

Public Meeting Under the Planning Act Agenda

PCOW-05/2020 Public Meeting

Tuesday, October 13, 2020

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

If you require any accommodations for a disability in order to attend and participate in meetings or events, please contact the Office of the Clerk at 905-892-2607 ext. 315 or 320. Taping and/or recording of meetings shall only be permitted in accordance with the Procedure By-law. Rules of Decorum apply to observers.

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2. Adoption of Agenda	
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4.1.1. Draft Plan of Subdivision_Rezoning (26T19-020-02_AM-03-2020) Kunda Park Ph.4 - Information Report, 2020-0132-Planning	18 - 76
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Matt Kernahan, Upper Canada Consultants - Agent for Applicant	
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1. Rob Cherney
2. Lisa Erickson
3. Muriel Heska
4. Leslie Monger
5. Chuck Monger
6. B. Heska
7. B. Arndt and N. Stanley
8. Karen and John Guzowski

Pre-registered Members of the Public:

1. Natalie Stickles
2. Ann Guzowski
3. Colleen Kenyon
4. Lina & Rich Lianga
5. Lisa Erickson
6. Christine Kreutzer
7. Karen and John Guzowski

4.4. Committee Input

4.5. Presentation of Resolutions

5. Adjournment

Notice of Public Meeting

Date: Tuesday, October 13, 2020 at 5:30 PM

Place: This hearing will be held remotely by webcast.

Town Council approved Public Hearings to be held remotely during an emergency via By-law No. 4231 (2020). The Town of Pelham will be livestreaming this Public Meeting at the following link: <https://www.youtube.com/user/TownOfPelham>

Owner/Agent: Sterling Realty (Niagara) Inc. / Upper Canada Consultants

File Numbers: AM-02-2020 & 26T19-020-02

Subject Lands: Part of Thorold Township Lot 173; Part 1 on RP 59R-1905 (Roll # 2732 030 020 22000)

Public Meeting for a **Zoning By-law Amendment** and **Draft Plan of Subdivision** in accordance with Section 34 and 51 of the [Planning Act](#), R.S.O. 1990, as amended.

An application for Zoning By-law Amendment and draft plan of subdivision approval was received for the property known legally as Part of Thorold Township Lot 173; Part 1 on RP 59R-1905 (see reverse).

The proposed Zoning By-law Amendment would rezone the lands from R1 (*Residential 1*) to site-specific R2 (*Residential 2*) and EP (*Environmental Protection*) zones.

The proposed draft plan of subdivision would create 84 single detached residential lots, an environmental protection block and associated public streets.

Your Input is Encouraged: Please provide input by speaking at the public meeting or by making a written submission to the Town of Pelham. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. To provide input in writing, or to request personal notice if the proposed rezoning or draft plan of subdivision is approved, please send all correspondence by **12:00 PM on Wednesday, October 7, 2020** for inclusion in the public meeting agenda package c/o Town Clerk, Nancy J. Bozzato, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario L0S 1E0, or by email at njbozzato@pelham.ca. Verbal comments will be received remotely at this public hearing using the Zoom platform. To participate remotely, please pre-register with the Clerks office by sending an email to clerks@pelham.ca before **12:00 PM on Friday, October 9, 2020**. All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the Public Meeting. Registrants will also be notified of Council's decision. If you have not submitted written comments or pre-registered before the aforementioned deadlines, but wish to submit comments during the Public Meeting, you may livestream the meeting from the Town of [Pelham's YouTube channel](#) and email comments to clerks@pelham.ca during the public

commenting portion of the subject application only. If your comments are not received prior to the closing of the public commenting portion of the meeting, they will not be considered.

Need More Information: For more information, please contact Curtis Thompson by email at cthompson@pelham.ca or at 905-892-2607 ex. 324. A copy of the staff Report regarding the proposed application as well as any additional information may be obtained on the Town's website at <http://calendar.pelham.ca/council> or at Town Hall after 4:30 PM on Thursday, September 8, 2020.

Important Information: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Pelham in respect of the proposed rezoning and/or plan of subdivision before Council gives or refuses to give approval to the rezoning and/or draft plan of subdivision, the person or public body is not entitled to appeal the decision of the Town of Pelham to the Local Planning Appeal Tribunal.

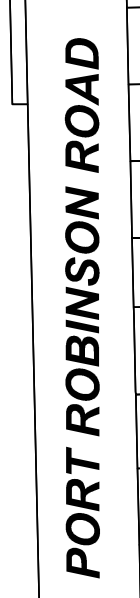
If a person or public body does not make oral submission at a public meeting or make written submission to the Town of Pelham in respect of the proposed rezoning and/or plan of subdivision before Council gives or refuses to give approval to the rezoning and/or draft plan of subdivision, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

If you wish to be notified of the decision of Town Council in respect of the proposed rezoning and/or plan of subdivision, you must make a written request to the Clerk of the Town of Pelham and such request must include the name and address to which such notice should be sent.

Dated at the Town of Pelham, this 2nd day of September, 2020


Nancy J. Bozzato
Town Clerk

Date of Mailing: 4th day of September, 2020



LEGAL DESCRIPTION

OWNER'S CERTIFICATE

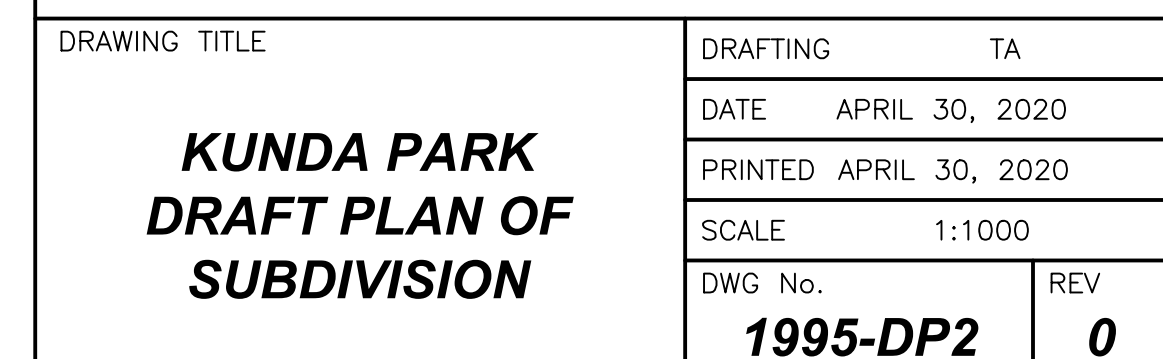
John Delisio JANUARY 6, 2020
JOHN DELISIO, STERLING REALTY DATE

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

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- ## LAND USE SCHEDULE

.	.	.	.
.	.	.	.
0	ISSUED FOR APPROVAL	2020-04-30	TA
#	REVISION	DATE	INIT



TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.

SINGLES - 276 PEOPLE TOTAL AREA IN ha (EXCLUDING PROVINCIALLY SIGNIFICANT WETLAND) = 8,490 ha

 TOTAL NUMBER OF PEOPLE REQUIRED = 369.67 PEOPLE

PROPOSED: SINGLES - 276 PEOPLE X 84 UNITS = 231.84 PEOPLE

LIVE/WORK/EMPLOYMENT - 84 UNITS x 5% = 4.2 JOBS

TOTAL = 236.04 PERSONS AND JOBS

NO. OF PEOPLE/TOTAL AREA (ha) - 236.04/8,490 ha = 27.802 PERSONS & JOBS PER HECTARE

NOTICE REQUIREMENTS

Applications for Zoning By-law Amendment & Draft Plan of Subdivision Kunda Park Phase 4

Files: AM-03-2020 & 26T19-020-02
(Sterling Realty (Niagara) Inc.)

A Zoning By-law Amendment & Draft Plan of Subdivision to permit the use of the property for 84 single detached dwellings and for associated roads / environmental protection areas.

The *Planning Act* requires under Sections 34 and 51 that Council must hold at least one public meeting for the purposes of informing the public in respect of the proposed zoning by-law amendment and draft plan of subdivision.

This public meeting has been called to satisfy this requirement. Notice of this meeting was provided by pre-paid first class mail to all persons, who are listed as owners in the last revised assessment roll and within 120 metres of the subject property on September 4th 2020. The notice provided information on the property including the proposed zoning by-law amendment and draft plan of subdivision.

In addition to providing information, we will also receive any comments which any member of the public may wish to offer.

If you wish to receive a copy of the Notice of Decision, please contact the Clerk in writing as soon as possible. Contact information is available on the Town's website and will also be displayed on the last slide of the staff Presentation to follow shortly.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham to the Local Planning Appeal Tribunal (LPAT) but the person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Pelham before the by-law is passed, the person / public body is not entitled to appeal the decision.

In closing, we stress that at this point no decision has been made on the proposed Zoning By-law Amendment or Draft Plan of Subdivision, and therefore any comments received will be taken into account for Council's consideration.

Public Meeting for Kunda Park Phase 4

Draft Plan of Subdivision Application

File No. 26T19-020-02

Zoning By-law Amendment Application

File No. AM-03-18



Purpose & Location

Applications received for:

- **Draft Plan of Subdivision (resubmission)**
 - 84 single detached residential lots
 - 2.6 ha environmental protection block
 - Associated walkways and public streets
- **Zoning By-law Amendment:**
 - Rezone lands From **R1 (Residential 1)** to
 - Site-specific **R2 (Residential 2)**; and
 - **EP (Environmental Protection)**

Location:

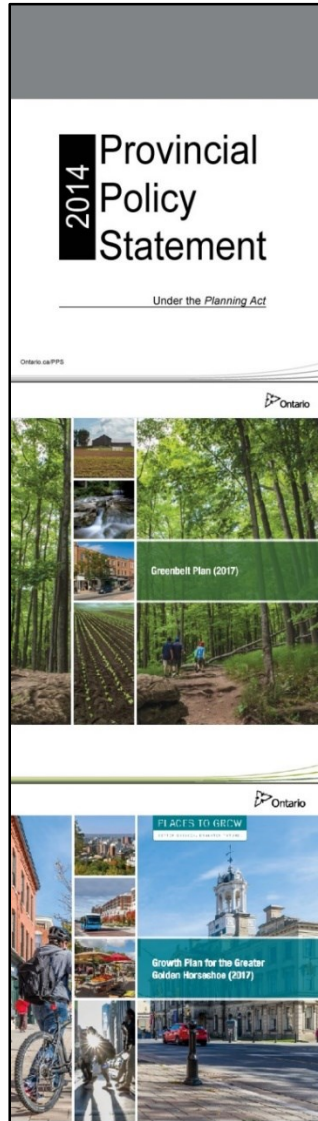
Legal Description:

Part of Thorold Township Lot 173; Part 1 on RP 59R-1905

Roll # 2732 030 020 22000



Provincial Policies

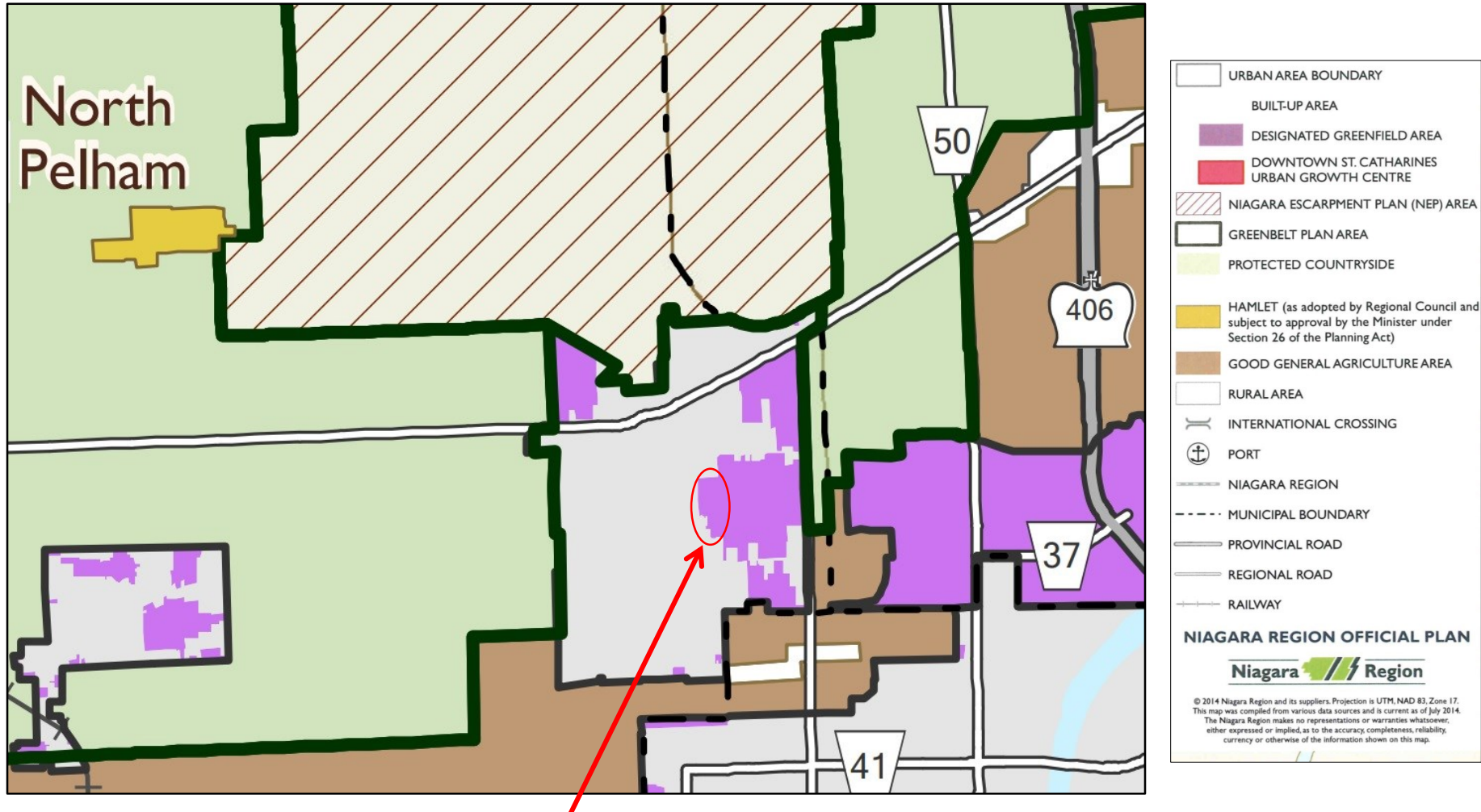


- Provincial Policy Statement (2020)
 - located within a *Settlement Area*
- Greenbelt Plan (2017)
 - located within a *Settlement Area* outside of the Greenbelt Plan
 - Not applicable
- Growth Plan for the Greater Golden Horseshoe (2019)
 - located in a *Designated Greenfield Area* within a *Settlement Area*
 - Only applies to rezoning application (file: AM-03-2020)
 - Growth Plan legislation does not retroactively apply to planning matters predating the *Places to Grow Act* (2005).
 - Subdivision application (file: 26T19-020-02) originally submitted in 2002.

Niagara Region Official Plan (2014)

Niagara Region Policy Plan (2001)

- Designated :
- Designated Greenfield Area within the Urban Area Boundary

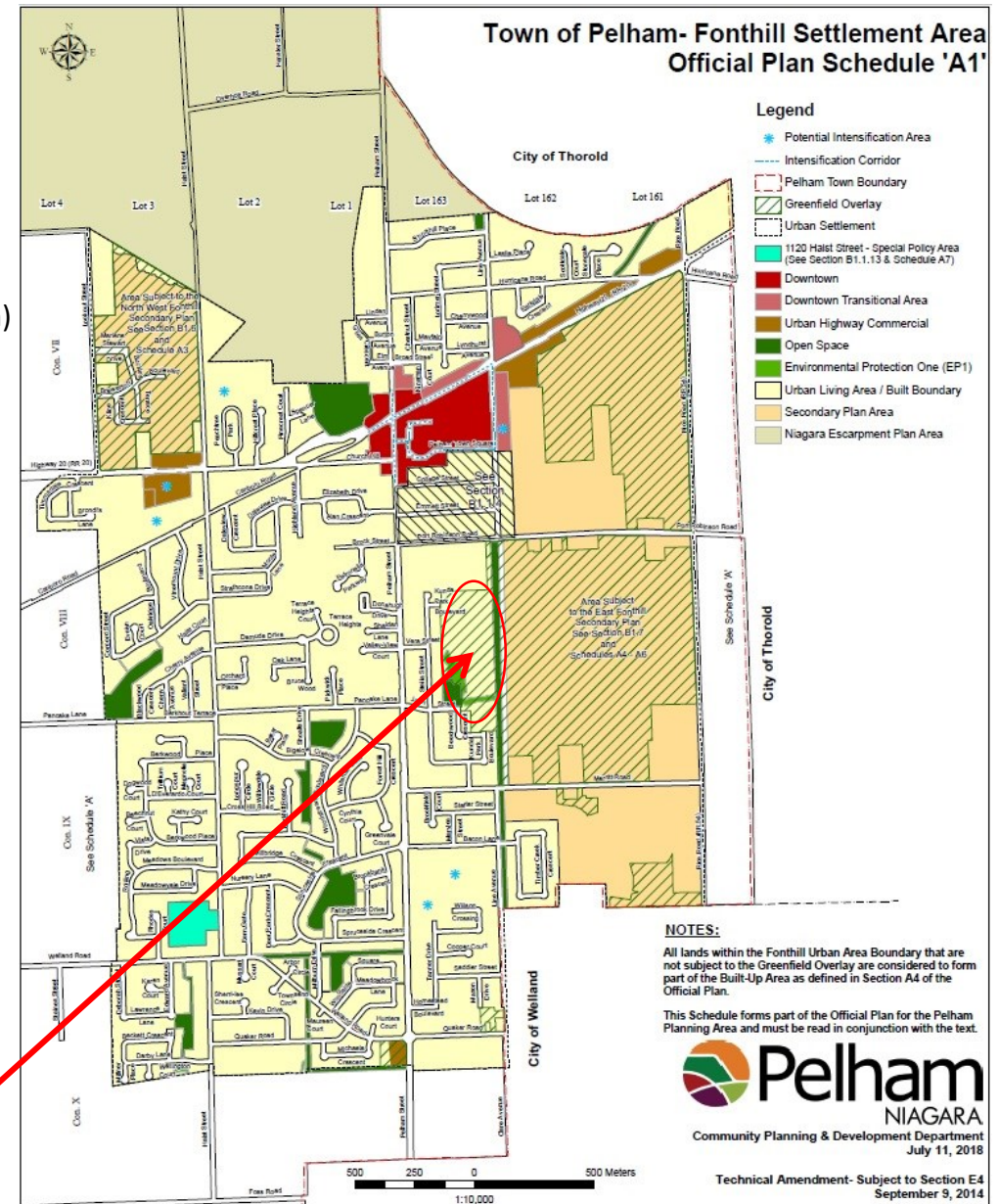


Approximate Location of Subject Land

Pelham Official Plan (1978) Pelham Official Plan (2014)

- Designated:
 - Urban Living Area / Built Boundary & Greenfield Overlay* (2014 Official Plan)
 - Urban Residential* (1974 Official Plan)
- Permitted uses include:
 - Single-detached dwellings
 - Semi-detached dwellings
 - Townhouse dwellings
 - Multiple unit dwellings
 - Apartment dwellings
 - Neighbourhood Commercial Uses

Approximate Location
of Subject Land



Pelham Zoning By-law No. 1136 (1987)

Existing:

Residential 1 (R1)

Permitted uses include:

