated with valley slopes.

#### Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary', 'Wooded Area' and a 'Deer Wintering Area'.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem. To make planning decisions that avoid negative environmental impacts as a first priority, with secondary priority given to mitigation of negative impacts.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate



various forms of residential intensifications, where appropriate.

Policy B3.3.4.11 states 'Wooded Areas' (shown on Schedule B) have not been assessed or confirmed for significance, therefore they have not been included in the *Environmental Protection Two* designation. When an assessment of these features has been completed in accordance with the Regional Official Plan, and to the satisfaction of the Town, Region and NPCA, the 'Wooded Areas' will be added to the EP2 designation through an Official Plan Review or via special amendment.

The EIS prepared by Beacon Environmental Ltd. (2015) submitted as part of consent file B14/2016 did not identify the wooded area as being considered a *Significant Woodland* because it did not meet the size criteria and no threatened or endangered species were identified. The EIS satisfied the Town, Region and NPCA at that time, as they pertained to the creation of 204 Canboro Road. Furthermore, an EIS Addendum (dated 2020.04.06) was prepared by Beacon Environmental Ltd. and supplied with the Site Plan Control application (SP-02-19) for 190 Canboro Road. The EIS Addendum revised the stormwater outlet method to convey overland flows to the bottom of the valley utilizing an existing old path channel that runs down the valley slope to the tributary below. Similarly, a Geotechnical Assessment and Slope Stability Evaluation was prepared by Landtek Ltd. and concluded that it is anticipated that post-construction flows modelled during the peak storm events will be very similar, or slightly less than those modelled for pre-construction conditions. However, the placement of an outfall feature and associated infrastructure may have an influence on water flow patterns that could adversely affect the stability of the channel, particularly during a more significant storm event. Therefore, preserving the slope and channel conditions from any future, detrimental flow patterns (i.e. increased turbidity or scouring behaviours) should be taken into consideration. The consultants determined that given the soil type, soil condition, slope and channel profile, certain mitigation measures such as the use of a 'Geomat' and seeding will maintain the integrity of the valley. Subsequently, an NPCA Work Permit was approved, requiring the developer adhere to the recommendations made by Landtek and subject to this consent application being approved for a perpetual easement, among others.

Understanding the professional evaluations and qualified opinions prepared by the ecologists and geotechnical engineering consultants, among others, and the comments provided by the NPCA and Regional staff, together with their conditions, Town Planning staff are of the opinion the proposed consent conforms with the Official Plan and issues related to natural heritage, slope stability and water quality and quantity control have been appropriately addressed.

#### Pelham Zoning By-law No. 1136 (1987), as amended

The subject parcel is zoned 'Residential 1' (R1) according to the Zoning By-law.

#### **Agency & Public Comments**

On July 14, 2020, a revised notice of public hearing was circulated by the Secretary Treasurer of the Committee of Adjustment to applicable agencies, Town departments, and to all assessed property owners within 60 metres of the property's boundaries.

To date, the following comments have been received:

- Niagara Region Planning & Development Services (February 27, 2019)

- (see Appendix)
- Regional Environmental Planning staff note there are no natural heritage concerns on the subject lands (see file 26CD19-02018).
- The NPCA is the lead agency for natural hazards associated with valley slopes and therefore the Region defers to the NPCA as it relates to the conveyance of storm water runoff down the valley slope.
- No objection, subject to local and other planning requirements, pertaining to the valley slope hazards as there is concern that the proposal may include vegetation removal.
- Niagara Peninsula Conservation Authority (May 27, 2020)
  - (see Appendix)
  - No objections to the proposed stormwater outfall into the existing channel provided a perpetual easement is established over (204 Canboro Road) and all NPCA Work Permits are obtained prior to commencement of site works.
  - Any mitigation measures suggested by the Environmental Impact Statement prepared by Beacon Environmental will be required or implemented through the NPCA Work Permit process.
  - NPCA Work Permit (No. 201900337) for the purposes of stormwater outfall construction was issued on July 8, 2020 subject to the establishment of an easement in favour of 190 Canboro Road.
- Hydro One (July 15, 2020)
  - No concerns.
- Bell Canada (March 4, 2019)
  - No concerns.
- Public Works Department (February 21, 2019)
  - Advises the applicant that a comprehensive Overall Lot Grading & Drainage Plan for all parcels will be required at Site Plan Control demonstrating that drainage neither relies on, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works.
  - Note – Site Plan Approval was granted on July 13, 2020 (By-law No. 4258 (2020)).