- One single detached dwelling
- Accessory buildings
- Home occupations

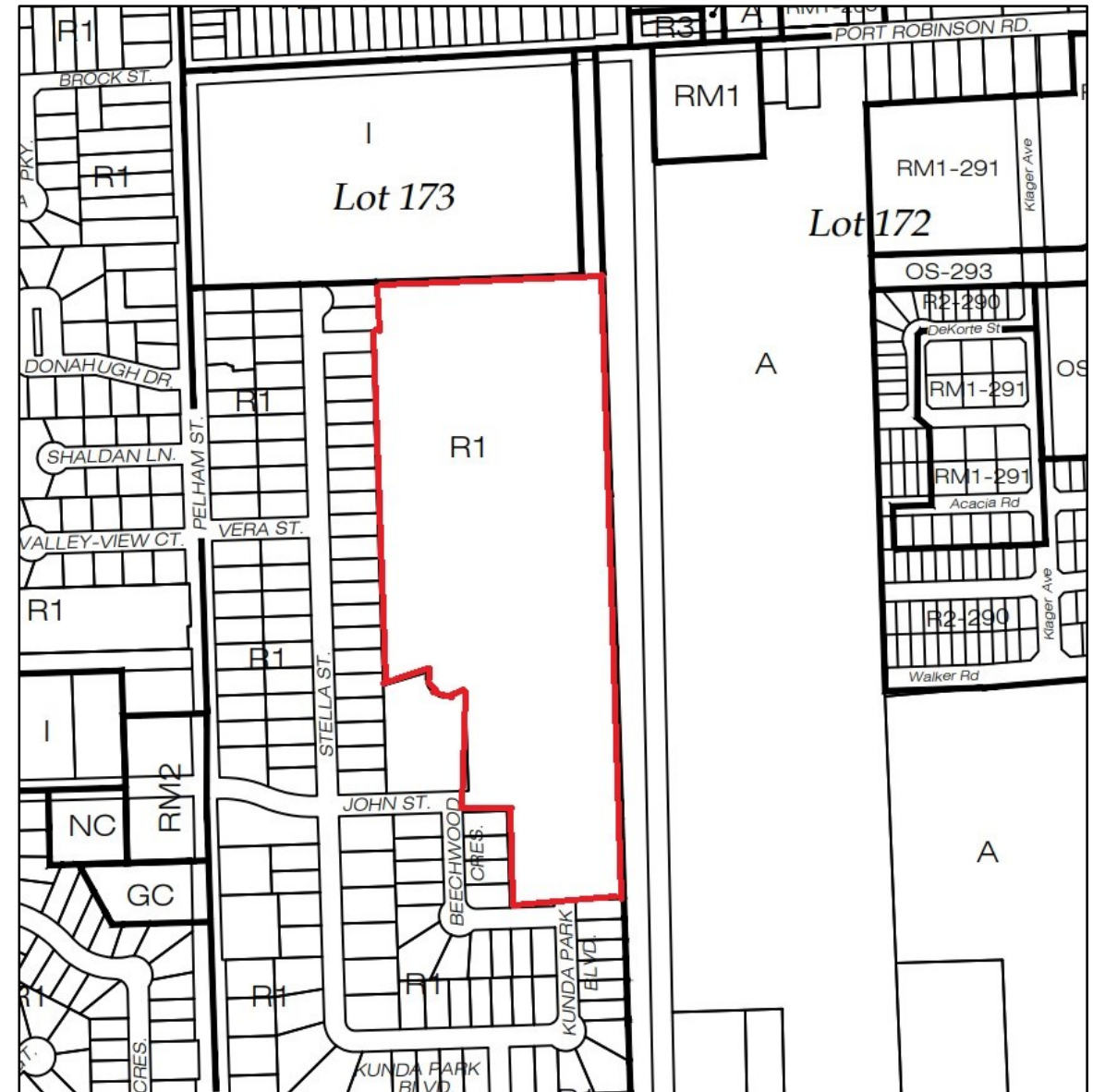
Proposed:

Environmental Protection (EP) and

Site-specific Residential 2 (R2)

Permitted uses include:

- One single detached dwelling
- One second dwelling unit
- Accessory buildings
- Home occupations



Agency Comments

- **Niagara Region**
 - No objections, subject to Regional conditions of Draft Plan Approval.
- **NPCA (Niagara Peninsula Conservation Authority)**
 - No objections, subject to NPCA conditions of Draft Plan Approval.
- **Town Public Works**
 - No comments at this stage. Detailed engineering review will be undertaken as part of conditions of draft plan approval.
- **DSBN (District School Board of Niagara)**
 - Requesting a fence to be installed along the south lot line of Glynn A. Green Elementary School.
- **Utilities (Enbridge Gas, Bell Canada, Hydro One, Canada Post)**
 - No objection, subject to standard Agreement clauses.

Public Comments

See Agenda for comprehensive record of public feedback & see *Information Report* for staff responses to public questions.

- Opposes proposed development.
- Agrees with proposed development.
- Has the *Pelham Active Transportation Committee* reviewed the proposed draft plan?
- Opposes proposed rezoning.
- The R1 and R2 zone both permit single detached dwellings while the R2 zone permits dwellings on somewhat smaller lots. Why was the rezoning from 'R1' to 'R2' not discussed in 2018?
- Why is this draft plan so different from the plan shown by Upper Canada Consultants in 2018?
- Higher density will have greater impact on environmentally sensitive lands, increase traffic.
- Only one access point to subdivision is inadequate.
- Suggest alternative street connection from Port Robinson to northeast corner of subject lands between Glynn A. Green Elementary School and Steve Bauer Trail.
- Increased traffic is a safety concern.
- What routes will construction vehicles use?
- How will dust be controlled?
- How will construction activities impact existing houses (i.e. foundation cracks)?
- Will grades change?
- How have pedestrian and traffic issues been addressed? Has a Traffic Study been done?
- Will the drainage ditch along the Steve Bauer Trail be upgraded?
- Will this subdivision be timed to start after the construction of the Station Street extension?
- What is the difference between the R1 and site-specific R2 zoning? How many additional units will be permitted?

Conclusion

This presentation has provided information on the Zoning By-law Amendment & Draft Plan of Subdivision applications for the lands known as **Kunda Park Phase 4**.

No recommendations or decisions concerning these applications have been, or will be made at this meeting.

Questions & Comments

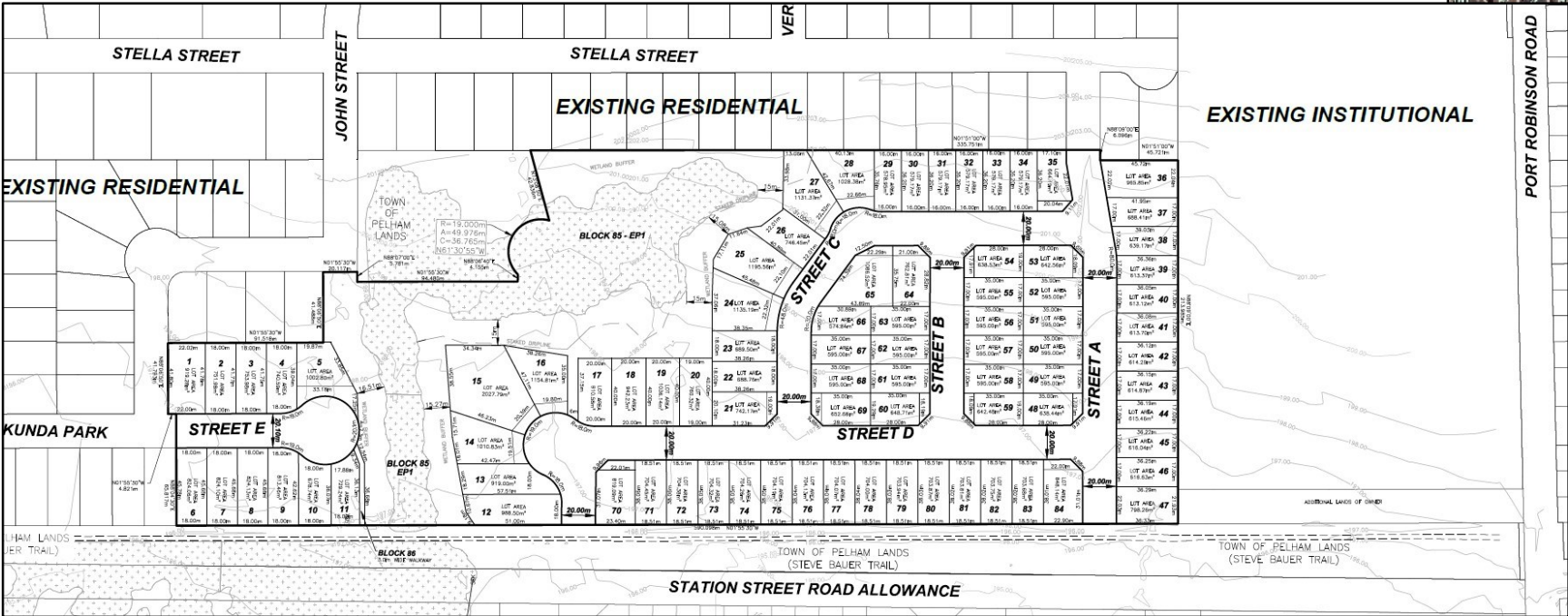
Following tonight’s meeting, questions and comments on this file may be directed to:

Curtis Thompson, B.URPI

Planner

(905) 892-2607 x. 324

cthompson@pelham.ca



COMMITTEE REPORT
COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT

Tuesday, October 13, 2020

Subject: Information Report - Draft Plan of Subdivision and Zoning By-law Amendment Applications (26T19-020-02 & AM-03-2020)

Recommendation:

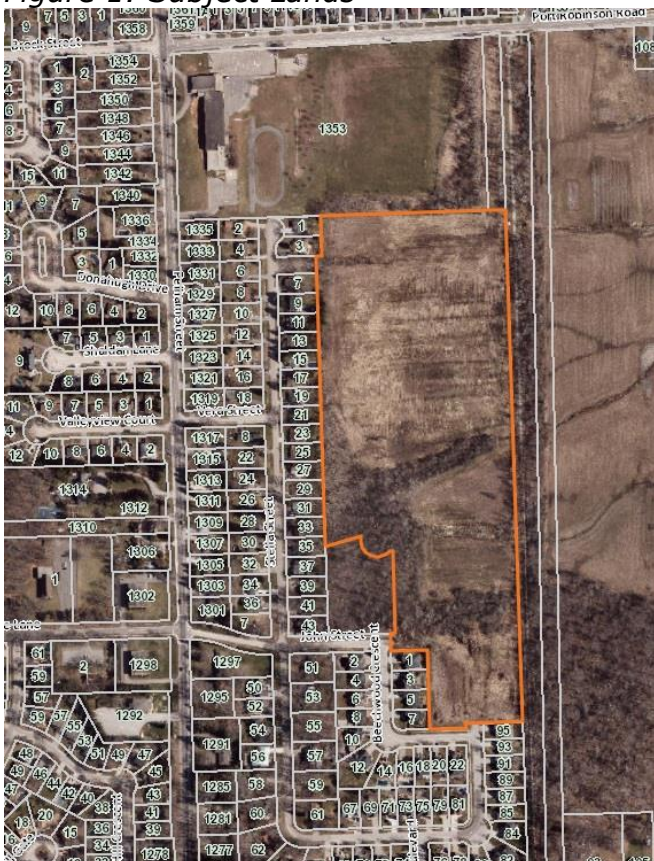
THAT Committee receive Report #2020-0132 for information and recommend to Council:

THAT Planning staff be directed to prepare the Recommendation Report for consideration of approving the subdivision draft plan and adopting the Zoning By-law Amendment.

Background:

The purpose of this Report is to provide Committee and the public with information regarding an application for Draft Plan of Subdivision and Zoning By-law Amendment under Sections 51 and 34 (respectively), of the *Planning Act* for the lands described legally as Part of Thorold Township Lot 173 and Part of Part 1 on RP 59R-1905 and known as Kunda Park Phase 4 (see Figure 1).

Figure 1: Subject Lands



The proposed subdivision would create 84 single detached residential lots, an environmental protection block (for a Provincially Significant Wetland) and associated public streets. The proposed Zoning By-law Amendment would rezone the lands from R1 (Residential 1) to site-specific R2 (Residential 2) and EP (Environmental Protection) zones.

The Kunda Park Phase 4 draft plan of subdivision application was originally submitted by Fonthill Downs Ltd. in 2002, and comprised of 95 single detached residential lots. The Phase 4 extension forms the last phase of the various developments within Lot 173 dating back to the early 1950s. A parkland block was approved and dedicated to the Town in 1990 as a condition of draft plan approval for the Kunda Park Extension 3 subdivision. At that time, the primary ecological concern was the existence of a Type 2 Fish Habitat consisting of an on-site tributary outletting to the Singers Drain.

Initial comments from various departments and agencies prompted a revised Draft Plan of Subdivision and Zoning By-law Amendment application. Further comments from the stakeholders indicated that the revised draft plan failed to adequately address concerns with environmental impacts, stormwater management and sanitary servicing. The NPCA (Niagara Peninsula Conservation Authority) in particular, had advised that they would be unable to support the development unless appropriate mitigation measures were implemented and an EIS (Environmental Impact Study) were produced prior to final approval.

In response to these concerns, a modified draft plan was submitted, and an EIA (Environmental Impact Assessment) was prepared on July 31, 2007 after consultation with the MNR (Ministry of Natural Resources) and the NPCA. At that time, it was discovered that recent MNR mapping had evaluated the woodlot on-site as part of the Niagara Street – Cataract Road Woodlot Provincially Significant Wetland (PSW) complex. The NPCA had responded to the EIA with various comments and revisions, indicating that the modified draft plan of subdivision would again need to be revised in order to address concerns and provide appropriate setbacks to the PSW in accordance with Provincial policy. The owner and environmental consultant continued discussions with the MNR, intending to appeal the PSW boundaries. Meanwhile, a notice was sent to departments and agencies of a revised Draft Plan of Subdivision and Zoning By-law Amendment application. As the plan had yet to address the local PSW, NPCA reiterated their position on the application which was supported by Niagara Region Planning staff.

On August 21, 2009, LCA Environmental Consultants conducted a scoped EIS based on a revised draft plan which addressed the PSW. The NPCA were supportive of its conclusions which provided a 30 m buffer to the PSW and an 18 m wide channel block to realign the Signer's Drain tributary. A Pre-Consultation meeting was held on October 20, 2010 where it was determined that the NPCA would not support the servicing infrastructure proposed for the subject lands (which would traverse the PSW) because viable alternatives could be achieved.

The property was sold to Sterling Realty (Niagara) Inc. in 2012. Activity on the subdivision application resumed when the Town indicated its intent to develop the (Phase 3) parkland block for a municipal park in 2013. Although discussions were had between the environmental consultant and the MNR about Pelham's request to remove this block from the PSW mapping, the MNR indicated that no changes would be considered to the PSW boundaries. Intending to move forward with the original application, Sterling Realty commissioned a PJR (Planning Justification Report) prepared by GSP Group Inc. in 2014, and an EIS prepared by Beacon Environmental Ltd. These studies were circulated to relevant departments and agencies for technical review. The following chronology of events was largely summarized by the 2014 PJR by GSP Group with supplemental information from municipal files and condensed by Town Planning staff for simplicity.

2002 – 2003
<ul style="list-style-type: none"> • Original subdivision application circulated by Town to departments and agencies for comments. • Town brings forward Technical Information Report.
<ul style="list-style-type: none"> • NPCA meets with environmental consultant and MNR staff to review fish habitat issues. Advised that fish habitat requires 15 m buffer on both sides of watercourse.
<ul style="list-style-type: none"> • Revised draft plan application submitted to resolve MNR / NPCA fish habitat issues and drainage issues. • Revised draft plan illustrates removal of Block 96 (lands east of Glynn A. Green Elementary School) among other changes.
<ul style="list-style-type: none"> • NPCA objects to revised proposal and requests EIS to justify the appropriateness of the reduced fish habitat buffer. • Niagara Region supports the NPCA's position and cites concerns with existing stormwater management facility.
2004 – 2006
<ul style="list-style-type: none"> • Ongoing discussions between environmental + engineering consultants and Town. • Town supports the proposed relocation of watercourse through parkland block subject to the provision of lands for drainage conveyance purposes at the rear of some proposed lots. • NPCA reiterates its requirements for a 15 m vegetated buffer and that any encroachment into the buffer will require an EIS.
2007 – 2008
<ul style="list-style-type: none"> • Draft plan modified to address drainage and fish habitat issues.
<ul style="list-style-type: none"> • MNR provides Savanta Inc. with key information for the scoped EIS (July 23, 2007), but does not identify any PSW on the subject lands.
<ul style="list-style-type: none"> • EIS prepared by Savanta Inc. • No wetlands identified by the MNR on Extension 3 or 4 lands.
<ul style="list-style-type: none"> • MNR designates the existing wetland features as being part of a PSW (Provincially Significant Wetland complex).
<ul style="list-style-type: none"> • NPCA responds to EIS requesting numerous revisions. • NPCA will not support draft plan of subdivision until the PSW issue has been resolved with MNR.
<ul style="list-style-type: none"> • Ongoing discussions between consultants, Town and MNR. • Quartek Group (agent) advises MNR of their intention to appeal the PSW limits.
<ul style="list-style-type: none"> • MNR re-evaluates the PSW and updates their mapping to now include a 1.6 ha wetland area. This decision had major repercussions on the Town's ability to develop this public park dedicated as part of Kunda Park Extension 3, effectively removing that possibility.
<ul style="list-style-type: none"> • Notice of revised draft plan is circulated to departments and agencies in September 2008. • NPCA reiterates former position respecting the PSW and informs Town that they would be unable to support the application unless the submission is modified. • Niagara Region provides comments (October 2008) recommending increased mix of housing types and lot sizes to provide more opportunities for affordable housing and higher density.
2009 – 2010
<ul style="list-style-type: none"> • LCA Environmental Consultants prepared a scoped EIS based on a revised draft plan with 20 fewer residential lots. • NPCA agrees with new EIS conclusions about an 18 m wide channel block and a 30 m buffer for the PSW.
<ul style="list-style-type: none"> • Another Pre-Consultation meeting was held with NPCA not supporting the servicing of subject lands via the PSW. • NPCA states the preferred alternative of rerouting services eastward along the Steve Bauer Trail / unopened road allowance to bypass the undisturbed PSW.
2011 – 2012
<ul style="list-style-type: none"> • Ed Kunda, owner of Fonhill Downs Ltd., passes away in 2011. Property is then purchased by Sterling Realty who begins dialogue with Town.
2013 – 2014
<ul style="list-style-type: none"> • Town confirms its intent to develop municipal park on previously dedicated land (from Phase 3).

<ul style="list-style-type: none"> • MNR confirms no changes to PSW wetland mapping on Town owned block. Further dialogue between stakeholders ensues.
<ul style="list-style-type: none"> • NPCA advises Town that a scoped EIS would be required to develop the parkland block in any capacity, including as a passive park. • Town's solicitor advises the NPCA and MNR of its legal authority to develop the park block in accordance with the statutory provisions in effect at the time (1990). • The status of the parkland block do not implicate the processing of Kunda Park Phase 4 under the <i>Planning Act</i> as it was dedicated under the 3rd phase of Kunda Park.
<ul style="list-style-type: none"> • Additional studies, reports and plans prepared by the developer's consultant team analyzing servicing and design solutions circulated for agency review.
2016 – Present
<ul style="list-style-type: none"> • Another Pre-Consultation (January 2016) was held to discuss a modified draft plan, Zoning By-law Amendment, and status updates on the bat / five-lined Skink Study. <ul style="list-style-type: none"> ◦ Sterling Realty undertook a Municipal Class (B) Environmental Assessment to study the feasibility of extending a public street over a PSW. A PIC (Public Information Centre) was held on January 17, 2018 by Upper Canada Consultants on behalf of that process. • On February 1, 2019, Sterling Realty applied for a resubmission of the draft plan of subdivision, which proposed the inclusion of the aforementioned PSW street crossing. Town staff then circulated the resubmission to commenting agencies to solicit feedback. <ul style="list-style-type: none"> ◦ Town Planning staff provided negative feedback on the revised draft plan citing major policy issues, namely a lack of housing variety and disconnected transportation network among other things. ◦ Niagara Region and NPCA also provided negative feedback with respect to a lack of information in the EIS, particularly surrounding the watercourse. • Another Pre-Consultation (November 2019) was held to discuss a modified draft plan, Zoning By-law Amendment and updates to supporting prescribed information (PJR, EIS, Functional Servicing Report etc.). • On May 1, 2020, Sterling Realty applied for a resubmission of the (still original 2002) draft plan of subdivision and applied for a new (2020) Zoning By-law Amendment (file: AM-02-2020) to rezone the lands to address Town staff and agency concerns. Town staff then circulated the resubmission and rezoning application to solicit agency and department feedback. <ul style="list-style-type: none"> ◦ Town staff have consolidated current agency and department feedback (outlined in this Report) based on the current Draft Plan and scheduled the statutory Public Meeting.

Analysis:

Planning Act

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

- a) The protection of ecological systems, including natural areas, features and functions;
- b) The protection of the agricultural resources of the Province;
- d) The conservation of significant cultural, archaeological or scientific interest;
- e) The efficient use and conservation of energy and water;
- f) The adequate provision and efficient use of transportation, sewage & water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- l) The protection of the financial and economic well-being of the Province and its municipalities;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, support public transit and to be oriented to pedestrians;

- r) The promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaption to a changing climate.

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

Section 34 of the Act allows for consideration of amendments to the zoning by-law and section 51 of the Act allows for consideration of a plan of subdivision.

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

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

Provincial Policy Statement (2020)

Despite the original draft plan of subdivision application being made in 2002, there are no transition provisions in respect of the application of the Provincial Policy Statement (PPS). Part II Legislative Authority – states Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. The 2020 PPS applies to all decisions rendered after May 1, 2020 (subs. 4(1)), and these policies represent minimum standards which shall be implemented in a consistent manner with the Ontario *Human Rights Code* (subs. 4(4.4)).

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

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

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

Policy 1.1.3 states that it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimum unnecessary public expenditures.