Public comments:

- Concern with storm sewer affecting the forested area and over 20 different bird species living in this area.
  - ✓ The EIS (2015) conducted by Beacon Environmental identified 25 species of breeding bird. No interior forest or area-sensitive species were noted. None of the recorded species are listed on the Schedules of the *Endangered Species Act* or are considered Provincially or regionally rare species. The developer is required to maintain the same pre-development storm water flows exiting Part 3 into the valley lands which will minimize impacts on the woodland.
- Concern about losing bird species / trees as a result of the development.
  - ✓ The townhouse development is limited to the table lands (already disturbed area which included the former dwelling, driveway and grass lawn) adjacent to the valley. The townhouse development maintains the valley land in a natural state with no grading or vegetation disturbance below the physical top-of-slope or within the 7.5m setback. However, to accommodate stormwater control, a storm easement is requested to release water to an existing storm easement in the valley below to the south. The proposed easement will have minimal impact on bird species and tree removal in accordance with the NPCA Work Permit.

The valleyland will be maintained in its natural state except for the area of proposed works, which will be rehabilitated in accordance with the NPCA Work Permit.

- Concern about drainage and recommends using a *French drain* system.
  - ✓ The stormwater management system has been designed by professional engineers and reviewed by Town Engineering staff, NPCA staff, and qualified ecologists whom are satisfied the proposed stormwater management design meets relevant engineering and environmental standards and guidelines for mitigating any negative impacts.
- Concern about drainage and design of storm system of adjacent subdivision and downstream impacts.
  - ✓ The design of the stormwater management system for the adjacent subdivision was designed in accordance with engineering requirements at that time. The proposed stormwater management system for the development of 190 Canboro Road (Part 3) is for post-development flow rates not to exceed pre-development flows. This design provision includes underground storage within the storm sewers and controlling the rate of discharge at the outlet point minimizing downstream impacts.

### Planning Staff Comments

Multiple pre-consultation meetings were held with the applicant, staff from the Town, Region and the NPCA to discuss the various *Planning Act* applications.

The subject land is bounded by the westerly limits of the Fonthill urban area boundary on the west lot line. To the south is a woodlot within a valley and further south is a residential subdivision. Residential houses abut to the east and opposite Canboro Road to the north.

The application was submitted with an Environmental Impact Statement (EIS) Report by Beacon Environmental Ltd. which included a Geotechnical Report by Landtek directed to the NPCA to verify the stable top of bank for the valley at the south. Geotechnical staff and a survey crew staked the stable top of bank for the purpose of establishing the new lot that now divides 190 Canboro Road from 204 Canboro Road. An EIS Addendum (dated 2020.04.06) was prepared by Beacon Environmental Ltd. and supplied with the Site Plan Control application (SP-02-19) for 190 Canboro Road. The EIS Addendum revised the stormwater outlet method to convey overland flows to the bottom of the valley utilizing an existing pathway as a channel that runs down the valley slope to the tributary below. The conditionally approved NPCA Work Permit ensures certain mitigation measures outlined by the consultants are to be adhered to, and require that the developer obtain an easement over the subject lands in favour of 190 Canboro Road (Part 3) to the NPCA's satisfaction. As such, the applicant has advised that work related to the storm outlet cannot commence until the easement is registered. The NPCA is satisfied with the proposed storm outlet design and the overall design in relation to the stable top-of-bank.

In Planning staff's opinion, the application is consistent with the PPS and conforms to Provincial, Regional, and local plans.

Given this analysis, Planning staff recommend that consent file B2-2019P **be approved** subject to the following conditions:

**THAT** the applicant

- Provide the Secretary-Treasurer with a registerable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- Provide the final certification fee of \$395, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.