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

Policy 1.1.3.2 states land use patterns within *settlement areas* shall be based on densities and a mix of land uses which (among others):

- a) Efficiently use land and resources;
- b) 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;
- c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) Prepare for the *impacts of a changing climate*;
- e) Support *active transportation*

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

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

Greenbelt Plan (2017)

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

Growth Plan for the Greater Golden Horseshoe (2019)

Under the *Places to Grow Act*, 2005, Ontario Regulation 311/06, subsection 3(4) states that a matter (application) commenced before June 16, 2006 shall be continued and disposed of as if the (Growth) Plan had not come into effect.

Subsection 2(h) states that draft plan of subdivision applications under section 51 of the *Planning Act* is deemed to have commenced on that day the application is made.

Therefore, because the original draft plan of subdivision application (file 26T19-020-02) was made in 2002, and has remained active ever since, the 2006, 2017 and 2019 Growth Plan are not applicable in consideration of the subdivision application.

However, the Zoning By-law Amendment application (file AM-03-2020) was submitted in 2020 and therefore is bound by the policies of the current Growth Plan.

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

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

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

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.

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

Niagara Region Policy Plan (2001)

The draft plan of subdivision application file (26T19-020-02) remains active from its original application date of May 2002; therefore, the former Regional Policy Plan of 2001 applies to this application. The Regional Policy Plan designated the subject lands as within the Fonthill Urban Area Boundary.

Objective 5.11 seeks to contribute to the overall goal of providing a sufficient supply of housing that is affordable, accessible, adequate and suited to the needs of a full range of types of households and income groups.

Niagara Region Official Plan (Consolidated, August 2014)

The Zoning By-law Amendment application file (AM-03-2020) was submitted earlier this year and is bound by the current Regional Official Plan policies in effect (consolidated 2014).

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

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

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

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

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

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

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

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

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

Pelham Official Plan (1974)

The draft plan of subdivision file (26T19-020-02) remains active from its original application date of May 2002; therefore, the former Town Official Plan (1974) applies to this application. The 1974 Official Plan designated the subject lands as 'Urban Residential'.

Policy 1.20.A.3 states that the Town, in the review of development applications and the provision of various housing types, shall ensure that lot sizes and dwelling types, sizes and tenure will be based not only on historic household growth for the Town but also the unmet housing needs as identified in the municipal housing statement.

Policy 1.20.A.4 states Council shall endeavor, even though a limited area is available for development, to achieve the following housing mix:

- Low density (up to 15 units / hectare) → 70% single & semi-detached
- Medium density (15 – 25 units / hectare) → 20% multiple attached & low rise apartments
- High density (35 – 65 units / hectare) → 10% high rise apartments

Policy 1.20.A.5 states the Town will require that sufficient sites are available to ensure a minimum 25% of all potential new housing units are affordable, as defined in the Provincial Housing Statement on Land Use Planning for Housing. Sites for affordable housing will include housing with direct ground access as well as apartments of varied styles and densities.

Policy 1.20.A.8 states in the provision of a housing mix, varying lot sizes and tenure, the Town will consider applications for undersized single detached lots and semi-detached units provided the building designs and densities of proposals consider the character and identity of surrounding residential lands.

Policy 1.20.A.14 states Council, in the approval of plans of subdivisions, shall ensure when feasible, that the affordable housing component be serviced as an integral part of the overall development.

Pelham Official Plan (2014)

The Zoning By-law Amendment application file (AM-03-2020), submitted earlier this year, is bound by the current Town Official Plan policies in effect (2014). The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' with a 'Greenfield Overlay'.

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.

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.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

Policy B1.8.3 Greenfield Overlay (Lot 173) – states it is a Provincial and Regional requirement that *Greenfield* designated lands be developed so as to attain a minimum population / employment density of 50 people and jobs per hectare. It is realized that not every site will be able to achieve this target. The Town will have flexibility on a site-by-site basis however; the overall density target will still need to be achieved.

For the subject lands (Lot 173), any application for development shall demonstrate that these sites can achieve the required population and employment density (50 people & jobs / hectare). Concurrent draft plan of subdivision (file 26T19-01-2020) and rezoning (file AM-02-2020) applications have been submitted for other lands owned by the developer contiguous to the east, known as ‘Forest Park’ which are situated within the East Fonthill Secondary Plan limits. The reason these applications were submitted concurrently was in an effort to demonstrate how current planning policies will be achieved despite maintaining an aging draft plan of subdivision application which must continue to be qualified against a ‘mishmash’ of current and outdated policy sets.

Pelham Zoning By-law No. 1136 (1987)

The subject lands are zoned ‘Residential 1’ (R1) according to Schedule ‘A5’ of the Zoning By-law. In an effort to satisfy the 1974 local Official Plan requirements and other applicable planning policies, the developer has applied for a site-specific Zoning By-law Amendment to rezone the subject lands to ‘Residential 2’ (R2) and ‘Environmental Protection’ (EP).

The proposed site-specific R2 zone seeks permissions for second dwelling unit provisions should a subsequent builder or home purchaser decide to include a small accessory apartment (aka; in-law suite, granny flat).

The proposed ‘EP’ zone would apply to lands that support the *Provincially Significant Wetland* complex and woodland.

Financial Considerations:

The applicant is responsible for all costs associated with development.

Alternatives Reviewed:

There are currently no alternatives as Council is statutorily obligated to make a decision on these *Planning Act* applications.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The proposed completion of the Kunda Park Phase 4 subdivision contributes to building a strong community through the completion of the Kunda Park neighbourhood and the preservation of the lands associated with the provincially significant wetlands. The integration of Kunda Park Phase 4 with the earlier Kunda Park subdivision completes a vision for the neighbourhood that was set many years ago and will provide for an integrated and connected community, not only with the Kunda Park neighbourhood, but also with the lands east in the East Fonthill neighbourhood, an important consideration for building a strong and resilient community.

Consultation:

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

- Public Works (August 28, 2020)
 - No comments.
- Niagara Region Planning & Development Services (September 28, 2020)
 - No objection, subject to Regional conditions of Draft Plan Approval.
- Niagara Peninsula Conservation Authority (August 12, 2020)
 - No objection, subject to NPCA conditions of Draft Plan Approval.
- Bell Canada (March 13, 2019)
 - No objection, subject to standard Subdivision Agreement clauses.
- Canada Post (June 3, 2020)
 - No objection, subject to standard Subdivision Agreement clauses.
- Enbridge Gas (June 25, 2020)
 - No objection, subject to standard Subdivision Agreement clauses.
- District School Board of Niagara (July 16, 2020)
 - Requesting a fence to be installed along the south lot line of Glynn A. Green Elementary School.

Public Comments

On Friday, the 4th day of September 2020, a Public Meeting Notice was circulated to all property owners within 120 metres of the subject land's boundaries. In addition, Public Notice signs were posted at each of the three (3) public street frontages. The following comments (Appendix D) have been received at the time of writing of this report, which are summarized below:

- Agree with the proposed development.
- Has the *Pelham Active Transportation Committee* reviewed the proposed draft plan?
 - Yes, the *PATC* has been consulted. Town Planning staff presented at one of their scheduled meetings, answered their questions, as well as completed a site visit of the Steve Bauer Trail with them.
- Opposes rezoning from 'R1' to 'R2'.
- The R1 and R2 zone both permit single detached dwellings while the R2 zone permits dwellings on somewhat smaller lots. Why was the rezoning from 'R1' to 'R2' not discussed in 2018?

- The Zoning By-law Amendment application was received in 2020 and is based on the revised application.
- Why is this draft plan so different from the plan shown by Upper Canada Consultants in 2018?
 - A previous version of the draft plan proposed a street connection over the *Provincially Significant Wetland*. New infrastructure over PSWs must undergo a municipal *class Environmental Assessment*. The owner has since abandoned that plan.
- Higher density will have greater impact on environmentally sensitive lands, increase traffic.
 - Only low density residential is proposed in the revised plan of subdivision.
- Only one access point to subdivision is inadequate.
 - The subject lands north of the *Provincially Significant Wetland (PSW)* actually have three (3) proposed street connections.
- Suggest alternative street connection from Port Robinson to northeast corner of subject lands between Glynn A. Green Elementary School and Steve Bauer Trail.
 - These lands are excluded from the draft plan of subdivision limits and will preserve significant archaeological resources.
- Increased traffic is a safety concern.
 - The proposed low residential development is not anticipated to create increased traffic that would be considered to cause safety issues. The subdivision will be designed to mitigate safety issues through appropriate traffic control measures.
- What routes will construction vehicles use?
 - This will be determined through detailed engineering design.
- How will dust be controlled?
 - Standard sediment and dust control measures during construction will be a condition of draft plan of subdivision approval.
- How will construction activities impact existing houses (i.e. foundation cracks)?
 - The construction activities are not anticipated to create impacts on adjacent homes, however the contractor carries liability insurance in the event that there may be such an issue. Typically prior to construction commencing, the insurance company will conduct visual surveys of foundations, etc.
- Will grades change?
 - The overall grading plan for the subdivision will be a condition of draft plan of subdivision and will be developed during detail engineering design phase.
- How have pedestrian and traffic issues been addressed? Has a Traffic Study been done?
 - Niagara Region and Town Engineering staff determined that a Traffic Impact Study was not warranted. These lands have been a designated *Greenfield* for considerable time which means they're expected to be developed in accordance with specific Provincial policy.
- Will the drainage ditch along the Steve Bauer Trail be upgraded?
 - The stormwater management design proposes an open channel, vegetated water course parallel to the trail on the east side of the woodland, and within the Station Street unopened road allowance.
- Will this subdivision be timed to start after the construction of the Station Street extension?
 - The Kunda Park Phase 4 (lands north of the *PSW*) are integrally serviced from the east which will require the Station Street extension to be constructed in order for the balance of the Kunda Park Phase 4 development to proceed.
- What is the difference between the R1 and site-specific R2 zoning? How many additional units will be permitted?
 - The R2 zone is generally permits somewhat smaller lots than the R1 zone. Answering how many additional units would be facilitated by the rezoning is not

such a simple, straight forward answer. The draft plan has changed several times over the years, and at times contained more units (with no change of zoning), and less units at other times. The main purpose of the rezoning application is to allow permissions for second dwelling units to be included in future houses should homeowners want one. This is a response to demonstrating conformity with various planning policies and meeting evolving housing needs.

Staff Comments

The purpose of this report is to provide Council and the public with information regarding the proposed development applications (Kunda Park Phase 4), applicable policies and comments received to date. Council may also provide recommendations for proposed changes to the draft plan of subdivision or zoning by-law amendment request based on the public, agency or staff input and consistency with approved plans.

The latest pre-consultation meeting was held with the applicant on Thursday, November 21st 2019 to identify planning issues associated with the proposal, joint submissions with the adjacent Forest Park subdivision proposal and to discuss submission requirements.

The next steps are for the applicant to finalize their submissions in response to the comments received and then for staff to prepare a Recommendation Report for Council's consideration.

Other Pertinent Reports/Attachments:

- Appendix A:
 - Draft Plan of Subdivision
- Appendix B:
 - Agency Comments
- Appendix C:
 - Public Comments

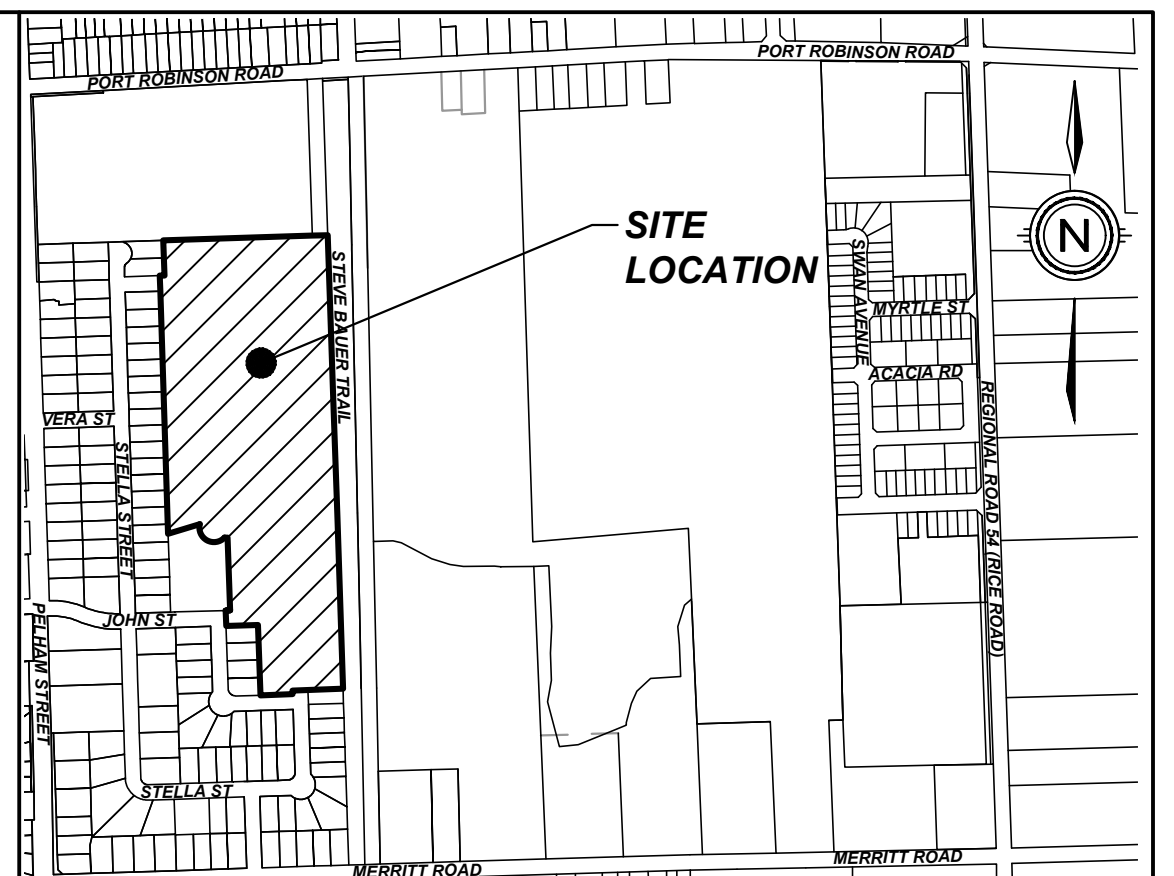
Prepared and Recommended by:

Curtis Thompson
Planner

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

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



DRAFT PLAN OF SUBDIVISION

**PART OF LOT 173
GEOGRAPHIC TOWNSHIP OF THOROLD
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA**

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

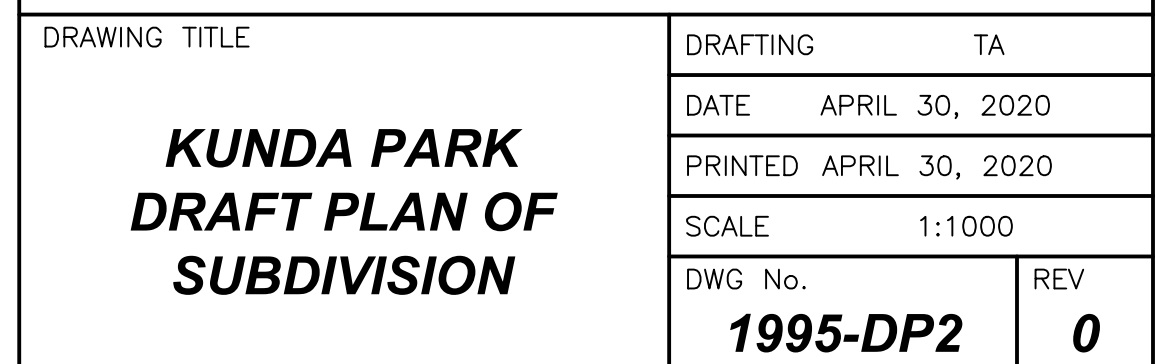
SURVEYOR'S CERTIFICATE

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

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- ## LAND USE SCHEDULE

.	.	.	.
.	.	.	.
0	ISSUED FOR APPROVAL	2020-04-30	TA
#	REVISION	DATE	INIT



TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.

SINGLES - 2.76 PEOPLE TOTAL AREA IN ha (EXCLUDING PROVINCIALLY SIGNIFICANT WETLAND) = 8.490 ha

 TOTAL NUMBER OF PEOPLE REQUIRED = 369.67 PEOPLE

PROPOSED: SINGLES - 2.76 PEOPLE X 84 UNITS = 231.84 PEOPLE

LIVE/WORK/EMPLOYMENT - 84 UNITS x 5% = 4.2 JOBS

TOTAL = 236.04 PERSONS AND JOBS

NO. OF PEOPLE/TOTAL AREA (ha) - 236.04/8.490 ha = 27.802 PERSONS & JOBS PER HECTARE

Memo

To: Curtis Thompson, Planner

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Tolga Aydin, Engineering Technologist

Date: 28th August 2020

RE: Draft Plan Approval – Kunda Park Phase 4 – 1st Submission

The Public Works Department has reviewed the submitted documentation regarding the proposed Draft Plan for the subdivision known as Kunda Park Phase 4. Please note the following comments;

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

- 26T19-02002 Draft Plan of Subdivision, by Upper Canada Consultants, dated 04/30/2020

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

- Functional Servicing Report, by Upper Canada Consultants, dated April, 2020
- Stormwater Management Report, by Upper Canada Consultants, dated April, 2020

The following comments shall be addressed to the satisfaction of the Director of Public Works.
Note that further comments to be forthcoming on subsequent submissions.

Functional Servicing Report

Storm System

No Comment

Sanitary System

No Comment

Water System

No Comment

Stormwater Management Brief

No Comment

Submitted Drawings

No Comment

Planning and Development Services

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

Via Email Only

September 28, 2020

File Nos.: D.11.06.SD-20-0020
D.18.06.ZA-20-0034

Curtis Thompson
Development Planner
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Mr. Thompson:

**Re: Revised Provincial and Regional Comments
Zoning By-law Amendment Application and Resubmission of Draft Plan of
Subdivision- Kunda Park Phase 4
Town File No.: AM-03-2020 and 26T19-02002
Agent/Applicant: Upper Canada Consultants (Matt Kernahan)
Owner: Sterling Realty (Niagara) Inc.
Location: Kunda Park Boulevard/John Street (Part 1, 59R-19105), Pelham**

Regional Planning and Development Services staff have reviewed the information circulated with the application for Zoning By-law Amendment and resubmission of a Draft Plan of Subdivision application for lands described as Part 1 on Reference Plan 59R-19105 in the Town of Pelham. The application, resubmission and required fees were received on May 15, 2020.

The revised Draft Plan of Subdivision, prepared by Upper Canada Consultants (dated April 20, 2020) (certified by Kirkup-Mascoe-Ure Surveying Ltd. on February 18, 2020), proposes the creation of 84 lots for single detached dwellings (Lots 1-84), one block for a pedestrian walkway (Block 86), a block for environmental features (Block 85), and associated roadways on a 11.1 ha property (the subject land).

The Zoning By-law Amendment proposes to rezone the lands to a site-specific R2 zone for the residential lots (Lots 1-84) and Environmental Protection (EP) zone for the environmental block (Block 85).

A preconsultation meeting was held on November 21, 2019, at Town Hall, with Town and Regional staff, and the Agent in attendance. Regional staff provides the following comments to execute Regional Council's Strategic Priority for a Sustainable and Engaging Government. By commenting on conformity with Provincial and Regional policy, the Region fulfills our commitment to high quality, efficient and coordinated service through enhanced communication, partnership and collaboration, and aims to assist the Town in their consideration of the applications from a Provincial and Regional perspective.

Applicable Policy

Regional staff acknowledge that the Kunda Park Subdivision has an extensive history that dates back to the 1950s. Phase 4 is the last planned phase of the development. The Draft Plan of Subdivision for Kunda Park Phase 4 was originally submitted to the Town of Pelham in May 2002. Since then, there have been several revisions to the proposed Draft Plan. As a result of this being a resubmission of an application originally filed in May 2002, not all current policies apply to the review of the Draft Plan of Subdivision. Regional staff concur with the Planning Justification Report (PJR), prepared by Upper Canada Consultants that the 2001 Regional Policy Plan (RPP) applies to the review of the Draft Plan of Subdivision resubmission. However, in accordance with Part II and Policy 4.1 of the 2020 Provincial Policy Statement, the 2020 PPS applies to this application.

As outlined in the PJR, the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe does not apply pursuant to Ontario Regulation 311/06, because the application was filed prior to the original Growth Plan for the Greater Golden Horseshoe (2006) coming into effect.

As indicated in previous comment letters, Regional staff are of the understanding that "grandparenting" would not apply to subsequent Planning Act applications, and the Draft Plan of Subdivision would not be "grandparented" from other applicable legislation (e.g.: Fisheries Act, Conservation Authorities Act, Endangered Species Act).

2020 Provincial Policy Statement

The subject land is located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). 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. Specifically, Policy 1.1.3.2 of the PPS states that land use patterns within settlement areas shall be based on densities and a mix of land uses. Although the Draft Plan of Subdivision does not include a mix of land uses, the development is located within close proximity to a variety of commercial and institutional uses. Furthermore, Section 1.4 of the PPS speaks to provision of an appropriate range and mix of housing options and densities required to meet the projected requirements of current and future residents, including projected market-based and affordable housing

needs. Regional staff are of the opinion that the proposal is consistent with the 2020 Provincial Policy Statement.