Prepared by,



Curtis Thompson, B.URPI  
Planner

Approved by,



Barb Wiens, MCIP, RPP  
Director of Community Planning & Development

---

## Memorandum

### Public Works Department - Engineering

DATE: February 21, 2018  
TO: Curtis Thompson, Planner  
CC: Nancy J. Bozzato, Clerk; Holly Willford, Deputy Clerk; Jason Marr,  
Director of Public Works  
FROM: Xenia Pasiecznik, Engineering Technologist  
RE: File B2/2019P  
204 Canboro Road

---

We have completed the review of the consent application B2/2019P for consent to convey an easement in perpetuity over Part 2 to the benefit of Part 3 for the use of discharging storm water. Parts 1 and 2 are to be retained for continued use of the residential property known municipally as 204 Canboro Road.

Upon this review, Public Works has the following proposed **comments**:

1. To advise the applicant that a comprehensive overall lot grading and drainage plan for all parcels will be required with site plan application to demonstrate that the drainage neither relies on nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works.

February 27, 2019

File: D.06.06.CS-19-007

**By Email Only**

Ms. Nancy Bozzato  
Secretary-Treasurer of the Committee of Adjustment  
Town of Pelham  
20 Pelham Town Square, P.O. Box 400  
Fonthill, Ontario  
L0S 1E0

Dear Ms. Bozzato:

**RE: Application for Consent**  
**Location: 204 Canboro Rd**  
**Proposal: consent to sever**  
**Your File: B2/2019P**

Regional staff has reviewed the consent application to convey an easement in perpetuity over Part 2, to the benefit of Part 3 for use of discharging storm water. Parts 1 and 2 are to be retained for continued use of residential property known municipally as 204 Canboro Road in the Town of Pelham. Regional Staff offers the following comments to assist the Committee in their consideration of the consent application.

### **Provincial and Regional Policy**

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and are within the Delineated Built-Up Area under the 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan). 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 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 subject lands are within the Urban Area in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and infrastructure. The proposed consent application will help in addressing potential storm water management concerns for neighbouring properties. The proposal maintains the intent of Provincial and Regional policies.

### **Core Natural Heritage**

Environmental Planning Staff have reviewed the application for consent for 204 Canboro Road in the Town of Pelham.

The application is made to permit the consent for the purposes of an easement to allow the discharge of stormwater over the valley. Regional Environmental Staff note that based on

previous determinations, there are no natural heritage concerns on the subject property (see 26CD19-02018).

With this said, Regional Environmental Staff note that ROP Policy 7.A.6.5d) states that “along valleylands where the valley bank height is equal or greater than 3 meters....vegetation below the top of the valley slope shall not be disturbed”. As such, there is a concern should the proposal for the easement to convey water over the top of bank include the need to remove vegetation. The Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. The NPCA is the lead agency for natural hazards associated with valley slopes and therefore the Region defers to the NPCA as it relates to the proposal to convey water down the valley slope.

### **Conclusion**

Regional Planning and Development Services staff has no objection to the consent application, subject to local and other planning requirements, pertaining to the hazards associated with the valley slopes as there is a concern that the proposal may include vegetation removal.

Should you have any questions concerning the above noted comments, please contact me at 905-685-4225 extension 3518 or Jennifer Whittard, Manager of Environmental Planning, at extension 3430.

Please send notice of the Committee’s decision on this application.

Sincerely,



Alexsandria Pasquini  
Development Planner

cc: Mr. Aaron Butler, MCIP, RPP, Senior Development Planner (Niagara Region)  
Mrs. Jennifer Whittard, Manager Environmental Planning (Niagara Region)

**From:** Sarah Leach  
**To:** Holly Willford; Curtis Thompson  
**Subject:** FW: Pelham Committee of Adjustment - Notice of Hearing  
**Date:** February 20, 2019 3:46:41 PM  
**Attachments:** NPCA General Plan Review Response 190 Canboro.pdf

---



**Sarah Leach**  
*Administrative Assistant  
to the Clerk*  
**Administration Services**

**e:** sleach@pelham.ca  
**p:** 905.892.2607 x322  
**pelham.ca**

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

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**From:** Sarah Mastroianni <smastroianni@npca.ca>  
**Sent:** Wednesday, February 20, 2019 2:10 PM  
**To:** Sarah Leach <SLeach@pelham.ca>  
**Subject:** RE: Pelham Committee of Adjustment - Notice of Hearing

Hi Sarah,

NPCA staff have reviewed the application for 204 Canboro Road (B2/2019) as well as our mapping. Based on our review, we offer the following.

This application has been made to permit the consent for the purposes of an easement to allow the discharge of stormwater over the valley. Typically, this is not permitted by NPCA policies unless there is no other option available (which has not yet been confirmed). Please see attached NPCA comments made at the Site Plan Application stage which requires a further analysis prior to the NPCA supporting the discharge of stormwater into the valley. As the NPCA has not formally supported the idea of allowing drainage over the valley, this consent application is premature.

NPCA staff suggest that this consent application be deferred until the drainage issues are straightened out through the Site Plan Control stage.

Thank you.

**Sarah Mastroianni**  
**Watershed Planner**  
Niagara Peninsula Conservation Authority  
250 Thorold Road West, 3rd Floor  
Welland, Ontario L3C 3W2  
Phone: 905 788 3135 (ext. 249)  
Fax: 905 788 1121  
email: [smastroianni@npca.ca](mailto:smastroianni@npca.ca)

---

**From:** Sarah Leach [<mailto:SLeach@pelham.ca>]  
**Sent:** Wednesday, February 13, 2019 10:59 AM  
**To:** Sarah Mastroianni <[smastroianni@npca.ca](mailto:smastroianni@npca.ca)>  
**Subject:** Pelham Committee of Adjustment - Notice of Hearing

Good morning,

Attached, please find the notice of hearing for Pelham minor variance file A5/2019P, A6/2019P and Pelham consent file B2/2019P.



**Sarah Leach**  
*Administrative Assistant  
to the Clerk*  
**Administration Services**

**e:** sleach@pelham.ca  
**p:** 905.892.2607 x322  
**pelham.ca**

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

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February 14, 2019

Our File No.: PLSPC201900107

BY E-MAIL ONLY

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

Attention: Shannon Larocque, MCIP, RPP, Senior Planner

**Subject: Application for Site Plan Control**  
190 Canboro Road Pelham ON L0S1E6

---

The NPCA has reviewed the above noted application for Site Plan Approval. Based on our review, we offer the following comments.

The subject lands back onto a valley that is regulated by the NPCA. Through previous development planning stages, the NPCA reviewed a geotechnical report (prepared by Landtek Limited, dated July 13, 2016) and had no objections to the report's conclusions that the stable top of slope coincides with the physical top of slope. This was used to establish the southern lot line of the subject property and was supported by the NPCA. The Site Plan shows that all proposed development will be a minimum of 7.5m from the rear lot line which coincides with the stable top of bank. This was also supported by the NPCA in previous applications.

In general, the NPCA is supportive of this proposal. However, the Site Grading Plan shows an easement going over the slope for drainage purposes. This is typically not supported by the NPCA (as stated in our June 14, 2018 comments on the proposed Draft Plan of Condominium). Further, the NPCA does not permit site alterations to occur beyond the top of slope, on a valley wall. In situations where there is no alternative means to convey overland flow, the NPCA may entertain overland drainage flowing over the slope (not in a concentrated manner) provided there are no impacts to the stability of the slope or any adverse environmental impacts (which may need to be confirmed through the proper studies).

At this time, a rationale for allowing drainage to be directed over the slope has not been given. In order for the NPCA to consider allowing overland drainage to flow over the slope (not in a concentrated manner), justification must be provided to the NPCA that confirms there is no other alternative to direct the drainage away from the valley slope (to the satisfaction of the NPCA).

Should the NPCA entertain overland drainage flowing over the valley slope, a Permit will be required and formal Geotechnical or Environmental Studies may also be required. It should also be kept in mind that NPCA policies do not permit the disturbance to grades or vegetation below the top of valley slope.

## Conclusion

At this time, NPCA staff are requesting further information regarding the proposed drainage over the valley slope before we can provide further comment.