2001 Regional Policy Plan

The subject lands are within the Fonthill Urban Area Boundary under the 2001 Regional Policy Plan (RPP). The 2001 RPP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. Objective 5.11 of the 2001 RPP seeks to contribute to the overall goal of providing a sufficient supply of housing that is affordable, accessible, adequate and suited to the needs of a full range of types of households and income groups in Niagara. The 2001 RPP directs the responsibility for regulating housing types (including affordable housing), locations and densities, within the Urban Area, to the local municipalities. As such, the Town of Pelham should be satisfied with respect to these matters.

Regional staff concur with the justification and conclusions contained in the PJR with regard to conformity and compliance to the 2001 Regional Policy Plan.

Core Natural Heritage

The subject lands contain natural heritage features and areas (i.e., significant wetland, significant woodland, fish habitat). These environmental features provide important linkages to other natural heritage features and areas across Niagara Region. Although there are no natural heritage policies included in the 2001 RPP, the 2020 PPS does contain policy pertaining to natural heritage features and areas. Specifically, Policy 2.1.1 of the PPS states “natural features and areas shall be protected for the long term”. The PPS further states that the diversity and connectivity of natural features in an area and their long term ecological function should be maintained, restored, or improved (where possible), recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Policies 2.1.5 (a) and (b) of the PPS state that development and site alteration should not be permitted in significant wetlands and significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Policy 2.1.6 of the PPS states that development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

The subject property contains portions of the Region’s Core Natural Heritage System (CNHS), consisting of Niagara Street Cataract Road Woodlot Provincially Significant Wetland (PSW) Complex and Significant Woodland. Regional CNHS mapping also identifies potential Important (Type 2) Fish Habitat traversing the site. The

Environmental Impact Study (EIS) and both EIS Addendums have concluded that Fish Habitat is not present on the subject property.

In this regard, Regional Environmental Planning staff have reviewed the EIS Addendum, prepared by Beacon Environmental (dated April 2020), submitted with the applications. A previous EIS and EIS Addendum, both prepared by Beacon Environmental, were originally submitted in June 2014 and January 2019, respectfully. The most recent EIS Addendum (dated April 2020) was prepared to address a number of concerns detailed in a letter from the Region to the Town of Pelham on April 24, 2019.

Comprehensive environmental planning comments relative to the submissions are included in Appendix I. In summary, Regional Environmental Planning staff are satisfied that the EIS Addendum demonstrates that the development can be accommodated without negative impact to the natural features, provided that:

- the mitigation measures outlined in Section 4.3 of the EIS Addendum (dated January 2019), together with those further described in Appendix I, are implemented;
- Block 85 is zoned Environmental Protection (EP) or similar zoning, which achieves the same level of protection;
- all required authorizations are received from applicable regulatory agencies.

Recommended conditions of approval are included in Appendix II.

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should continue to be consulted with respect to their comments and permit requirements pursuant to Ontario Regulation 155/06.

Archaeological Potential

The 2020 PPS and 2001 RPP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the 2020 PPS and Section 7.H.2.11 of the 2001 RPP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

The subject land was identified as having high archaeological potential as a result of registered sites and a watercourse located on the property. In this regard, a Stage 1 Archaeological Assessment, prepared by Detritus Consulting (dated September 7, 2016) was completed, but a copy was not submitted with the applications. A copy of the report was subsequently provided by email on September 4, 2020. The study recommended further archaeological work for one archaeological site (AgGt-51). On

the basis that this site and its buffer lands (10m) fall entirely outside of the subdivision lands (approximately 150m to the north), a condition requiring the work as part of this draft plan of subdivision is not included. However, as per the MHSTCI's acknowledgement letter, if in the future it is decided to develop the land adjacent to Glen A. Glynn Public School, site AgGt-51 and its protective buffer will need to be protected through a strategy that includes both temporary protective fencing, scheduled construction monitoring by a licensed archaeologist and no construction impacts will be allowed. Long term-protective provisions were also recommended to be implemented. Because these lands fall outside of the draft plan area, these mitigation measures are not required as a condition of subdivision approval; however, the Region does recommend that the developer follow the recommendations of the licensed archaeologist to ensure there is no unintended contravention of the *Heritage Act*.

The Region commends the developer for following the best practices outlined in the MHSTCI Standards and Guidelines to avoid and protect sites recommended for Stage 4 mitigation, by excluding the archaeological site and buffer area from the proposed development. The Standards and Guidelines also support incorporating the area of the archaeological site into the project, but without alteration, if that's an option the developer would like to pursue.

Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff also recommends the inclusion of a standard warning clause in the subdivision agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. A condition requiring the clause has been included in Appendix II.

Servicing

The functional servicing strategy for the subdivision has proposed that it will be serviced through Saffron Meadows Phase 3 and the Forest Park Subdivision. Based on this strategy, the flows from this site would be received by the Towpath Road Sewage Pumping Station (SPS). Regional staff have reviewed the Master Servicing Plan (MSP) and offers the following comments with regards to the Towpath SPS.

Currently the MSP has identified sufficient dry weather flow at the station based on the allotted growth that was added to the sewershed and all the contributing sewersheds that reach the SPS. This sewershed experiences wet weather flows and the is working to reduce infiltration and inflow to the contributing sewershed through various reduction programs. The final MSP can be found at the following link:

<https://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>

Regional staff notes that this property is located at the boundary of three Regional sewersheds and if this property is not serviced through Saffron Meadows Phase 3 or with the sanitary sewer on Port Robinson, and rather connected into the sanitary sewer on Station Street, further analysis will be required as the Station Street sewer is within

the Hurricane Road Sewage Pumping Station sewershed. If the subdivision is connected into the existing regional sewers on Stella Street, this sewer is within the Welland Waste Water Treatment Plant (WWTP) sewershed and no analysis will be required; however, connection details, connection permit and connection fee will be required.

Any extension of municipal sewers will require an ECA application, which can be obtained through the Region's Transfer of Review (ToR) program, and no construction of infrastructure should commence until ECAs are obtained. Conditions pertaining to servicing requirements are included in Appendix II.

Stormwater

Regional staff have reviewed the Preliminary Stormwater Management Plan – Forest Park/Kunda Park, Town of Pelham, prepared by Upper Canada Consultants (UCC) (dated April 2020). The Report indicates that a future stormwater management (SWM) facility in Forest Park subdivision will service Kunda Park Phase 4, north of John Street, to meet the SWM criteria prior to discharge to the realigned Singer's Drain to the box culvert crossing Rice Road (Regional Road 54). An oil-grit separator (OGS) along with an existing Timber Creek Estates SWM facility will service a 1.15 ha development south of John Street. Based on our review, the Region offers the following comments:

1. The Region confirms that we will require that:
 - a. Peak Flow Attenuation: all post development stormwater peak flows be attenuated to pre-development levels for up to and including the 100 year return period design storm event.
 - b. Water Quality Control: all stormwater runoff be treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
 - c. Erosion Control: runoff from the 25mm design storm event be captured and detained for a period of at least 24 hours in order to mitigate the impacts of erosion on the downstream watercourse.
 - d. Prior to construction, the detailed grading, storm servicing, stormwater management, and construction erosion/sediment control drawings be submitted to this office for review and approval.
2. The Region, in principle, has no objection to the overall SWM plan for Kunda Park Phase 4 development. However, we will require that the following information be provided during the detailed engineering review for the subdivision:
 - a. Existing Drainage (pre-development conditions):
 - Clarify why the west boundary of the drainage catchments covering the existing residential areas west of Forest/Kunda Park subdivision are inconsistent in the SWM Reports for Forest/Kunda Park (Figure 2) and Saffron Meadows (Figure 3). This discrepancy of catchment delineation results in that the total drainage area to the Rice Road culvert is 114.93ha and 126.94ha respectively. The Region requires that the existing drainage parameters (area, impervious, flow) be confirmed, as they are the basis for stormwater analysis.

- The south boundaries of catchments A4 and D1 east of Steve Bauer Trail (refer to Figure 2, Forest/Kunda SWM Report) are not on the contour high points. Revise the catchment delineation or provide information to justify the catchment boundaries are correct.
- b. Future Development and SWM Plan
 - Integrate Low Impact Development measures to the SWM plan for the 1.15 ha parcel south of John Street, in order to mitigate the erosion impacts on the downstream watercourse.
 - Provide the imperviousness assigned for each type of land use to justify that the overall imperviousness of 45% and 30% can appropriately represent the proposed land use schedule for Forest Park and Kunda Park subdivision, respectively.
 - Revise the description (refer to Forest/Kunda SWM Report Page 17) regarding the storage requirement, as the applicant chose to size the proposed SWM facility to meet an Enhanced treatment.
 - The water elevation of the Forest/Kunda SWM facility during a 100-year design storm is higher than the spillway elevation. The freeboard between the pond top 192.9 m and the high water level 192.78 m is only 0.12 m. The MECP SWM Design Manual requires 'A 0.3 m freeboard should be provided above the design high water level'. Therefore, the Region requires the pond configuration be revised to ensure that the active storage for flow attenuation is sufficient to meet a 0.3 m freeboard.
 - The 100-year flow to the Rice Road culvert is 4.38 m³/s, which is larger than the flow of 4.2 m³/s used for culvert hydraulic analysis (refer to the Saffron Meadow SWM report). The Region requires the culvert headwater analysis be updated.
- 3. With respect to the natural channel design of the realigned Singer's Drain within Forest Park subdivision, the Region has no objection to the design. The Region requires the Report outline the erosion protection measures prior to the channel soil stabilization (vegetation growing).
- 4. With respect to the Kunda Park PSW By-pass, the NPCA should continue to be consulted with the design details and potential work permit requirements, as this proposed system is related to the NPCA regulated features.

Conditions relating to stormwater management requirements are included in Appendix II.

Waste Collection

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

- No limit blue/grey containers;

- No limit green containers; and,
- 1 garbage container per unit.

In order for the above noted services to be provided, the developer shall comply with Niagara Region's Corporate Policy and Procedure for Requirements for Waste Collection and complete the application for commencement of collection. The forms and policy can be found at the following link: www.niagararegion.ca/waste

Based on the draft plan provided, Regional staff have assumed that the construction of Station Street will be a condition of draft plan approval from the Town. Depending on the timing of the construction for Station Street, temporary turn arounds may be required at the east end of the proposed roads (Streets A and D).

The draft plan of subdivision was reviewed for the potential for waste management services to collect recycling and waste through the subdivision; however, further review will be required once the servicing plans have been completed, since the plans do not show detailed road design. If the subdivision is going to be phased, a phasing plan should be submitted to ensure that no temporary turn arounds are required for the waste management services vehicles. Conditions pertaining to waste collection are included in Appendix II.

Conclusion

In conclusion, Regional staff have no objection to the proposed Zoning By-law Amendment and Draft Plan of Subdivision from a Provincial and Regional perspective, subject to the conditions outlined in Appendix II and provided Block 85 is zoned Environmental Protection (EP). Subject to the conditions and the EP zoning for Block 85, the proposal is consistent with the 2020 Provincial Policy Statement and conforms to the intent of the 2001 Regional Policy Plan.

Please send a copy of the staff report and notice of the Town's decision on these applications.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or by email at Britney.fricke@niagararegion.ca.

Kind regards,



Britney Fricke, MCIP, RPP
Senior Development Planner

cc: Adam Boudens, Senior Environmental Planner/Ecologist, Niagara Region
Matteo Ramundo, Development Approvals Technician, Niagara Region

Appendix I

Core Natural Heritage Comments

The subject land contains portions of the Region's Core Natural Heritage System (CNHS), consisting of Niagara Street Cataract Road Woodlot Provincially Significant Wetland (PSW) Complex and Significant Woodland. Regional CNHS mapping also identifies potential Important (Type 2) Fish Habitat traversing the site. The Environmental Impact Study (EIS) and both EIS Addendums have concluded that Fish Habitat is not present on the subject property.

Regional Environmental Planning staff have reviewed the EIS Addendum, prepared by Beacon Environmental (dated April 2020), that was submitted with the proposed residential development application located at Part Lot 173, in the Town of Pelham. A previous EIS and EIS Addendum, both prepared by Beacon Environmental, were originally submitted in June 2014 and January 2019, respectfully. The most recent EIS Addendum (dated April 2020) was prepared to address a number of concerns detailed in a letter from the Region to the Town of Pelham on April 24, 2019.

Regional Environmental Planning staff have reviewed the EIS Addendum to verify that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Provincial and Regional environmental policy.

In summary, Regional Environmental Planning staff are satisfied that the results, proposed mitigation measures, and recommendations identified in the EIS and EIS Addendums sufficiently address Provincial and Regional environmental policies. Therefore, staff do not object to the development proposal, provided the mitigation measures identified in the EIS and EIS Addendums, and those further described below are implemented.

Wetland Buffer

In response to Regional comments, the EIS Addendum provides the rationale used to justify the proposed 15 m buffer from the adjacent PSW. Beacon Environmental acknowledges that based on the existing scientific literature a minimum buffer width of 30 m is typically considered appropriate to protect the functions and features of wetlands. However, for this application, based on the field data collected on the subject property, a 15 m buffer has been deemed to be sufficient as the PSW was found to provide low-quality wildlife habitat for common species of flora and fauna and no sensitive natural heritage features or function have been identified. To ensure that the PSW is sufficiently protected from adjacent land uses, the EIS Addendum recommends that a 1.5 m high chain link fence be installed along the rear of lots that are located along the wetland boundary. In addition, a Planting Plan is recommended to enhance the buffer lands along the western boundary of the wetland and the buffer lands to the north and south of the wetland finger that extends eastward to the Steve Bauer Trail, as these areas are not well vegetated.

Regional Environmental Planning staff support the conclusions of the EIS Addendum; however, staff request that a more robust Edge Management Plan / Planting Plan be required to ensure that the full extent of the buffer lands is sufficiently vegetated with native species to increase the protective and ecological function of the buffer.

Water Balance

In response to Regional comments requesting that a water balance be completed to inform the PSW buffer width and address potential impacts, the EIS Addendum indicates that based on existing conditions and the location of proposed development, no alteration to the existing surface water inputs to the wetland will occur. Provided no grading works occur within the 15 m buffer to the PSW and a Grading Plan is prepared for Regional staff review and approval, Environmental Planning staff are satisfied that a water balance is not required.

Significant Woodland

In response to Regional comments, the draft plan has been updated to show the limit of the woodland edge based on a survey of the woodland dripline and clearly identifies the locations where woodland is proposed for removal. Small encroachment into the woodland edge is proposed at the rear of Lot 27, representing a total area of 0.03 ha. The woodland buffer width for the remainder of the property is proposed to fluctuate between 0 m in some locations to 10 m or more in other locations. The EIS addendum indicates that there are no sensitive or significant wildlife features associated with the edge of the woodland and therefore the proposed buffer widths are justified. Proposed mitigation measures are the same as those proposed for the wetland buffer and consist of a Planting Plan and 1.5 m high fencing.

Regional Environmental Planning staff do not object to the additional rationale provided in the EIS Addendum in support of narrow buffers and minimal encroachment into the feature. However, to ensure that the remaining Significant Woodland is sufficiently protected, staff request that a robust Edge Management Plan / Planting Plan be prepared for Regional review and approval. The Edge Management Plan / Planting Plan should include an invasive species management and monitoring component. Further details are provided below.

Fish Habitat

In response to Regional comments, the EIS Addendum includes a comprehensive evaluation of Fish Habitat on the subject lands, including the results of a Headwater Drainage Feature (HDF) assessment following the Evaluation, Classification and Management of headwater Drainage Features Guidelines (TRCA and CVC, 2014). There are three watercourses that traverse the subject lands, identified as the northern, central and southern watercourses. In summary, the EIS Addendum concludes that all

three watercourses support only ephemeral flows, have limited hydrological function (much of which is supported by stormwater flows), support very limited terrestrial functions and are not identified as providing Fish Habitat. The EIS Addendum proposes the removal of the northern and central watercourses to facilitate the proposed development. The results of the HDF assessment identify the need to mitigate for the removal of the two watercourses. The EIS Addendum includes recommendations to mitigate for the loss of riparian habitat associated with the watercourses and to ensure that downstream flows from the watercourses are maintained.

Environmental Planning staff support the conclusions of the EIS Addendum, provided the corridor along the east side of the Steve Bauer Trail and the PSW wetland finger associated with the southern watercourse are sufficiently vegetated through the preparation and implantation of a Planting Plan/Restoration Plan, as proposed.

Significant Wildlife Habitat

In response to Regional comments, the EIS Addendum confirms that targeted surveys for rare plant species listed on the Schedules of the *Endangered Species Act* and Checklist on Vascular Plants for the Regional Municipality of Niagara (Oldham, 2010) have been sufficiently completed. With respect to corridor function, the EIS Addendum concludes that the subject lands support little to no landscape corridor function but that the local linkage between the PSW on the subject lands and the PSW and woodlands located directly east of the subject lands (east of the Steve Bauer Trail) will be maintained through the PSW wetland finger. Staff offer no objections to the rationale provided related to Significant Wildlife Habitat.

Mitigation Measures and Restoration

In response to Regional comments, the EIS Addendum includes a section on mitigation measures and restoration. Regional Environmental Planning staff requested that additional justification be provided to explain why the previous EIS Addendum (January 2019) omitted a previous recommendation (included in a 2007 EIS prepared by Savanta) to enhance and restore the PSW and Significant Woodland.

With respect to the removal of debris within the PSW and Significant Woodland, the EIS Addendum indicates that this should not be identified as the responsibility of the property owner. Staff find the rationale included in the EIS Addendum to be inadequate and continue to recommend the removal of debris as a condition of draft plan approval.

With respect to the removal of non-native species from the PSW and Significant Woodland and/or their buffers, the EIS Addendum concludes that this restoration measure is not reasonable as there are numerous non-native species (e.g., Common and Glossy Buckthorn, Multiflora Rose, Garlic Mustard, etc.) found within the features and that removal will require the implementation of an intensive program that must be undertaken over a number of years. Staff do not find this rationale to be sufficient. Consistent with Regional Official Plan policy 7.A.3, new development, including

infrastructure, should be designed to maintain or enhance the natural features and functions of a site. Considering the reduced setbacks proposed in the EIS Addendum, staff do not feel that an invasive species management plan is an unreasonable request. As such, staff continue to request that an Invasive Species Management component, including a monitoring plan, be included in the Edge Management Plan / Planting Plan.

Conclusion

Regional Environmental Planning staff are satisfied that the EIS Addendum demonstrates that the development can be accommodated without negative impact to the natural features, provided that the mitigation measures outlined in Section 4.3 of the EIS Addendum (dated January 2019) are implemented and provided that all required authorizations are received from applicable regulatory agencies. Recommended conditions of approval are included in Appendix II (#3-11).

Please note that the Niagara Peninsula Conservation Authority (NPCA) continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should continue to be consulted with respect to their comments and permit requirements pursuant to Ontario Regulation 155/06.

If you have any questions or wish to discuss these comments, please feel free to contact Adam Boudens, Senior Environmental Planner at 905-980-6000 ext. 3770 or adam.boudens@niagararegion.ca, or Cara Lampman, Manager, Environmental Planning at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Appendix II

Regional Conditions of Draft Plan of Subdivision Approval

Kunda Park- Phase 4, Pelham

1. That the following clause be included in the subdivision agreement:

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

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI 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 the subdivision agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found in Section 4.3 of the EIS Addendum, prepared by Beacon Environmental (dated January 2019), including but not limited to:
 - a) Along the perimeter of the retained Provincially Significant Wetland/Significant Woodland (Block 85 – EP1, Lots 5, 11, 12-27) and along the watercourse channel/corridor adjacent to the Steve Bauer Trail (Lots 12, 47, 70-84), a 1.5 m High Chain Link Fence will be constructed. The location of the fence should be detailed in final plans to the satisfaction of Niagara Region. In addition, a “no gate” bylaw should be implemented to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
 - b) To the extent possible, all proposed outdoor lighting be downward facing and shielded to prevent light spillage into the surrounding natural area.
 - c) That the Environmental Protection Block (Block 85) boundary be identified in the field with visible construction fencing prior to the commencement of any site alteration and that no machinery, equipment, or materials be stored or allowed to enter this area, to the satisfaction of Niagara Region.
 - d) That detailed sedimentation and erosion control plans be prepared for review and approval by the Region. All sediment and erosion control measures shall be maintained in good condition for the duration of

construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

- e) No construction materials or equipment is to be located, even on a temporary basis, within the buffers of the PSW and Significant Woodland.
 - f) That the storage and handling of materials associated with material and chemical and refueling of heavy machinery follow OPSS 180. Additionally, specific refueling areas should be identified that are no closer than 30 m from any watercourse.
 - g) Any required vegetation removals should be conducted in a manner to avoid impacts to nesting birds that may be utilizing habitats on the property. The breeding bird period for this area is generally March 15 to August 31. Additionally, site clearing should not be undertaken one week before June 1st through to 1 week after June 30th to avoid impacts to bats potentially breeding in the woodland.
3. That an Edge Management Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted within the Provincially Significant Wetland, Significant Woodland and/or their buffers, as appropriate. The Edge Management Plan should include an invasive species management component as well as a detailed monitoring plan.
 4. That a Restoration Planting Plan be provided to the satisfaction of Niagara Region, to identify and illustrate the location of additional native trees, shrubs and/or groundcover to be planted along the Steve Bauer Trail, as appropriate.
 5. That a Tree Saving Plan (TSP) be submitted to the Niagara Region for review and approval. The TSP shall generally be prepared in accordance with Section 1.36 of the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008).
 6. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the PSW, Significant Woodland and/or their buffers will occur.
 7. That the subdivision agreement contain wording wherein the owner agrees to implement the approved Edge Management Plan, Restoration Planting Plan, Tree Saving Plan and Grading Plan.
 8. That the owner submit a written undertaking to the Niagara Region that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of registration and any pre-servicing will be at the sole risk and responsibility of the owner.