I trust this information is sufficient. Please let me know if you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "S. Mastroianni".

Sarah Mastroianni,  
Watershed Planner  
(905) 788-3135, ext. 249

**From:** [Sarah Leach](#)  
**To:** [Holly Willford](#)  
**Subject:** FW: Pelham Committee of Adjustment - Notice of Hearing - 905-19-099  
**Date:** March 4, 2019 10:28:06 AM

---



**Sarah Leach**  
*Administrative Assistant  
to the Clerk*  
**Administration Services**

**e:** [sleach@pelham.ca](mailto:sleach@pelham.ca)  
**p:** 905.892.2607 x322  
[pelham.ca](http://pelham.ca)

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

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**From:** Gordon, Carrie <[carrie.gordon@bell.ca](mailto:carrie.gordon@bell.ca)>  
**Sent:** Monday, March 04, 2019 9:40 AM  
**To:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Subject:** RE: Pelham Committee of Adjustment - Notice of Hearing - 905-19-099

Dear Sarah,

Re File: B2/2019P

**Details**

- Easement
- 204 Canboro Rd
- Pt Lot 3, Conc 8

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada has no concerns or objections with the proposed Easement.

Should you have any questions or concerns regarding this response, please do not hesitate to contact me.

Thank you

*Carrie Gordon*



External Liaison – Right of Way Control Centre  
140 Bayfield St, Fl 2  
Barrie ON, L4M 3B1  
T: 705-722-2244/844-857-7942  
F: 705-722-2263

---

**From:** Sarah Leach <[SLeach@pelham.ca](mailto:SLeach@pelham.ca)>  
**Sent:** February-13-19 10:59 AM  
**To:** ROWCC <[rowcentre@bell.ca](mailto:rowcentre@bell.ca)>  
**Subject:** Pelham Committee of Adjustment - Notice of Hearing

Good morning,

Attached, please find the notice of hearing for Pelham minor variance files A5/2019P, A6/2019P, A7/2019P and Pelham consent file B2/2019P.



**Sarah Leach**  
*Administrative Assistant  
to the Clerk*  
**Administration Services**

**e:** [sleach@pelham.ca](mailto:sleach@pelham.ca)  
**p:** 905.892.2607 x322  
[pelham.ca](http://pelham.ca)

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

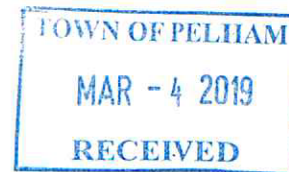
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**Ben Obdeyn**

**From:** "Ben Obdeyn" <[REDACTED]>  
**Date:** March 4, 2019 10:18 AM  
**To:** "Obdeyn Ben & Rie" <[REDACTED]>  
**Subject:** Fw: File B2/ 2019P



Dear committee of adjustment and to whom it may concern,

hereby we like to express our concern about the proposed storm sewer easement in favour of part 3. This proposed work to be done is in a forested area, many, many different birds species are living in this part of Fonthill.

we do not know exactly how many different kind of birds are in this section but we do know at least 20, I am saying TWENTY.

we have a deep concern of losing many of them already with the whole development that will be going on in Part 2 of Canboro rd.

Now, to put in this storm sewer in the forest area with heavy machinery will affect this bird sanctuary gravely and destroy many trees as well.

we propose, (and this has been mentioned to the developer) to install a detention pond at the top of the ravine behind the already existing house on Canboro rd.

The soil in this area of Fonthill is very permeable and by digging a detention pond, a lot of surface water will disappear directly in to the ground before it runs into the valley.

Our main question is, what can be done not to have construction of this watershed by noise machinery and prevent too much water from entering this unique beautiful natural valley.

I hope that you will seriously consider the above mentioned facts.

Part 2,

In respect to File B 2/2019P (proposed storm sewer easement in favour of part 3)

There are other ways of disposing of storm water in in this particular very permeable sandy high and dry area of Fonthill.

The developer could auger one or more 20/30 ft. deep drywells lined with a perforated pipe and direct all the storm waters into them, from a small detention pond created on the mentioned property because the land in this concerned area is very, very absorbent.

We live on the other side of the valley in question where the water is to be dumped in, we can let the garden hose run for hours and you will not see any water on the surface, that is how absorbent it is.

Please consider this "proposed way" over the applicants idea,

we do not like to see the valley disturbed in anyway if possible.

Respectfully submitting, on behalf of the neighbours of part 1, 2 and 3 Canboro road Fonthill.

Ben Obdeyn,

[REDACTED] Concord st. Fonthill.

Ken [redacted] Concord St.

Boadway, [redacted] Oakridge Blvd.

Jeff Warrack [redacted] Oakridge Blvd

Ann Pinnegar [redacted] Concord St., Fonthill

Jackie Audit [redacted] Concord St Fonthill

Judith Wikston [redacted] Concord St. Fonthill

Richard Kruppi [redacted] Concord St. Fonthill

Debbie Krupper [redacted] Concord St. Fonthill.

Rob Brianni [redacted] Concord St Fonthill



From: Sarah Leach  
To: Holly Wilkes; Curtis Thompson  
Subject: FW: Pelham - 204 Canboro Rd - B2/2020P  
Date: Wednesday, July 15, 2020 9:15:39 AM

FYI



**Sarah Leach, BA.**  
Administrative Assistant to the Clerk  
Town of Pelham  
T: 905-892-2607 x322 | E: sleach@pelham.ca  
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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From: LandUsePlanning@HydroOne.com <LandUsePlanning@HydroOne.com>  
Sent: Wednesday, July 15, 2020 9:13 AM  
To: Sarah Leach <SLeach@pelham.ca>  
Subject: Pelham - 204 Canboro Rd - B2/2020P

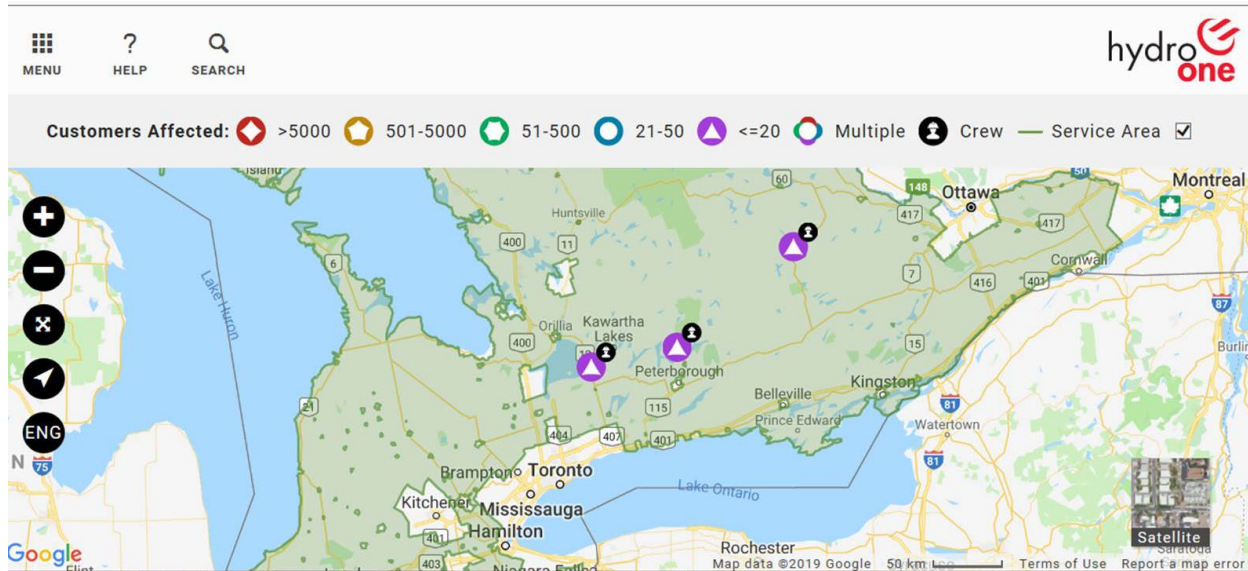
Hello,

We are in receipt of your Application for Consent, B2/2020P dated July 15, 2020. 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 "Search" 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](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