9. That the owner submit a written undertaking to the Niagara Region that all offers and agreements of Purchase and Sale, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that a servicing allocation for this subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.
10. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks, Compliance Approval under the Transfer of Review Program
11. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment and Climate Change documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility; and,
 - d. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the stormwater management facility required to service this development and obtain the necessary Ministry of the Environment Compliance Approval.These plans shall address the detailed comments provided in the Region's June 23, 2020 comment letter.
12. That the subdivision agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.
13. That the owner ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's policy and by-laws relating to the curb side collection of waste and recycling throughout all phases of development. If developed in phases, where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.

Notes:

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
- Prior to final approval for registration, a copy of the draft subdivision agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clause pertaining to these conditions have been included. A copy of the executed agreement shall also be provided prior to registration.
- In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (one hard copy and a PDF digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package, or circulated to the Niagara Region by the Town of Pelham.

July 31, 2020

Via Email Only

Mr. Curtis Thompson, B.URPI
Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON, L0S 1E0

Our File: PLSUB201900156

Dear Mr. Thompson

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments (Resubmission)
Applications for Zoning By-law Amendment and Draft Plan of Subdivision
Kunda Park Phase 4
Town of Pelham
Applicant: Upper Canada Consulting
File Nos.: AM-03-2020, 26T19-020-02**

The NPCA has received a revised application for Draft Plan of Subdivision for Phase 4 of the Kunda Park Subdivision as well as an application for Zoning By-law amendment (ZBA). In support of the applications, the NPCA also received an environmental impact study (EIS) addendum, prepared by Beacon Environmental, dated April 2020 and a preliminary stormwater plan, prepared by Upper Canada Consulting, dated April 2020. The Draft Plan of Subdivision has been revised to feature 84 lots for single detached dwellings and a block for a Provincially Significant Wetland (PSW). The NPCA previously commented on the Subdivision application on April 12, 2019. At that time, we indicated concerns with the proposed removal of the northern and central watercourses. We have reviewed the revised applications and supporting information and offer the following comments, which should be read in conjunction with our April 12, 2019 comments.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA

policies) provides direction for managing NPCA regulated features. The subject lands contain three watercourses and the Niagara Street Cataract Road Woodlot Wetland Complex, which is a PSW.

The Draft Plan proposes a 15 metre buffer to the PSW and places the wetland and buffer within Block 85. The original EIS indicated that given the wetland form and lower function, a 15-metre buffer is suitable and will maintain most of the existing edge vegetation currently buffering the wetland. The EIS addendum has indicated that grading along the 15 metre buffer will be minimal and recommended a grading plan be reviewed/approved by the NPCA as a mitigation measures. NPCA staff have no objection to this rationale and have incorporated the grading plan requirement into the recommended Conditions of Draft Plan Approval.

The EIS addendum also identified portions of the western wetland boundary in which the buffer conditions are poor (not well vegetated). A buffer planting plan is recommended as a mitigation measure. NPCA staff agree with this recommendation and have included a Condition of Draft Plan Approval to this effect. Note that implementation of the buffer planting plan will require an NPCA Work Permit.

The PSW and buffer (Block 85) is proposed to be rezoned to EP1. NPCA staff have no objection to this as it provides the appropriate level of protection for the wetland and its buffer.

NPCA staff previously indicated that there was insufficient information to support removing the northern and central watercourses. The EIS addendum provided a more detailed analysis of the proposed watercourse removal, including an assessment under the 2014 Toronto and Region Conservation Authority and Credit Valley Conservation Evaluation, Classification and Management of Headwater Drainage Features Guideline. The assessment supports removal of the watercourses, subject to mitigation. The Applicant is proposing to incorporate the drainage into the stormwater system to a newly created, naturalized watercourse along the east side of the Steve Bauer Trail. Water flows would be picked up in the realigned watercourse of the adjacent development (Forest Park Subdivision). The newly created watercourse will provide improved ecological function of the watercourses and maintain the required hydrologic flows. NPCA staff have no objection to this. An NPCA Work Permit will be required for removal of the existing watercourses and establishing the new watercourse.

Given the above, NPCA staff consider the applications to conform to the NPCA's Policies.

Conditions of Draft Plan Approval

The NPCA requests that the following conditions be incorporated into the Conditions of Draft Plan Approval:

1. That Block 85 be rezoned to EP1, or equivalent, to the satisfaction of the Niagara Peninsula Conservation Authority.
2. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.

3. That limit of work fencing be shown on the grading plan along all portions of the 15 metre buffer and that no grading occur beyond this point, to the satisfaction of the Niagara Peninsula Conservation Authority. Limit of work fencing must be maintained during the development process and all silt fencing shall be removed once work is completed and all exposed soils are re-vegetated or otherwise stabilized.
4. That the Developer provide 1.5 metre high chain link fencing along the boundary of Block 85 and Lots 5, 12 to 20, and 23 to 27 (inclusive), to the satisfaction of the Niagara Peninsula Conservation Authority.
5. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed wetland buffer enhancement work. In support of the Work Permit application, the following information will be required:
 - a. A planting plan providing details about species, planting densities and locations.
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
6. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed watercourse removal and new natural watercourse construction. In support of the Work Permit application, the following information will be required:
 - a. Design drawings for the new watercourse.
 - b. Planting plan for the riparian corridor.
 - c. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
7. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority for the proposed trail within Block 86. In support of the Work Permit application, the following information will be required:
 - a. Detailed design drawing of the proposed trail.
 - b. Any other information as may be determined at the time a Work Permit application is submitted to the Niagara Peninsula Conservation Authority.
8. That Conditions 1 to 7 above be incorporated into the Development Agreement between the Developer and the Town of Pelham, to the satisfaction of the Niagara Peninsula Conservation Authority. The Town of Pelham shall circulate the draft Development Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Conclusion

At this time, NPCA staff have no objection to the applications subject to the above Conditions. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please let me know.

Regards,

A handwritten signature in dark ink, appearing to read "David Deluce". The signature is fluid and cursive, with the first name "David" and last name "Deluce" clearly distinguishable.

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations (ext. 224)

cc: Mr. Matt Kernahan, MCIP, RPP, CNU-A, Upper Canada Consultants (email only)
Ms. Elissa Quintanilla, Region of Niagara (email only)
Mr. Adam Aldworth, NPCA (email only)

Curtis Thompson

From: circulations@wsp.com
Sent: March 13, 2019 4:10 PM
To: Curtis Thompson
Subject: Draft Plan of Subdivision (26T-1902002); Part of Lot 173; Kunda Park Extension No. 4

2019-03-13

Curtis Thompson

Pelham

, ,

Attention: Curtis Thompson

Re: Draft Plan of Subdivision (26T-1902002); Part of Lot 173; Kunda Park Extension No. 4; Your File No. 26T-1902002

Our File No. 84253

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario’s principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication

will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

MMM (a WSP company) operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from MMM**. MMM is not responsible for the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

Yours truly,

Meaghan Palynchuk
Manager, Municipal Relations
Access Network Provisioning, Ontario
Phone: 905-540-7254
Mobile: 289-527-3953
Email: Meaghan.Palynchuk@bell.ca

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-LAEmI-hhHzdJzBITWfa4Hgs7pbKI

June 3, 2020

CURTIS THOMPSON
TOWN OF PELHAM
20 PELHAM TOWN SQUARE
FONTHILL, ONTARIO, L0S 1E0

Re: **FILE # 26T19-020-02**
Kunda Park Phase 4

Dear Curtis,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the town of Pelham and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the development.

- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

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

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Officer, Delivery Planning

(226) 268-5914

Andrew.Carrigan@Canadapost.ca

June 25, 2020

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

Dear Curtis,

Re: Draft Plan of Subdivision – Resubmission, Zoning By-law Amendment
Kunda Park Phase 4
Sterling Realty
Part of Lot 173, Geographic Township of Thorold
Town of Pelham
File No.: 26T-19-020-02

Enbridge Gas Inc. has no changes to the previously identified conditions for this revised application(s).

Sincerely,

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

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

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

enbridgegas.com
Safety. Integrity. Respect.

Curtis Thompson

From: Mabee, Sue <Sue.Mabee@dsbn.org>
Sent: July 16, 2020 8:49 AM
To: Curtis Thompson
Subject: RE: Request for Comments - Draft Plan of Subdivision Resubmission (Kunda Park Ph.4) (26T19-020-02; AM-03-2020)

Hi Curtis,

I need to apologize as this one seems to have gotten lost in the shuffle. We do not have any objections to the developments but we will be requesting a fence along the properties that back onto Glynn A Green. I have someone from Facilities heading out there today/tomorrow to take a look at what exists, and as soon as I hear back I will send you a formal letter detailing our request.

If you have any questions please feel free to contact me.

Thanks!
Sue

From: Curtis Thompson <CThompson@pelham.ca>
Sent: Thursday, May 14, 2020 3:45 PM
To: Jason Marr <JMarr@pelham.ca>; Derek Young <DYoung@pelham.ca>; Bob Lymburner <BLymburner@pelham.ca>; Mike Zimmer <MZimmer@pelham.ca>; David Christensen <DChristensen@pelham.ca>; Jason Longhurst <JLonghurst@pelham.ca>; Fricke, Britney <Britney.Fricke@niagararegion.ca>; Dev Planning Applications - Region (devtplanningapplications@niagararegion.ca) <devtplanningapplications@niagararegion.ca>; David Deluce (ddeluce@npca.ca) <ddeluce@npca.ca>; Vickie vanRavenswaay <VvanRavenswaay@pelham.ca>; scott.whitwell@ncdsb.com; Mabee, Sue <Sue.Mabee@dsbn.org>; landuseplanning@hydroone.com; Canada Post-Niagara <andrew.carrigan@canadapost.ca>; Jim Sorley (jim.sorley@npei.ca) <jim.sorley@npei.ca>; Bell Canada <circulations@mmm.ca>; Enbridge- Municipal Planning (MunicipalPlanning@enbridge.com) <MunicipalPlanning@enbridge.com>
Cc: Barbara Wiens <BWiens@pelham.ca>; Shannon Larocque <SLarocque@pelham.ca>
Subject: Request for Comments - Draft Plan of Subdivision Resubmission (Kunda Park Ph.4) (26T19-020-02; AM-03-2020)

External: This email is from an external source. Please exercise caution with attachments, links, or requests for information.

Hello,

We are in receipt of a resubmission for Draft Plan of Subdivision Approval (26T19-020-02) for the lands referred to as **Kunda Park Phase 4** in Fonthill. This resubmission is also accompanied by a Zoning By-law Amendment application (AM-03-2020) to rezone from R1 to site-specific R2 and Environmental Protection zones.

The submitted material attached includes:

- Resubmission Cover Letter (2020)
- Draft Subdivision Plan (2020.04.30)
- EIS Addendum (2020.04)
- SWM Report (2020.04)
- FSR (2020.04)

- PJR (2020.05.01)
- Zoning By-law Amendment application

Comments would be appreciated by **Thursday, June 11th, 2020**. If you have any questions, or require additional material, please let myself know. Plans and reports will only be provided electronically.

Thank you,



Curtis Thompson, B.URP

Planner

Town of Pelham

T: 905-892-2607 x324 | E: cthompson@pelham.ca

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

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Curtis Thompson

From: Bill Heska [REDACTED]
Sent: September 18, 2020 11:11 AM
To: Curtis Thompson
Subject: RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivi

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Curtis,

Thank you, for your reply and after review I have several additional questions. I focused on how the north area of the new Kunda Park subdivision would be serviced, the south is tied into extending Kunda Park Blvd. services north.

1. Traffic Flow – one access from west of Stella and two off Station St. extension. Has the Active Transportation Committee reviewed the roadways crossing the Steve Bauer Trail?
2. Environmental- I have reviewed the reports prepared by UCC. The Functional Servicing report- water and sanitary sewer all the services are connected to the subdivisions to the east Forest Park and Saffron. The water does tie in to Stella St. as part of the loop system, but the primary supply comes from east. The Stormwater Management- stormwater drainage, channel and wet pond are all flowing east with major network is in Forest Park and then through Saffron development and east. Will the drainage ditch along the Steve Bauer Trail going south be upgraded- overgrown and poorly maintained? There will be no connection with the stormwater drainage along Stella St. which is in need of upgrade- corrugated steel pipe is near end of useful life.

Based on the above details will the Kunda Park Subdivision development be timed to start after the construction of Station St. extension all the services supplied through the Saffron and Forest Park subdivisions? It appears that the last subdivision to be serviced is requesting approval before Forest Park and Saffron are presented to Council for approval.

What is difference in zoning R1(Residential 1) and site specific R2 (Residential 2)? How many additional units are permitted by rezoning?

Please confirm if the emails that I have sent to you on this subject will be included in the correspondence file for the Pubic Meeting on Oct. 13 or do I have to make a separate submission by Oct. 7, 2020?

Regards, Bill

From: Curtis Thompson [mailto:CThompson@pelham.ca]
Sent: September 16, 2020 12:24 PM
To: Bill Heska [REDACTED]
Subject: RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivi

Hi Bill,

Sorry for not replying, this email wasn't directed at me so I didn't expect to respond. My apologies.

Just to clarify, that PIC (Public Information Centre) that was conducted by UCC (Upper Canada Consultants) back in 2018 was exclusively dealing with the requirements for an EA (Environmental Assessment) to construct a road over the PSW (*Provincially Significant Wetland*). The developer has since revised the draft plan and is no longer proposing a road over the PSW. See below my responses to your comments (in red),

1. Traffic flow- The MAJOR concern was that there needed to be more than one road into the Subdivision. The suggestions were made to add roadway at NE corner out to Port Robinson Rd. (east of the school) or connect roadway over the protected area at SE. It appears both these options have been dropped. Why- Cost? Is a traffic study needed – absolutely!! Stella St. north is not designed or built to act as primary road to a subdivision. How will all the construction traffic access the area? How will emergency vehicles (fire, ambulance police) access the area? Vera and John St. both have a history of problems with traffic when winter storm conditions- ice and snow.
 - No street connection directly to Port Robinson Road (east of Glynn A. Green Elementary) was proposed due to the presence of significant archaeological resources. Thus, in an effort to avoid costly stage 4 archaeological work and preserve those cultural resources, the developer opted to leave that area outside of the draft plan of subdivision limits.
 - The Niagara Region and Town Engineering staff determined that a Traffic Impact Study was not warranted. These lands have been a designated *Greenfield* for considerable time which means they're expected to be developed in accordance with [Provincial policy](#).
 - Three (3) street connections are proposed for the lands north of the PSW, offering dispersed network connectivity. Only one (1) of which, would be via Stella Street.
2. Environmental Protected area-has now been documented and shown on map. Where will the storm water be collected- no Storm Water Collection Pond detailed?
 - See attached Functional Servicing Report and Stormwater Management Report
3. Zoning of the area- change from RI (Residential 1) to site specific R2 (Residential 2) and EP (Environmental Protection)- I am not sure if this change was documented at Jan. 2018 meeting. The primary reason to ask for change would be increase in housing units. 73 North + 11 South = Total 84.
 - The Zoning By-law Amendment is a separate, new 2020 [Planning Act](#) application we received with the modified draft plan of subdivision proposal.
 - The rezoning application was required by Town staff due to policy conflicts with the [PPS](#) (Provincial Policy Statement) and the 1974-2002 Consolidated Pelham Official Plan (which is what was in effect at the time the draft plan of subdivision application was made, and is the local policy document we must qualify the Kunda Park Ph.4 subdivision application against). Particularly at issue with the former proposal was a lack of housing variety. The proposed rezoning (file: AM-03-2020) seeks to address that policy concern by including permissions for the inclusion of one second dwelling unit per lot, (subject to regulations) in accordance with Provincial policies.
4. SAFETY School traffic- pedestrian and vehicle- there is access Glynn A. Green School is at the north end of Stella St. and many students travel along Stella St. How will the increase in vehicle traffic to the subdivision be controlled. How will school bus traffic be controlled in the area?
 - There are existing and proposed sidewalks. The DSBN offered no objections to the proposed subdivision.
5. Municipal services- where will the sanitary and storm sewers and water be supplied from? The storm sewers serving the Stella, John and Vera St. area inadequate and the corrugated steel pipes are at end of useful life. Is there adequate capacity or do major upgrades need to be installed to meet demand. How about other utilities- natural gas, hydro, etc.?
 - See attached. No objections were received from Enbridge Gas and NPE & Hydro One did not provide comments.

6. Park and/or playground area- there is nothing show in the draft plan. The access to the Bauer Trail was discussed- but has not been shown.
 - Access to the Steve Bauer Trail has been illustrated in three (3) places, (1) as a walkway connection at the end of Street E (near Kunda Park Bv) and (2) other public street connections which includes sidewalks.
 - A park is proposed within the Forest Park subdivision in close proximity to Kunda Park Phase (at the east corner of Street A & the Station Street extension).
7. Other issues- street parking, sidewalks, landscaping. Etc. need to be confirmed in site plan agreement.
 - These issues are dealt with as part of the conditions of *draft plan approval* where detailed engineering drawings are prepared for Council approval.

Hope this helps.
Best,



Curtis Thompson, B.URPI
Planner
Town of Pelham
T: 905-892-2607 x324 | E: cthompson@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

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From: Bill Heska [REDACTED]
Sent: September 11, 2020 5:41 PM
To: 'A Guzowski' [REDACTED]
Cc: 'Agata Mancini' [REDACTED]; 'Karen Guzowski' [REDACTED]; 'Magdalena Woszczyna' [REDACTED]; 'Kiera Newman' [REDACTED]; 'michelle butler' [REDACTED]; 'Lisa Erickson' [REDACTED]; 'LinaRich Lianga' [REDACTED]; 'gary Stickles' [REDACTED]; 'melsyallen' [REDACTED]; 'smileysgirl26' [REDACTED]; 'Rob Cherney' [REDACTED]; '>; 'Bill & Pauline Oliver' [REDACTED]; 'Janusz Woszczyna' [REDACTED]; 'Barb Arndt' [REDACTED]; '>; Bob Hildebrandt
<BHildebrandt@pelham.ca>; Lisa Haun <LHaun@pelham.ca>; Curtis Thompson <CThompson@pelham.ca>
Subject: RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivi

Hi Ann,

I am very interested in this Kunda Park Subdivision. It has been in the towns Planning Dept. since back in the early 2000's with slow progress and now is owned by Sterling Reality- John DeLisio (since 2016?). Back on Jan. 17, 2018 a Public Information Meeting was held at Fire Hall #1 at which Upper Canada Consultants presented on behalf of Sterling Reality three options for the development. Attached is the link to Voice of Pelham report on the meeting.

<https://thevoiceofpelham.ca/2018/01/26/kunda-road-extension-considered/>

Please note the meeting was held before the last election (Oct. 2018) and the new Council has probably had limited exposure (if any) to the project- it has been with the Town Planning Staff. I expect they will have many questions. I have phone call's into Curtis Thompson and Bob Hildebrand on the latest status of the project information. P.S. Bob just called me and has no information on the project.

My wife and I (have lived in area from almost 40 years) attended the meeting and there were 3 proposals- I have tried to find details on town's website but cannot find any history. I would like to see the summary of comments and concerns that were expressed at the meeting which UCC should have documented.

Based on my observations and comments I heard at the meeting the following are a summary:

1. Traffic flow- The MAJOR concern was that there needed to be more than one road into the Subdivision. The suggestions were made to add roadway at NE corner out to Port Robinson Rd. (east of the school) or connect roadway over the protected area at SE. It appears both these options have been dropped. Why- Cost? Is a traffic study needed – absolutely!! Stella St . north is not designed or built to act as primary road to a subdivision. How will all the construction traffic access the area? How will emergency vehicles (fire, ambulance police) access the area? Vera and John St. both have a history of problems with traffic when winter storm conditions- ice and snow.
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6. Park and/or playground area- there is nothing show in the draft plan. The access to the Bauer Trail was discussed- but has not been shown.
7. Other issues- street parking, sidewalks, landscaping. Etc. need to be confirmed in site plan agreement.

Above is a summary of information I have on the proposed Kunda Park Subdivision at this time. As you can see there are many issues that need to be addressed before the Town Planning Dept. can ask for Council approval.

We the residences need to voice our opinions.

Regards, Bill Heska

P. S. Note: I have copied Lisa, Bob & Curtis in on this email.

Curtis Thompson

From: Natalie Stickles [REDACTED]
Sent: September 13, 2020 10:27 AM
To: LinaRich Lianga
Cc: A Guzowski; Bill Heska; Agata Mancini; Karen Guzowski; Magdalena Woszczyna; [REDACTED]; Kiera Newman; michelle butler; Lisa Erickson; gary Stickles; melsyallen; smileysgirl26; Rob Cherney; Bill & Pauline Oliver; [REDACTED] Janusz Woszczyna; [REDACTED] Barb Arndt; [REDACTED] Bob Hildebrandt; Lisa Haun; Curtis Thompson; [REDACTED]
Subject: Re: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02

Hi All,

Maybe a couple of us, who have time, can go door to door up the street and make everyone aware of the situation (with masks of course) and a petition to sign?

We could gather the remaining missing signatures to include in this email trail. Lisa, I copied Jill & Shawn Bukovac here if you want to add them to the list? They are at 34 Stella Street.

This will show a united front from the neighbourhood at this end as Craig suggested.

Lisa, thanks for reaching out to that other Fonthill resident - this is all valuable information for the meeting and I "feel" for everyone on that side of the street who potentially may have neighbours looking down on them.

We have that on our side & I'm sure Trish & Rob will agree it's not very private.

But I don't think you will stop the building - they have wanted to do since we moved here 24 years ago.

I think we need a focus and I believe this is to open up a 2nd entrance/exit so that there isn't a crazy amount of large construction trucks and traffic during the build which I am assuming will take a couple of years...

I think we are all knowledgeable enough to hold our own and address the issues on hand and fight to open up another entrance/exit.

We, Gary and I, tend to agree that we will just be throwing money away if we hire a third party planner.

Please take this statement below from one of the many emails with a grain of salt.

Here's an FYI ... our highest paid fire chief in Ontario is also now the top bylaw inspector. (I've never heard of that done anywhere.). He bought in and is a part owner of **The Voice** newspaper. Now the town controls what is published. No conflict there

Dave is pretty relentless when he digs his teeth into a story - we just have to give him all the facts.

I can write a media release for us. We can also go to the Pelham News and possibly the St. Catharines Standard (if there is some interest)

We should choose a person to speak to the media & at the zoom meeting on our behalf with all of these facts.

This person should be a home owner on the street for a number of years, have an extensive knowledge base and not be afraid to speak up against the Town Hall.

We need a fighter.

I nominate Bill Heska, Bill Oliver or Rob Cherney.

Any other nominations?

Cheers,
Natalie Stickles (Henry's person)

On Sep 12, 2020, at 7:19 PM, LinaRich Lianga [REDACTED] wrote:

Hi.

Here is the response from Craig Larmour. He is the former city planner for Pelham. He is the current planner for NOTL.

Hey Lina,

I won't likely have time to review all of the information prior to the meeting and our meetings in Niagara-on-the-Lake are on the same nights as Pelham's.

However, if you have the notice that the Town issued for the meeting please send it along and I will provide some speaking points.

What's most important right now is that as many people as possible "attend" the meeting and/or submit written correspondence objecting.

Craig

[Sent from Yahoo Mail for iPhone](#)

On Friday, September 11, 2020, 6:55 PM, A Guzowski [REDACTED] wrote:

Hi Bill,

Yes, I attended the meeting in question with Upper Canada Consultants, on January 17, 2018. I submitted my written comments by email. I have copies of the papers distributed by UCC to participants, including the three alternative proposals. I have attached photos of the three alternatives.

UCC subsequently issued a letter dated April 2, 2018, indicating that "Based on the evaluation of the alternatives, including feedback from Technical Agencies, First Nations and local residents, Alternative A was selected as the preferred alternative."

Alternative A connected Kunda Park Boulevard from the current north end to Stella Street, and allowed access to the subdivision via Stella St., John St. or Kunda Park Boulevard.

That is why I was surprised by the draft proposal currently being presented, as I had been under the impression that neither the developer nor the residents favored that alternative. From Curtis Thompson's email, I understand that "The owner ended up deciding to revise that former draft plan because Town Planning staff were not in a favourable position to recommend approval to Council because of various planning policy issues and lack of street connectivity". I do not

understand what that means exactly, so I don't know why the previous draft was rejected.

There was never any discussion about changing zoning from R1 to R2 at the 2018 meeting.

I do have contact information for UCC from the 2018 meeting and follow up letter, so if the Town cannot provide the comments from that meeting, I can contact UCC directly to try to obtain them.

Ann

Ann

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Bill Heska [REDACTED]
Date: 2020-09-11 5:41 PM (GMT-05:00)
To: 'A Guzowski' [REDACTED]
Cc: 'Agata Mancini' [REDACTED], 'Karen Guzowski' [REDACTED],
'Magdalena Woszczyna' [REDACTED],
'Kiera Newman' [REDACTED],
'michelle butler' [REDACTED],
'Lisa Erickson' [REDACTED],
'LinaRich Lianga' [REDACTED], 'gary Stickles' [REDACTED],
'melsyallen' [REDACTED],
'smileysgirl26' [REDACTED], 'Rob Cherney' [REDACTED],
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'Bob Hildebrandt' [REDACTED]
<BHildebrandt@pelham.ca>, 'Lisa Haun' <LHaun@pelham.ca>, 'Curtis
Thompson' <CThompson@pelham.ca>
Subject: RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File
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6. Park and/or playground area- there is nothing show in the draft plan. The access to the Bauer Trail was discussed- but has not been shown.
7. Other issues- street parking, sidewalks, landscaping. Etc. need to be confirmed in site plan agreement.

Above is a summary of information I have on the proposed Kunda Park Subdivision at this time. As you can see there are many issues that need to be addressed before the Town Planning Dept. can ask for Council approval.

We the residences need to voice our opinions.

Regards, Bill Heska

P. S. Note: I have copied LIsa, Bob & Curtis in on this email.

Curtis Thompson

From: Nancy Bozzato
Sent: September 10, 2020 9:54 AM
To: Barbara Wiens; Shannon Larocque; Curtis Thompson; [REDACTED]
Cc: Holly Willford; Sarah Leach
Subject: FW: Draft of Subdivision for File Numbers AM-03-2020 & 26T19-020-02
Attachments: PastedGraphic-1.pdf; 26T19-020-02_AM-03-2020 - Public Mtg Notice (signed).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Cherney;

Thank you for your correspondence on this file. I have forwarded a copy of your email, with attachments, to our Planning Department personnel responsible for this development application. We will include your email on the correspondence listing for the public meeting, which will then become part of the official record on the file.

Best regards,
Nancy



Nancy Bozzato, Dipl.M.M.

Town Clerk
Town of Pelham
T: 905-892-2607 x315 | E: njbozzato@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: Rob Cherney [REDACTED]
Sent: Wednesday, September 9, 2020 10:34 PM
To: Nancy Bozzato <NBozzato@pelham.ca>
Cc: Lisa Haun <LHaun@pelham.ca>; Bob Hildebrandt <BHildebrandt@pelham.ca>
Subject: Draft of Subdivision for File Numbers AM-03-2020 & 26T19-020-02

Nancy

(In copy Lisa Haun and Bob Hildebrandt)

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I would like to give my input to the proposal attached. The concerns are for the entire proposed phases of the subdivisions including Street A, B, C, D and E. I assume this will be read at the meeting in October.

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We bought the house, knowing that in the past a proposal for a subdivision was turned down. In the back of our minds we always thought that this subdivision would be revived, in the future. Over the past week we noticed the proposal notices being posted in the area and our neighbours starting talking about this new proposal. One thing that I believe in, is advancement in our community. I believe that Fonthill can't be kept in the dark ages as it may have been in the past, things change, we need change.

When looking at this proposal from the developer, I see there will be major issues for myself and most whom live in our neighbourhood. The glaring issue is that there is only one entrance and exit to this proposed subdivision. Most neighbourhoods in Fonthill and surrounding towns and cities, have more than one entrance and exit to access most subdivisions. Stella streets infrastructure is average at best and I do not think the infrastructure such as the roads can handle the extra traffic..

Instead of saying that there shouldn't be any development, I propose that the council and town officials look at other alternatives for entering and exiting this new proposed neighbourhood (during construction and after when the subdivisions are finished). . See the two proposals that I have to improve this area and for town officials to seriously take into account and consideration before approving this proposal:

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This neighbourhood and proposals' acceptance will have long lasting effects in a community that is used to safety, minor traffic and peace of mind.

I would also like to highlight another major concern. The traffic before and during construction will put a major strain on the neighbourhood. This will be a safety issue. Does the owner/developer and town have a plan for construction vehicles? There will be major construction traffic for a few years.

If all traffic will be travelling north along Stella to the entrance of the proposed development, how will that affect the street surface over time and the disruption of the peace of the residents along Stella street. There will be constant noise and dust and dirt.

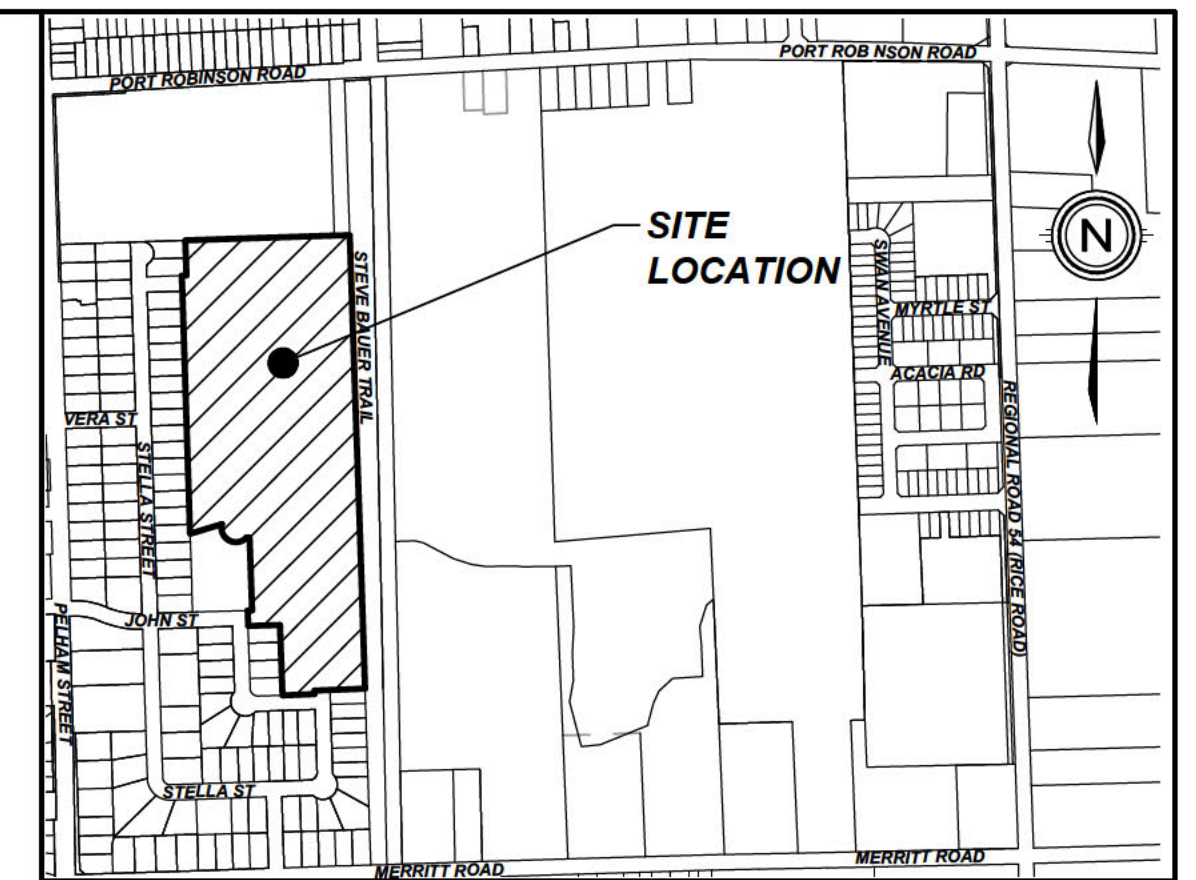
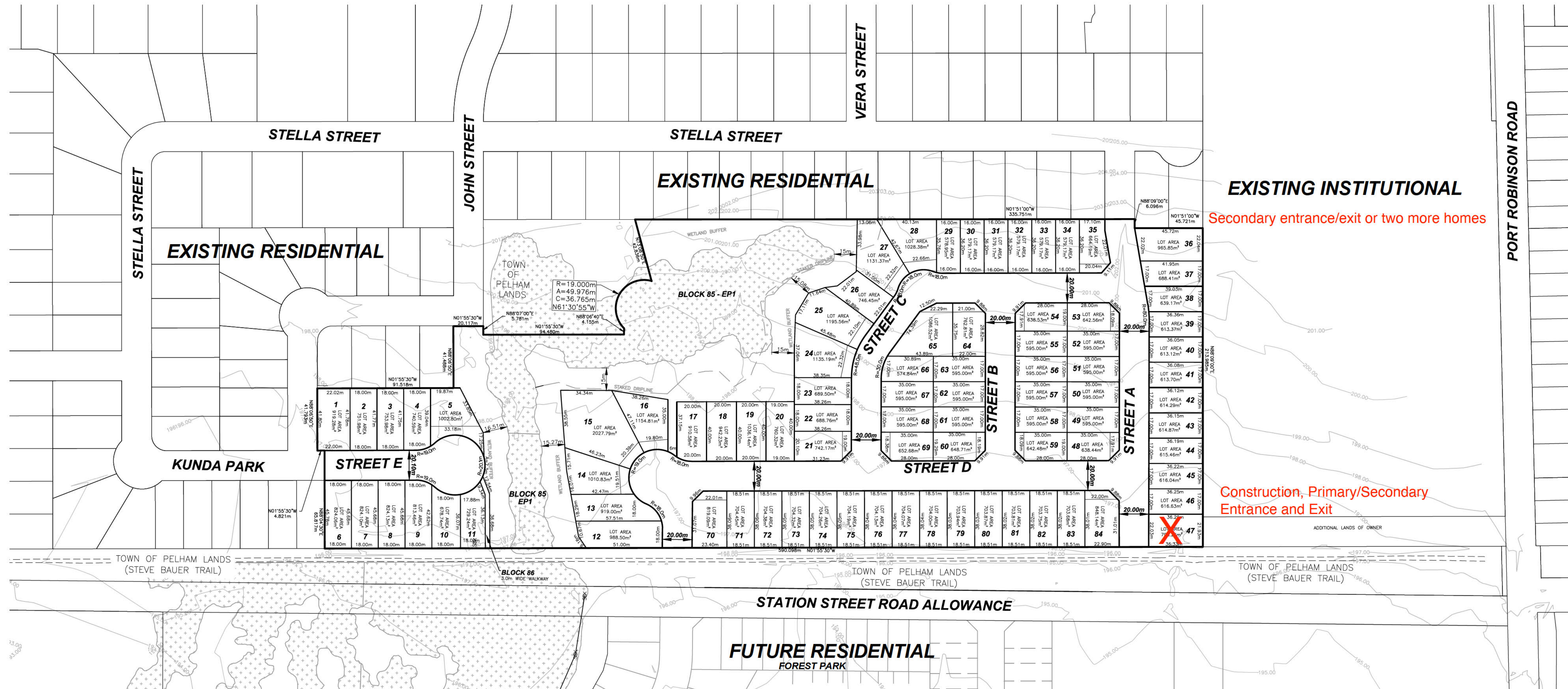
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At the end of Stella Street there are many, many families that drop off and pick their kids up from school. The traffic is a neighbourhood safety concern with only one entrance and exit especially during construction.

Please provide any studies and information that the owner of the land or the town has completed to show this areas' infrastructure can handle the added amount of traffic in our area and how the traffic flow will affect Stella street in general and from a safety stand point.

Please see attached marked up PDF.

KUNDA PARK PELHAM



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 173
GEOGRAPHIC TOWNSHIP OF THOROLD
NOW IN THE TOWN OF PELHAM
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

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

John D. Lino JANUARY 6, 2020
JOHN DELISIO, STERLING REALTY DATE

SURVEYOR'S CERTIFICATE

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

William R. Mascoe FEBRUARY 18, 2020
KIRKUP-MASCOE-URE SURVEYING LTD. DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

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

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	1-84	84	6.235	56.15
ENVIRONMENTAL PROTECTION 1	BLOCK 85		2.614	23.54
3.0m WIDE WALKWAY	BLOCK 86		0.014	0.13
ROADWAY			2.241	20.18
TOTAL	86	84	11.104	100.00
DEVELOPABLE AREA = 8.597ha DEVELOPABLE DENSITY = 9.77 units/ha				

#	ISSUED FOR APPROVAL	2020-04-30	TA
#	REVISION	DATE	INIT



DRAWING TITLE	DRAFTING	TA
KUNDA PARK DRAFT PLAN OF SUBDIVISION	DATE	APRIL 30, 2020
	PRINTED	APRIL 30, 2020
	SCALE	1:1000
	DWG No.	REV
1995-DP2	0	

DENSITY CALCULATIONS:

TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.

SINGLES - 2.76 PEOPLE TOTAL AREA in ha (EXCLUDING PROVINCIALY SIGNIFICANT WETLAND) = 8.490 ha
TOTAL NUMBER OF PEOPLE REQUIRED = 369.67 PEOPLE

PROPOSED: SINGLES- 2.76 PEOPLE X 84 UNITS = 231.84 PEOPLE
LIVE/WORK/EMPLOYMENT - 84 UNITS X 5% = 4.2 JOBS
TOTAL = 236.04 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha) - 236.04/8.490 ha = 27.802 PERSONS & JOBS PER HECTARE

September 30, 2020

Town of Pelham
20 Pelham Square
Fonthill, ON

Attention: Ms N. Bozzato, nibozzato@pelham.ca - Clerk

cc: mjunkin@pelham.ca - Mayor
cc: hwillford@pelham.ca - Deputy Clerk
cc: cthompson@pelham.ca - Planner
cc: bhildebrandt@pelham.ca - Ward 3 Councillor
cc: lhaun@pelham.ca - Ward 3 Councillor

Re: Proposed Kunda Development
File Numbers AM-02-2020 & 26T19-020-02
Subject Lands: Part of Thorold Township Lot 173; Part 1 on RP 59R-1905
Roll #2732 030 020 22000

Dear Ms Bozzato,

I received your notification regarding the proposed development noted above. Thank you for the opportunity to offer input. My neighbours and I have concerns.

I oppose the change in residential designation from R1 to R2. This particular development borders an older subdivision with large lots built in the 1970s. Most residents on Stella Street have lived here for decades and have made large investments in their homes and have enjoyed the peace and privacy that comes with larger lots. Residents' long term quality of life should not be effected. I am asking that this be taken into consideration with the final plan. Also, the increase in density will have a greater impact on the environmentally sensitive area on this tract of land.

Furthermore, the increase in density will bring increased traffic which is a concern for students walking on Stella Street to go to Glynn A. Green School. Many people, including the elderly, walk Stella Street because it is a dead end street and it's safe to do so. It would make more sense to access the site from Port Robinson Road, behind Glynn A. Green. The north end of Stella Street is not meant to be a main thoroughfare. It should also be noted that cars have difficulty getting up Vera Street in the winter. No doubt, heavy trucks travelling in this area will be a major safety issue. Pelham Street has become increasingly busy over the last couple of years, and accessing it from Vera Street can be very challenging for a smaller vehicle, let alone construction trucks.

Regarding current and proposed roadways, when does the developer propose to create two roadways over the Steve Bauer Trail to connect his two developments? It appears from the

map, that residents were given, that there will only be one access to the construction site via the dead end street in between 3 and 7 Stella Street. Is that the plan? If so, there are major safety concerns regarding construction trucks going up and down a street that cannot withstand more than 5 tonnes per axle. If anyone parks on Stella Street, it will be very difficult for trucks to go by without safety concerns for residents. Has this been addressed? What is the plan?

The proposed plan that was presented by Upper Canada Planning & Engineering Ltd in 2018, on behalf of Sterling Realty, is quite different from the plan currently being proposed. Is there a reason why the plan has changed? Also, the residential designation from R1 to R2 was never mentioned at their presentation in 2018. Who is seeking this change?