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

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](mailto:Dennis.DeRango@HydroOne.com)

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**From:** [Ben Obdeyn](#)  
**To:** [Nancy Bozzato](#)  
**Cc:** [Holly Willford](#)  
**Subject:** Storm water drainage Re; 204 Canboro Road.  
**Date:** Tuesday, July 28, 2020 12:01:27 PM

---

File number: B2-2019P

Subject Lands: 204 Canboro Road, Pelham

Legal Description: Part of lot 3, Concession , Town of Pelham

Mr. Major, Town Counsel and,  
To whom it may concern,



Drainage is needed to prevent local flooding, we get this flooding because someone is altering the "situation" in this case. Building houses and paving the earth of course creates hard surfaces so now we need proper management. To make a long story short, we should be taking this piece of elevated dry land in Fonthill that has permeable sandy soil like no where else and utilize it by installing French drainage systems. We are opposing that 100% of the rain water be drained through pipes into the valley based on the negative outcomes like killing trees with too much water and flooding the lower land. Rather than collecting the rain water this method would allow us to disperse it into the high area as it better absorbs moisture, instead of in the bottom of the valley which is already wet.

I am proposing to dig drywell (french drain) for each unit to collect the rain water, this will disburse more efficiently into the soil. With an overflow at the top connected to a reservoir built under the roadway without a concrete floor, it will also receive the rainwater from the street and driveways. These reservoirs to be built under the road should be calculated by engineers for size and placement, these reservoirs will need an overflow into the valley. Once this is in place it will result in minimum runoff into the valley, then only receiving occasional overflow. The overflow drainpipe should be hand dug to the valley, without machinery, in order not to destroy the nature and wildlife.

NOTE: We also have a very rare bird visiting this valley called a Rufous-sided Towhee, the protection of this green space is important, wishing to keep this most colourful bird present in this area of Canada.

We are very high and dry on Concord on the opposite side of the valley, you can dig a 10 feet hole and never find water in it. With my 65 years experience in building and construction, I believe with proper engineering it will work.

Sincerely,  
Ben Obdeyn

  
 Concord, Fonthill



August 5, 2020

To: Committee of Adjustment, Town of Pelham

From: Brian Young & Angela MacRae [REDACTED] Canboro Road

Re: File Number B2-2019P, Application to convey an easement from Part 3, a proposed condo development, in perpetuity over Part 2, known as 204 Canboro Road, into the Town of Pelham storm sewer easement.

### Storm Sewer Easement Questions

#### Question 1

What amount and speed of runoff was the original Town of Pelham Storm Sewer Easement, of approximately 180 metres, designed to accommodate, so that the flow would end at the far west side of the valley, now designated at Part 1?

We understand that it was designed so that the water from the culvert outlet on Oakridge Drive would dissipate along the length of the drainage area built. It was lined with stones from the east end, and then zig zagged along the easement to slow the flow and allow for its absorption before it reached the end of the easement. There were weirs and silt fences along the way.

The Town of Pelham Storm Sewer easement does not appear to have been maintained over the years as there is visible erosion of its path, overflowing of its original defined channel, the silt fences are mere remnants, and there is significant overgrowth of vegetation.

#### Question 2

As the existing easement does not appear to have been maintained, to what extent has its capacity to control and absorb the flow of water been degraded?

Since we purchased and built our home on 206 Canboro in the spring of 2010, there have been three or four instances of flooding in our back yard valley from the Town of Pelham storm sewer easement. It would happen in the spring when the ground was still frozen and we had significant rainfall or during a very heavy summer rainstorm.

Now that the overflow runoff from the 0.75 ha of Part 3 of the proposed sketch is to be added into the easement without increasing its capacity and without maintaining it, we are concerned about flooding onto our property.

#### Question 3

We also note that the proposed Part 2 easement will drain into the original Town of Pelham storm sewer easement about 80 metres from the end. Please explain how the additional water conveyed directly from the proposed Part 2 easement into the existing Town of Pelham easement so close to its end will not result in runoff and flooding of our property.