I would also like to know the following:

- ⇒ How will dust be controlled?
- ⇒ Given that houses along Stella Street are older, how will vibration of heavy equipment and traffic be handled? Who will be responsible for cracks in foundations, if they occur? Will the current conditions of houses, fences and other property items be documented, so that any damage can be seen, acknowledged and the problem fixed at no cost to the owner(s) effected?
- ⇒ Will the grade of the current land be changed? If so, to what degree? What is the estimate of imported fill materials? Who will be monitoring this issue, so that drainage does not become a problem? I would like a copy of the finished drainage plan.
- ⇒ Have pedestrian and traffic issues been addressed? If so, how? Has a traffic study been done?
- ⇒ Residents would like to know the construction access plan. What is the plan?
- ⇒ What will be the hours of work? What days of the week?
- ⇒ When will this construction plan begin? What will be the sequence of events?
- ⇒ What is the proposed end date for this subdivision?

I can understand that “development” is inevitable, however, it should be thoughtful. All of us – the Town, the developer, the planner and us, as residents, have an obligation to future generations and the Town we leave for them. Addressing the debt that was created by the previous mayor and council should not force us into making decisions that impact the quality of life of our residents. People are moving to Fonthill because of its quaintness and spaces in between. Jamming as many houses into one area as possible with the hopes of making as much money as possible is very short sighted. Let’s make this a plan that the Town, the developer and the planner can be proud of and the residents can continue to enjoy the homes that they’ve invested in.

Sincerely,
Lisa Erickson

Curtis Thompson

From: Nancy Bozzato
Sent: September 16, 2020 9:25 AM
To: Shannon Larocque; Barbara Wiens; Curtis Thompson
Subject: FW: Public Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

From: Herb Theune [REDACTED]
Sent: Wednesday, September 16, 2020 8:58 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Public Meeting

RE: File # AM-03-2020 & 26T19-020-02

We are in agreement with and approve of the additional development of Kunda Park Blvd as outlined in the information mailed to us on September 4th, 2020.

If there are any changes to the plan or any new information, we would like to be kept current by mail.

Thank you,
Crid and Herb Theune
93 Kunda Park Blvd.
Fonthill, On.
L0S 1E7
[REDACTED]

KUNDA PARK EXTENSION 4

TOWN OF PELHAM

**APPLICATIONS FOR DRAFT PLAN OF SUBDIVISION
AND ZONING BY-LAW AMENDMENT**

**SUBDIVISION APPLICATION 26T19-202-02
ZONING AMENDMENT AM-03-2020**

**Matt Kernahan, MCIP, RPP
Senior Planner
Upper Canada Consultants**



**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

Kunda Park Extension 4

Address: Pt. Thorold Twp. Lt. 173
Area: 11.1 Hectares

Ward: 3
Developable Area: 6.2 Hectares
Density: 9.7 UPH





History and Context of Applications

Kunda Park Subdivision

- Under development since 1950's.
- Phase 3 completed in 1990's.
- Extension 4 completes subdivision servicing.

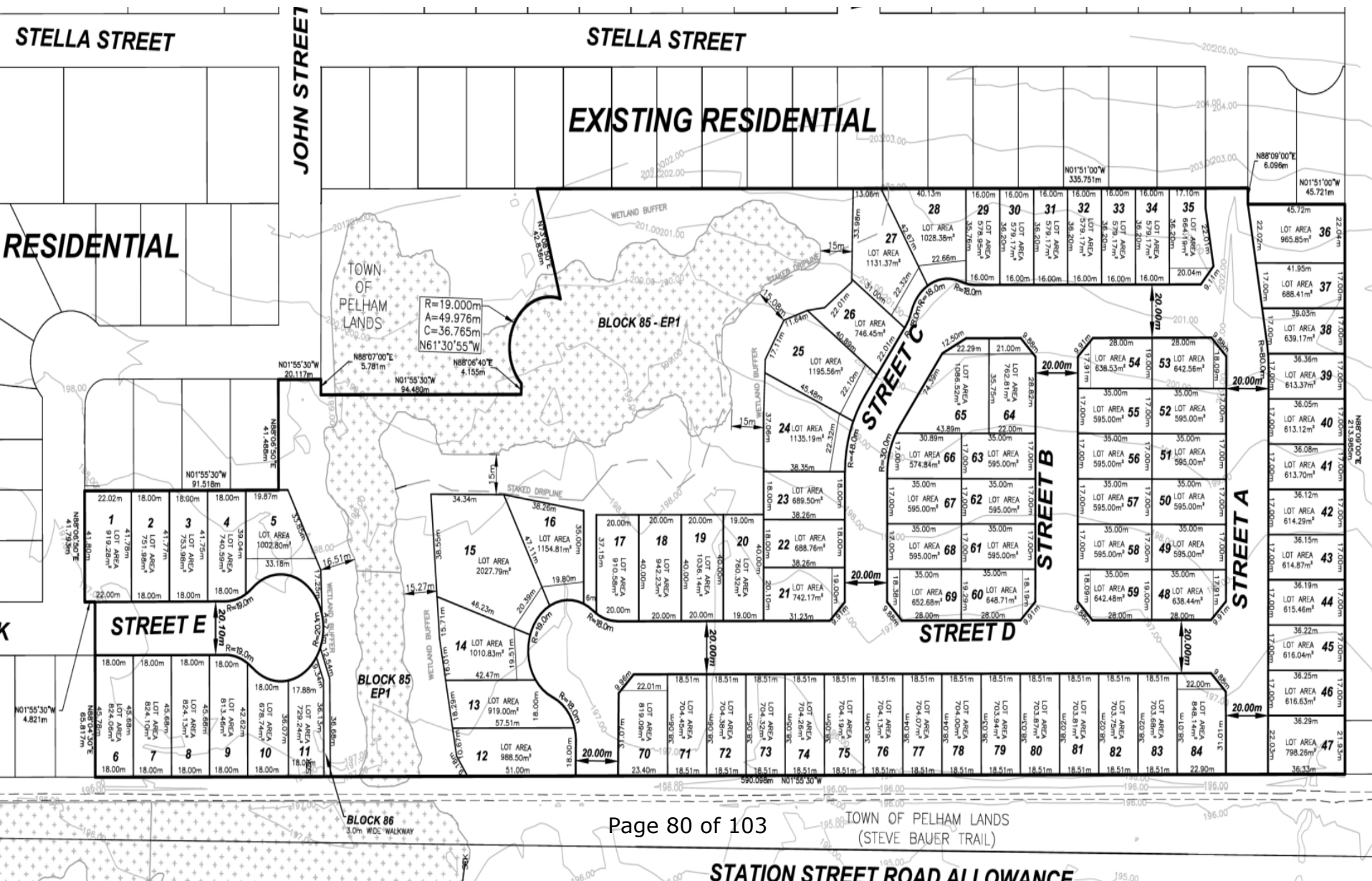
Kunda Park Extension 4

- Original application submitted in 2002.
- Environmental work and agency comments to 2019.
- 2019 UCC Submission, including Environmental Assessment.

Plan modified to remove road through wetland.

Resubmission in May 2020.

KUNDA PARK PELHAM





Draft Plan and Zoning Amendment Applications

84 Unit Draft Plan of Subdivision

- All single detached dwellings
- Large frontages (52' to 72' Frontage)

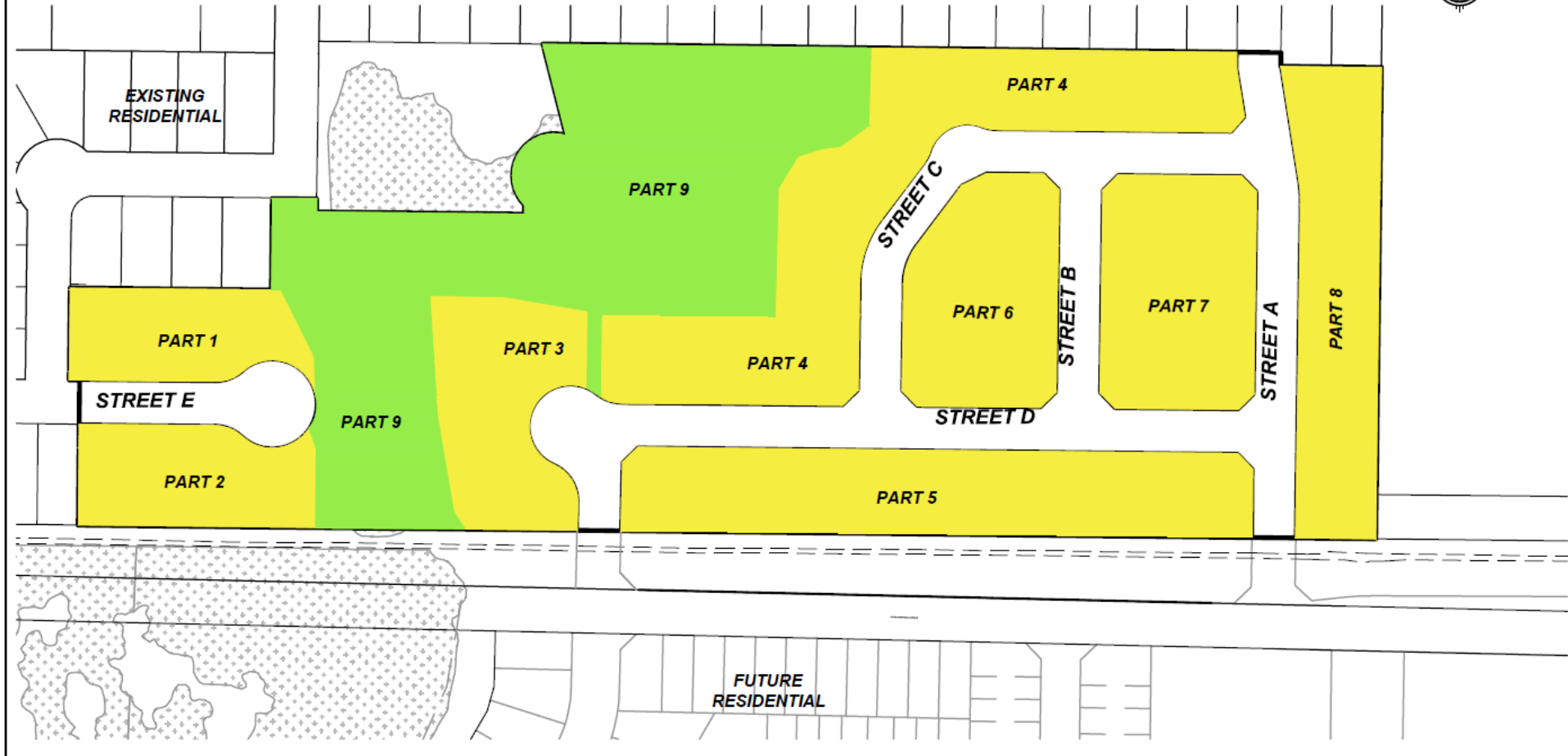
1 Block of Natural Heritage Lands

- 2.5 hectares
- Provincially Significant Wetland and Significant Woodlot
- Enhanced buffers

1 Pedestrian connection

Change Zoning to Site Specific R2 Zone

KUNDA PARK SUBDIVISION





Supporting Studies

Functional Servicing Study

- Integrated planning between existing neighbourhood and East Fonthill.
- Flows conveyed to facility in East Fonthill.

Archaeological Assessments

- Stage 1, 2 and 3 Assessments completed.
- Avoidance of archaeological resources.
- Ministry Clearance obtained for development area.

Environmental Impact Study Addendum

- Evaluated wetland, woodlot and stream relocation.
- No significant impacts anticipated from development.
- Mitigation and enhancement measures required.
- Reviewed and accepted by Region and NPCA.



Public Comments

- Traffic and safety
- Access to the subdivision
- SWM and drainage ditch along Steve Bauer Trail
- Municipal services
- R2 Zoning and density
- Parking, sidewalks and landscaping
- Construction impacts

- Support changes to the plan

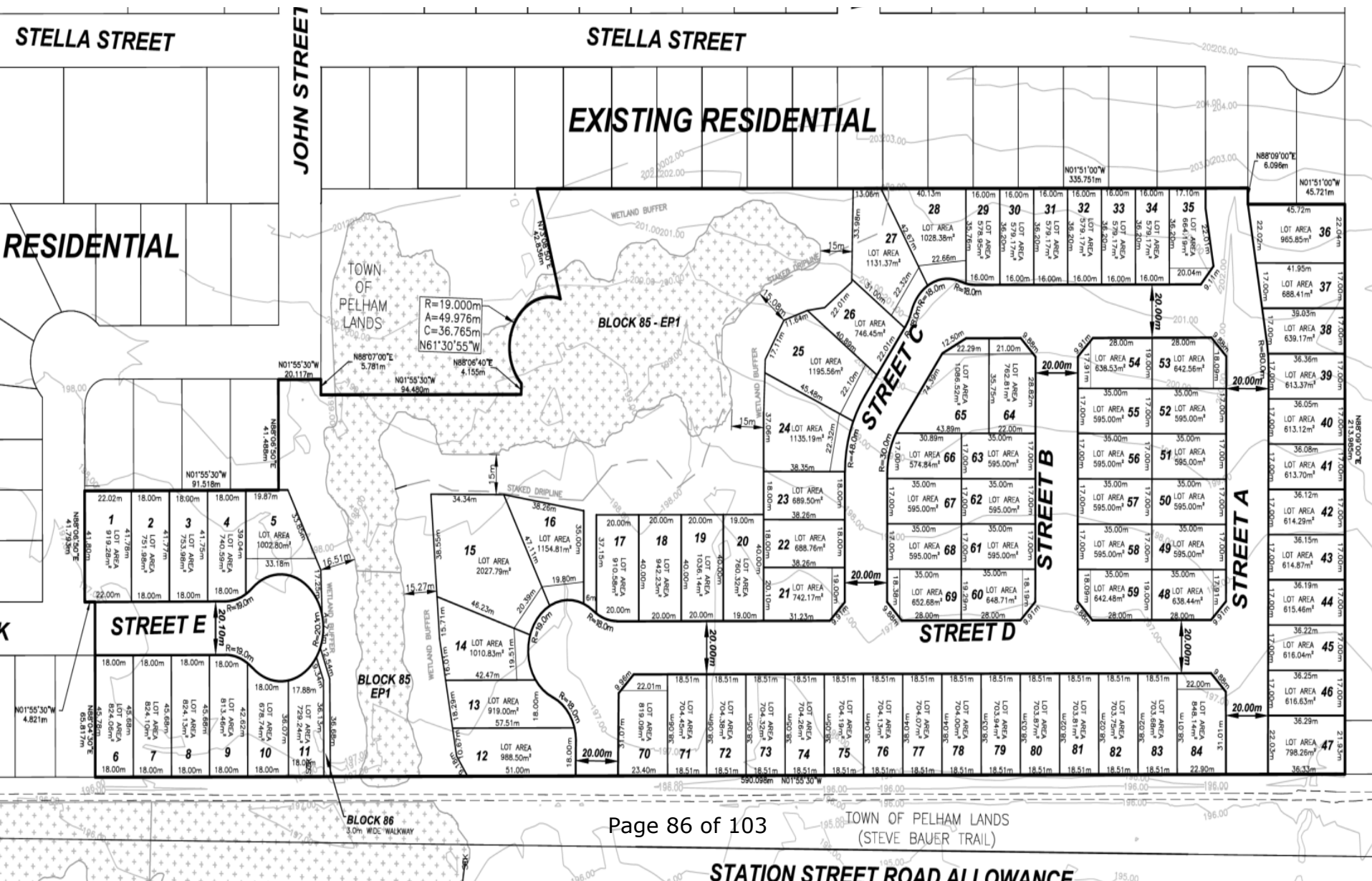


Next Steps

- Review of Public, Agency and Council Comments
- Council's Consideration of the applications at a future meeting.

If Draft Approved, the applicant will move forward to detailed design and engineering and clearance of conditions.

KUNDA PARK PELHAM



From: [Nancy Bozzato](#)
To: [Barbara Wiens](#); [Shannon Larocque](#); [Curtis Thompson](#); [REDACTED]
Cc: [Holly Willford](#); [Sarah Leach](#)
Subject: FW: Draft of Subdivision for File Numbers AM-03-2020 & 26T19-020-02
Date: Thursday, September 10, 2020 9:54:07 AM
Attachments: [PastedGraphic-1.pdf](#)
[26T19-020-02_AM-03-2020 - Public Mtg Notice \(signed\).pdf](#)

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Nancy Bozzato, Dipl.M.M.

Town Clerk

Town of Pelham

T: 905-892-2607 x315 | E: njbozzato@pelham.ca

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

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Please see attached marked up PDF.

October 6, 2020

Dear Town Council,

I would like to take this opportunity to send my input on a proposed residential expansion in my neighbourhood. I have been a resident on Stella Street for over 22 years. My husband and I chose to purchase our home when our children were young based on many details of Stella Street. These details are what makes our neighbourhood so unique and sought after by many families. I would like to raise my concerns regarding the proposed residential expansion.

As a resident of Fonthill for my whole life Stella Street has always been a family oriented, walkable neighbourhood. Many people use Stella as a safe path to walk their dogs, bike with their children and a route to get to the school at the end of our road or walk downtown. Running parallel to the busy Pelham Street and ending at the school yard it is an optimal, safe route. Pelham Street has become an extremely busy, main thoroughfare. Having only a sidewalk on the north side of this fast moving street most people will choose to venture down Vera or John Street to Stella Street to safely walk.

The proposed subdivision plan has one exit onto Stella Street funneling a large concentration of traffic onto a road that is not sufficient to deal with the increase safely. The vehicles will be entering Stella close to the path open to the school yard. Travelling west on this quiet street and up Vera Street. Attempts to get up this small street and enter South Pelham safely will be cumbersome. On a normal day in the winter entering Pelham Street from the hills of Vera and John Street can be unsafe. Adding that amount of daily traffic seems unfeasible. There is no sidewalk on the north side of Stella or a crosswalk at any of these soon to be intersections. I worry about the safety of the children walking to school. This will no longer be an optimal route for them.

I cannot speak to the appropriate infrastructure requirements; however, I am concerned that our aging neighbourhood will be negatively impacted by such a large residential plan. I am confident that the town will ensure this is in place and completely investigated prior to approval.

I am urging the Council to not approve this proposed residential expansion. Fonthill has a charm that is built on neighbourhoods such as ours. They are based on walkability and safety. I am saddened to think I will no longer see children biking and walking to school, dogs being walked and people walking by with chairs heading to the Band shell and market. The street would become a main thoroughfare destroying what has attracted many to move to streets like Stella. We must be cautious not to allow such expansions destroy what makes our town unique.

Thank you for sharing my input and concerns. I truly hope Town Council will give this proposal due process and consider all aspects.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Monger".

Leslie Monger-resident of ■ Stella Street

30 Stella Street P.O. Box 597
Fonthill, On
L0S 1E0

Tel: H (905) 892-4537

Date: Oct 5 2020

Town of Pelham
c/o Nancy J. Bozzato, Town Clerk
P.O. Box 400
20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Nancy Bozzato and Town Council,

Re: Proposed Subdivision File Number #AM-03.2020 and 26T19-020-02

I am concerned about the number of cars that will be entering and exiting this new subdivision via Stella Street.

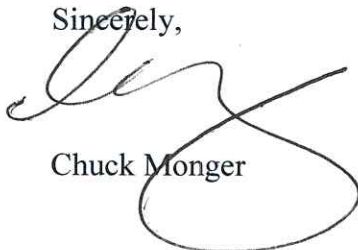
The possibility that our quiet street will turn into a busy thoroughfare scares me.

Will the Station Street road allowance become an actual street before the subdivision is developed? I think it should be. Having the 2 proposed exits accessing Station Street will hopefully reduce the impact to our side street and help to keep our street safe. That is my main concern. I hope you will give it proper consideration.

The subdivision appears to squish a lot of homes together. I guess this is the current approach to subdivisions. Some newer subdivisions that I have driven through appear to have small driveways which results in on-street parking, which I find to be unsightly and dangerous. I hope that there will be adequate parking for my new neighbours.

Thank you for listening to my concerns and for maintaining the safety and atmosphere of our community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chuck Monger', with a large, stylized loop at the end.


Chuck Monger

September 30, 2020

Town of Pelham
20 Pelham Square
Fonthill, ON

Attention: Ms N. Bozzato, nibozzato@pelham.ca - Clerk

cc: mjunkin@pelham.ca - Mayor
cc: hwillford@pelham.ca - Deputy Clerk
cc: cthompson@pelham.ca - Planner
cc: bhildebrandt@pelham.ca - Ward 3 Councillor
cc: lhaun@pelham.ca - Ward 3 Councillor

Re: Proposed Kunda Development
File Numbers AM-02-2020 & 26T19-020-02
Subject Lands: Part of Thorold Township Lot 173; Part 1 on RP 59R-1905


Dear Ms Bozzato,

I received your notification regarding the proposed development noted above. Thank you for the opportunity to offer input. My neighbours and I have concerns.

I oppose the change in residential designation from R1 to R2. This particular development borders an older subdivision with large lots built in the 1970s. Most residents on Stella Street have lived here for decades and have made large investments in their homes and have enjoyed the peace and privacy that comes with larger lots. Residents' long term quality of life should not be effected. I am asking that this be taken into consideration with the final plan. Also, the increase in density will have a greater impact on the environmentally sensitive area on this tract of land.