#### Question 4

The proposed plan is for the easement to allow storm water from Part 3 to cross the Part 1 property in perpetuity. There is no mention of who will be responsible for maintaining it, or rights of access to this easement, a change of property ownership will bring this into focus.

As the potential recipients of damaging amounts of storm water runoff this should be made more clear, please explain who is responsible for stopping any flow of water our property, as there are now at least three parties involved: Will it be the owners of Part 1, the owners of the proposed condos on Part 3, or the Town of Pelham for allowing their existing easement to be undermined by a private enterprise?

#### Question 5

Currently, the Town of Pelham holds responsibility for maintaining the Town of Pelham Storm Sewer Easement. If the proposal to add the runoff from Part 3, the new condos is added, who has responsibility to maintain the newer, enlarged Town of Pelham storm sewer easement?

#### Question 6

How will the proposed expansion of the Town of Pelham storm sewer easement handle the snow melt that will come off the Part 3 condo site through the Part 2 easement when the ground is still frozen in the spring?

#### Question 7

How quickly will the superpipe system empty through the 120 mm diameter outlet and into the proposed Part 2 easement?

We note that in other developments the goal is to release the water slowly over a 24-hour period.

#### Question 8

Should repairs to the Part 2 or Part 1 easement be required, how will access to the site be granted once the condos are built?

Should the proposed superpipe system and additional storm sewer easement fail to contain water as planned, who is responsible for correcting any flooding of our property, which is adjacent to the far west end of the original Town of Pelham storm sewer easement?

#### Question 9

How will water and silt be controlled during the construction of the superpipe and its proposed easement? Please describe.

#### Question 10

Where will the addition of the uncontrolled runoff from the condos to be built across the back of Part 3, area A22 on the proposed sketch, be accommodated into the easements? Will it flow directly southward into the valley and the original Town of Pelham storm sewer easement? Or will it follow the current geography of the land and flow to the southwest corner of Part 3, where the planned superpipe exits into the Part 2 easement, and subsequently, the Town of Pelham existing easement?

If it flows into the Part 2 easement, it could increase the risk of overflow.

#### Question 11

Table 4, page 7 of the Upper Canada Consultants report indicates the allowable storm water peak flow rate to the southerly valley for a five-year storm event is 45.22 L/second. This equates to 2,714 L/min. in the flow rate conversion calculator shown below.

Please describe how the proposed Part 2 storm sewer easement will be designed to handle this amount of water between the outlet of Part 2 and the western end of the Town of Pelham storm sewer easement without flooding the valley and adjacent property.

[http://www.onlineconversion.com/flow\\_rate\\_volume.htm](http://www.onlineconversion.com/flow_rate_volume.htm)

#### Question 12 Runoff Coefficient

Presently there is little apparent evidence of any runoff coming from Part 3 into the existing Town of Pelham easement, as the lot is mostly flat with grass cover over sandy Fonthill Kame soil. There are three buildings and a driveway on the property but there is significant distance across some of the most porous soil in Canada, the Fonthill Kame.

The document provided by Upper Canada Consultants shows a pre-development impervious area of 25%. After measurements of permeable and non-permeable areas using the Region's "Niagara Navigator" online program we have calculated that this number is closer to 7.8%.

The Coefficient number is determined by the ratio of permeable to non-permeable on a given slope. This number is utilized in determining the amount of runoff of a piece of land. We believe the Coefficient of runoff of the pre-development existing block of land to be .154 which is much lower than the .25 given by Upper Canada Consultants. This number will significantly change the calculations provided in the study. Since this Coefficient number is the basis for all post-development calculations of water flow, please resolve this apparent difference.

#### Summary

The Oakridge drainage area flowing into the Town of Pelham storm sewer easement is augmented by drainage from the existing undeveloped proposed condo site. This current additional volume is calculated at 17% over and above the current flow from the Oakridge drainage area, from calculations using Niagara Navigator. Post development, the condo site will augment the total volume of water going into the Town of Pelham storm sewer easement by up to 72%.

As this is a 55% increase in water volume being added to the existing easement, we are of the opinion that this additional water being added to the Town of Pelham storm sewer easement will flood our property located at the western end of the easement.