Furthermore, the increase in density will bring increased traffic which is a concern for students walking on Stella Street to go to Glynn A. Green School. Many people, including the elderly, walk Stella Street because it is a dead end street and it's safe to do so. It would make more sense to access the site from Port Robinson Road, behind Glynn A. Green. The north end of Stella Street is not meant to be a main thoroughfare. It should also be noted that cars have difficulty getting up Vera Street in the winter. No doubt, heavy trucks travelling in this area will be a major safety issue. Pelham Street has become increasingly busy over the last couple of years, and accessing it from Vera Street can be very challenging for a smaller vehicle, let alone construction trucks.

Regarding current and proposed roadways, when does the developer propose to create two roadways over the Steve Bauer Trail to connect his two developments? It appears from the

map, that residents were given, that there will only be one access to the construction site via the dead end street in between 3 and 7 Stella Street. Is that the plan? If so, there are major safety concerns regarding construction trucks going up and down a street that cannot withstand more than 5 tonnes per axle. If anyone parks on Stella Street, it will be very difficult for trucks to go by without safety concerns for residents. Has this been addressed? What is the plan?

The proposed plan that was presented by Upper Canada Planning & Engineering Ltd in 2018, on behalf of Sterling Realty, is quite different from the plan currently being proposed. Is there a reason why the plan has changed? Also, the residential designation from R1 to R2 was never mentioned at their presentation in 2018. Who is seeking this change?

I would also like to know the following:

- ⇒ How will dust be controlled?
- ⇒ Given that houses along Stella Street are older, how will vibration of heavy equipment and traffic be handled? Who will be responsible for cracks in foundations, if they occur? Will the current conditions of houses, fences and other property items be documented, so that any damage can be seen, acknowledged and the problem fixed at no cost to the owner(s) effected?
- ⇒ Will the grade of the current land be changed? If so, to what degree? What is the estimate of imported fill materials? Who will be monitoring this issue, so that drainage does not become a problem? I would like a copy of the finished drainage plan.
- ⇒ Have pedestrian and traffic issues been addressed? If so, how? Has a traffic study been done?
- ⇒ Residents would like to know the construction access plan. What is the plan?
- ⇒ What will be the hours of work? What days of the week?
- ⇒ When will this construction plan begin? What will be the sequence of events?
- ⇒ What is the proposed end date for this subdivision?

I can understand that “development” is inevitable, however, it should be thoughtful. All of us – the Town, the developer, the planner and us, as residents, have an obligation to future generations and the Town we leave for them. Addressing the debt that was created by the previous mayor and council should not force us into making decisions that impact the quality of life of our residents. People are moving to Fonthill because of its quaintness and spaces in between. Jamming as many houses into one area as possible with the hopes of making as much money as possible is very short sighted. Let’s make this a plan that the Town, the developer and the planner can be proud of and the residents can continue to enjoy the homes that they’ve invested in.

Sincerely,
Lisa Erickson

Kunda Park Phase 4

Points for Submission to Town Clerk for Public Meeting Oct. 13 2020

1. Rezoning R1 to R2

In light of various documents (see below) that state that Kunda Park Phase 4 would be submitted concurrently with the Forest Park Draft Plan, why did residents only receive information re Kunda Park Phase 4, and why is the meeting only re **Subject Lands: Part of Thorold Township Lot 173; Part 1 on RP 59R-1905 (Roll # 2732 030 020 22000)?**

Does the proper consideration of the zoning changes not include the Forest Park subdivision?

What assurances do residents in the established area to the west have, that if R2 zoning was achieved, the lots in Kunda Park Phase 4 would remain single family, as on the current proposal?

Is there a need to rezone that area (smaller lot size, increase in housing units, Provincial Policy Statement?) if the consideration included Forest Park?

"This application is submitted concurrently with the Forest Park Draft Plan of Subdivision. When taken together, these developments provide for a wide range of dwelling types including single detached, street and block townhouses and low rise apartment dwellings as well as second dwelling units which will add variety to the housing stock in the neighbourhood consistent with Provincial housing policies."

26T19-02002 Planning Justification Report 2020.05.01

"Town: Prefer 1 comprehensive draft plan of subdivision application to encompass Kunda Park Ph.4 + Forest Park ○ However, if applications are separate they should be submitted concurrently and reviewed concurrently to justify density and PPS consistency."

Kunda Park Ph. 4 (Sterling Realty)-(2019) redacted. pdf

2. Stella St. access to Kunda Park Phase 4

As in #1. above, if both Kunda Park Phase 4 and Forest Park are NOT considered as one application together at one time, there is concern that the Stella St. access might be the ONLY access to Kunda Park Phase 4. This might occur if the Forest Park plans were not approved in the future.

Concern about the two proposed exits to the east crossing the Steve Bauer Trail (trail user safety at crossings, tree removal required to construct) might affect the overall plans. As could a different Council or change of laws. The Station St. extension south of Port Robinson Rd is not in the Capital Budget (until 2025-to be confirmed). It is crucial that this Station St. extension be constructed before any construction in Kunda Park Phase 4 can begin.

Stella St. is not adequate or appropriate for construction access, or for the amount of traffic that would result if it were the only access after construction.

3. Drainage/Water/Sewer

Again as in #1. above, all the plans for drainage, water, sewer, parkland are interconnected with the Forest Park subdivision.

As such, the approval and construction of those services must occur before those in Kunda Park Phase 4.

4. Parkland

Again as in #1. above, the parkland space for Kunda Park Phase 4 is tied in with Forest Park. And the proposed parkland is east of the Steve Bauer Trail and the Station St. extension (which will be a busy roadway). This raises concern for public safety and convenient access. Is it normal practice to combine parkland with another development?

The park is proposed to be adjacent to the stormwater management pond and flood channel. This too raises concern re public safety.

Based on the above, as a resident of the Stella St. area of the current Kunda Park, I strongly feel that the new Kunda Park Phase 4 needs to be developed after the Station St. extension and all services are provided. Stella St. MUST NOT be the construction access or only access to the development.

The Town can and must control the staging of this development based on logical progression.

"Each subdivision application can be phased, and Subdivision Agreements can be drafted with intricate clauses requiring certain servicing obligations in a specific time frame." per Curtis Thompson Planner, Town of Pelham Sept. 24 2020 email

Muriel Heska

■ Vera St.,
Fonthill

Curtis Thompson

From: Bill Heska [REDACTED]
Sent: September 18, 2020 11:11 AM
To: Curtis Thompson
Subject: RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivi

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Curtis,

Thank you, for your reply and after review I have several additional questions. I focused on how the north area of the new Kunda Park subdivision would be serviced, the south is tied into extending Kunda Park Blvd. services north.

1. Traffic Flow – one access from west of Stella and two off Station St. extension. Has the Active Transportation Committee reviewed the roadways crossing the Steve Bauer Trail?
2. Environmental- I have reviewed the reports prepared by UCC. The Functional Servicing report- water and sanitary sewer all the services are connected to the subdivisions to the east Forest Park and Saffron. The water does tie in to Stella St. as part of the loop system, but the primary supply comes from east. The Stormwater Management- stormwater drainage, channel and wet pond are all flowing east with major network is in Forest Park and then through Saffron development and east. Will the drainage ditch along the Steve Bauer Trail going south be upgraded- overgrown and poorly maintained? There will be no connection with the stormwater drainage along Stella St. which is in need of upgrade- corrugated steel pipe is near end of useful life.

Based on the above details will the Kunda Park Subdivision development be timed to start after the construction of Station St. extension all the services supplied through the Saffron and Forest Park subdivisions? It appears that the last subdivision to be serviced is requesting approval before Forest Park and Saffron are presented to Council for approval.

What is difference in zoning R1(Residential 1) and site specific R2 (Residential 2)? How many additional units are permitted by rezoning?

Please confirm if the emails that I have sent to you on this subject will be included in the correspondence file for the Pubic Meeting on Oct. 13 or do I have to make a separate submission by Oct. 7, 2020?

Regards, Bill

From: Curtis Thompson [mailto:CThompson@pelham.ca]
Sent: September 16, 2020 12:24 PM
To: Bill Heska [REDACTED]
Subject: RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivi

Hi Bill,

Sorry for not replying, this email wasn't directed at me so I didn't expect to respond. My apologies.

Just to clarify, that PIC (Public Information Centre) that was conducted by UCC (Upper Canada Consultants) back in 2018 was exclusively dealing with the requirements for an EA (Environmental Assessment) to construct a road over the PSW (*Provincially Significant Wetland*). The developer has since revised the draft plan and is no longer proposing a road over the PSW. See below my responses to your comments (in red),

1. Traffic flow- The MAJOR concern was that there needed to be more than one road into the Subdivision. The suggestions were made to add roadway at NE corner out to Port Robinson Rd. (east of the school) or connect roadway over the protected area at SE. It appears both these options have been dropped. Why- Cost? Is a traffic study needed – absolutely!! Stella St. north is not designed or built to act as primary road to a subdivision. How will all the construction traffic access the area? How will emergency vehicles (fire, ambulance police) access the area? Vera and John St. both have a history of problems with traffic when winter storm conditions- ice and snow.
 - No street connection directly to Port Robinson Road (east of Glynn A. Green Elementary) was proposed due to the presence of significant archaeological resources. Thus, in an effort to avoid costly stage 4 archaeological work and preserve those cultural resources, the developer opted to leave that area outside of the draft plan of subdivision limits.
 - The Niagara Region and Town Engineering staff determined that a Traffic Impact Study was not warranted. These lands have been a designated *Greenfield* for considerable time which means they're expected to be developed in accordance with [Provincial policy](#).
 - Three (3) street connections are proposed for the lands north of the PSW, offering dispersed network connectivity. Only one (1) of which, would be via Stella Street.
2. Environmental Protected area-has now been documented and shown on map. Where will the storm water be collected- no Storm Water Collection Pond detailed?
 - See attached Functional Servicing Report and Stormwater Management Report
3. Zoning of the area- change from RI (Residential 1) to site specific R2 (Residential 2) and EP (Environmental Protection)- I am not sure if this change was documented at Jan. 2018 meeting. The primary reason to ask for change would be increase in housing units. 73 North + 11 South = Total 84.
 - The Zoning By-law Amendment is a separate, new 2020 [Planning Act](#) application we received with the modified draft plan of subdivision proposal.
 - The rezoning application was required by Town staff due to policy conflicts with the [PPS](#) (Provincial Policy Statement) and the 1974-2002 Consolidated Pelham Official Plan (which is what was in effect at the time the draft plan of subdivision application was made, and is the local policy document we must qualify the Kunda Park Ph.4 subdivision application against). Particularly at issue with the former proposal was a lack of housing variety. The proposed rezoning (file: AM-03-2020) seeks to address that policy concern by including permissions for the inclusion of one second dwelling unit per lot, (subject to regulations) in accordance with Provincial policies.
4. SAFETY School traffic- pedestrian and vehicle- there is access Glynn A. Green School is at the north end of Stella St. and many students travel along Stella St. How will the increase in vehicle traffic to the subdivision be controlled. How will school bus traffic be controlled in the area?
 - There are existing and proposed sidewalks. The DSBN offered no objections to the proposed subdivision.
5. Municipal services- where will the sanitary and storm sewers and water be supplied from? The storm sewers serving the Stella, John and Vera St. area inadequate and the corrugated steel pipes are at end of useful life. Is there adequate capacity or do major upgrades need to be installed to meet demand. How about other utilities- natural gas, hydro, etc.?
 - See attached. No objections were received from Enbridge Gas and NPE & Hydro One did not provide comments.

6. Park and/or playground area- there is nothing show in the draft plan. The access to the Bauer Trail was discussed- but has not been shown.
- Access to the Steve Bauer Trail has been illustrated in three (3) places, (1) as a walkway connection at the end of Street E (near Kunda Park Bv) and (2) other public street connections which includes sidewalks.
 - A park is proposed within the Forest Park subdivision in close proximity to Kunda Park Phase (at the east corner of Street A & the Station Street extension).
7. Other issues- street parking, sidewalks, landscaping. Etc. need to be confirmed in site plan agreement.
- These issues are dealt with as part of the conditions of *draft plan approval* where detailed engineering drawings are prepared for Council approval.

Hope this helps.
Best,



Curtis Thompson, B.URPI
Planner
Town of Pelham
T: 905-892-2607 x324 | E: cthompson@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

Town of Pelham Confidentiality Notice:

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From: Bill Heska [REDACTED]
Sent: September 11, 2020 5:41 PM
To: 'A Guzowski' [REDACTED]
Cc: 'Agata Mancini' [REDACTED]; 'Karen Guzowski' [REDACTED]; 'Magdalena Woszczyna' [REDACTED]; 'christine kreutzer99@gmail. com' [REDACTED]; 'Kiera Newman' [REDACTED]; 'michelle butler' [REDACTED]; 'natalie@fivebyfivedesignstudio. com' [REDACTED]; '>'; 'Lisa Erickson' [REDACTED]; 'LinaRich Lianga' [REDACTED]; 'gary Stickles' [REDACTED]; 'melsyallen' [REDACTED]; 'smileysgirl26' [REDACTED]; 'Rob Cherney' [REDACTED]; 'Bill & Pauline Oliver' [REDACTED]; 'rsmontgomery@sympatico. ca' [REDACTED]; 'Janusz Woszczyna' [REDACTED]; 'mheska@hotmail. com' [REDACTED]; 'Barb Arndt' [REDACTED]; 'erinlyttle@hotmail. com' [REDACTED]; 'probertson27@hotmail. com' [REDACTED]; Bob Hildebrandt [REDACTED]; <BHildebrandt@pelham. ca>; Lisa Haun <LHaun@pelham. ca>; Curtis Thompson <CThompson@pelham. ca>
Subject: RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivision File number AM-03-2020 & 26T19-020-02RE: RE: Zoning By-law Amendment and Draft Plan of Subdivi

HI Ann,

I am very interested in this Kunda Park Subdivision. It has been in the towns Planning Dept. since back in the early 2000's with slow progress and now is owned by Sterling Reality- John DeLisio (since 2016?). Back on Jan. 17, 2018 a Public Information Meeting was held at Fire Hall #1 at which Upper Canada Consultants presented on behalf of Sterling Reality three options for the development. Attached is the link to Voice of Pelham report on the meeting.

<https://thevoiceofpelham.ca/2018/01/26/kunda-road-extension-considered/>

Please note the meeting was held before the last election (Oct. 2018) and the new Council has probably had limited exposure (if any) to the project- it has been with the Town Planning Staff. I expect they will have many questions. I have phone call's into Curtis Thompson and Bob Hildebrand on the latest status of the project information. P.S. Bob just called me and has no information on the project.

My wife and I (have lived in area from almost 40 years) attended the meeting and there were 3 proposals- I have tried to find details on town's website but cannot find any history. I would like to see the summary of comments and concerns that were expressed at the meeting which UCC should have documented.

Based on my observations and comments I heard at the meeting the following are a summary:

1. Traffic flow- The MAJOR concern was that there needed to be more than one road into the Subdivision. The suggestions were made to add roadway at NE corner out to Port Robinson Rd. (east of the school) or connect roadway over the protected area at SE. It appears both these options have been dropped. Why- Cost? Is a traffic study needed – absolutely!! Stella St . north is not designed or built to act as primary road to a subdivision. How will all the construction traffic access the area? How will emergency vehicles (fire, ambulance police) access the area? Vera and John St. both have a history of problems with traffic when winter storm conditions- ice and snow.
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4. SAFETY School traffic- pedestrian and vehicle- there is access Glynn A. Green School is at the north end of Stella St. and many students travel along Stella St. How will the increase in vehicle traffic to the subdivision be controlled. How will school bus traffic be controlled in the area?
5. Municipal services- where will the sanitary and storm sewers and water be supplied from? The storm sewers serving the Stella, John and Vera St. area inadequate and the corrugated steel pipes are at end of useful life. Is there adequate capacity or do major upgrades need to be installed to meet demand. How about other utilities- natural gas, hydro, etc.?
6. Park and/or playground area- there is nothing show in the draft plan. The access to the Bauer Trail was discussed- but has not been shown.
7. Other issues- street parking, sidewalks, landscaping. Etc. need to be confirmed in site plan agreement.

Above is a summary of information I have on the proposed Kunda Park Subdivision at this time. As you can see there are many issues that need to be addressed before the Town Planning Dept. can ask for Council approval.

We the residences need to voice our opinions.

Regards, Bill Heska

P. S. Note: I have copied Lisa, Bob & Curtis in on this email.

October 5, 2020

Town of Pelham
20 Pelham Square
Fonthill, ON

Attention: Ms N. Bozzato, nibozzato@pelham.ca - Clerk

cc: mjunkin@pelham.ca - Mayor
cc: hwillford@pelham.ca - Deputy Clerk
cc: cthompson@pelham.ca - Planner
cc: bhildebrandt@pelham.ca - Ward 3 Councillor
cc: lhaun@pelham.ca - Ward 3 Councillor

Re: Proposed Kunda Development
File Numbers AM-02-2020 & 26T19-020-02
Subject Lands: Part of Thorold Township Lot 173; Part 1 on RP 59R-1905
Roll #2732 030 020 22000

Dear Ms Bozzato,

We received your notification regarding the proposed development noted above. Thank you for the opportunity to offer input. My neighbours and we have concerns.

We oppose the change in residential designation from R1 to R2. This particular development borders an older established subdivision with large lots built in the 1970s. Most residents on Stella Street have lived here for decades and have made large investments in their homes and have enjoyed the peace and privacy that comes with larger lots. Smaller lots with increasingly large homes are not in keeping with the original vision of this subdivision. The eyesore of the development near the community centre is certainly not what the residents on Stella Street envisioned when they invested in their homes. We understand that development is inevitable, however it should be done with thoughtful reflection and consideration of existing subdivisions. We strongly believe that the R1 designation should be kept for developments West of the Steve Bauer Trail in keeping with the original vision for this area.

In Addition:

- The increase in density will have a greater impact on the environmentally sensitive area on this tract of land. Furthermore, the increase in density will bring increased traffic which is a concern for students walking on Stella Street to go to Glynn A. Green School, as well as the numerous people, including the elderly, who walk Stella Street because it is a dead end street and safe to do so. The north end of Stella Street is not meant to be a main thoroughfare. In addition, adding more cars to exit Vera onto South Pelham will heavily increase traffic onto the already overcrowding on that street.

- Regarding current and proposed roadways, when does the developer propose to create two roadways over the Steve Bauer Trail to connect his two developments? It appears from the map, that residents were given, that there will only be one access to the construction site via the dead end street in between 3 and 7 Stella Street. Is that the plan? If so, there are major safety concerns regarding construction trucks going up and down a street that cannot withstand more than 5 tonnes per axle. If anyone parks on Stella Street, it will be very difficult for trucks to go by without safety concerns for residents. Has this been addressed?
- The proposed plan that was presented by Upper Canada Planning & Engineering Ltd in 2018, on behalf of Sterling Realty, is quite different from the plan currently being proposed. Is there a reason why the plan has changed? Also, the residential designation from R1 to R2 was never mentioned at their presentation in 2018. Why is this change being sought?
- How will dust/dirt be controlled?
- Given that houses along Stella Street are older, how will vibration of heavy equipment and traffic be handled? Who will be responsible for cracks in foundations, if they occur? Will the current conditions of houses, fences and other property items be documented, so that any damage can be seen, acknowledged and the problem fixed at no cost to the owner(s) effected?
- Will the grade of the current land be changed? If so, to what degree? What is the estimate of imported fill materials? Who will be monitoring this issue, so that drainage does not become a problem? We would like a copy of the finished drainage plan.
- Have pedestrian and traffic issues been addressed? If so, how? Has a traffic study been done?
- Residents would like to know the construction access plan. What is the plan?
- What will be the hours of work? What days of the week?
- When will this construction plan begin? What will be the sequence of events?
- What is the proposed end date for construction?
- Is there any green space/parkland being contemplated? If more homes are being added to the area, more green space/playground space will be needed. There is no mention of this in the plan.

All of us – the Town, the developer, the planner and us, as residents, have an obligation to future generations and the Town we leave for them. Fonthill is a quaint, pleasant town with space and a rural feel. Jamming as many houses into one area as possible with the hopes of making as much money as possible is very short sighted. Let's make this a plan that the Town, the developer and the planner can be proud of and then residents can continue to enjoy the homes that they have invested in.

Sincerely,
Barbara Arndt
Neil Stanley
7 Stella Street

From: [Karen Guzowski](#)
To: [Nancy Bozzato](#)
Subject: Kunda park extension
Date: Tuesday, October 6, 2020 7:23:51 PM

Hi Nancy, we would like to be included for all the agenda as we are strongly opposed to this plan. The drainage, elevation and lot sizes backing onto existing homes cannot stand. It will cause huge problems down the road. Please copy us all information and we would like to participate in the Zoom meeting.
Thanks John Guzowski